



BOARD OF SUPERVISORS AGENDA ITEM REPORT
CONTRACTS / AWARDS / GRANTS

Requested Board Meeting Date: 9/6/2016,
Addendum

or Procurement Director Award ☐

Contractor/Vendor Name: City of South Tucson
(DBA):

Project Title/Description:

Amendment 1:

Community Development Block Grant (CDBG) and HOME Investment Partnership Cooperative Agreement;
Addition of clarifying language to existing provisions, change in term.

Purpose:

The US Department of Housing and Urban Development (HUD) has requested a change in format and for additional clarifying language to be inserted to existing provisions. In addition, HUD also requested the term be adjusted. Other than the term, no significant conditions have changed from the original agreement other than to provide the following additional clarifications to existing language including, but not limited to: extensions and amendments, fair housing compliance, and eligible use of funds. This tri-annual agreement, and subsequent amendment, allows the City to participate in the Urban County Program with Pima County to administer and manage HUD entitlement funded programs and projects in lieu of applying for limited State of Arizona HUD recourses. The agreement also allows the County to program HUD funds in the City's boundaries as appropriate.

Procurement Method:

N/A

Program Goals/Predicted Outcomes:

Management and administration of available HUD resources in direct cooperation with the City. Predicted outcomes include projects and programs that directly address eligible homelessness, affordable housing, and community development activities.

Public Benefit:

The City's participation in the Urban County Program allows respective population and demographic data to be incorporated into Pima County's formula for entitlement funding effectively increasing the amount of funds available for the City and Countywide uses.

Metrics Available to Measure Performance:

Number of eligible persons and communities assisted with entitlement funds as reported in Pima County's Consolidated Annual Reporting & Evaluation Report (CAPER) to HUD.

Retroactive:

No

To: COB - 8.25.16 (2)
Ver. 2
Pgs. 3 Addendum

Procurement Dept 08/24/16 PM 01:48

ACB

Original Information

Document Type: Department Code: Contract Number (i.e.,15-123):
Effective Date: Termination Date: Prior Contract Number (Synergen/CMS):
☐ Expense Amount: ☐ Revenue Amount: \$

Funding Source(s):

Cost to Pima County General Fund:

Contract is fully or partially funded with Federal Funds? ☐ Yes ☐ No ☐ Not Applicable to Grant Awards

Were insurance or indemnity clauses modified? ☐ Yes ☐ No ☐ Not Applicable to Grant Awards

Vendor is using a Social Security Number? ☐ Yes ☐ No ☐ Not Applicable to Grant Awards

If Yes, attach the required form per Administrative Procedure 22-73.

Amendment Information

Document Type: CTN Department Code: CD Contract Number (i.e.,15-123): 160000000000000000190

Amendment No.: 1 AMS Version No.: 2

Effective Date: 7/01/2017 New Termination Date: 6/30/2020

☐ Expense ☐ Revenue ☐ Increase ☐ Decrease Amount This Amendment: \$ 0.00

Funding Source(s): N/A

Cost to Pima County General Fund: N/A

Contact: Denise Sauer, Contract Specialist 4-2772 / Daniel Tylutki, Program Manager 724-6754

Department: Community Development & Neighborhood Conservation Telephone: 724-6754

Department Director Signature/Date: Maya M. Kue 08/20/2016

Deputy County Administrator Signature/Date: Jur 8/23/2016

County Administrator Signature/Date: C. Duckert 8/24/16
(Required for Board Agenda/Addendum Items)

Program/Project Name:	Community Development Block Grant and HOME Investment Partnership Cooperative Agreement
Awardee:	City of South Tucson 1601 South 6th Avenue South Tucson, AZ 85713
DUNS No.:	020681557
Contract Term:	July 1, 2017 – June 30, 2020
Amount:	No Cost
Funding:	U.S. Department of Housing and Urban Development
Federal Contract No.	N/A
Award Date:	N/A
Pima County Contract No.	CTN-CD-16*190

Pima County, a body politic and corporate of the State of Arizona (“County”) and the City of South Tucson, AZ, a municipal corporation in the State of Arizona (“City”) entered into the above-referenced Agreement to acknowledge and comply the requirements established by the U.S. Department of Housing and Urban Development (“HUD”) for a Cooperative Agreement between jurisdictions of an Urban County.

AMENDMENT ONE

RECITALS

- A. On June 21, 2016, County and City submitted the Intergovernmental Agreement (“IGA” or “Agreement”) to HUD seeking approval as an Urban County for receipt of Community Development Block Grant (“CDBG”) and HOME Investment Partnership Program (“HOME”) funds for federal fiscal years 2017, 2018 and 2019.
- B. HUD reviewed the Agreement and did not approve the Agreement as written and executed by County and City.
- C. In order to receive HUD approval of the Agreement and, therefore, receive funding as an Urban County, it is necessary to amend the Agreement to include specific language requested by HUD.

NOW, THEREFORE, the parties agree to amend the IGA as follows:

1. **SECTION 1.0, TERM, EXTENSIONS AND AMENDMENTS**, is amended as follows:

1.1. Paragraph 1.1 is amended to change the term of the Agreement:

FROM: July 1, 2016 through June 30, 2019

TO: July 1, 2017 through June 30, 2020

- 1.2. Paragraph 1.5 is deleted in its entirety and replaced with the following:

This Agreement will remain in full force and effect until the CDBG and/or HOME funds, and program income received (with respect to activities carried out during the three-year term of this Agreement, and any successive qualification periods) are expended and the funded activities completed. Neither County nor City may terminate or withdraw from this Agreement while it remains in effect.

- 1.3. Paragraph 1.3 is amended to add:

Periodically, statutory or regulatory changes may require the Parties to amend this Agreement to add new provisions. The Parties may draft a separate amendment to this Agreement to include the new provision(s) rather than drafting a new cooperation agreement that contains the new provisions.

2. **SECTION 2.0, SCOPE OF SERVICES**, Paragraph 2.4.5 is added to read:

- 2.4.5. City and County agree to:

- 2.4.5.1. Cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities;
- 2.4.5.2. 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; and
- 2.4.5.3. 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.

3. **SECTION 3.0, FUNDING** is amended as follows:

- 3.1 Paragraph 3.5 is added to read:

- 3.5 CDBG or HOME funds provided to the urban county may not be used for activities in, or in support of, any cooperation unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification. Failure to comply with this provision may provide cause for funding sanctions or other remedial actions by HUD.

- 3.2 Paragraph 3.6 is added to read:

- 3.6 City may not sell, trade, or otherwise transfer all or any portion of such funds to another such 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. CDBG funds must be used for activities eligible under title I of the Act (*see Consolidated and Further Continuing Appropriations Act, 2015, Pub.L. 113-235.*)

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

4. **SECTION 11.0, NON-APPROPRIATION**, is amended to change "Notwithstanding any other provision in this Agreement" in the first sentence to read;

"Except as provided in Paragraph 1.5,"

All other provisions of the Agreement, not specifically changed by this amendment, shall remain in effect and be binding upon the parties.

THIS AGREEMENT MAY BE EXECUTED IN COUNTPARTS

PIMA COUNTY

Chair, Board of Supervisors

Date: _____

ATTEST

Clerk of the Board

Date: _____

APPROVED AS TO CONTENT:

Margaret M. Kue 08/22/2016
Director, Community Development
and Neighborhood Conservation *SK*

APPROVED AS TO FORM:

Karen S. Friar
Karen S. Friar, Deputy County Attorney

CITY OF SOUTH TUCSON

Miguel Rojas, Mayor

Date: _____

ATTEST

City Clerk

Legal Counsel, City of South Tucson