



FAIRFAX TOWN COUNCIL MEETING STAFF REPORT

MEETING DATE September 6, 2023
PREPARED FOR Mayor and Town Council
PREPARED BY Heather Abrams, Town Manager
SUBJECT Authorize Execution of a second amendment to the Three-Year Cooperation Agreement with the County of Marin for the Community Development Block Grant (CDBG) and HOME Programs

RECOMMENDATION

Authorize Execution of a second amendment to the 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.

On June 7, 2023, the Council authorized the 2023 Cooperation Agreement, which was 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. Attached amendment of the June 2023 agreement is a relatively short standard portion of the agreement, which the County inadvertently omitted in June 2023.

FISCAL IMPACT

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

ATTACHMENT

Proposed Amendment

SECOND AMENDMENT TO THE COOPERATION AGREEMENT BETWEEN THE COUNTY OF
MARIN AND TOWN OF FAIRFAX FOR A COMMUNITY DEVELOPMENT PROGRAM

This SECOND AMENDMENT (“Second 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 (“Original Agreement”), as amended by that certain First Amendment to the Cooperation Agreement between the Parties effective July 25, 2023 (First Amendment, and together with the Original Agreement, the “Cooperation Agreement”), is hereby entered into between the Parties, effective September 30, 2023.

The purpose of this Second Amendment is to incorporate into the Cooperation Agreement language the U.S. Department of Housing and Urban Development (HUD), Office of Community Planning and Development (CPD) Notice 23-02 requires be included in the Cooperation Agreement. The Parties intended to include such required language in the Cooperation through the First Amendment, but inadvertently failed to do so. This Second Amendment is intended to correct that omission.

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 Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and the implementing regulations at [24 CFR part 1](#), 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.

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: _____
Mayor

ATTEST:

ATTEST:

Deputy Clerk of the Board

Clerk

MASTER FORM APPROVED AS TO FORM:

Brandon Halter
Deputy County Counsel
County of Marin