

CITY OF BELVEDERE

RESOLUTION NO. 2023-22

**RESOLUTION OF THE CITY OF THE CITY OF BELVEDERE AUTHORIZING
EXECUTION OF A THREE YEAR COOPERATION AGREEMENT WITH THE
COUNTY OF MARIN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) AND HOME PROGRAMS**

WHEREAS, the Community Development Block Grant Program (CDBG) provides grants from the U.S. Department of Housing and Urban Development (HUD) to local governments for housing, community facility, and public service programs serving lower-income people, and the Home Investment Partnerships Program (HOME) provides additional assistance for affordable housing activities; and

WHEREAS, in 2020, all Marin cities and towns entered into 3-year CDBG Cooperation Agreements, qualifying Marin County to utilize a funding formula as an urban county; and

WHEREAS, as a result of the Cooperation Agreement between the Marin cities and towns and the County of Marin, Marin has received over \$79 Million in CDBG and HOME funding for housing and community facilities and public service projects benefitting lower income persons since 1975; and

WHEREAS, in order to continue CDBG and HOME programs in Marin County, Marin cities and towns must renew their Cooperation Agreements by June 11, 2023; and

WHEREAS, the City of Belvedere desires to enter into a new CDBG Cooperation with the County for a 3-year period to help ensure the continuation of the County's CDBG and HOME programs; and

WHEREAS, on June 12, 2023, at its regularly scheduled meeting, the City Council considered a resolution authorizing the Mayor of the City of Belvedere to enter into a Cooperation Agreement with the County for a 3-year period, as set forth in Attachment "A" hereto; and

WHEREAS, said Cooperation Agreement is exempt from the California Environmental Quality Act ("CEQA") pursuant to the common sense exemption, CEQA Guideline section 15061, because it can be seen with certainty that there is no adverse environmental effect.

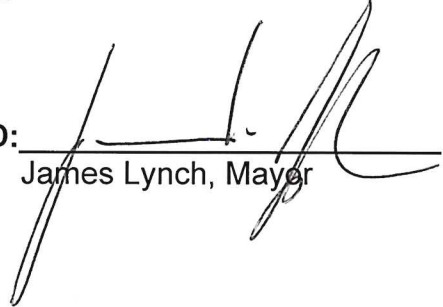
NOW THEREFORE IT IS HEREBY RESOLVED that the City Council of the City of Belvedere approves and authorizes the Mayor, on behalf of the City, to execute a three year CDBG Cooperation Agreement with the County of Marin for the Community

Development Block Grant Program, the HOME Investment Partnerships Program, and the Emergency Solutions Grants Program, as set forth in Attachment "A" hereto. The three year period shall be for the federal Fiscal Years 2024, 2025 and 2026.

PASSED AND ADOPTED at a regular meeting of the Belvedere City Council on June 12, 2023, by the following vote:

AYES: Cooper, Kemnitzer, Mark, Wilkinson, Lynch
NOES: None
ABSTAIN: None
ABSENT: None

ATTEST: 
Interim City Clerk

APPROVED: 
James Lynch, Mayor

FIRST AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF MARIN AND CITY OF BELVEDERE FOR A COMMUNITY DEVELOPMENT PROGRAM

This FIRST AMENDMENT (“First Amendment”) to that certain Community Development Block Grant and Home Investment Partnerships Program Cooperation Agreement between the County of Marin, a political subdivision of the State of California, hereinafter called "County," and City of Belvedere, a municipal corporation of the State of California, located in the County of Marin, hereinafter called "City," collectively referred to as “Parties,” dated on or about June 8, 2020 (“Cooperation Agreement”), is hereby entered into between the Parties, effective July 25, 2023.

The purpose of this First Amendment is to renew the Cooperation Agreement for federal fiscal years 2024-2026 and to incorporate into the Cooperation Agreement language as required by the U.S. Department of Housing and Urban Development (HUD), Office of Community Planning and Development (CPD) Notice 23-02.

Accordingly, the County of Marin and the City hereby agree as follows:

1. Amendment to Paragraph 9. Paragraph 9 of the Cooperation Agreement is hereby amended as follows:

County, City, and all other cooperating cities shall take all actions necessary to assure compliance with the urban county’s certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, **and that the grant will be conducted and administered in conformity with** ~~regarding~~ Title VI of the Civil Rights Act of 1964, the Fair Housing Act, ~~affirmatively furthering fair housing~~ **and the implementing regulations at 24 CFR part 100, and will affirmatively further fair housing. See 24 CFR § 91.225(a) and Affirmatively Furthering Fair Housing Definitions and Certifications (86 FR 30779, June 10, 2021), to be codified at 24 CFR 5.151 and 5.152.** County, City, and all other cooperating cities shall also take all actions necessary to assure compliance 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 and the Age Discrimination Act of 1975), **and the implementing regulations at 24 CFR part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws.**

Use of urban county funds for activities in, or in support of, any cooperating city that does not affirmatively further fair housing within its own jurisdiction or that impedes the county’s actions to comply with the county’s fair housing certification shall be prohibited. **The City must also sign the assurances and certifications in the HUD 424-B, attached hereto.**

Pursuant to 24 CFR 570.501(b), City is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement as described in 24 CFR 570.503.

County, City, all other cooperating cities, metropolitan cities, urban counties, units of general local government, Indian tribes, and insular areas that directly or indirectly receive funds provided under Title I of the Housing and Community Development Act of 1974, as amended, may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits, or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

2. Amendment to Fiscal Year References. All references in the Cooperation Agreement to “federal fiscal years 2021, 2022, and 2023” are hereby amended to refer to “federal fiscal years 2021, 2022, 2023, 2024, 2025, and 2026.”
3. All Other Provisions Unchanged. All provisions of the Cooperation Agreement not explicitly amended through this First Amendment remain in full force and effect.
4. Authority to Execute Amendment. The person signing on behalf of the City of Belvedere certifies to the County that he/she/they has the authority to execute this First Amendment, and that execution of this First Amendment on behalf of the City is in accord with all City processes for obtaining such signature. The person executing this First Amendment on behalf of the City recognizes that the County will rely on this certification in order to procure funds from HUD for use by the City.

IN WITNESS WHEREOF, the Parties have executed the above instrument on the day and year first above written.

COUNTY OF MARIN

By: _____
Stephanie Moulton-Peters, President
Board of Supervisors

ATTEST:

Deputy Clerk of the Board

CITY OF BELVEDERE

By: _____
Mayor

ATTEST:

Clerk

MASTER FORM APPROVED AS TO FORM:

Brandon Halter
Deputy County Counsel
County of Marin