

RESOLUTION NO. 15-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO APPROVING A FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR URBAN COUNTY YEARS OF 2010 THROUGH 2012 ADMINISTERED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, Part 2 of Article 1 of Title 29 of the Colorado Revised Statutes, as amended, authorizes and enables governmental entities within the State of Colorado to enter into cooperative agreements or contracts with one another to provide such functions, services or facilities lawfully authorized to each of them; and

WHEREAS, the Board of County Commissioners of Douglas County (“County”) and the City Council of the City of Castle Pines (“City”) have entered into an Intergovernmental Agreement (“Agreement”), entitling the County and City to receive Community Development Block Grant (“CDBG”) funds to conduct and administer housing and community development activities and projects; and

WHEREAS, the United States Office of Management and Budget issued new final guidance on administrative requirements, cost principles, and audit requirements which is codified in 2 C.F.R. Part 200; and

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) revised the requirements for cooperation agreements and a new requirement was added in the Transportation, Housing and Urban Development, and related Agencies Appropriations Act, 2014, Pub. L. 113-76; and

WHEREAS, the City and County have agreed to amend the Agreement as set forth herein.


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. The City Council hereby (a) approves the First Amendment to the Intergovernmental Agreement Regarding the Community Development Block Grant Program for Urban County Years of 2010 Through 2012 Administered by the U.S. Department of Housing and Urban Development, in substantially the form attached hereto as **Exhibit A**, (b) authorizes the City Attorney to make such changes as may be needed to correct any nonmaterial errors or language, and (c) authorizes the Mayor to execute the same on behalf of the City.

Section 2. **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED by a vote of 4 in favor and 0 against this 9 day of June, 2015.



By: 
Jeffrey T. Huff, Mayor

ATTEST:

Approved as to Form:

By: 
City Clerk

By: 
City Attorney

EXHIBIT A

**FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FOR URBAN COUNTY YEARS OF 2010 THROUGH 2012 ADMINISTERED BY THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT REGARDING
THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR URBAN
COUNTY YEARS OF 2010 THROUGH 2012
ADMINISTERED BY THE U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT

THIS FIRST AMENDMENT, dated for reference purposes only this 9th day of June, 2015, by and between the Board of County Commissioners of the County of Douglas, State of Colorado (“County”), and the City of Castle Pines (“City”), located in Douglas County, State of Colorado.

RECITALS

WHEREAS, the parties entered into the Intergovernmental Agreement Regarding the Community Development Block Grant Program for Urban County Year 2010 Through 2012 Administered by the U.S. Department of Housing and Urban Development dated July 7, 2009 (the “Agreement”); and

WHEREAS, the County and the City have agreed that entering into an Intergovernmental Agreement qualifies the County as an Urban County entitling the County and City to receive Community Development Block Grant (“CDBG”) funds to conduct and administer housing and community development activities and projects; and

WHEREAS, the United States Office of Management and Budget issued new final guidance on administrative requirements, cost principles, and audit requirements which is codified in 2 C.F.R. Part 200; and

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) revised the requirements for cooperation agreements and a new requirement was added in the Transportation, Housing and Urban Development, and related Agencies Appropriations Act, 2014, Pub. L. 113-76; and

WHEREAS, the parties have agreed to amend the Agreement as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein, the parties hereby agree to amend the Agreement as follows:

1. The second paragraph in Section III.A. “Federal Compliance” shall be amended and restated as follows:

“More specifically, the City and the County agree to take all required actions to comply with all applicable federal laws and regulations, as amended from time to time, including but not limited to: the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, Title VI of the Civil Rights Act of 1964, Uniform Federal Accessibility Standards, Residential Lead-Based Paint Hazard Reduction Act of 1992, 24 C.F.R. Part 85 of HUD’s Uniform Administrative

Requirement for Grants and Cooperative Agreements, 24 C.F.R. Part 570, Subpart K, Lead-Based Paint Regulations (24 C.F.R. Part 35, 24 C.F.R. § 570.608, 24 C.F.R. § 982.401), 2 C.F.R. Part 2400, and 2 C.F.R. Part 200. Additionally, in accordance with the regulations, no employee, official, agent, or consultant of the City shall exercise any function or responsibility in which a conflict of interest, real or apparent, would arise.”

2. A second paragraph shall be added to Section III. D. “Fair Housing” of the Agreement which states:

“The County and the City 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, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The County and City 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 and the Age Discrimination Act of 1975 and all other applicable laws. Urban county funding shall not be used for activities in, or in support of, the City if such entity does not affirmatively further fair housing within its own jurisdiction or the City impedes the county's actions to comply with the county's fair housing certification.”

3. A new Section III. G. shall be added to the Agreement which states:

“A unit of general local government may not sell, trade, or otherwise transfer all or any portion of any CDBG funds to a metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds 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.”

4. All other terms and conditions of the Agreement not amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed on the 9th day of June, 2015.

[Signature Pages Follow]

BOARD OF COUNTY COMMISSIONERS
COUNTY OF DOUGLAS, COLORADO

ATTEST:

Jill E. Repella, Chair

Melissa Pelletier, Deputy Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

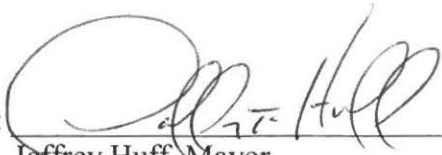
Douglas J. DeBord
County Manager

Meredith P. Van Horn
Assistant County Attorney

APPROVED AS TO FISCAL CONTENT:

Andrew Copland
Director of Finance


CITY OF CASTLE PINES

By: 
Jeffrey Huff, Mayor

ATTEST:


Bruce Roome, City Clerk

APPROVED AS TO FORM:


Linda Michow, City Attorney

