

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: January 15, 2013 Consent Regular
 Ordinance Public Hearing

Department: Department of Economic Sustainability

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: the following three (3) Agreements with the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2012-2013:

- A) Funding Approval/Agreement for the Community Development Block Grant (CDBG) Program in the amount of \$5,393,765;
- B) Funding Approval and HOME Investment Partnerships Agreement for the HOME Investment Partnerships (HOME) Program in the amount of \$1,592,579; and
- C) Grant Agreement for the Emergency Solutions Grant (ESG) Program in the amount of \$531,619.

Summary: On July 10, 2012, the Board of County Commissioners adopted a Resolution (R2012-0943) approving the County's Fiscal Year 2012-2013 HUD Action Plan. This Plan established the County's priorities for implementation of the CDBG, HOME, and ESG Programs. HUD approved the Action Plan and requires approval of these Agreements which will make Federal funds totaling \$7,517,963 available to the County. **No local match is required to implement the CDBG Program; however, the ESG and HOME programs have matching requirements. The ESG Program matching requirement is met through a cash or in-kind contribution by each agency receiving this funding, and the HOME matching requirement will be met from program income earned under the State Housing Initiatives Partnership Program.** (Strategic Planning Section) Countywide (TKF)

Background and Justification: As a result of approving the County's Fiscal Year 2012-2013 Action Plan (R2012-0943), HUD transmitted the Fiscal Year 2012-2013 Agreements for the CDBG, HOME, and ESG Programs to Palm Beach County for execution and return to HUD. These Agreements constitute the contracts with HUD which make \$7,517,963 in federal funds available to the County's line of credit with the U.S. Treasury.

Attachments:

- 1. Funding Approval Agreement (HUD-7082, CDBG)
- 2. Funding Approval and HOME Investment Partnership Agreement (HUD-40093, HOME)
- 3. Grant Agreement (ESG)

Recommended By: Edward W. Brown 12/18/2012
 Department Director Date

Approved By: Sharon B. Brown 1/7/12
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures					
Operating Costs	\$7,517,963				
External Revenues	(\$7,517,963)				
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-				


# ADDITIONAL FTE POSITIONS (Cumulative)	-0-				
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Is Item Included In Current Budget? Yes X No _____
 Budget Account No.:

Fund Various Dept 143 Unit Various Object Various Program Code/Period Various

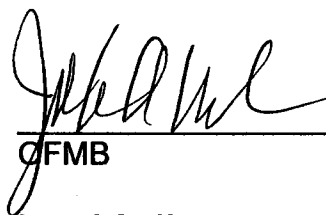
B. Recommended Sources of Funds/Summary of Fiscal Impact:


Approval of this agenda item will appropriate \$7,517,963 to Palm Beach County Department of Economic Sustainability for the Community Development Block Grant (\$5,393,765), Emergency Solution Grant (\$531,619), and HOME Investment Partnerships (\$1,592,579) Programs for Fiscal Year 2012-2013 via the letter of credit with the U.S. Treasury.

C. Departmental Fiscal Review:  12-18-12
 Shairette Major, Fiscal Manager I

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

 12/27/12
 OFMB

 12/28/12
 Contract Development and Control

B. Legal Sufficiency:

 11/3/13
 Chief Assistant County Attorney

C. Other Department Review:

 Department Director

Funding Approval/Agreement

Title I of the Housing and Community Development Act (Public Law 930383)
 HI-00515R of 20515R

U.S. Department of Housing and Urban Development
 Office of Community Planning and Development
 Community Development Block Grant Program

OMB Approval No.
 2506-0193 (exp 1/31/2015)

1. Name of Grantee (as shown in item 5 of Standard Form 424) Palm Beach County		3a. Grantee's 9-digit Tax ID Number: 59-6000785	3b. Grantee's DUNS Number: 078470481	4. Date use of funds may begin (mm/dd/yyyy): 10/01/2012
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 100 Australian Avenue, Suite 500 West palm Beach, FL 33436		5a. Project/Grant No. 1 B-12-UC-12-0004		6a. Amount Approved \$5,393,765
		5b. Project/Grant No. 2		6b. Amount Approved
		5c. Project/Grant No. 3		6c. Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions/addendums, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Maria R. Ortiz		Grantee Name	
Title Director, Community Planning and Development Division		Title	
Signature		Signature	
Date (mm/dd/yyyy) 12/05/2012		Date (mm/dd/yyyy)	

7. Category of Title I Assistance for this Funding Action (check only one) <input checked="" type="checkbox"/> a. Entitlement, Sec 106(b) <input type="checkbox"/> b. State-Administered, Sec 106(d)(1) <input type="checkbox"/> c. HUD-Administered Small Cities, Sec 106(d)(2)(B) <input type="checkbox"/> d. Indian CDBG Programs, Sec 106(a)(1) <input type="checkbox"/> e. Surplus Urban Renewal Funds, Sec 112(b) <input type="checkbox"/> f. Special Purpose Grants, Sec 107 <input type="checkbox"/> g. Loan Guarantee, Sec 108	8. Special Conditions (check one) <input checked="" type="checkbox"/> None <input type="checkbox"/> Attached	9a. Date HUD Received Submission 08 / 08/2012	10. check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number	
		9b. Date Grantee Notified 12 / 05/2012		
		9c. Date of Start of Program Year 10/01/2012		
11. Amount of Community Development Block Grant				
		FY (2012)	FY ()	FY ()
a. Funds Reserved for this Grantee				
b. Funds now being Approved		\$5,393,765		
c. Reservation to be Cancelled (11a minus 11b)				

12a. Amount of Loan Guarantee Commitment now being Approved	12b. Name and complete Address of Public Agency N/A
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency N/A
	Title
	Signature

HUD Accounting use Only

Batch	TAC	Program Y	A Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153									
	176									
		Y				Project Number		Amount		
		Y				Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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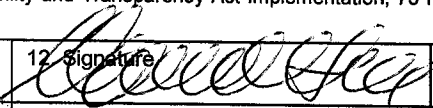
Funding Approval and HOME Investment Partnerships Agreement
Title II of the National Affordable Housing Act

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0171
 (Exp. 12/31/2012)

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

The HOME statute imposes a significant number of data collection and reporting requirements. This includes information on assisted properties, on the owners or tenants of the properties, and on other programmatic areas. The information will be used: 1) to assist HOME participants in managing their programs; 2) to track performance of participants in meeting fund commitment and expenditure deadlines; 3) to permit HUD to determine whether each participant meets the HOME statutory income targeting and affordability requirements; and 4) to permit HUD to determine compliance with other statutory and regulatory program requirements. This data collection is authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act or related authorities. Access to Federal grant funds is contingent on the reporting of certain project-specific data elements. Records of information collected will be maintained by the recipients of the assistance. Information on activities and expenditures of grant funds is public information and is generally available for disclosure. Recipients are responsible for ensuring confidentiality when public disclosure is not required.

1. Participant Name and Address Palm Beach County		2. Participant Number M-12-UC-12-0215	
100 Australian Avenue, Suite 500		3. Tax Identification Number 59-6000785	4. DUNS Number 078470481
West Palm Beach, FL 33436		4. Appropriation Number	5. FY (yyyy)
6. Previous Obligation (Enter "0" for initial FY allocation)			
a. Formula Funds			
b. Community Housing Development Org. (CHDO) Competitive		\$	
7. Current Transaction (+ or -)			\$1,592,579
a. Formula Funds		\$1,592,579	
1. CHDO (For deobligations only)		\$	
2. Non- CHDO (For deobligations only)		\$	
b. CHDO Competitive Reallocation or Deobligation (see #18 below)		\$	
8. Revised Obligation			
a. Formula Funds		\$	
b. CHDO Competitive Reallocation		\$	
9. Special Conditions (check applicable box) <input type="checkbox"/> Not applicable <input checked="" type="checkbox"/> Attached		10. Date of Obligation (Congressional Release Date) 10/26/2012	
<p>This Agreement between the Department of Housing and Urban Development (HUD) and the Participating Jurisdiction/Entity is made pursuant to the authority of the HOME Investment Partnerships Act (42 U.S.C. 12701 et seq.). The Participating Jurisdiction's /Entity's approved Consolidated Plan submission/Application and the HUD regulations at 24 CFR Part 92 (as is now in effect and as may be amended from time to time) and this HOME Investment Partnership Agreement, form HUD-40093, including any special conditions*, constitute part of this Agreement. Subject to the provisions of this Agreement, HUD will make the funds for the Fiscal Year specified, available to the Participating Jurisdiction/Entity upon execution of this Agreement by the parties. All funds for the specified Fiscal Year provided by HUD by formula reallocation are covered by this Agreement upon execution of an amendment by HUD, without the Participating Jurisdiction's execution of the amendment or other consent. HUD's payment of funds under this Agreement is subject to the Participating Jurisdiction's/Entity's compliance with HUD's electronic funds transfer and information reporting procedures issued pursuant to 24 CFR 92.502. To the extent authorized by HUD regulations at 24 CFR Part 92, HUD may, by its execution of an amendment, deobligate funds previously awarded to the Participating Jurisdiction/Entity without the Participating Jurisdiction's/Entity's execution of the amendment or other consent. The Participating Jurisdiction/Entity agrees that funds invested in affordable housing under 24 CFR Part 92 are repayable when the housing no longer qualifies as affordable housing. Repayment shall be made as specified in 24 CFR Part 92. The Participating Jurisdiction agrees to assume all of the responsibility for environmental review, decision making, and actions, as specified and required in regulation at 24 CFR 92.352 and 24 CFR Part 58.</p> <p>The Grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the Financial Assistance Use of Universal Identifier and Central Contractor Registration, 75 Fed. Reg. 55671 (Sept. 14, 2010) (to be codified at 2 CFR part 25) and Appendix A to Part 170 of the Requirements for Federal Funding Accountability and Transparency Act Implementation, 75 Fed. Reg. 55663 (Sept. 14, 2010) (to be codified at 2 CFR part 170).</p>			
11. For the U.S. Department of HUD (Name and Title of Authorized Official) Maria R. Ortiz, Director, Community Planning and Development		12. Signature 	13. Date 12/05/2012
14. For the Participating Jurisdiction/Entity (Name and Title of Authorized Official)		15. Signature	16. Date / /

17. Check one:
 Initial Agreement Amendment #

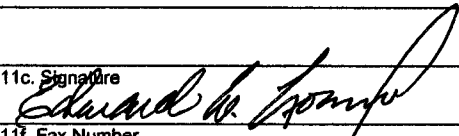
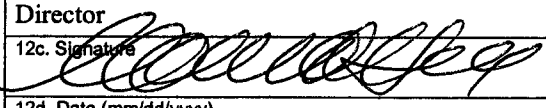
18. Funding Information: HOME
 Source of Funds Appropriation Code PAS Code Amount
 \$
 \$
 \$

Grant Agreement

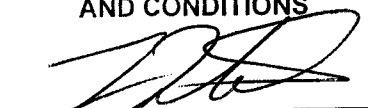
Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act, 42 USC 11371 et seq.

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Emergency Shelter Grants/
Emergency Solutions Grants Program

Grant Number: E-12-UC-12-0016

1. Name of Grantee (as shown in item 5 of Standard Form 424) Palm Beach County		2. Grantee's 9-digit Tax ID Number 59-6000785	
2. Grantee's DUNS Number: 078470481			
4. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 100 Australian Avenue, Suite 500 West Palm Beach, FL 33406			
<p>Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.). The Grantee's submissions under 24 CFR Part 91 that pertain to this Grant, the HUD regulations at 24 CFR Part 576 (as now in effect and as may be amended from time to time), and any special conditions attached to this Grant Agreement constitute part of this Grant Agreement. Subject to the provisions of this Grant Agreement, HUD will make the Grant available to the Grantee upon execution of the Grant Agreement by the Grantee and HUD. The Grant may be used to pay costs incurred after the date specified in item 8 below, provided the activities to which the costs are related are carried out in compliance with all applicable requirements. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as required under the HUD regulations at 24 CFR Part 576. The grantee agrees to follow the HUD standards for participation, data, and reporting under a local Homeless Management Information System. The Grantee shall also comply with the Office of Management and Budget requirements for Universal Identifier and Central Contractor Registration and Reporting Subaward and Executive Compensation Information at 2 CFR Part 25, Appendix A to Part 25—Award Term, and 2 CFR Part 170, Appendix A to Part 170—Award Term.</p>			
5. Special Conditions (check one): <input checked="" type="checkbox"/> None <input type="checkbox"/> Attached			
6a. Date HUD Received Grantee's Annual Submission under 24 CFR Part 91 08/08/2012		6b. Date Grantee Notified: (mm/dd/yyyy)	
7. Date of Start of Grantee's Program Year 10/01/2012		8. Date Use of Funds May Begin (the later of the date in 6a and the date in 7) 10/01/2012	
9. Funding Approval (check one): <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment			
10. Amount of Emergency Solutions Grant:		\$	
10a. Funds Reserved for this Grantee		\$	
10b. Funds Now Being Approved		\$531,619	
10c. Reservation to be Cancelled (10a minus 10b)		\$	
11. Name and Complete Address of Department Designated to Administer the Grant Department of Economic Sustainability 100 Australian Avenue, Suite 500 West Palm Beach, FL 33406			
11a. Name of Authorized Official Edward Lowery			
11b. Title Director		11c. Signature 	11d. Date (mm/dd/yyyy) 12/19/2012
11e. Phone Number (561) 233-3602		11f. Fax Number (561) 233-3651	11g. E-mail Address elowery@pbcgov.org
12. U.S. Department of Housing and Urban Development Community Planning and Development Division		13. Grantee Name Palm Beach County	
12a. Name of Authorized Official Maria R. Ortiz-Hill		13a. Name of Authorized Official Honorable Steven L. Abrams	
12b. Title Director		13b. Title Chairman	
12c. Signature 		13c. Signature	
12d. Date (mm/dd/yyyy) 12/17/2012		13d. Date (mm/dd/yyyy)	

Attachment # 3

APPROVE AS TO TERMS AND CONDITIONS

COUNTY ATTORNEY