

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 42
Series of 2014

TITLE: A RESOLUTION APPROVING THE SECOND AMENDMENT TO AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN JEFFERSON COUNTY AND THE CITY OF WHEAT RIDGE, COLORADO, PERTAINING TO COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

WHEREAS, on June 13, 2011, by Resolution No. 17, Series 2011, the City Council (“Council”) for the City of Wheat Ridge, Colorado (“City”) approved an Intergovernmental Agreement between the City and Jefferson County (“County”) concerning Community Development Block Grant programs (the “IGA”); and

WHEREAS, on September 26, 2011, by Resolution No. 33, Series 2011, the Council approved a First Amendment of said IGA to address Emergency Shelter Grant Program funds; and

WHEREAS, the Council wishes to approve said Second Amendment and to approve and ratify the Mayor’s execution of the same in order to continue to be eligible to participate in the CDBG program; and

WHEREAS, pursuant to Section 14.2 of the City’s Home Rule Charter, the Council must approve intergovernmental agreements and amendments thereto by resolution or ordinance.

NOW THEREFORE, BE IT RESOLVED by the Wheat Ridge City Council that:

Section 1. The Second Amendment to the Intergovernmental Agreement between Jefferson County and the City of Wheat Ridge concerning Community Development Block Grant Programs, dated for reference purposes only the 4th day of June, 2014, attached to this Resolution and incorporated herein by reference, is hereby approved.

Section 2. The Mayor of the City of Wheat Ridge is authorized to execute the Second Amendment approved hereby. The City Council expressly approves and ratifies any execution of the Second Amendment by the Mayor prior to the effective date of this Resolution.

Section 3. This Resolution shall take effect immediately.

DONE AND RESOLVED THIS 14th day of July, 2014.



Joyce Jay, Mayor

ATTEST:



Janelle Shaver, City Clerk

**SECOND AMENDMENT TO INTERGOVERNMENTAL COOPERATION AGREEMENT
BETWEEN JEFFERSON COUNTY AND THE CITY OF WHEAT RIDGE**

THIS SECOND AMENDMENT, dated for reference purposes only this 4th day of June, 2014, is made and entered into by and between the **COUNTY OF JEFFERSON, STATE OF COLORADO**, a body politic and corporate (the "County"), and the **CITY OF WHEAT RIDGE** (the "City").

WITNESSETH:

WHEREAS, the parties entered into an Intergovernmental Cooperation Agreement dated May 25, 2011 and a First Amendment to that Agreement on August 29, 2011 (collectively the "Agreement"); and

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

1. A new Section 4 e. shall be added to 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 the 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.

2. A new Section 8 c. 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.

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

FURTHER, the parties understand that the original Agreement will automatically renew for the next three-year (3-year) qualification period as provided in paragraph 3 of the Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to be executed.

COUNTY OF JEFFERSON
STATE OF COLORADO

By: Faye Griffin
Faye Griffin, Chairman
Board of County Commissioners
Date: 8-5-14

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing was acknowledged before me this 5th day of August, 2014 by Faye Griffin as Chairman of the Board of County Commissioners, Jefferson County, Colorado.

Diane Keathley
Notary's official signature
August 5, 2014
Commission expiration date

DIANE KEATHLEY
NOTARY PUBLIC
STATE OF COLORADO
Notary ID 20084025874
My Commission Expires 08/05/2016

APPROVED AS TO FORM:

Kourtney Hartmann

CITY OF WHEAT RIDGE
STATE OF COLORADO

By: Joyce Jay
Joyce Jay
Mayor
Date: 7/14/14

STATE OF COLORADO
COUNTY OF JEFFERSON

The foregoing Agreement was acknowledged before me this 14 day of July, 2014, by Joyce Jay, as Mayor of City of Wheat Ridge.

Bruce A. Roome
Notary's official signature
08/08/2018
Commission expiration date

BRUCE A ROOME
Notary Public
State of Colorado
Notary ID 20024025568
My Commission Expires Aug 8, 2018