

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2015184

RE: AUTHORIZING THE COUNTY OF DUTCHESS TO AUTOMATICALLY RENEW AND AMEND EXISTING COOPERATION AGREEMENTS WITH PARTICPATING MUNICIPALITIES FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEAR 2016 AND CONTINUING THROUGH FEDERAL FISCAL YEARS 2016 THROUGH 2018 PURSUANT TO TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND THE HOME INVESTMENT PARTNERSHIP PROGRAM OF TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990

Legislators HUTCHINGS, FLESLAND, BOLNER, SAGLIANO, MAC AVERY, FARLEY, and PERKINS offer the following and move its adoption:

WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized, under Title I of the Housing and Community Development Act of 1974, as amended, and under the HOME Investment Partnership Program of Title II of the National Affordable Housing Act of 1990, to make grants to states and other units of general local government to help finance Community Development Programs, and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government, either directly or through the State, pursuant to the provisions of any Federal law which is not inconsistent with the statutes or Constitution of this State, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation, and

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Program of Title II of the National Affordable Housing Act of 1990, and any "Eligible Activities" thereunder are not inconsistent with the statutes or Constitution of this State, and

WHEREAS, a number of municipalities have requested Dutchess County's participation, and the County of Dutchess has determined that it is desirable and in the public interest that it make application for Community Development Block Grant funds as an Urban County for Fiscal Years 2016 through 2018, and

WHEREAS, participation by the County of Dutchess as an Urban County in the Community Development Program requires that the County of Dutchess and local jurisdictions within the County, excluding the City of Poughkeepsie, have a combined population of 200,000 persons and enter into cooperation agreements with municipalities sufficient to form a total

population of at least 100,000 persons, representing a majority of the low to moderate income population of Dutchess County, who must agree to cooperate in undertaking, or assisting in undertaking, essential community development and housing activities, specifically those activities authorized by statutes enacted pursuant to Article 9 and 17 of the New York State Constitution, now therefore, be it

RESOLVED, that the participation of the County of Dutchess as an Urban County in a Community Development Program pursuant to the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Program of Title II of the National Affordable Housing Act of 1990 be and the same hereby is authorized and approved, and be it further

RESOLVED, that the County Executive be and he hereby is authorized and empowered to automatically renew and amend the existing Cooperation Agreements for the program years commencing federal fiscal year 2016, 2017 and 2018 with the various local jurisdictions of the County of Dutchess for the purpose of furthering the County's participation in the Community Development Block Grant Program, provided triennially this matter is presented to the Legislature for its review and action, and be it further

RESOLVED, that the County Executive be and he hereby is authorized and empowered to execute and submit all such automatic renewals and Cooperation Agreements and Amendments to the existing Cooperation Agreements, grant applications, and other documents prerequisite to the County's participation in the Community Development Block Grant Program to the Department of Housing and Urban Development.

CA-117-15

AS/AMS/kvh/G-179

6/18/15

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13th day of July 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of July 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Patricia Longbard, Department of Planning and Development

McKinney's Consolidated Laws of New York Annotated
General Municipal Law (Refs & Annos)
Chapter 24. Of the Consolidated Laws
Article 5. Powers, Limitations, and Liabilities

McKinney's General Municipal Law § 99-h

§ 99-h. Participation in federal programs

Currentness

1. As used in this section the term "municipal corporation" shall mean a county, city, town, village, school district, or board of cooperative educational services of this state or a board of higher education in a city having a population of one million or more.

2. Any municipal corporation shall have power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the federal government either directly or through the state, pursuant to the provisions of any federal law, which is not inconsistent with the statutes or constitution of this state, in order to administer, conduct or participate with the federal government in programs relating to the general welfare of the inhabitants of such municipal corporation. Any such municipal corporation is authorized to appropriate and expend such sums as are required to administer, conduct or participate in any such programs and may perform any and all acts necessary to effectuate the purposes of any such programs.

3. Any municipal corporation, either individually or jointly with one or more other municipal corporations, may enter into agreements with private, non-profit agencies which are authorized to apply for and accept funds made available by the federal government pursuant to the provisions of any federal law, which is not inconsistent with the statutes or constitution of this state, in order to administer, conduct or participate with the federal government in programs relating to the general welfare of the inhabitants of such municipal corporation. Such agreements may provide that funds, services, or facilities will be made available by any such municipal corporation or municipal corporations to such private, non-profit agency upon such terms and conditions as may be prescribed by such municipal corporation or municipal corporations, in order to defray that portion of the cost of any program administered by any such private, non-profit agency which is not paid for by funds made available by the federal government. Such private, non-profit agency shall file annually with each such municipal corporation with which it has entered into such an agreement or at such more frequent periods as may be required by such municipality, a financial report with respect to such program or programs and shall make available for inspection or audit by each such municipal corporation, its books, records and other data.

No funds, services, or facilities shall be made available by a municipal corporation to a private, non-profit agency pursuant to the provisions of this subdivision unless such agency has obtained approval of its program as required by law, and its program is designed to serve an area within the municipal corporation or municipal corporations with which it has entered into such an agreement.

4. The provisions of this section shall be in addition to and not in substitution for or in limitation of any other authorization to apply for, accept and expend funds made available by the federal government either directly or through the state, and it is not intended by this section to repeal by implication any existing provision of law.