

12/13-093



**LEE COUNTY**  
SOUTHWEST FLORIDA  
BOARD OF COUNTY COMMISSIONERS

RECEIVED BY  
13 JUN -4 PM 5:04  
CITY OF SANIBEL  
ADMIN./LEGIS.

John E. Manning  
District One

June 3, 2013

Cecil L. Pendergrass  
District Two

Judie Zimomra, City Manager  
City of Sanibel

Larry Kiker  
District Three

800 Dunlop Road  
Sanibel, FL 33957

Tammy Hall  
District Four

**SUBJECT: Community Development Block Grant (CDBG)**

Frank Mann  
District Five

**Urban County Cooperation Agreement HUD Fiscal Years 2014-2016**

Doug Meurer  
Interim County  
Manager

Ms. Zimomra,

Andrea R. Fraser  
Interim County Attorney

In my letter of May 3, 2013, I notified your office that the Urban County Cooperation Agreement for HUD Entitlement funds would be automatically renewed unless the unit of government notified Lee County Department of Human Services and HUD in writing before June 1, 2013. The renewed Urban County Cooperative Agreement for HUD Fiscal Years 2014-2016 is automatically renewing and will be forwarded to HUD. The conditions of the Agreement as detailed in the earlier notice will now apply to all covered jurisdictions through HUD Fiscal Year 2016.

Diana M. Parker  
County Hearing  
Examiner

Enclosed please find the Joint Resolution for Administration of the Urban County between Sanibel and the Lee County Board of County Commissioners. There are only a few changes from the previous resolutions adopted in the last cycle. These changes include:

- Item (b), page three, where it is now noted that allocations of less than \$20,000 must be allocated to only one activity, unless approved by the County.
- Items (d), (e), and (f) on page four, where the dates for City submittals have been extended.
- Updates to the effective dates to reflect the upcoming new three year period.

Please return an approved, signed copy of the Joint Resolution to this office by Friday, July 5, 2013. Upon receipt the Board of County Commissioners will sign the Joint Resolution and return a signed copy for your records. If you have any questions regarding this matter, please let me know.

Sincerely,

Ann Arnall, Director  
Lee County Department of Human Services

C: Doug Meurer, Interim County Manager  
Holly Schwartz, Assistant County Manager  
John Fredyma, Assistant County Attorney  
Barbara Hollis, Fiscal Manager, Department of Human Services  
Julie Boudreaux, Program Manager, Department of Human Services  
Cyndy Cook, Neighborhood Relations Coordinator, Department of Human Services

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

A JOINT RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF SANIBEL PERTAINING TO THE MUNICIPALITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, FEDERAL FISCAL YEARS 2014, 2015, AND 2016; PROVIDING FOR CERTAIN COMMITMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Housing and Community Development Act of 1974, as amended, makes provisions whereby counties may enter into cooperation agreements with certain units of government to carry out activities which will be funded from annual CDBG entitlement grant; and

WHEREAS, the cooperation of the City of Sanibel and County is essential for the successful planning and implementation of the CDBG Program under an "Urban County" designation by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, this Resolution covers the period necessary to carry out activities which will be funded from appropriations for the federal fiscal years 2014, 2015, and 2016 for which Lee County is to qualify and from any program income generated from the expenditure of such funds, including such additional time as may be required for the expenditure of any such funds granted to the City of Sanibel; and

WHEREAS, the City of Sanibel, Florida and the Lee County Board of County Commissioners agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing; and

WHEREAS, the City of Sanibel agree to use its powers in the carrying out of the essential activities in accordance with the Urban County's Program; and

WHEREAS, the Lee County Board of County Commissioners and the City of Sanibel agrees to take all necessary actions to comply with the 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 and other applicable laws; and

WHEREAS, pursuant to 24 CFR 570.501(b), the City of Sanibel is subject to the same requirements applicable to subrecipients, including the requirement for a written agreement set forth in 24 CFR 570.503; and

WHEREAS, the City of Sanibel has opted to be included in the Urban County Program for three years and agrees to abide by the Urban County Cooperative Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of City of Sanibel Lee County, Florida and the Lee County Board of County Commissioners agree to participate in the CDBG Program for Federal Fiscal Years 2014, 2015, and 2016.

- a. The County agrees to allocate to the City of Sanibel the annual entitlement allocation for the City as determined by the Secretary of HUD for fiscal years 2014, 2015, and 2016.
- b. The County shall authorize the City of Sanibel to use the aforementioned CDBG funds to implement its CDBG program activities provided such activities are in

accordance with the Lee County Consolidated Plan and HUD regulations. In conformance with the Lee County Consolidated Plan, the City of Sanibel will propose projects for inclusion in each year's Annual Plan which conform to 24 CFR 570 Subpart C and specifically, which conform to the following eligible activity types: Acquisition of Real Property (24 CFR 570.201(a)); Public Facilities and Improvements (24 CFR 570.201(c)); Clearance and Demolition (24 CFR 570.201(d)); Public Services (HUD 24 CFR 570.201(e) (The amount of CDBG funds used for Public Service activities cannot exceed 15% of the municipality's annual entitlement unless agreed to by the County)); Construction of Housing (under limited circumstances as defined in regulations) (24 CFR 570.201(m)); Direct Homeownership Assistance (24 CFR 570.201(n)); Rehabilitation - Single Unit Residential (24 CFR 570.202); Rehabilitation - Multi Unit Residential (24 CFR 570.202); Acquisition - for Rehabilitation (24 CFR 570.202); Rehabilitation Administration (24 CFR 570.202); and Code Enforcement (24 CFR 570.202(c). Projects identified for other eligible activity types must be agreed to by the County. Allocations of \$20,000 or less must be allocated entirely to one activity, unless agreed to by the County.

- c. The County has final responsibility for selecting CDBG program activities and annually filing the Final Statements with HUD. The County agrees to provide staff and technical assistance to the City of Sanibel for reasonable activities in the planning, implementation, administration, and reporting of CDBG projects. The County will charge the municipality a general administrative operating fee, not to exceed 20% of the City's total entitlement. The general administrative operating

fee will be based on the actual program administration rate of the County's previous fiscal year.

- d.** The County will notify the City of Sanibel by January 1 of each year, the estimated amount of the City's allocation and the general administrative operating fee for the upcoming October 1 fiscal year.
- e.** By May 1 of each year, the City of Sanibel shall send a list of proposed activities to the County for an eligibility determination.
- f.** By August 1 of each year, the City of Sanibel will officially notify the County in writing of how the funds will be allocated, in accordance with Section 1. (b).
- g.** The City of Sanibel agrees to expend funds from the yearly entitlement allocation within 18 months of the first day of October of each entitlement program year. If the City fails to expend funds within the 18 month time frame, the County has the right to expend these funds in accordance with HUD timeliness guidelines.
- h.** CDBG funds will be utilized through one of the following mechanisms:
  - 1. A program or activity administered directly by the municipality.
  - 2. A program or activity administered by a not for profit organization with IRS 501(c)3 status. The municipality must enter into a formal written agreement with the sub recipient, which includes all regulatory requirements found in 24 CFR 570.
  - 3. A Memorandum of Understanding (MOU) to purchase services provided by Lee County such as housing rehabilitation. The municipality will enter into an MOU with the appropriate County department.

The County will enter into a contract with the City of Sanibel for programs or activities directly administered by the municipality or provided by a subrecipient.

The municipality and all subrecipients are subject to all CDBG regulatory and programmatic requirements. The City of Sanibel will provide all County and HUD-required documentation and designate a staff person responsible for meeting all HUD reporting and performance requirements.

- i.** The City of Sanibel is responsible to meet all required timeframes as identified by the County in order for the County to report to HUD as required. Failure to provide required reporting documents to meet all required timeframes as designated by the County may result in the County assessing a fine. The County will be responsible for the overall administration including, but not limited to the HUD Consolidated Plan, performance reports, and management of the CDBG program in accordance with the applicable HUD regulations. Any disputes between the City of Sanibel and County regarding any other issues not required to meet the conformance of the HUD program may be resolved by the Board of County Commissioners and the Council of the City of Sanibel. In the event that the dispute cannot be resolved between the Board of County Commissioners and the Council of the City of Sanibel, Chapter 164, Florida Statutes regarding dispute resolution shall be applicable.
- j.** The City of Sanibel agrees to abide by all HUD regulations in regard to real property acquired or improved in whole or in part using the CDBG funds and to notify the County in writing prior to disposition of or transfer of real property. Any program income generated from the disposition or transfer of property shall be paid to the County.

k. The City of Sanibel will hold the County harmless for any expenditures that are made by the City of Sanibel or any subrecipient agency. The City of Sanibel will reimburse the County for any HUD entitlement funds that are expended by the City of Sanibel or any subrecipient agency that do not conform to HUD or County guidelines along with any fines, penalties, or legal costs incurred as a result of such action.

Section 2. The Mayor and /or Chairman is hereby authorized to sign this Joint Resolution and the City Clerk to attest to same.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

IN WITNESS WHEREOF, the County and the City have executed this agreement as of the date first written above.

City of Sanibel

COUNTY: LEE COUNTY

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Signature of Mayor

Signature of Authorized Officer

\_\_\_\_\_  
Title

Board of County Commissioners  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

ATTEST: CITY CLERK

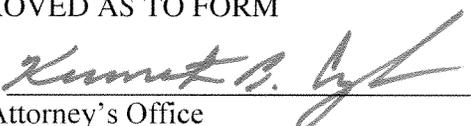
ATTEST: CLERK OF CIRCUIT COURT

BY: \_\_\_\_\_

BY: \_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM

BY:   
City Attorney's Office

BY: \_\_\_\_\_  
County Attorney's Office