



TOWN OF FAIRFAX

STAFF REPORT

June 7, 2023

TO: Mayor and Town Council

FROM: Heather Abrams, Town Manager

SUBJECT: Adopt a Resolution Authorizing Execution of a Three-Year Cooperation Agreement with the County of Marin for the Community Development Block Grant (CDBG) and HOME Programs

RECOMMENDATION

Adopt a Resolution Authorizing Execution of a Three-Year Cooperation Agreement with the County of Marin for the Community Development Block Grant (CDBG) and HOME Programs.

DISCUSSION

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 facilities, and public service programs serving lower-income people. The Home Investment Partnerships Program (HOME) provides additional assistance for affordable housing activities. Marin County qualifies for both the CDBG and HOME programs because the cities have signed cooperation agreements to participate with the County government in a single joint countywide program. This qualifies Marin County as a HUD “urban county,” enabling Marin to receive annual CDBG and HOME grant allocations established by formula.

In 2014, all eleven Marin cities/towns entered into three-year CDBG Cooperation Agreements enabling us to obtain formula funds as an urban county. In 2017, the Council approved the renewal of the Cooperation Agreement to remain eligible to receive funds for the next three fiscal years. In 2020, the Council approved the renewal of the Cooperation Agreement to remain eligible to receive funds for the next three fiscal years.

In order to continue the CDBG and HOME programs in Marin County, all cities and towns are being asked to renew their Cooperation Agreements and deliver them to the County by June 12, 2023.

The attached 2023 Cooperation Agreement is similar to the 2017 and 2020 agreements. The County receives notice from HUD every three years and more often than not, the agreement will need to be changed with new or modified language from HUD. Next, the County notifies us. Attached is a copy of the new agreement.

FISCAL IMPACT

The Town does not receive funds directly from this program, but the CDBG allocation countywide would be impacted without this agreement.

ATTACHMENT

Resolution with Cooperation Agreement attached

RESOLUTION 23-__

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

WHEREAS, it is mutually desired by the Town of Fairfax and the County of Marin that they enter into a Cooperation Agreement in accordance with the Housing and Community Development Act of 1974, as amended, in order to jointly undertake community renewal and lower-income housing assistance activities; and

WHEREAS, as a result of the Cooperation Agreement between the Marin cities and towns and the County of Marin, Marin has received over \$72 Million in CDBG and HOME funding for housing and community facilities and public service projects benefitting lower income persons since 1975;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Council of the Town of Fairfax approves and authorizes the Mayor, on behalf of said Town, to execute the three-year 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, attached hereto as Exhibit A, for the three-year period of Federal Fiscal Years 2024, 2025, and 2026;

AND BE IT FURTHER RESOLVED that the Town hereby adopts the policies included in said Cooperation Agreement.

The foregoing resolution was adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 7th day of June 2023, by the following vote:

AYES:

NOES:

ABSENT:

Chance Cutrano, Mayor

Attest: _____
Michele Gardner, Town Clerk

Exhibit A – Cooperation Agreement

EXHIBIT A

FIRST AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF MARIN AND TOWN OF FAIRFAX 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 Town of Fairfax, 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 3, 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 Town of Fairfax 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

TOWN OF FAIRFAX

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

By: _____
Chance Cutrano, Mayor

ATTEST:

ATTEST:

Deputy Clerk of the Board

Town Clerk

MASTER FORM APPROVED AS TO FORM:

Brandon Halter
Deputy County Counsel
County of Marin