

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: February 27, 2007 [X] Consent [] Regular

Department: Housing and Community Development [] Public Hearing

Submitted By: Housing and Community Development

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to receive and file: a) The Interlocal Cooperation Agreement with the City of Boynton Beach for The Florida Community Development Block Grant Disaster Recovery Initiative; b) The Interlocal Cooperation Agreement with the City of Delray Beach for the Florida Community Development Block Grant Disaster Recovery Initiative; and c) The Interlocal Cooperation Agreement with the City of West Palm Beach for the Florida Community Development Block Grant Disaster Recovery Initiative.

Summary: On July 18, 2006, the Palm Beach County Board of County Commissioners (BCC) approved Resolution R2006 1351 to: a) authorize the County Administrator to execute an application for funding to the State under the CDBG Disaster Recovery Initiative, and to execute certifications and all other documents related to the application and the implementation of projects; b) authorize Palm Beach County Housing and Community Development to be the lead agency in the preparation and submission of the application to the State; c) authorize the County Administrator to execute inter-local Agreements with municipalities who submit eligible projects that are recommended for funding; and d) authorize the County Administrator to sign grant agreements with organizations selected to receive funding. In order to meet the application deadline of a very brief application period, the County Administrator exercised his signatory authority granted under Resolution R2006 1351 and copies of those executed Interlocal Agreements were forwarded as part of the joint application to the Department of Community Affairs.

Countywide (TKF)

Background and Justification: The Department of Community Affairs (DCA) announced the availability of \$82,904,000 in Community Development Block Grant (CDBG) Disaster Recovery Funding that was made available to the State by the U.S. Department of Housing and Urban Development. These Disaster Recovery Initiative (DRI) funds are to be distributed to counties and municipalities throughout the State to assist in recovery from the federally declared disasters (Hurricanes Katrina and Wilma) that occurred between August 25, 2005 and October 24, 2005. Palm Beach County, which was affected only by Hurricane Wilma, is eligible to receive up to \$19,035,920 of this funding for recovery expenses associated with Hurricane Wilma. While all municipalities and the County are eligible to participate in the DRI, DCA will only accept one application from a unit of general local government within Palm Beach County. The City of Boynton Beach, the City of Delray Beach and the City of West Palm Beach applied to Housing and Community Development to participate in the Disaster Recovery Initiative (DRI), though they had not previously executed an Interlocal Cooperation Agreement to participate in the Palm Beach County Urban Jurisdiction. The State requires that Interlocal agreements be executed with all municipalities which choose to partner with the County in submission of a single application. These Interlocal Cooperation Agreements were drawn to meet that requirement and are restricted to participation in the DRI, exclusively. All other municipalities participating in the DRI have previously executed Interlocal Cooperation Agreements.

Attachments:

- A. Resolution No. R2006 1351
- B. Interlocal Cooperation Agreement with the City of Boynton Beach for The Florida Community Development Block Grant Disaster Recovery Initiative
- C. Interlocal Cooperation Agreement with the City of Delray Beach for The Florida Community Development Block Grant Disaster Recovery Initiative
- D. Interlocal Cooperation Agreement with the City of West Palm Beach for The Florida Community Development Block Grant Disaster Recovery Initiative

Recommended By: Edward P. [Signature] 2/6/07
Department Director Date

Approved By: Sharon [Signature] 2/7/07
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:


<u>Fiscal Years:</u>	2007	2008	2009	2010	2011
Capital Expenditures:	_____	_____	_____	_____	_____
Operating Costs:	_____	_____	_____	_____	_____
External Revenues:	_____	_____	_____	_____	_____
Program Income (County):	_____	_____	_____	_____	_____
In-Kind Match (County):	_____	_____	_____	_____	_____
NET FISCAL IMPACT:	_____	_____	_____	_____	_____
# OF ADDITIONAL FTE POSITIONS (Cumulative):	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____
 Budget Account #: Fund _____ Agency _____ Org. _____ Object _____ Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact at this time.

C. Departmental Fiscal Review:



 Larry D. Brown, Financial Analyst II

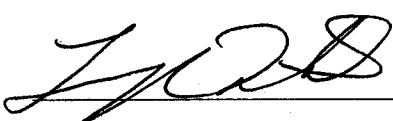
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

 2-13-07
 _____ OFMB
 10/13/07
 AN 02-08-07

 2/14/07
 _____ Contract Administration
 6/2/07 2/14/07

B. Legal Sufficiency:

 2-15-07

 Assistant County Attorney

This item complies with current County policies.

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

R-2006-1351

Meeting Date: July 18, 2006

[] Consent [X] Regular

Department: Housing and Community Development

[] Public Hearing

Submitted By: Housing and Community Development

APPROVED

BY BOARD OF COUNTY COMMISSIONERS
AT MEETING OF JUL 18 2006

I. EXECUTIVE BRIEF

Judith Crook D.C.
MINUTES & RECORDS SECTION

Motion and Title: Staff recommends a motion to adopt a Resolution:

- A. Authorizing the County Administrator to execute an application for funding to the State under the CDBG Disaster Recovery Initiative, and to execute certifications and all other documents related to the application and the implementation of projects;
- B. Authorizing Palm Beach County Department of Housing and Community Development to be the lead agency in the preparation and submission of the application to the State;
- C. Authorizing the County Administrator to execute inter-local Agreements with municipalities who submit eligible projects that are recommended for funding; and,
- D. Authorizing the County Administrator to sign grant agreements with organizations selected to receive funding.

Summary: The Department of Community Affairs (DCA) announced the availability of \$82,904,000 in Community Development Block Grant Disaster Recovery Funding that was made available to the State by the U.S. Department of Housing and Urban Development. These Disaster Recovery Initiative (DRI) funds are to be distributed to counties and municipalities throughout the State to assist in recovery from the federally declared disasters (Hurricanes Katrina and Wilma) that occurred between August 25, 2005 and October 24, 2005. Palm Beach County, which was affected by Hurricane Wilma, is eligible to receive up to \$19,035,920 of this funding. While all municipalities and the County are eligible to participate in the DRI, DCA will only accept one application from a unit of general local government within Palm Beach County. DCA's application deadline is August 18, 2006. The County will be required to certify and to document that no other funding is available to address the needs for which funding is being sought under this program.

In correspondence dated June 12 and 14, 2006, Palm Beach County HCD notified all municipalities and the League of Cities of the availability of the DRI funds. In a meeting held June 19, 2006, Palm Beach County was selected to be the lead agency. In a Notice of Funding Availability (NOFA) published on June 23, 2006, public agencies, non-profits, and for-profits were informed of the availability of DRI funding. Given the short notification period for submission of the application, staff believes that execution of documents by the County Administrator would expedite appreciably the application process and enhance the chances of meeting the August 18, 2006 submission deadline. **TKF Countywide**

Background and Policy Issues: The Department of Defense Appropriations Act of 2006, approved on December 30, 2005, appropriated \$11.5 billion in Community Development Block Grant funds for necessary expenses related to disaster relief, long term recovery, and restoration of infrastructure directly related to the effects of the disasters that occurred between August 25, 2005 and October 24, 2005 and that were covered by Presidential disaster declarations. Approximately \$83 million of the total funding has been awarded to Florida (Continued on Page #3)

Attachments:

- a. Resolution

Recommended By: _____

[Signature]
Department Director

7-5-06

Date

Approved By: _____

[Signature]
Deputy County Administrator

7-11-06

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

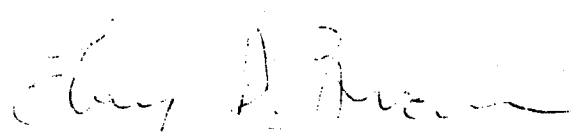
<u>Fiscal Years:</u>	20_____	20_____	20_____	20_____	20_____
Capital Expenditures:	_____	_____	_____	_____	_____
Operating Costs:	_____	_____	_____	_____	_____
External Revenues:	_____	_____	_____	_____	_____
Program Income (County):	_____	_____	_____	_____	_____
In-Kind Match (County):	_____	_____	_____	_____	_____
NET FISCAL IMPACT:	_____	_____	_____	_____	_____
# OF ADDITIONAL FTE					
POSITIONS (Cumulative):	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____
 Budget Account #: Fund _____ Agency _____ Org. _____ Object _____ Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact at this time.

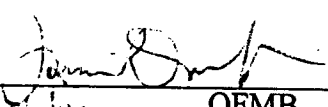
C. Departmental Fiscal Review:

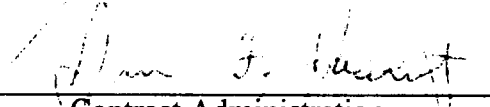


 Larry D. Brown

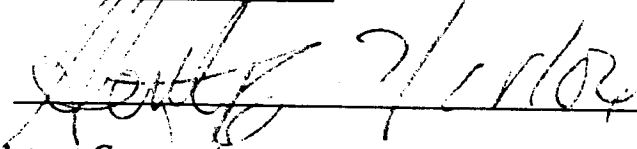
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

 7-11-06
 _____ OFMB
 CN/01/02/04

 7/11/06
 _____ Contract Administration

B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

Background and Policy Issues (Continued): to assist in recovery from Hurricanes Katrina and Wilma. Palm Beach County's geographic area was only affected by Hurricane Wilma, and as such, Recovery funds may only be used to assist with projects related to that storm. DCA – who will administer the funds and select eligible activities for funding – has determined that 11 of the State's 67 counties are eligible to apply for Wilma-related funding under this grant program. DCA has established for each eligible county the maximum possible funding level, which ranges from \$1.3 million to \$22.1 million. Palm Beach County's geographic area maximum possible funding is \$19,035,920.

In order to submit an application with municipalities from within the county, Palm Beach County is required by the State to have inter-local Agreements with municipalities that submit eligible projects. Currently, the County has inter-local Agreements with twenty-eight municipalities who participate within the County's Urban County Program (the CDBG entitlement jurisdiction). It is anticipated that these Agreements will be acceptable to the State to address the requirement for inter-local Agreements to be in place as a pre-condition for submitting an application. There are, however, some municipalities with which the county does not have inter-local Agreements. These are: the Cities of West Palm Beach, Boca Raton, Delray Beach and Boynton Beach, (who all receive their CDBG allocations directly from HUD); as well as the Village of Golf, the Town of Highland Beach, the Town of Jupiter Inlet Colony, the Town of Ocean Ridge, and the Town of Palm Beach (who all declined to participate in the County's Urban County Qualification process in FY 2005 when the previously-mentioned 28 Agreements were executed). The municipalities that do not have inter-local Agreements with the county at this time will need to execute these if they submit eligible projects.

The State has identified unmet needs in three main areas: housing, public assistance (infrastructure) and business assistance. Further description as follows:

- *Housing activities* may include, but are not limited to, rehabilitation, relocation, demolition and replacement, and new construction of affordable housing, farm worker housing, transitional housing, and complementary housing activities such as restoration of safe and sanitary water and/or wastewater services.
- *Infrastructure projects* may include, but are not limited to, repairs and improvements to streets, water and sewer systems, drainage facilities and public buildings.
- *Business assistance* may include, but is not limited to, repairs and improvements to public buildings in commercial or business areas, street paving, infrastructure to attract business, sidewalks, and lighting.

Activities that are reimbursable by Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA) cannot be undertaken with these funds. To be eligible for funding, activities must conform to all requirements of the CDBG Program, unless a waiver from such provisions has been granted.

The County may apply for multifaceted projects (housing, public assistance, and business needs). However, grant recipients are required to utilize at least 70% of their CDBG funding allocation through this Initiative for the restoration of disaster impacted affordable housing. Moreover, local governments are encouraged to give special consideration to the unmet housing needs of:

- the elderly,
- people with disabilities,
- farm workers,
- the homeless, and
- persons living in poverty.

At least 50% of a grant must be utilized to serve low-income (50%) and moderate-income (80%) beneficiaries. Up to 50% of a grant may fund activities under the "urgent need" or "prevention or elimination of slum and blight" CDBG program national objectives.

RESOLUTION NO. R-2006-1351

RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN APPLICATION FOR FUNDING TO THE STATE UNDER THE CDBG DISASTER RECOVERY INITIATIVE AND TO EXECUTE CERTIFICATIONS AND ALL OTHER DOCUMENTS RELATED TO THE APPLICATION AND THE IMPLEMENTATION OF PROJECTS; AUTHORIZING PALM BEACH COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO BE THE LEAD AGENCY IN THE PREPARATION AND SUBMISSION OF THE APPLICATION TO THE STATE; AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE INTER-LOCAL AGREEMENTS WITH MUNICIPALITIES WHO SUBMIT ELIGIBLE PROJECTS THAT ARE RECOMMENDED FOR FUNDING; AND AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN GRANT AGREEMENTS WITH ORGANIZATIONS SELECTED TO RECEIVE FUNDING.

WHEREAS, the Palm Beach County Board of County Commissioners wishes to utilize all available resources to facilitate full recovery from Hurricane Wilma; and

WHEREAS, the need for additional resources still exists to effect full recovery and mitigation after utilizing funding from Federal Emergency Management Agency (FEMA), Small Business Association (SBA) and other sources; and

WHEREAS, On December 30, 2005, Department of Defense Appropriations Act of 2006, which appropriated \$11.5 billion in Community Development Block Grant funds for disaster relief, long term recovery, and restoration of infrastructure directly related to the effects of the disasters that occurred between August 25, 2005 and October 24, 2005 and were covered by Presidential disaster declarations; and

WHEREAS, \$82,904,000 of the \$11,500,000,000 appropriated was earmarked for distribution in Florida through the Florida Department of Community Affairs; and

WHEREAS, the Florida Department of Community Affairs has determined that Palm Beach County is one of eleven counties eligible to apply and receive funding under this grant program; and

WHEREAS, the Florida Department of Community Affairs has established the maximum possible funding level for Palm Beach County's geographical area to be \$19,035,920; and

WHEREAS, the Florida Department of Community Affairs requires that one application be submitted by a unit of general local government; and

WHEREAS, Palm Beach County has notified all municipalities within its borders, the League of Cities, public agencies, non-profit and for-profit agencies of the 2005 Disaster Recovery Initiative; and

WHEREAS, Palm Beach County Department of Housing and Community Development was selected as the lead agency to submit the application; and

WHEREAS, the submission of one application requires execution of inter-local agreements between Palm Beach County and those municipalities with eligible projects; and

WHEREAS, the deadline for submitting the application for funding is August 18, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

1. The County Administrator is authorized to execute an application for funding to the State under the CDBG Disaster Recovery Initiative, and to execute certifications and all other documents related to the application and the implementation of projects.
2. Palm Beach County through its Department of Housing and Community Development is authorized to be the lead agency in the preparation and submission of the application to the State.

3. The County Administrator is authorized to execute inter-local Agreements with municipalities who submit eligible projects that are recommended for funding.
4. The County Administrator is authorized to sign grant agreements with organizations selected to receive funding.

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Koons, and being put to a vote, the vote was as follows:

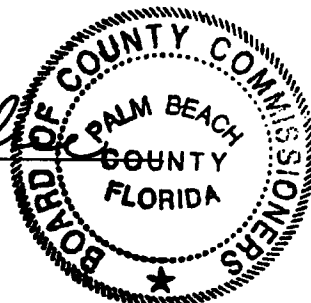
TONY MASILOTTI, CHAIRMAN	-	Absent
ADDIE L. GREENE, VICE CHAIRPERSON	-	Aye
JEFF KOONS	-	Aye
KAREN T. MARCUS	-	Aye
MARY MCCARTY	-	Aye
BURT AARONSON	-	Aye
WARREN H. NEWELL	-	

The Chairman thereupon declared the Resolution duly passed and adopted this 18th day of July 2006.

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

ATTEST:
SHARON R. BOCK, Clerk and
Comptroller

By: Judith Cross
Deputy Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]
Jammy K. Fields, Asst. County Attorney

INTERLOCAL COOPERATION AGREEMENT
BETWEEN PALM BEACH COUNTY
AND
CITY OF BOYNTON BEACH
FOR
THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
2005 DISASTER RECOVERY INITIATIVE

THIS INTERLOCAL COOPERATION AGREEMENT made and entered into this 3rd day of January, 2007 by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY", and CITY OF BOYNTON BEACH, a municipality duly organized by the laws of the State of Florida, hereinafter referred to as the "MUNICIPALITY".

WHEREAS, the Florida Department of Community Affairs 2005 Disaster Recovery Initiative is funded by the U.S. Department of Housing and Urban Development (HUD) with Community Development Block Grant (CDBG) funds and administered by the Florida Department of Community Affairs for disaster relief, long-term recovery, and mitigation directly related to the effects of the disasters resulting from Hurricane Katrina of August 24, 2005 and Hurricane Wilma of October 23, 2005 and were covered by Presidential disaster declarations; and

WHEREAS, the parties hereto have the common power to perform Community Development Block Grant (CDBG) activities as part of the Florida Department of Community Affairs 2005 Disaster Recovery Initiative 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, the municipalities submitting an Interlocal Agreement at this time have not previously executed an Interlocal Agreement to participate with Palm Beach County in the Urban County Qualification Program; and

WHEREAS, the Florida Department of Community Affairs 2005 Disaster Recovery Initiative application requires submission of an Interlocal Agreement if a project will, in any way, impact another government; and

WHEREAS, the Florida Department of Community Affairs 2005 Disaster Recovery Initiative requires that one application, reflecting countywide, priority disaster recovery projects, be submitted by a unit of general local government within each county; and

WHEREAS, the municipalities applying for funding under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative elected Palm Beach County to serve as the lead agency for the Florida Department of Community Affairs 2005 Disaster Recovery Initiative in Palm Beach County; and

WHEREAS, the COUNTY desires to join with municipalities in order to carry out the planning and professional services necessary to implement the Florida Department of Community Affairs 2005 Disaster

CITY OF BOYNTON BEACH

Recovery Initiative for the duration of the Initiative; and

WHEREAS, the COUNTY and MUNICIPALITY agree to cooperate to undertake or assist in undertaking eligible activities under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative; and

WHEREAS, the MUNICIPALITY desires to cooperate with the COUNTY for the purpose of implementing the Florida Department of Community Affairs 2005 Disaster Recovery Initiative.

NOW, THEREFORE, the parties hereby agree as follows:

1. The COUNTY and the MUNICIPALITY will cooperate so that the Municipality may participate with the COUNTY to expend CDBG funds for eligible activities under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative within the MUNICIPALITY during the term of the Initiative (including program income generated from expenditure of such funds) under Title I of the Housing and Community Development Act of 1974, as amended, and The Department of Defense Appropriations Act, 2006 (Public Law 109-148, approved December 30, 2006) and receive funds under these Acts.
2. With the MUNICIPALITY'S assistance, the COUNTY will prepare an application for HUD Disaster Recovery Funding under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative. 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 as applicant. The COUNTY and the MUNICIPALITY agree that the COUNTY is hereby allowed to undertake or assist in undertaking disaster recovery activities including disaster relief, long-term recovery, and mitigation in communities affected by the specified disasters and that the COUNTY has final responsibility for selecting activities for funding under the Florida CDBG Disaster Recovery Initiative.
4. The MUNICIPALITY and the COUNTY will take all actions necessary to assure compliance with Community Development Block Grant Entitlement Program Regulations, including 24 CFR 570, except as permitted exemptions are published in the Federal Register, 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 funds under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative 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 to the State for grants under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative in its own right.
6. To the extent applicable, 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

CITY OF BOYNTON BEACH

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 Florida CDBG Disaster Recovery Initiative 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 Florida Department of Community Affairs 2005 Disaster Recovery Initiative program 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 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 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 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 Comprehensive Plan for Palm Beach County, the Consolidated Plan and the implementing program as outlined in the Annual Consolidated Plan (to be known as the Action Plan, beginning FY 2006-07), which governs the expenditure of CDBG funds.

11. This Agreement shall give the COUNTY authority to carry out activities which will be funded from appropriations of Florida Department of Community Affairs 2005 Disaster Recovery Initiative funds for the full term of this Agreement. The Agreement shall remain in effect until all Florida Department of Community Affairs 2005 Disaster Recovery Initiative funds and any program income received with respect to activities carried out with Florida Department of Community Affairs 2005 Disaster Recovery Initiative funds 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 successful application under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative.

13. Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of the state, county or municipal officers.

CITY OF BOYNTON BEACH

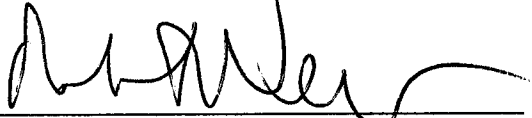
14. A copy of this Agreement shall be filed with the Clerk and Comptroller in and for Palm Beach County.

15. Any prior agreements or contracts regarding the duties and obligations of the parties enumerated herein are hereby declared to be null and void.

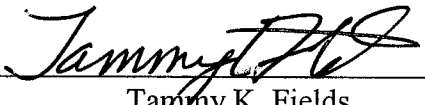
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials.

**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida**

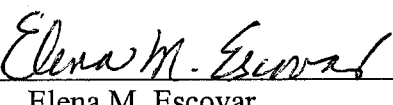
BOARD OF COUNTY COMMISSIONERS

By: 
Robert Weisman, County Administrator

Approved as to Form and Legal
Sufficiency:

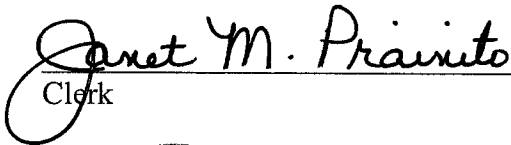
By: 
Tammy K. Fields
Senior Assistant County Attorney

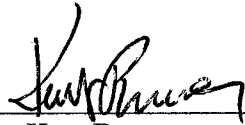
Approved as to Terms and Conditions
Dept. of Housing and Community Development

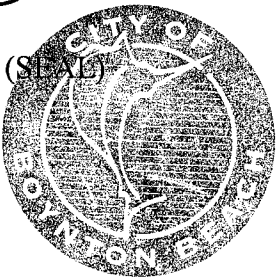
By: 
Elena M. Escovar
Planning Manager

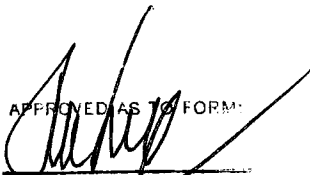
ATTEST:

**CITY OF BOYNTON BEACH, a municipality
duly organized by the laws of the State of
Florida**


Clerk


Kurt Bressner
City Manager



APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF BOYNTON BEACH

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, disaster recovery activities.



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

INTERLOCAL COOPERATION AGREEMENT
BETWEEN PALM BEACH COUNTY
AND
CITY OF DELRAY BEACH
FOR
THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
2005 DISASTER RECOVERY INITIATIVE

THIS INTERLOCAL COOPERATION AGREEMENT made and entered into this 3rd day of January, 2007 by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY", and CITY OF DELRAY BEACH, a municipality duly organized by the laws of the State of Florida, hereinafter referred to as the "MUNICIPALITY".

WHEREAS, the Florida Department of Community Affairs 2005 Disaster Recovery Initiative is funded by the U.S. Department of Housing and Urban Development (HUD) with Community Development Block Grant (CDBG) funds and administered by the Florida Department of Community Affairs for disaster relief, long-term recovery, and mitigation directly related to the effects of the disasters resulting from Hurricane Katrina of August 24, 2005 and Hurricane Wilma of October 23, 2005 and were covered by Presidential disaster declarations; and

WHEREAS, the parties hereto have the common power to perform Community Development Block Grant (CDBG) activities as part of the Florida Department of Community Affairs 2005 Disaster Recovery Initiative 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, the municipalities submitting an Interlocal Agreement at this time have not previously executed an Interlocal Agreement to participate with Palm Beach County in the Urban County Qualification Program; and

WHEREAS, the Florida Department of Community Affairs 2005 Disaster Recovery Initiative application requires submission of an Interlocal Agreement if a project will, in any way, impact another government; and

WHEREAS, the Florida Department of Community Affairs 2005 Disaster Recovery Initiative requires that one application, reflecting countywide, priority disaster recovery projects, be submitted by a unit of general local government within each county; and

WHEREAS, the municipalities applying for funding under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative elected Palm Beach County to serve as the lead agency for the Florida Department of Community Affairs 2005 Disaster Recovery Initiative in Palm Beach County; and

WHEREAS, the COUNTY desires to join with municipalities in order to carry out the planning and professional services necessary to implement the Florida Department of Community Affairs 2005 Disaster

CITY OF DELRAY BEACH

Recovery Initiative for the duration of the Initiative; and

WHEREAS, the COUNTY and MUNICIPALITY agree to cooperate to undertake or assist in undertaking eligible activities under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative; and

WHEREAS, the MUNICIPALITY desires to cooperate with the COUNTY for the purpose of implementing the Florida Department of Community Affairs 2005 Disaster Recovery Initiative.

NOW, THEREFORE, the parties hereby agree as follows:

1. The COUNTY and the MUNICIPALITY will cooperate so that the Municipality may participate with the COUNTY to expend CDBG funds for eligible activities under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative within the MUNICIPALITY during the term of the Initiative (including program income generated from expenditure of such funds) under Title I of the Housing and Community Development Act of 1974, as amended, and The Department of Defense Appropriations Act, 2006 (Public Law 109-148, approved December 30, 2006) and receive funds under these Acts.
2. With the MUNICIPALITY'S assistance, the COUNTY will prepare an application for HUD Disaster Recovery Funding under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative. 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 as applicant. The COUNTY and the MUNICIPALITY agree that the COUNTY is hereby allowed to undertake or assist in undertaking disaster recovery activities including disaster relief, long-term recovery, and mitigation in communities affected by the specified disasters and that the COUNTY has final responsibility for selecting activities for funding under the Florida CDBG Disaster Recovery Initiative.
4. The MUNICIPALITY and the COUNTY will take all actions necessary to assure compliance with Community Development Block Grant Entitlement Program Regulations, including 24 CFR 570, except as permitted exemptions are published in the Federal Register, 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 funds under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative 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 to the State for grants under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative in its own right.
6. To the extent applicable, 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

CITY OF DELRAY BEACH

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 Florida CDBG Disaster Recovery Initiative 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 Florida Department of Community Affairs 2005 Disaster Recovery Initiative program 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 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 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 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 Comprehensive Plan for Palm Beach County, the Consolidated Plan and the implementing program as outlined in the Annual Consolidated Plan (to be known as the Action Plan, beginning FY 2006-07), which governs the expenditure of CDBG funds.

11. This Agreement shall give the COUNTY authority to carry out activities which will be funded from appropriations of Florida Department of Community Affairs 2005 Disaster Recovery Initiative funds for the full term of this Agreement. The Agreement shall remain in effect until all Florida Department of Community Affairs 2005 Disaster Recovery Initiative funds and any program income received with respect to activities carried out with Florida Department of Community Affairs 2005 Disaster Recovery Initiative funds 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 successful application under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative.

CITY OF DELRAY BEACH

13. Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of the state, county or municipal officers.

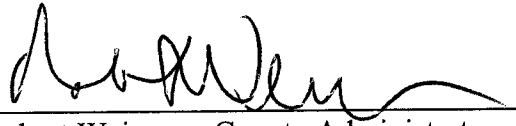
14. A copy of this Agreement shall be filed with the Clerk and Comptroller in and for Palm Beach County.

15. Any prior agreements or contracts regarding the duties and obligations of the parties enumerated herein are hereby declared to be null and void.


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

**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida**

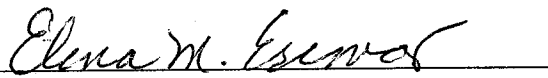
BOARD OF COUNTY COMMISSIONERS

By: 
Robert Weisman, County Administrator

Approved as to Form and Legal
Sufficiency:

By: 
Pammy K. Fields
Senior Assistant County Attorney

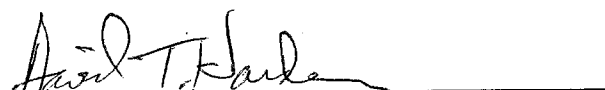
Approved as to Terms and Conditions
Dept. of Housing and Community Development

By: 
Elena M. Escovar
Planning Manager

ATTEST:

**CITY OF DELRAY BEACH, a municipality
duly organized by the laws of the State of
Florida**


Cheryl D. Rubin
Clerk



David Harden
City Manager

(SEAL)

CITY OF DELRAY BEACH

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, disaster recovery activities.



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

INTERLOCAL COOPERATION AGREEMENT
BETWEEN PALM BEACH COUNTY
AND
CITY OF WEST PALM BEACH
FOR
THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
2005 DISASTER RECOVERY INITIATIVE

THIS INTERLOCAL COOPERATION AGREEMENT made and entered into this 3rd day of January, 2007 by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY", and CITY OF WEST PALM BEACH, a municipality duly organized by the laws of the State of Florida, hereinafter referred to as the "MUNICIPALITY".

WHEREAS, the Florida Department of Community Affairs 2005 Disaster Recovery Initiative is funded by the U.S. Department of Housing and Urban Development (HUD) with Community Development Block Grant (CDBG) funds and administered by the Florida Department of Community Affairs for disaster relief, long-term recovery, and mitigation directly related to the effects of the disasters resulting from Hurricane Katrina of August 24, 2005 and Hurricane Wilma of October 23, 2005 and were covered by Presidential disaster declarations; and

WHEREAS, the parties hereto have the common power to perform Community Development Block Grant (CDBG) activities as part of the Florida Department of Community Affairs 2005 Disaster Recovery Initiative 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, the municipalities submitting an Interlocal Agreement at this time have not previously executed an Interlocal Agreement to participate with Palm Beach County in the Urban County Qualification Program; and

WHEREAS, the Florida Department of Community Affairs 2005 Disaster Recovery Initiative application requires submission of an Interlocal Agreement if a project will, in any way, impact another government; and

WHEREAS, the Florida Department of Community Affairs 2005 Disaster Recovery Initiative requires that one application, reflecting countywide, priority disaster recovery projects, be submitted by a unit of general local government within each county; and

WHEREAS, the municipalities applying for funding under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative elected Palm Beach County to serve as the lead agency for the Florida Department of Community Affairs 2005 Disaster Recovery Initiative in Palm Beach County; and

WHEREAS, the COUNTY desires to join with municipalities in order to carry out the planning and professional services necessary to implement the Florida Department of Community Affairs 2005 Disaster

CITY OF WEST PALM BEACH

Recovery Initiative for the duration of the Initiative; and

WHEREAS, the COUNTY and MUNICIPALITY agree to cooperate to undertake or assist in undertaking eligible activities under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative; and

WHEREAS, the MUNICIPALITY desires to cooperate with the COUNTY for the purpose of implementing the Florida Department of Community Affairs 2005 Disaster Recovery Initiative.

NOW, THEREFORE, the parties hereby agree as follows:

1. The COUNTY and the MUNICIPALITY will cooperate so that the Municipality may participate with the COUNTY to expend CDBG funds for eligible activities under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative within the MUNICIPALITY during the term of the Initiative (including program income generated from expenditure of such funds) under Title I of the Housing and Community Development Act of 1974, as amended, and The Department of Defense Appropriations Act, 2006 (Public Law 109-148, approved December 30, 2006) and receive funds under these Acts.
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CITY OF WEST PALM BEACH

is the subject of such non-violent civil rights demonstrations within jurisdictions.

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12. This Agreement is contingent upon the COUNTY'S successful application under the Florida Department of Community Affairs 2005 Disaster Recovery Initiative.

13. Nothing contained herein shall be deemed to authorize the delegation of the constitutional or statutory duties of the state, county or municipal officers.

CITY OF WEST PALM BEACH


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.


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

**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida**

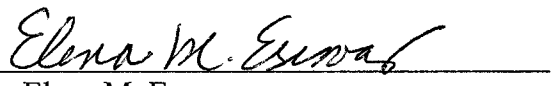
BOARD OF COUNTY COMMISSIONERS

By: 
Robert Weisman, County Administrator

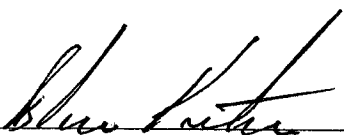
Approved as to Form and Legal
Sufficiency:

By: 
Tammy K. Fields
Senior Assistant County Attorney

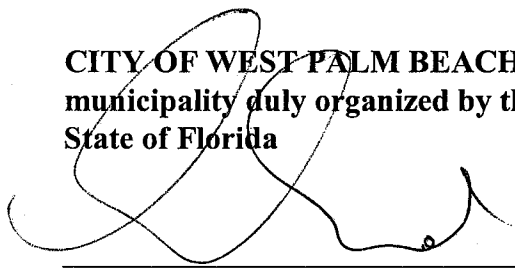
Approved as to Terms and Conditions
Dept. of Housing and Community Development

By: 
Elena M. Escovar
Planning Manager

ATTEST:


Clerk

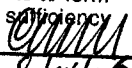
**CITY OF WEST PALM BEACH, a
municipality duly organized by the laws of the
State of Florida**


Lois J. Frankel, Mayor

Manager (If Applicable)

(SEAL)

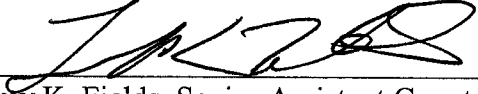
CITY ATTORNEY'S OFFICE
Approved as to form
and legal sufficiency

By: 
Date: 8/14/06

CITY OF WEST PALM BEACH

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, disaster recovery activities.



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