

FORT BEND COUNTY FY 2009
COMMISSIONERS COURT AGENDA REQUEST FORM

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: September 15, 2009	Submitted By: Marilyn Kindell <i>mKindell</i>
Court Agenda Date: September 22, 2009	Department: Community Development Phone Number: 281-341-4410

SUMMARY OF ITEM: Take all appropriate action on the following agreements between Fort Bend County and U.S. Dept. of HUD for the following programs, all of which are part of the FY 2009 Consolidated Action Plan approved by C.C. July 7, 2009 and authorize County Judge to sign all documents pertaining to the agreements.

FY 2009 Funding Approval Agreement for the CDBG program in the amount of \$1,937,022
 FY 2009 Funding Approval Agreement for the HOME program in the amount of \$560,296
 FY 2009 Local Government Grant Agreement for the ESG program in the amount of \$83,401

RENEWAL AGREEMENT/APPOINTMENT	YES	NO	X
REVIEWED BY COUNTY ATTORNEY'S OFFICE:	YES	NO	X

FINANCIAL SUMMARY:

BUDGETED ITEM: NO X

FUNDNG SOURCE: Accounting Unit: N/A Account Number: N/A

Activity (If Applicable) N/A

DESCRIPTION OF LAWSON ACCOUNT: CDBG, HOME and ESG

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office (✓ when completed)
 If by E-Mail to ospindon@co.fort-bend.tx.us If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

X	Auditor	(281-341-3774)	X	Comm. Pct. 1	(281-342-0587)
X	Budget Officer	(281-344-3954)	X	Comm. Pct. 2	(281-403-8009)
	Facilities/Planning	(281-633-7022)	X	Comm. Pct. 3	(281-242-9060)
	Purchasing Agent	(281-341-8642)	X	Comm. Pct. 4	(281-980-9077)
	Information Technology	(281-341-4526)	X	County Clerk	(281-341-8697)
	Other:		X	County Atty	(281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify):

COUNTY JUDGE RECEIVED
SEP 16 2009

9-24-09 copy received

Funding Approval/Agreement

Title I of the Housing and Community Development Act (Public Law 930383)

U.S. Department of Housing and Urban Development

Office of Community Planning and Development
Community Development Block Grant Program

HI-00515R of 20515R

1. Name of Grantee (as shown in item 5 of Standard Form 424) Fort Bend County	3. Grantee's 9-digit Tax ID Number [REDACTED]	4. Date use of funds may begin 09/01/09
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 4520 Reading Road, Suite A Rosenberg, TX 77471	5a. Project/Grant No. 1 B-09-UC-48-0004	6a. Amount Approved \$1,937,022
	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, 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) Sandra H. Warren	Grantee Name Robert Hebert
Title Director, Community Planning & Development	Title County Judge
Signature <i>Sandra H. Warren</i>	Signature <i>Robert Hebert</i>
Date SEP 08 2009	Date 9/22/2009

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 type="checkbox"/> None <input checked="" type="checkbox"/> Attached	9a. Date HUD Received Submission 07-09-09	10. Check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number
		9b. Date Grantee Notified SEP 08 2009	
11. Amount of Community Development Block Grant			
	FY (09)	FY ()	FY ()
a. Funds Reserved for this Grantee			
b. Funds now being Approved	\$1,937,022		
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
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
	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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SPECIAL CONDITIONS

Notwithstanding any other provisions of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (EO) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under EO12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under EO 12372 and implementing regulations.

FY 2009 GRANT AGREEMENT

This Grant Agreement is made by and between the United States Department of Housing and Urban Development (HUD) and Fort Bend County, Texas, Grantee. The Grantee's Tax Identification Number is 74-6001969.

Community Development Block Grant (CDBG) Program

Grant Number: B-09-UC-48-0004

The terms of the CDBG award in the amount of \$1,937,022 which are the subject of this part of this Agreement are set forth in the attached executed HUD Form 7082, Funding Approval/Agreement.

The special condition in your Grant Agreement and Funding Approval concerning the review procedures under Executive Order (EO) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52 restricts the obligation or expenditure of funds for the planning or construction of water or sewer facilities until the completion of the review process and receipt of written notification of release of funds for such activities from HUD. The condition requires that in the event you amend or otherwise revise your Consolidated and/or Action Plan to use funds for the planning or construction of water or sewer facilities, you must receive written release of funds from HUD before obligating or expending funds for such activities.

In order to establish a Line of Credit for the Fiscal Year 2009 grant, it will be necessary for you to execute and return two copies of the Grant Agreement. In addition, if there is a need to delete or add individuals authorized to access the Voice Response System (VRS), a VRS Security Access Authorization Form (HUD-27054) must be prepared, notarized, and returned to this office with the Grant Agreement. Also, if there is a need to establish or change the depository account to which these grant funds are to be wired, a Direct Deposit Sign-Up Form (SF-1199A) must be completed by you and your financial institution and mailed to this office.

You are reminded that CDBG entitlement funds must be drawn on a first in first out (FIFO) basis. This means that before requesting CDBG entitlement funds from a newly established Line of Credit, you should have first drawn all the funds from the previous years' Line(s) of Credit. Please note that the FIFO method only applies to CDBG entitlement program funds.

You are reminded that certain activities are subject to the provisions of 24 CFR Part 58 (Environmental Review Procedures). Funds for such activities may not be obligated or expended until the environmental process has been completed, a Request for Release of Funds and Certification (form HUD 7015.15) submitted and HUD has provided written authorization. Appropriate forms are available from www.hudclips.org. The environmental regulations and HUD guidance should be reviewed to ensure that a Request for Release of Funds is submitted only for applicable projects.

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. 05/31/2007)

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.

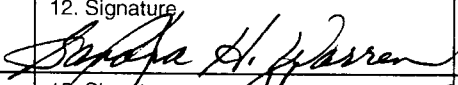

The HOME statute imposes a significant number of data collection and reporting requirements. This includes information on assisted properties, on the owners or tenants of the properties, and on other programmatic areas. The information will be used: 1) to assist HOME participants in managing their programs; 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 Fort Bend County 4520 Reading Road, Suite A Rosenberg, TX 77471	2. Participant Number M09-UC480216
	3. Tax Identification Number [REDACTED]
	4. Appropriation Number 869/00205
	5. FY (yyyy) 2009

6. Previous Obligation (Enter "0" for initial FY allocation)		\$
a. Formula Funds	\$	
b. Community Housing Development Org. (CHDO) Competitive	\$	
7. Current Transaction (+ or -)		\$ 560,296
a. Formula Funds	\$ 560,296	
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 checked="" type="checkbox"/> Not applicable <input type="checkbox"/> Attached	10. Date of Obligation (Congressional Release Date) (mm/dd/yyyy) SEP 8 2009
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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.

11. For the U.S. Department of HUD (Name and Title of Authorized Official) Sandra H. Warren, Director, CPD	12. Signature 	13. Date SEP 8, 2009
14. For the Participating Jurisdiction/Entity (Name and Title of Authorized Official) County Judge Robert Hebert, Fort Bend County	15. Signature 	16. Date 9 / 22 / 2009

17. Check one: Initial Agreement Amendment # _____

18. Funding Information:

Source of Funds	Appropriation Code	PAS Code	Amount
FY 2009 HOME	869/00205	HMC	\$ 560,296

HOME Investment Partnerships Act (HOME) Program
Grant Number: M-09-UC-48-0216

In order to establish a Line of Credit for the Fiscal Year 2009 grant, it will be necessary for you to execute and return two copies of the Grant Agreement. In addition, if there is a need to delete or add individuals authorized to access the Voice Response System (VRS), a VRS Security Access Authorization Form (HUD-27054) must be prepared, notarized, and returned to this office with the Grant Agreement. Also, if there is a need to establish or change the depository account to which these grant funds are to be wired, a Direct Deposit Sign-Up Form (SF-1199A) must be completed by you and your financial institution and mailed to this office.

We recommend that the record keeping requirements provided in the HOME program regulations at 24 CFR 92.508 be reviewed. Records sufficient to enable HUD to determine that program requirements are being met must be established and maintained. This section of the regulations will be beneficial as local staff resources are committed to the HOME program.

You are reminded that certain HOME activities are subject to the provisions of 24 CFR Part 58. Environmental Review Procedures – 92.352 of the HOME regulations, provide that Participating Jurisdictions (PJs) carry out the environmental review of an activity and obtain a written release from the Houston Office before obligating or expending HOME funds. PJs may obtain appropriate forms from www.hudclips.org. A request for the Release of Funds for a HOME activity must be sent to HUD and must be accompanied by an Environmental Certification.

The HOME program statute provides that funds be made available to PJs for 24 months after the last day of the month in which the PJ is notified of HUD's execution of the HOME Investment Partnerships Agreement. If not placed under a binding commitment to affordable housing within the 24-month period, the funds are to be deobligated. The statute also provides that at least 15 percent of each PJ's allocation must be reserved for investment in housing to be developed, sponsored, or owned by community housing development organizations (CHDOs).

The definition of commitment for the HOME program includes not only funds committed to specific projects that have been set up in IDIS but also the following:

- Any funds for which a PJ has entered into a binding legal agreement with a State recipient, a subrecipient or a contractor to use a specific amount of HOME funds to produce affordable housing or provide tenant-based rental assistance.
- Any funds for which a PJ has entered into a written agreement reserving a specific amount of funds to a CHDO.

Grant No: S09-UC-48-0003
Official Contact Person: Marilynn Kindell
Telephone No: 281-341-4410
FAX: 281-341-3762
E-mail Address: N/A
Tax ID No: [REDACTED]
Unit of Government No: 489157

**FY 2009 LOCAL GOVERNMENT GRANT AGREEMENT
EMERGENCY SHELTER GRANTS PROGRAM**

This Grant Agreement is made by and between the United States Department of Housing and Urban Development (HUD) and Fort Bend County the Grantee, for FY 2009 of the Emergency Shelter Grants Program in the amount of \$ 83,401. This grant was authorized by Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11301 (1988), as amended (the "Act"). In addition, the grant operates through HUD's regulations at 24 *CFR* Part 576, as now in effect and as may be amended from time to time, which are incorporated as part of this Agreement.

In reliance upon the Consolidated Plan and certifications, the Secretary agrees, upon execution of the Grant Agreement, to provide the Grantee with the agreed grant funds. The grantee must comply with requirements for record keeping and annual performance reporting to HUD within 90 days after the close of its consolidated program year, as required by 24 *CFR* 91.520. This includes the periodic information collected through HUD's Integrated Disbursements and Information System (IDIS). The grantee's IDIS reporting must include information on grant activities, project sponsors, project sites, and beneficiaries (including racial and ethnic data on participants). This information will be used for program monitoring and evaluation purposes.

The Grantee agrees to comply with all applicable laws and regulations in distributing funds provided under this Grant Agreement and to accept responsibility for ensuring compliance by recipient entities which may receive funding assistance.

The Grantee agrees to comply with the provisions of the environmental requirements of 24 *CFR* Part 58 as applicable under 24 *CFR* 576.57(e) with respect to funds provided under this Grant Agreement.

The Grantee further agrees to provide sufficient detail on matching funds so as to identify the specific sources and amounts of the funds as required by 42 *USC* 11375(a)(1).

The following parties execute this Grant Agreement on the dates set forth below as follows:

UNITED STATES OF AMERICA
Secretary of Housing and Urban Development

By: *Sandra H. Warren* SEP 08 2009
Signature and Date

Sandra H. Warren
Typed Name of Signatory

Director, of Community Planning and Development
Title

GRANTEE

By: *Robert Hebert*
Signature and Date

Robert Hebert
Typed Name of Signatory

County Judge
Title

Emergency Shelter Grants (ESG) Program
Grant Number: S-09-UC-48-0003

The ESG award, which is the subject of this part of this Agreement, is authorized by Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. 11301 (1988), as amended (the "Act"). The grant is further subject to the statutory program amendments made by Section 832(b), (c), (d), and (e) (1) and (2) of the National Affordable Housing Act, Public Law 101-625, and to HUD's regulations at 24 CFR Part 576, as now in effect and as may be amended from time to time, which are incorporated as part of this Agreement.

In reliance upon the Consolidated Plan and certifications, the Secretary agrees, upon execution of the Grant Agreement, to provide the Grantee ESG funds in the amount of \$83,401 as provided in the attached Emergency Shelter Grant Agreement, which constitutes a part of this Agreement.

Also incorporated as part of this Agreement are the Consolidated Plan and the certifications submitted to the Secretary by the Grantee. The Grantee further certifies that it is following a current Consolidated Plan that has been approved by HUD.

The Grantee agrees to comply with all applicable laws and regulations in distributing funds provided under this Grant Agreement and to accept responsibility for ensuring compliance by subrecipient entities to which it makes funding assistance hereunder available.

The Grantee further agrees to comply with provisions of the environmental requirements of 24 CFR Part 58 as applicable under Section 104 (g) of the Housing and Community Development Act of 1974 with respect to funds provided under this Grant Agreement.

A critical deadline is set forth in the ESG program regulations. Section 576.35(b) requires that all of your ESG grant amount be expended within 24 months of the date of this letter. Any grant amounts that are not obligated and expended by this date may be recovered and reallocated for use in accordance with 576.45 of the regulations.

Recipients of ESG funds are expected to participate in a local continuum of care's homeless management information system (HMIS) to ensure the program meets the Congressional goal that localities collect an array of unduplicated data on the number and characteristics of homeless persons. HUD's standards for participation in a local HMIS and the collection and reporting of client-level information by homeless providers were published in the Federal Register on July 30, 2004. ESG funds may be used to fund the implementation of an HMIS. HMIS implementation costs may be considered an eligible activity as an essential service, operation, or administration expense; however, ESG funds may not be used for planning costs. Since the costs of implementing an HMIS are also eligible for funding under the Supportive Housing Program (SHP), you must take steps to ensure that any ESG funds provided for HMIS are not duplicating funding from SHP.