

Agenda Item No. 711

VILLAGE OF ROYAL PALM BEACH

Agenda Item Summary

AGENDA ITEM: Approval and adoption of Resolution No. 20-09. A resolution of the Village Council of the Village of Royal Palm Beach, Florida, authorizing the Mayor to execute Amendment 001 to the Interlocal Cooperation Agreement with Palm Beach County concerning the Village's participation in the Urban County Program related to the administration of funds from the Community Development Block Grant (CDBG) and Home Investment Partnerships Program during Federal Fiscal Years 2021-2023; providing an effective date; and for other purposes.

ISSUE:

On August 19, 2014, the Village of Royal Palm Beach and Palm Beach County entered into an interlocal agreement (R2014-1169) as part of the Urban County Qualification Process for Fiscal Year 2015-2017. The U.S. Department of Housing & Urban Development (HUD) expressed in its most recent Instructions for Urban County Participation in CDBG Program for FY 2021- 2023 that all interlocal agreements should contain specific language regarding Section 3 of the Housing and Community Development Act of 1968. The Interlocal Cooperation Agreement between Palm Beach County and the Village did not contain this specific language. In addition to incorporating the HUD-required language, it is also time to confirm the Village's renewal in the Urban County Program for the next three years (2021-2023).

RECOMMENDED ACTION: Motion to Adopt Resolution 20-09.

Initiator	Village Manager Approval	Agenda Date	Village Council Action
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Village Manager		5/21/20	
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RESOLUTION NO. 20-09

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 001 TO THE INTERLOCAL COOPERATION AGREEMENT WITH PALM BEACH COUNTY CONCERNING THE VILLAGE'S PARTICIPATION IN THE URBAN COUNTY PROGRAM RELATED TO THE ADMINISTRATION OF FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM DURING FEDERAL FISCAL YEARS 2021-2023; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Title I of the Housing and Community Development Act of 1974 mandates that a county must enter into an interlocal agreement with municipalities in order to implement and obtain funding from the Community Development Block Grant (CDBG) and also to implement the Home Investment Partnerships Program (Home) pursuant to Title II of the National Affordable Housing Act of 1990; and

WHEREAS, on August 19, 2014, the Village of Royal Palm Beach and Palm Beach County entered into an interlocal agreement (R2014-1169) as part of the Urban County Qualification Process for Fiscal Year 2015-2017; and

WHEREAS, the Palm Beach County's Housing and Economic Sustainability (HES) office manages the administration of the funds and ensures compliance with the U.S. Department of Housing & Urban Development (HUD) guidelines for the CDBG and HOME programs which provide, in part, for economic development initiatives, emergency repairs, mortgage subsidies for first-time homebuyers and housing rehabilitation; and

WHEREAS, HUD expressed in its most recent Instructions for Urban County Participation in CDBG Program for FY 2021- 2023 that all interlocal agreements should contain specific language regarding Section 3 of the Housing and Community Development Act of 1968; and

WHEREAS, the Interlocal Cooperation Agreement between Palm Beach County and the Village did not contain this specific language; and

WHEREAS, the Village Council of the Village of Royal Palm Beach desires to renew its participation in the Urban County Program for Federal FY 2021-2023 and adopt Amendment 001 to the Interlocal Cooperation Agreement in order to comply with HUD's requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE

VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: The Village Council of the Village of Royal Palm Beach, a municipal corporation, hereby authorizes its Mayor, Fred Pinto, to execute Amendment 001 to the Interlocal Cooperation Agreement between Palm Beach County and Village of Royal Palm Beach to renew participation in the Urban County Program in order to implement and obtain funding from the CDBG and HOME as it is administered by the Palm Beach County HES.

Section 2: The Village Clerk is hereby directed to provide a certified copy of this Resolution to the appropriate parties at Palm Beach County.

Section 3: This Resolution shall take effect immediately upon its adoption by the Village Council.

PASSED AND ADOPTED this 21st day of May, 2020.

VILLAGE OF ROYAL PALM BEACH

FRED PINTO, MAYOR

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK



April 17, 2020

Mr. Raymond C. Liggins, Village Manager
Village of Royal Palm Beach
1050 Royal Palm Beach Blvd.
Royal Palm Beach, FL 33411

RE: Urban County Qualification Process FYs 2021 - 2023

Dear Mr. Liggins:

On August 19, 2014, the Board of County Commissioners (BCC) executed an interlocal cooperation agreement (R2014-1169) with the Village of Royal Palm Beach as part of the Urban County Qualification Process for Federal Fiscal Years 2015-2017. Under this Agreement, the Village of Royal Palm Beach agrees to participate with the County in the creation of the Urban County jurisdiction for the receipt of federal community development funds from the U.S. Department of Housing and Urban Development (HUD).

The Agreement states, "*The agreement shall be automatically renewed at the end of the qualification period and at the end of each subsequent qualification period unless either party provides a written notice in which it elects to not participate in a new qualification period.*" The current three year qualifying period will expire on September 30, 2021 and would renew to cover the October 1, 2021 to September 30, 2024 time period.

Please advise of the Village's intent to continue participation in the Urban County jurisdiction during the FY 2021-2023 period, or of the Village's intent to terminate the Agreement. If it is your intent to renew the agreement, please note that HUD has amended one of the clauses in the original agreement to promote adherence to Section 3 of the Housing and Urban Development Act of 1968.

Section 3 seeks to ensure that employment and other economic opportunities generated by HUD financial assistance shall, to the greatest extent feasible, be directed to low- and very low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons. Applicability of Section 3 requirements is limited to activities funded by HUD programs.

If you intend to renew the agreement, please execute the enclosed four (4) copies of the amendment to our interlocal cooperation agreement,

**Department of
Housing & Economic
Sustainability**

Strategic Planning

100 Australian Avenue - Suite #500

West Palm Beach, FL 33406

(561) 233-3600

www.pbcgov.com/hes

**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth,
Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Mary Lou Berger

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



and return them to the Department of Housing and Economic Sustainability (DHES) no later than May 29, 2020.

Please address your response to the Director, PBC Department of Housing and Economic Sustainability, with a copy to HUD's Miami Field Office addressed as follows:

Ann D. Chavis, Director
Community Planning & Development Division
U.S. Department of Housing and Urban Development
909 SE 1st Avenue, Room 500
Miami, FL 33131

Please contact Carlos Serrano, Director of Strategic Planning and Operations, at (561) 233-3608 or cserrano@pbcgov.org, if you have any questions concerning this letter.

Sincerely,

A handwritten signature in green ink that reads "Jonathan B. Brown".

Jonathan B. Brown, Director
Department of Housing and Economic Sustainability

Enclosures

CC: Diane DiSanto, Village Clerk, Village of Royal Palm Beach
Sherry Howard, Deputy Director, DHES

**AMENDMENT 001 TO THE AGREEMENT WITH VILLAGE OF ROYAL PALM
BEACH**

Amendment 001, effective as of _____, by and between **Palm Beach County** (County), and the **Village of Royal Palm Beach** (Municipality).

WITNESSETH:

WHEREAS, Palm Beach County entered into an Interlocal Cooperation Agreement (R2014-1169) (the "Agreement") with the Village of Royal Palm Beach on August 19, 2014, to formalize the Village of Royal Palm Beach's participation in the urban county qualification process for Federal Fiscal Years 2014, 2016, and 2017; and

WHEREAS, the Agreement is renewable every three years and is now due for renewal; and

WHEREAS, the Department of Housing and Urban Development (HUD) has expressed in its most recent Instructions for Urban County Participation in Community Development Block Grant (CDBG) Program for FY 2021-2023 that all interlocal agreements should contain specific language regarding Section 3 of the Housing and Community Development Act of 1968; and

WHEREAS, the Interlocal Cooperation Agreements between Palm Beach County and the municipalities participating in the urban county program did not contain this specific language; and

WHEREAS, both parties desire to amend the Agreement approved on August 19, 2014, to comply with HUD's requirements.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.

A. DELETE THE FOLLOWING CLAUSE 11:

The Municipality and the County shall take all actions necessary to assure compliance with the County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The Municipality and the County shall comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975), the Americans with Disabilities Act of 1990 and other applicable laws. The County shall not fund any activities in, or in support of, the Municipality should the Municipality not affirmatively further fair housing within its jurisdiction or should the Municipality impede the County's actions to comply with the County's fair housing certification.

B. REPLACE DELETED CLAUSE WITH REVISED CLAUSE 11:

The Municipality and the County shall take all actions necessary to assure compliance with the County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The Municipality and the County shall comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws. The County shall not fund any activities in, or in support of, the Municipality should the Municipality not affirmatively further fair housing within its

jurisdiction or should the Municipality impede the County's actions to comply with the County's fair housing certification.

IN WITNESS HEREOF, the Municipality and the County have caused this Amendment 001 to be executed on the date first written above:

(MUNICIPAL SEAL BELOW)

**VILLAGE OF ROYAL PALM BEACH, a
municipality duly organized and existing by
virtue of the laws of the State of Florida**

ATTEST:

By: _____
Fred Pinto, Mayor

By: _____
Diane DiSanto, Village Clerk

By: _____
Raymond C. Liggins, Village Manager

(COUNTY SEAL BELOW)

**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida**

BOARD OF COUNTY COMMISSIONERS

ATTEST: SHARON R. BOCK,
Clerk & Comptroller

By: _____
Dave Kerner, Mayor

By: _____
Deputy Clerk

Document No.: _____

Approved as to Form and
Legal Sufficiency

Approved as to Terms and Conditions
Dept. of Housing and Economic Sustainability

By: _____
Howard J. Falcon, III,
Chief Assistant County Attorney

By: _____
Sherry Howard
Deputy Director

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WHEREAS, the Agreement is renewable every three years and is now due for renewal; and

WHEREAS, the Department of Housing and Urban Development (HUD) has expressed in its most recent Instructions for Urban County Participation in Community Development Block Grant (CDBG) Program for FY 2021-2023 that all interlocal agreements should contain specific language regarding Section 3 of the Housing and Community Development Act of 1968; and

WHEREAS, the Interlocal Cooperation Agreements between Palm Beach County and the municipalities participating in the urban county program did not contain this specific language; and

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(COUNTY SEAL BELOW)

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