



OFFICE OF THE
Pima County Attorney
Civil Division
32 NORTH STONE AVENUE
SUITE 2100
Tucson, Arizona 85701-1412
(520) 740-5750
FAX (520) 620-6556

Barbara LaWall
PIMA COUNTY ATTORNEY

LEGALLY BINDING COMMITMENT DETERMINATION

Regarding the Pima County Commitment of Staff and Administrative resources for the award of CDBG funds from the State of Arizona Department of Housing Colonia Set-Aside Program to upgrade the infrastructure of the water system in the designated Colonia of Rillito

On May 6, 2014, the Pima County Board of Supervisors passed Resolution No. 2014-49 authorizing the Department of Community Development and Neighborhood association to submit an application for ADOH CDBG FY 2013-14 Colonia Set-Aside funds in the amount of \$146,000.00 to assist in the completion of the Rillito Water Improvement Project. The activities for this Project are as follows:

Rillito Water Improvements Project

8840 W. Robinson Street
Rillito, Arizona 85653
Tax Parcel No. 216-13-1250

Professional engineering and consulting services have determined that required improvements of the water system infrastructure in Rillito include:

1. Replacement of one (1) - 2,000-gallon hydro-pneumatic tank of equal size and capacity;
2. Construction of one (1) - new 20,000-gallon above-ground potable water storage tank (existing storage tank will continue to be utilized and will also serve for system backup and maintenance activities); and
3. Associated piping and other materials to reconnect the new tanks to the existing water distribution system.

In my capacity as a Deputy County Attorney, I have determined that, if awarded ADOH CDBG funds for this Project, the contract between Pima County, a political subdivision of the State of Arizona, will, under the laws of the State of Arizona, legally bind Pima County to its commitment to provide \$61,286.00 of in-kind staff and administrative services to the Rillito Project.

A handwritten signature in cursive script that reads "Karen S. Friar".

Karen S. Friar
Deputy County Attorney

RESOLUTION 2014 - ____

PIMA COUNTY RESOLUTION FOR THE COMMITMENT OF STAFF AND ADMINISTRATIVE RESOURCES AS LEVERAGE FOR AN FY 2013-14 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTINGENT UPON A CONTRACT FOR THE AWARD OF CDBG FUNDS FROM THE STATE OF ARIZONA DEPARTMENT OF HOUSING'S COLONIA SET-ASIDE PROGRAM TO UPGRADE THE INFRASTRUCTURE OF THE WATER SYSTEM IN THE DESIGNATED COLONIA OF RILLITO.

The Board of Supervisors of Pima County, Arizona finds:

1. On May 6, 2014, Pima County adopted Resolution No. 2014-49 authorizing the submission of an application to the State of Arizona Department of Housing ("ADOH") for CDBG Colonia Set-Aside for FY 2013 and FY 2014 to make upgrades to the water system infrastructure in the designated Colonia of Rillito ("the Rillito Project").
2. Resolution No. 2014-49 directed County to comply with "all State CDBG Program guidelines, Federal Statutes and regulations applicable to the State CDBG Program and the certifications contained in the application."
3. The current indirect cost rate established by the State for Pima County is 24.5%.
4. The application for the Rillito Project seeks \$146,000.00 from the State CDBG Colonia Set-Aside and commits \$104,145 of Federal CDBG Public Facilities Funds already awarded to Pima County for a total of \$250,145.00.
5. The county must, therefore, commit \$61,286.00 of staff and administrative resources as its 24.5% of indirect cost contribution to the Rillito Project.
6. The State CDBG Program requires that, along with the Resolution approving the application, the application also be accompanied by a resolution that commits all local leveraged funds or resources and that such a commitment contain an opinion by the applicant's legal counsel that the leveraged funds represent a binding commitment, legally enforceable under State laws. The Opinion of Counsel is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby commits \$61,286.00.00 in the form of staffing and administrative resources to be used to support and implement the Rillito Water Improvement Project contingent upon the receipt of a contract awarding ADOH CDBG Colonia Set-Aside funds for FY 2013 and FY 2014 and that the Pima County Board of Supervisors hereby states that counsel has opined that, contingent upon the contract of award, this commitment is legally binding and that such funds will be available for an audit at the termination of the grant, if so required by ADOH.

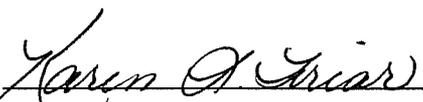
Passed and adopted, this _____ day of _____, 2014.

Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board



Karen S. Friar, Deputy County Attorney