

RESOLUTION NO. 23-04-08

**A RESOLUTION OF THE TOWN COMMISSION OF
THE TOWN OF LAKE PARK, FLORIDA
AUTHORIZING THE MAYOR TO SIGN AN
INTERLOCAL AGREEMENT WITH PALM BEACH
COUNTY REGARDING A BLOCK GRANT AND
HOME INVESTMENT PARTNERSHIP PROGRAM
THROUGH 2010 FOR FISCAL YEARS 2008-2009 TO
2011.**

WHEREAS, the Town of Lake Park (“Town”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the both the “Town” and the “County” have the common power to perform Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) activities within the County, said common powers being pursuant to Section 125.01, Florida Statutes and Chapter 163 and 166, Part III, Florida Statutes;

and

WHEREAS, Section 163.01, Florida Statutes, known as the “Florida Interlocal Cooperation Act” authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on the basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, it is mandated by Title I of the Housing and Community

Development Act of 1974, as amended, that a county must enter into Interlocal Cooperation Agreements with municipalities in its jurisdiction for the purposes of implementing CDBG activities within said municipalities; and

WHEREAS, these Interlocal Cooperation Agreements are also required to implement HOME under Title II of the National Affordable Housing Act of 1990, as amended; and

WHEREAS, the Town desires to join with the County in order to carry out the planning and professional services necessary to implement the CDBG and HOME Programs during Federal Fiscal Years 2008-2009 through 2010-2011; and

WHEREAS, the Town desires to cooperate with the County for the purpose of implementing the Community Development Block Grant and HOME Programs.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Lake Park, Florida:

SECTION 1. The Town Commission authorizes and directs the Mayor to sign the Interlocal Cooperation Agreement with Palm Beach County to entitle the Town to receive funds under Title I of the Housing and Community Development Act of 1974, as amended, and Title II of the National Affordable Housing Act of 1990, as amended.

SECTION 2. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Vice-Mayor Daly, who moved its adoption. The motion was seconded by Commissioner Osterman, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>X</u>	___
VICE-MAYOR ED DALY	<u>X</u>	___
COMMISSIONER CHUCK BALIUS	<u>X</u>	___
COMMISSIONER JEFF CAREY	<u>X</u>	___
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 23-04-08 duly passed and adopted this 16 day of April, 2008.

TOWN OF LAKE PARK, FLORIDA

BY: Desca Dubois
DESCA DUBOIS
MAYOR

ATTEST:

Vivian Mendez Lemley
VIVIAN MENDEZ LEMLEY
TOWN CLERK

TOWN OF LAKE PARK
(TOWN SEAL)
SEAL

FLORIDA

Approved as to form and legal sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY

INTERLOCAL COOPERATION AGREEMENT
BETWEEN PALM BEACH COUNTY
AND
TOWN OF LAKE PARK

THIS INTERLOCAL COOPERATION AGREEMENT made and entered into this ____ day of _____, 2008 by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY", and TOWN OF LAKE PARK a municipality duly organized by the laws of the State of Florida, hereinafter referred to as the "MUNICIPALITY".

WHEREAS, the parties hereto have the common power to perform Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) activities within the COUNTY, said common powers being pursuant to Section 125.01, Florida Statutes, and Chapter 163, Part III, Florida Statutes; and

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, it is mandated by Title I of the Housing and Community Development Act of 1974, as amended, that a county must enter into Interlocal Cooperation Agreements with municipalities in its jurisdiction for the purposes of implementing CDBG activities within said municipalities; and

WHEREAS, these Interlocal Cooperation Agreements are also required to implement HOME under Title II of the National Affordable Housing Act of 1990, as amended; and

WHEREAS, the COUNTY desires to join with municipalities in order to carry out the planning and professional services necessary to implement the CDBG and HOME Programs during Federal Fiscal Years 2009, 2010, 2011; and

WHEREAS, the COUNTY and MUNICIPALITY agree to cooperate to undertake or assist in undertaking community renewal and lower income housing assistance activities; and

WHEREAS, the COUNTY and MUNICIPALITY wish to cooperate in the implementation of the goals and objectives of the COUNTY'S Consolidated Plan, as approved by the U.S. Department of Housing and Urban Development; and

WHEREAS, the MUNICIPALITY desires to cooperate with the COUNTY for the purpose of implementing the Community Development Block Grant and HOME Programs.

NOW, THEREFORE, the parties hereby agree as follows:

1. The COUNTY and the MUNICIPALITY will cooperate so that the COUNTY may expend CDBG and HOME funds for eligible activities within the MUNICIPALITY during Federal Fiscal Years 2009, 2010, 2011 (including program income generated from expenditure of such funds) under Title I of the Housing and Community Development Act of 1974, as amended, and Title II of National Affordable Housing Act of 1990, as amended, and receive funds under these Acts.
2. The COUNTY and the MUNICIPALITY will cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities.
3. With the MUNICIPALITY'S assistance, the COUNTY will prepare a Consolidated Plan as required by the U.S. Department of Housing and Urban Development (HUD). The COUNTY will undertake or assist in undertaking all professional and administrative services necessary to prepare said application and other necessary documents, and the COUNTY will agree to take full responsibility and assume all obligations of an applicant. The COUNTY and the MUNICIPALITY agree that the COUNTY is hereby allowed to undertake or assist in undertaking essential community development and housing assistance activities within the MUNICIPALITY; however, the COUNTY has final responsibility for selecting activities and annually submitting the Consolidated Plan to HUD.
4. The MUNICIPALITY and the COUNTY will take all actions necessary to assure compliance with the urban county's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, the Americans with Disabilities Act of 1990, and other applicable laws. The COUNTY shall not use CDBG or HOME

TOWN OF LAKE PARK

funds for activities in or in support of any MUNICIPALITY that does not affirmatively further fair housing within its own jurisdiction or that impedes the COUNTY'S actions to comply with its fair housing certification.

5. The MUNICIPALITY, by executing this Agreement, understands that it may not apply for grants under the Small Cities or State CDBG Programs from appropriations for Fiscal Years 2009, 2010, 2011; and may not participate in a HOME consortium except through the COUNTY.
6. The MUNICIPALITY has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and a policy of enforcing applicable State and local laws against physically barring entrance to, or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.
7. The COUNTY, through its Department of Housing and Community Development, shall assist the MUNICIPALITY in undertaking all professional and administrative services necessary for the purposes of implementing CDBG or HOME activities, including preparation of all applications and other necessary documents, planning and other administrative activities, as required.
8. Pursuant to 24 CFR 570.501(b), the MUNICIPALITY is subject to the same requirements applicable to subrecipients, including the requirements of a written agreement as described in 24 CFR 570.503.
9. The MUNICIPALITY shall be responsible for notifying the COUNTY of any modification and/or change in the use of any real property (from that planned at the time of acquisition or improvement, including disposition) acquired or improved in whole or in part with CDBG or HOME funds that is within control of the MUNICIPALITY. Notification of the COUNTY shall take place within ten (10) days of said modification or change.

In the event that said real property as described above is sold, conveyed or transferred after the time of acquisition and/or improvement, and said real property is sold, conveyed or transferred for usage which does not qualify as eligible under CDBG or HOME regulations, the COUNTY shall be reimbursed in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-CDBG or non-HOME funds) of the property by the MUNICIPALITY.

In the event of a close-out or change of status of the MUNICIPALITY, termination of this Agreement, or disposition and/or transfer of any property improved or acquired with CDBG or HOME funds, the COUNTY shall be reimbursed by the MUNICIPALITY any program income generated prior to or subsequent to said close-out, termination or change of status.

10. The COUNTY and the MUNICIPALITY will comply with the Consolidated Plan and the implementing program as outlined in the Annual Consolidated Plan, which governs the expenditure of CDBG and HOME funds.
11. This Agreement shall give the COUNTY authority to carry out activities which will be funded from annual appropriations of CDBG and HOME entitlement funds and program income through Federal Fiscal Years 2009, 2010, 2011. The Agreement shall remain in effect until all CDBG funds, HOME funds and any program income received with respect to activities carried out during the three-year qualification period are expended, and the funded activities are completed, and that the COUNTY and MUNICIPALITY may not terminate or withdraw from the Agreement while it remains in effect.
12. This Agreement is contingent upon the COUNTY'S qualification as an "urban county" and award of funds under the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, as amended.
13. Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of the state, county or municipal officers.

TOWN OF LAKE PARK

14. A copy of this Agreement shall be filed with the Clerk and Comptroller in and for Palm Beach County.
15. Any prior agreements or contracts regarding the duties and obligations of the parties enumerated herein are hereby declared to be null and void.

TOWN OF LAKE PARK

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials.

ATTEST:
SHARON R. BOCK, Clerk & Comptroller
of the State of Florida

PALM BEACH COUNTY, FLORIDA, a Political Subdivision

BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Addie Greene, Chairperson

Approved as to Form and Legal
Sufficiency:

Approved as to Terms and Conditions
Dept. of Housing and Community Development

By: _____
Tammy K. Fields
Senior Assistant County Attorney

By: _____
Edward Lowery, Director
Housing and Community Development

ATTEST:

Virginia Handley
Clerk
TOWN OF LAKE PARK
SEAL
(SEAL)

TOWN OF LAKE PARK, a municipality duly
organized by the laws of the State of Florida

Dean J. Bois
Mayor
W. J. Davis
Manager (If Applicable)

FLORIDA
Approved as to legal
form and sufficiency
[Signature]
Town Attorney

TOWN OF LAKE PARK

LEGAL CERTIFICATION BY PALM BEACH COUNTY

As Legal Counsel for Palm Beach County, I hereby state that the terms and provisions of this Agreement are fully authorized under State and local law, and that the Agreement provides full legal authority for the County to undertake, or assist in undertaking, community renewal and lower income housing assistance activities.

Tammy K. Fields, Senior Assistant County Attorney
Palm Beach County, Florida