

MINUTES OF THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA

Agreements listed

June 25, 1996

FROM: THOMAS R. LAURIN, Director
Department of Economic and Community Development

SUBJECT: COOPERATION AGREEMENTS WITH CITIES AND RESOLUTION FOR
METROPOLITAN CITY/URBAN COUNTY JOINT RECIPIENT REQUEST FOR
PARTICIPATION IN THE CDBG PROGRAM, FY 1997-98 THROUGH
1999-2000

RECOMMENDATION:

- (1) Approve Fiscal Year 1997-98 through 1999-2000 Cooperation Agreements between the County and the following cities for participation in the Community Development Block Grant program: (14)

CITY

Adelanto
Barstow
Big Bear Lake
Chino Hills
Colton
Grand Terrace
Highland
Loma Linda
Montclair
Needles
Redlands
Twentynine Palms
Yucaipa
Town of Yucca Valley

AGREEMENT NO.

96-462
96-463
96-464
96-465
96-466
96-467
96-468
96-469
96-470
96-471
96-472
96-473
96-474
96-475

- (2) Adopt Resolution for Joint Recipient Request with the City of Redlands. RESOLUTION NO. 96-162

BACKGROUND INFORMATION: Under the Community Development Block Grant (CDBG) program, counties with populations over 200,000 qualify as Urban Counties and receive annual entitlement grants based upon the demographics of their unincorporated area and the area of any

cc: ECD-Tom Laurin w/agreement
Contractor w/agreement
c/o ECD
Auditor w/agreement
Contract Compliance w/agree.
Risk Management
GSG
File w/agreement

Action of the Board of Supervisors

APPROVED BOARD OF SUPERVISORS
COUNTY OF SAN BERNARDINO

MOTION AYE AYE MOVE AYE SECOND
 1 2 3 4 5

EARLENE SPROAT, CLERK OF THE BOARD

BY Mary Louise Leano Deputy

DATED: June 25, 1996

ITEM 20

COOPERATION AGREEMENTS AND RESOLUTION FOR METROPOLITAN CITY/URBAN
COUNTY JOINT RECIPIENT REQUEST FOR PARTICIPATION IN THE CDBG PROGRAM
FOR FY 1997-98 THROUGH 1999-2000

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participating cities. San Bernardino County has participated in the CDBG program as an Urban County since 1975, and as a result, has received over 175 million dollars in CDBG funds. At this time, the County must requalify to participate in the CDBG program for the next three year period. Board of Supervisors' approval of the cooperation agreements with participating cities and a resolution for joint recipient request is required by HUD to requalify the County and its participating cities. The requalification period is fiscal years 1997-98 through 1999-2000.

CDBG regulations permit cities with a population less than 50,000 to participate under a County's CDBG program. By participating, the cities' demographics increase the County's CDBG grant. To participate under the County's program, cities must enter into three-year Cooperation Agreements. All of the County's cities of this type have requested to participate. These cities include Adelanto, Barstow, Big Bear Lake, Chino Hills, Colton, Grand Terrace, Highland, Loma Linda, Montclair, Needles, Twentynine Palms, Yucaipa and Town of Yucca Valley.

Cities with populations in excess of 50,000 are recognized by HUD as Metropolitan Cities and may seek direct CDBG funding from HUD. Metropolitan Cities may also request to be included as a part of the County's CDBG program under a joint recipient application. When this occurs, the County's grant is also increased to include the amount authorized for the Metropolitan Cities. CDBG regulations require the County to serve as the sole agency responsible for the planning and implementation of the CDBG program. Each Metropolitan City must enter a Cooperation Agreement with the County for the three-year period of the County's qualification. The City of Redlands has Metropolitan City status and has requested to be included with the County. Redlands has been a joint recipient applicant with the County for the past nine years. Rialto like Redlands, was a joint recipient during the past nine years, but has chosen to establish its own CDBG program. The Cities of Apple Valley and Victorville were recently classified by HUD as Metropolitan Cities. These Cities have decided to establish their own CDBG program. Also, the Cities of Chino, Fontana, Hesperia, Ontario, Rancho Cucamonga, San Bernardino and Upland are Metropolitan Cities who have chosen to continue in direct entitlement funding from HUD, separate from the County's CDBG program.

The Cooperation Agreements listed in the recommendation, have been executed by each city. These agreements establish the terms and provisions for cooperation with the County for purposes of meeting requalification requirements. The agreements stipulate the County's authority to carry out Community Development Block Grant activities and the County's responsibility for determining the final disposition and distribution of all CDBG funds and program income. Under the agreements each participating city is provided with a share of the County's annual CDBG allocation for eligible city activities. The Joint Recipient Request Resolution is required by HUD to permit Redlands as a

COOPERATION AGREEMENTS AND RESOLUTIONS FOR METROPOLITAN
CITY/URBAN COUNTY JOINT RECIPIENT REQUEST FOR PARTICIPATION IN THE
CDBG PROGRAM FOR FY 1997-98 THROUGH 1999-2000

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Metropolitan city, to participate with the County as a joint recipient. The deadline for submission of all documentation to HUD regarding the County's Urban County status, including Cooperation Agreements, is July 12, 1996.

REASON FOR RECOMMENDATION: Approval of the Cooperation Agreements and adoption of the Joint Resolution by the Board of Supervisors is required under the CDBG Urban County Qualification Process. The agreements and resolution are due to HUD by no later than July 12, 1996, in order to be considered eligible.

REVIEW BY OTHERS: The agreements and resolution have been approved by the City Councils of the above listed Cooperating Cities, by Deputy County Counsel Paul St. John on March 27, 1996, and by Risk Management on April 15, 1996. This action has been reviewed by staff of the Board of Supervisors.

FINANCIAL DATA: Approval and execution of these agreements is required for the County to receive an estimated thirty million dollars of Community Development Block Grant funds over the next three years. This action will not affect the County General Fund.

PRESENTER: Thomas R. Laurin, Director, 388-0808.

COUNTY OF SAN BERNARDINO
AND
CITY OF REDLANDS

COUNTY RESOLUTION NO. 96-162
CITY RESOLUTION NO. 5292

A JOINT RESOLUTION AUTHORIZING A REQUEST TO THE UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT (HUD) FOR METROPOLITAN CITY/URBAN COUNTY
JOINT RECIPIENT STATUS

On Tuesday, June 25, 1996, on motion by Supervisor Riordan, duly seconded
by Supervisor Eaves and carried, the following Resolution is adopted:
WHEREAS, Federal regulations require that San Bernardino County requalify every three years for
Urban County Status under the Community Development Block Grant (CDBG) Program; and,

WHEREAS, HUD has determined that the City of Redlands has sufficient population to qualify as
a Metropolitan City; and,

WHEREAS, any Urban County and any Metropolitan City, located in whole or in part within that
County, can request HUD to approve inclusion of the Metropolitan City as a part of the Urban County for
purposes of planning and implementing a joint Community Development and Housing Assistance Program;
and,

WHEREAS, HUD will consider approving such a joint request only if submitted at the time the
County is seeking its three-year qualification as an Urban County; and,

WHEREAS, an approved joint request must remain effective for the period for which the County
qualifies as an Urban County.

NOW, THEREFORE, BE IT RESOLVED THAT:

- I. The County of San Bernardino, an Urban County, and the City of Redlands, a Metropolitan
City, join in a request to HUD for inclusion of this Metropolitan City as part of this Urban
County for the purposes of planning and implementing a joint Community Development and
Housing Assistance Program.
- II. This Joint Request will remain effective for Fiscal Years 1997-1998, 1998-1999 and 1999-
2000.
- III. This Joint Request shall accompany a duly executed cooperation agreement in a submission
by the County of its Urban County Qualification documentation to HUD.

PASSED AND ADOPTED this 25th day of June, 1996, by the following vote:

AYES:	SUPERVISORS:	Mikels, Riordan, Walker, Eaves, Turoci
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

COUNTY OF SAN BERNARDINO RESOLUTION NO. _____
CITY RESOLUTION NO. 5292
A JOINT RESOLUTION AUTHORIZING A REQUEST TO THE UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT (HUD) FOR METROPOLITAN CITY/URBAN COUNTY
JOINT RECIPIENT STATUS
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STATE OF CALIFORNIA)
) ss
COUNTY OF SAN BERNARDINO)

I, EARLENE SPROAT, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by said Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of June 25, 1996.

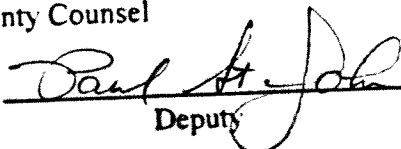
EARLENE SPROAT
Clerk of the Board of Supervisors

By: 
Deputy



APPROVED AS TO FORM:

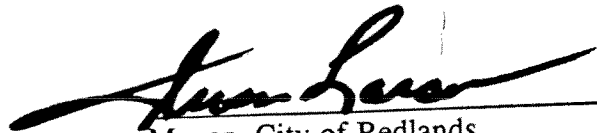
ALAN K. MARKS
County Counsel

By: 
Deputy

Dated: JUN 26 1996

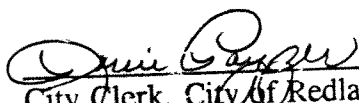
COUNTY OF SAN BERNARDINO RESOLUTION NO. 96-162
CITY OF REDLANDS RESOLUTION NO. 5292

PASSED AND ADOPTED this 18th day of June, 1996,



Mayor, City of Redlands

ATTEST:



City Clerk, City of Redlands

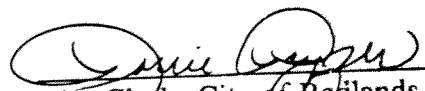
I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was adopted by the City Council at a regular meeting thereof held on the 18th day of June, 1996, by the following vote:

AYES: Councilmembers Gilbreath, Cunningham, Gil, Banda; Mayor Larson

NOES: None

ABSENT: None

ABSTAIN: None



City Clerk, City of Redlands



County of San Bernardino

F A S

CONTRACT TRANSMITTAL

FOR COUNTY USE ONLY

E	X	New	Vendor Code		SC	Dept.	A	Contract Number	
M		Change				ECD		96-472	
X		Cancel							
County Department					Dept.		Orgn.		Contractor's License No.
Economic and Community Development					ECD		PROJ		
County Department Contract Representative					Ph. Ext.		Amount of Contract		
THOMAS R. LAURIN					388-0808		N/A		
Fund	Dept.	Organization	Appr.	Obj/Rev Source	Activity		GRC/PROJ/JOB Number		
SBA	ECD	PROJ	200	2005					
Commodity Code				Estimated Payment Total by Fiscal Year					
				FY	Amount	I/D	FY	Amount	I/D
Project Name				N/A	N/A				
1997-98 through 1999-2000									
City-County Cooperation									
Agreement									

CONTRACTOR City of Redlands

Birth Date N/A Federal ID No. or Social Security No. N/A

Contractor's Representative Gary Luebbbers, City Manager

Address P.O. Box 3005, Redlands, CA 92373 Phone (909) 798-7510

Nature of Contract: *(Briefly describe the general terms of the contract)*

The County of San Bernardino is in the process of qualifying for the next three years (Fiscal Years 1997-98, 1998-1999, 1999-2000) of Community Development Block Grant (CDBG) entitlement funding as an Urban County. The attached Cooperation Agreement is required by the U.S. Department of Housing and Urban Development (HUD) in order to include the City of Redlands as a participant in the County's CDBG program. It allows the City population statistics to be used by HUD to calculate the County grant amount for each of the next three years. The Cooperation Agreement utilizes language which has been prescribed by HUD. Once entered, the Cooperation Agreement will remain in effect for the full three year period.

(Attach this transmittal to all contracts not prepared on the "Standard Contract" form.)

Approved as to Legal Form County Counsel Date <u>JUN 20 1996</u>	Reviewed as to Affirmative Action Date <u>6-16-96</u>	Reviewed for Processing Agency Administrator/CAO Date _____
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**JOINT RECIPIENT COOPERATION AGREEMENT FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
FOR FISCAL YEARS 1997-98, 1998-99, 1999-2000**

This Agreement is made and entered into this _____ day of JUN 25 1996, 1996, by and between the County of San Bernardino, of the State of California, hereinafter referred to as "COUNTY", and the City of Redlands, a City within COUNTY, hereinafter referred to as "CITY".

WHEREAS, the Housing and Community Development Act of 1974, as amended (Public Law 93-383), hereinafter called "ACT", provides that Community Development Block Grant, hereinafter referred to as "CDBG", funds may be used for the support of activities that provide decent housing and suitable living environments and expanded economic opportunities principally for persons of low and moderate income; and,

WHEREAS, CDBG regulations require counties to re-qualify as an Urban County under the CDBG program every three years; and,

WHEREAS, the execution of this Agreement is necessary to include CITY as participating unit of general government under COUNTY's Urban County CDBG program.

NOW THEREFORE, in consideration of the mutual covenants herein set forth and the mutual benefits to be derived therefrom, the parties agree as follows:

1. GENERAL

This Agreement gives COUNTY authority to undertake or assist in undertaking activities for Fiscal Years 1997-98, 1998-99 and 1999-2000, which will be funded from the CDBG program, the HOME Investment Partnership Program, and from any program income generated from the expenditure of such funds. COUNTY and CITY agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing.

By executing this Agreement, CITY understands that it may not apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the term of this Agreement, and CITY may not participate in a HOME consortium other than COUNTY HOME program regardless of whether COUNTY receives a HOME formula allocation.

2. TERM

The term of this Agreement shall be for not less than the COUNTY CDBG Urban County qualification period for fiscal year 1997-98, commencing on July 1, 1997, and extending through fiscal year 1999-2000, which ends on June 30, 2000, unless an earlier date of termination is fixed by the Department of Housing and Urban Development, hereinafter called HUD, pursuant to ACT. This Agreement shall remain in effect until all CDBG (and HOME, where applicable) funds covered under the terms of this Agreement, and any income generated from the expenditure of such funds, are expended, and the funded activities are completed. This Agreement may not be terminated by the parties herein covenanted for any circumstance or reason during the term of this Agreement.

3. PREPARATION OF APPLICATION

COUNTY, by and through its Department of Economic and Community Development, subject to approval of COUNTY Board of Supervisors, shall be responsible for preparing and submitting to HUD all necessary applications for the CDBG entitlement grant under ACT. This duty shall include the preparation and processing of COUNTY Housing, Community and Economic Development Needs Identification Report, Citizen Participation Plans, the County Consolidated Plan, and other CDBG related programs which satisfy the application requirements of ACT and its regulations.

4. COMPLIANCE WITH FINAL PROGRAMS AND PLANS

COUNTY and CITY shall comply in all respects with final Community Development plans and programs and the Consolidated Plan which are developed through mutual cooperation pursuant to the application requirements of ACT and its regulations and approved by HUD.

5. PROGRAM COORDINATION

COUNTY shall inform CITY on proposed housing projects, business expansion loan projects, and CDBG projects prior to proceeding with project to ensure CITY coordination. COUNTY shall provide periodic reports to CITY on city funded public service projects.

6. COMPLIANCE WITH ACT AND REGULATIONS

COUNTY and CITY shall comply with all applicable requirements of ACT and its regulations, in utilizing basic grant funds under ACT, and shall take all actions necessary to assure compliance with COUNTY certifications required by Section 104(b) of Title I of ACT. COUNTY and CITY will comply with the provisions of the National Environmental Policy Act of 1969, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11988, Section 109 of Title I of ACT, the Fair Housing Act, and other applicable federal laws. CITY agrees that CDBG funding for activities in or in support of CITY are prohibited if CITY does not affirmatively further fair housing within its own jurisdiction or impedes COUNTY actions to comply with its fair housing certification.

7. POLICIES

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

8. INDEMNIFICATION

CITY agrees to indemnify, defend and hold harmless COUNTY and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising from negligent acts, errors or omissions by CITY and for any costs or expenses incurred by COUNTY on account of any claim therefore, except where such indemnification is prohibited by law. CITY shall promptly notify COUNTY in writing of the occurrence of any such claims, actions, losses, damages, and/or liability.

In addition to the above, CITY shall indemnify and hold harmless COUNTY against any liability, claims, losses, demands, and actions incurred by COUNTY as a result of the determination by HUD or its successor that activities undertaken by CITY under the program(s) fail to comply with any laws, regulations or policies applicable thereto or that any funds billed by and disbursed to CITY under this Agreement were improperly expended.

COUNTY shall, at its own cost and expense, defend, indemnify, and hold CITY, its officers, agents, volunteers and employees, harmless from and against any loss, liability, claim, or damage that may arise or result from any negligent act or omission by COUNTY, its officers, agents and employees.

9. DISPOSITION OF FUNDS

Unless prohibited by Federal Regulations, COUNTY and CITY agree that, to the extent possible, CDBG funds will be allocated by COUNTY to CITY in an amount equivalent to 60 percent of the HUD identified CITY entitlement for activities and/or projects prioritized by CITY to alleviate its identified community development needs eligible under ACT. The balance will be used for County grant administration and County housing and job creation programs available to CITY. COUNTY, by its Board of Supervisors, shall be responsible for determining the final disposition and distribution of all funds received by COUNTY under ACT, and for selecting the projects for which such funds shall be used. Both parties agree that COUNTY has the authorization to redistribute such funds when said projects are not implemented in a timely manner as defined by HUD.

10. DISPOSITION OF PROGRAM INCOME

CITY shall inform COUNTY regarding any income generated by the expenditure of CDBG funds received by CITY. All said income shall promptly be paid to COUNTY or retained by CITY subject to authorization by COUNTY for CITY use of said income for eligible activities in accordance with all CDBG requirements as may then apply. COUNTY shall be responsible for monitoring and reporting to HUD on the use of any such program income thereby requiring appropriate record keeping and reporting by CITY as may be needed for this purpose. In the event of CDBG close-out or change in status of CITY under the CDBG program, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to COUNTY. Any income generated from the disposition or transfer of real property prior to any such close out or change of status shall be treated the same as program income. Any income generated from the disposition or transfer of real property subsequent to any such close-out or change of status shall promptly be paid to COUNTY.

11. DISPOSITION OF REAL PROPERTY

The provision of this section set forth the standards which shall apply to real property acquired or improved in whole or in part using CDBG funds that are within the control of CITY. Prior to any modification or change in the use of said real property from the use or ownership planned at the time of its acquisition or improvements, CITY shall notify COUNTY and obtain authorization for said modification or change. CITY shall reimburse COUNTY with non-CDBG funds in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-CDBG funds) of property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under CDBG regulations.

12. EFFECTIVE DATES

This Agreement shall be effective for all purposes when this Agreement and like agreements have been executed by COUNTY and CITY, properly submitted to HUD, the grantor, by the designated deadline, and approved by HUD.

13. OTHER AGREEMENTS

Pursuant to federal regulations at 24 CFR 570.501(b), CITY is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement set forth in federal regulations at 24 CFR 570.503. COUNTY and CITY will enter into a further written agreement that contains these minimum requirements. Prior to disbursing any CDBG funds to CITY, COUNTY, shall execute said written agreement with CITY. Said agreement shall remain in effect during any period that CITY has control over CDBG funds, including program income.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year written above.

COUNTY OF SAN BERNARDINO

CITY OF REDLANDS

By: Maria L. Irucci
Chairman, Board of Supervisors

JUN 25 1996

By: Swen Larson
Swen Larson, Mayor

Date: June 18, 1996

ATTEST:

APPROVED AS TO FORM. THE TERMS AND PROVISIONS OF THIS AGREEMENT ARE FULLY AUTHORIZED UNDER STATE AND LOCAL LAW AND THIS AGREEMENT PROVIDES FULL LEGAL AUTHORITY FOR COUNTY TO UNDERTAKE OR ASSIST IN UNDERTAKING ESSENTIAL COMMUNITY DEVELOPMENT AND HOUSING ASSISTANCE ACTIVITIES, SPECIFICALLY URBAN RENEWAL AND PUBLICLY ASSISTED HOUSING.

By: Lorrie Poyzer
Lorrie Poyzer, City Clerk

By: Paul St. John
County Counsel

JUN 20 1996

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD
EARENE SPROAT
Clerk of the Board of Supervisors
of the County of San Bernardino

By: Mary Jo Sproat
Deputy
SANDINO COUNTY