

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
JUNE 10, 2008 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
HOME Consortium Agreement	✓ Resolution Ordinance Motion Discussion Only	David Fieldman Acting Village Manager

SYNOPSIS

A resolution renewing the HOME Consortium Agreement with DuPage County has been prepared.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2007-2012 identifies *Preservation of Our Residential and Neighborhood Character*. A supporting objective of this goal is *Continue Reinvestment in the Neighborhoods*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the June 17, 2008, consent agenda.

BACKGROUND

The Village has been eligible for Community Development Block Grant funding since 1996. The Village's current funding eligibility is estimated to be \$217,000. Since becoming eligible for CDBG funding, the Village has elected to partner with DuPage County as a Joint Recipient. Under this program, the Village's funding allocation is added to DuPage County's allocation. Under this option, the County is responsible for administration of the program. For the past several years, the Village has also received CDBG funding for the operation of the Autumn Grove Resource Center.

The Village received notice from the County that in order to continue the current arrangement, the Village Council must approve the attached agreement. The Village Council's approval of the agreement is necessary due to a change in membership in the HOME Consortium.

The Village received the attached letter from the DuPage Community Development Commission stating that the Village has the option to renew its participation as a Joint Recipient or accept CDBG funding directly and administer the program locally. Staff feels that the current system is operating well and does not recommend changing operating programs at this time.

ATTACHMENTS

Resolution

Agreement

Letter from the DuPage Community Development Commission

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF A CONSORTIUM
AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE
AND THE COUNTY OF DUPAGE**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois,
as follows:

1. That the form and substance of a certain Agreement (the “Agreement”), between the Village of Downers Grove (the “Municipalities”) and the County of DuPage (the “County”), for the formation of a consortium under the federal HOME Program, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____
Village Clerk

HOME Investment Partnerships
Consortium Agreement

THIS AGREEMENT entered into effective as of the _____ day of _____, 2008, by and between the COUNTY OF DU PAGE, a body politic and corporate of the State of Illinois (the "COUNTY") and the following municipalities which authorize and execute this Agreement: the municipalities of Naperville, Wheaton and Downers Grove, all Illinois municipal corporations (the "MUNICIPALITIES"), which are collectively known as the parties.

WITNESSETH:

WHEREAS, the United States Congress has enacted the Cranston-Gonzalez National Affordable Housing Act, as amended, ("the Act") providing federal financial assistance for the support of affordable housing as identified in Title II--Investment in Affordable Housing of HOME Investment Partnerships Act; and

WHEREAS, the Act makes possible the allocation of funds to the COUNTY for the purpose of undertaking affordable housing activities identified in the Act; and

WHEREAS, the COUNTY and the MUNICIPALITIES agree that it is desirable and in the interests of their citizens to secure approval by the federal government to be considered as a consortium under the federal HOME program operated by the U.S. Department of Housing and Urban Development as authorized under the Act, and have determined that joint action is the most effective way to accomplish the purposes of said Act; and

WHEREAS, units of local government have had conferred upon them the following powers by Article VII, Section 10(a) of the 1970 Constitution of the State of Illinois:

"Units of local government and school districts may contract or otherwise associate among themselves, with the State, with other states and their units of local government and school districts, and with the United States to obtain or share services and to exercise, combine or transfer any power or function, in any manner not prohibited by law or ordinance. Units of local government and school districts may contract and otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or ordinance. Participating units of government may use their credit, revenues, and other resources to pay costs and to service debt related to intergovernmental activities"; and

WHEREAS, the Intergovernmental Cooperation Act, (5 ILCS 220/1 et seq.) enacted by the State of Illinois, provides in part as follows:

“Section 3. Intergovernmental Agreements. Any power or powers, privileges, functions or authority exercised or which may be exercised by a public agency of this State may be exercised, combined, transferred, and enjoyed jointly with any other public agency of this State and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States do not prohibit joint exercise or enjoyment and except where specifically and expressly prohibited bylaw....”

Section 5. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking or to combine, transfer, or exercise and powers, functions, privileges, or authority which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be approved by the governing bodies of each party to the contract and except where specifically and expressly prohibited by law. Such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties.”

WHEREAS, the parties to this Agreement have had conferred upon them the exercise of powers authorized in Chapter 65 of the Illinois Compiled Statutes (known as the “Illinois Municipal Code”), and Chapter 55 of the Illinois Compiled Statutes (known as the Illinois “Counties Code”).

NOW, THEREFORE, upon the consideration of the mutual promises contained herein and upon the further consideration of the recitals hereinabove set forth, it is hereby agreed between the COUNTY and the MUNICIPALITIES hereto, as follows:

- A. That the recitals hereinabove set forth are incorporated herein by reference as if fully set forth herein.
- B. That the DuPage County HOME Investment Partnerships Consortium (the “Consortium”) is defined to include as members of the Consortium the COUNTY and the following Municipalities which authorize and execute this Agreement: the Cities of Naperville, Wheaton, and Downers Grove, Illinois.
- C. That the MUNICIPALITIES and the COUNTY hereby agree to cooperate to undertake and/or to assist in undertaking housing assistance activities in order to alleviate housing problems through the HOME Investment Partnerships Program (hereinafter referred to as HOME Program) in cooperation with the Consortium.

- D. That the MUNICIPALITIES hereby authorize the COUNTY to act in a representative capacity as the lead entity for the members of the Consortium for purposes of the HOME Program. The COUNTY, in its capacity as lead entity, is authorized to enter into an agreement with HUD. The County Board Chairman, chief elected official of the lead entity, acting on behalf of the Consortium, is authorized to submit an application for funding under the federal HOME Program, consistent with the approved HOME Program design for each year. The COUNTY, as lead entity, is authorized to enter into agreements with non-profit organizations receiving funding under an approved HOME Program design.

- E. That the MUNICIPALITIES agree that the COUNTY will assume overall responsibilities as the lead entity to ensure that the Consortium's HOME Program is carried out in compliance with the requirements of the HOME Program, including requirements concerning inclusion of proposed HOME Program activities in the Consortium's Consolidated Plan for Housing and Community Development (ConPlan) in accordance with applicable HUD regulations. It is mutually understood, however, that the COUNTY is responsible for the implementation of the HOME Program and that each MUNICIPALITY remains fully responsible for implementation of any other funding from federal, state, or local programs which may be identified in the Consortium's or the respective MUNICIPALITIES' approved ConPlans as it pertains to that MUNICIPALITY'S identified needs and priorities. Notwithstanding the foregoing, in no event may any MUNICIPALITY obstruct implementation of the Consortium's approved ConPlan. The MUNICIPALITIES agree to assist the COUNTY in maintaining compliance with the ACT, the regulations (24 CFR Part 92 HOME Investment Partnerships Program Implementing regulations as issued by HUD), and the State and Federal Program Requirements for the full compliance period, extending to and continuing beyond the expiration of this Agreement.

- F. That the MUNICIPALITIES agree to evidence their consent to participation in the Consortium by providing the COUNTY with (1) two certified copies of a Resolution from the governing body of the MUNICIPALITY that the Chief Elected Official of the MUNICIPALITY is authorized to sign this Consortium Agreement and, (2) an unqualified opinion of its legal counsel acceptable to the COUNTY concluding that the joining Municipality is authorized under Illinois and local law to enter into the terms and provisions of this Agreement and to undertake or assist in undertaking housing assistance activities for the HOME Program; and

- G. That the signature of said Chief Elected Official will be affixed to this Agreement evidencing the willingness of the MUNICIPALITIES to participate in the Consortium, and to cooperate in the implementation of the DuPage County Consortium for HOME.

- H. That the COUNTY agrees to evidence its consent to participation in the Consortium by providing the MUNICIPALITIES with one certified copy of a Resolution from the

governing body of the COUNTY that the Chief Elected Official of the COUNTY is authorized to sign this Consortium Agreement; and

- I. That the signature of said Chief Elected Official will be affixed to this Agreement evidencing the willingness of the COUNTY to participate in the Consortium.
- J. Further, that a copy of this Consortium Agreement signed by the Chief Elected Official of the COUNTY will be provided to the MUNICIPALITIES.
- K. That the program year start date for the consortium shall be October 1, 2008, and all units of general local government that are members of the Consortium are on the same program year for the CDBG, HOME, ESG and HOPWA programs.
- L. That the MUNICIPALITIES and COUNTY agree to affirmatively further fair housing.
- M. That the term of this Agreement is for a period of not less than the period necessary to carry out all activities that will be funded from funds awarded for the Federal Fiscal Years 2009, 2010 and 2011 (commencing October 1, 2008 ending September 30, 2011); that this Agreement remains in effect until the HOME funds from each of Federal Fiscal Years 2009, 2010 and 2011 are closed out pursuant to 24 CFR 92.507; and that none of the signatories to this Agreement may withdraw from the Consortium during the period specified in this paragraph.
- N. That this Agreement will be automatically renewed for successive three-year consortia qualification periods, after the three-year period specified in Paragraph M, provided that:
 - a. COUNTY shall notify the MUNICIPALITIES in writing, in accordance with applicable HUD consortia designation notices, of their right not to participate in successive three-year qualification periods, including any amendments required in accordance with Paragraph O of this Agreement, and COUNTY submits copies of said written notice to HUD by the date specified in HUD's Consortia Qualification Notice applicable for a subsequent three-year consortia qualification period; and
 - b. None of the MUNICIPALITIES, upon receiving said notice, decide to be removed from the consortium by exercising their right not to participate.
 - c. Any MUNICIPALITY that is not intending to participate in the next qualification period must submit written notification to the COUNTY. The COUNTY must provide copies of these communications to HUD by the date specified in HUDS's Consortia Qualification Notice applicable for a subsequent three-year consortia qualification period.

- O. That the parties hereto agree to adopt any amendment to this Agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in HUD's Consortia Qualification Notice applicable for a subsequent three-year consortia qualification period; that COUNTY shall submit said amendment to HUD as specified in the Consortium Qualification Notice; and that failure to comply will void the automatic renewal of this Agreement.

- P. That the parties hereto agree that, in the event that a qualifying municipality other than the above-named MUNICIPALITIES decides to join the Consortium, after the effective date of this Agreement, said Municipality shall (1) submit evidence that it qualifies as a Metropolitan City for the purposes of the HOME Program, (2) provide written notice to the parties to this Agreement, and (3) agree to comply with all provisions of this Agreement applicable to MUNICIPALITIES; and that the parties hereto agree that an amendment to this Agreement may be made by the execution of a written amendment by the Chairman of the DuPage County Board and the Chief Elected Official of said Municipality rather than all of the parties hereto executing an amendment to this Agreement. The COUNTY, as lead entity, is authorized by this Agreement to amend this Agreement on behalf of the entire consortium to add new members.

- Q. That the parties hereto agree that this Agreement which may be executed in one or more counterparts, each of which shall, for all purposes, be deemed an original and all of such counterparts, taken together, shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the undersigned parties have caused this Agreement to be executed by their duly designated Officials.

COUNTY OF DU PAGE, a body politic in the State of Illinois

By: _____ Date _____
Robert J. Schillerstrom, County Board Chairman

Attest: _____
Gary A. King, County Clerk

CITY OF NAPERVILLE, a body politic in the State of Illinois

By: _____ Date _____
A. George Pradel, Mayor

Attest: _____
Suzanne Gagner, City Clerk

CITY OF WHEATON, a body politic in the State of Illinois

By: _____ Date _____
Michael Gresk, Mayor

Attest: _____
Emily M. Consolazio, City Clerk

VILLAGE OF DOWNERS GROVE, a body politic in the State of Illinois

By: _____ Date _____
Ron Sandack, Mayor

Attest: _____
April Holden, Village Clerk

DU PAGE COMMUNITY DEVELOPMENT COMMISSION

April 28, 2008

RECEIVED MAY 02 2008

The Honorable Brian J. Krajewski
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

RE: DuPage County's Requalification as a CDBG Urban County

Dear Mayor Krajewski:

The Community Development Block Grant (CDBG) program requires that, every three years, DuPage County must requalify as an urban county to receive its block grant. The County is now beginning the process of qualifying for federal fiscal years 2009, 2010, and 2011. This covers the period from October 1, 2008 to September 30, 2011. This process includes notifying each municipality and township of their options to be either included or excluded as part of the DuPage urban county. This letter serves as this notification and provides information regarding your options.

In 1996 Downers Grove qualified as an entitlement Village for the CDBG Program. The Village decided to accept this status and file a joint application with the County (Option Two below). Downers Grove must again decide on which option to take for the next three years. Whatever option you choose, you must make a decision by May 27, 2008. The Village's four options are described below and the impacts of each option are explained.

Option One: Becoming a Metropolitan Entitlement Village and Applying for CDBG Funds

The Village of Downers Grove may continue its status of entitlement Village, but, instead of filing a joint application with the County, it could apply for separate funding directly from HUD in 2009. Downers Grove would receive a grant of approximately \$217,000 if the Federal appropriation remains unchanged from 2008 (latest figure available). DuPage County's grant for FY2009 would be reduced by a similar amount.

Downers Grove would be responsible for all program administration including: (a) grant preparation and submittal to HUD; (b) preparation and submittal to HUD of a Consolidated Plan for Housing and Community Development; (c) selection of projects and pre-implementation review for compliance with CDBG regulations; (d) environmental assessments of projects; (e) implementation of projects and/or monitoring implementation by subrecipients to assure compliance with all rules and regulations procedures; (f) financial management (cash management, project and administrative cost accounting, and procurement procedures); and (g) preparation of all required reports.

DU PAGE COUNTY DEPARTMENT OF COMMUNITY SERVICES

DU PAGE CENTER • 421 N. COUNTY FARM ROAD • WHEATON, IL 60187

Philip R. Smith, Director

FAX 630-407-6601

630-407-6600

If Downers Grove chooses to operate its own CDBG program, it would not be eligible to receive HOME funds (a separate block grant for affordable housing production), but it could remain as a member of the DuPage HOME Consortium. Therefore, this option would not affect your relationship with the County regarding the HOME program. As a separate entitlement, the Village would be a separate member of the HOME Consortium and would be represented on the HOME Advisory Group. However, the Village would no longer be a member of the DuPage Community Development Commission.

Downers Grove currently has a Joint Grant Agreement with the county. If the Village wishes to discontinue this agreement, you must notify HUD and the County of your decision, in writing, by May 27, 2008.

Option Two: Accepting Entitlement Status and Remaining as a Joint Recipient with the County (Downers Grove's Current Option)

The Village of Downers Grove may accept the status of entitlement city, but notify HUD that it will be a joint recipient with DuPage in applying for funding from HUD in 2009. This is the option that Downers Grove has chosen since becoming an entitlement city in 1996. Under this option Downers Grove is told of its entitlement amount but does not receive a grant directly from HUD. Instead, this amount would be added to DuPage County's allocation, and the County would be responsible for planning, administration, and implementation.

To continue with the Village's status of joint recipient with the county, the Village does not need to take any action. The joint agreement would continue to be in effect. For the CDBG program, Downers Grove would continue to be treated by HUD, and by the DuPage Community Development Commission, as a unit of general government that is part of the DuPage urban county. There would be no change in the Village's relationship with the County regarding the HOME program. As a separate entitlement, the Village would be a separate member of the HOME Consortium and would be represented on the HOME Advisory Group.

Option Three: Deferring Entitlement Status and Again Becoming Part of the DuPage Urban County

Downers Grove has been part of the Community Development Commission since 1996 and also became a separate entitlement city in 1996. The Village may defer its status as an entitlement city and again become part of the County's program for FY2009 through FY2011. To accept this option, you must notify HUD and the County of your decision, in writing, by May 27, 2008.

The impact of deferring entitlement status would be that the County's CDBG funding would remain basically unchanged from what we received in 2008 when Downers Grove was participating as a joint applicant. Downers Grove would continue its current participation in the County's program and continue as a member of the CDC. Downers Grove would continue to be entitled to participate in the HOME Program through the County. However, Downers Grove would no longer be entitled to a separate representative on the HOME Advisory Group because it would no longer be a separate signatory to the HOME Consortium Agreement.

Option Four: The Village Accepts None of the Options Listed Above

We urge you not to accept this option, but to continue to participate in the CDBG program either as a separate entitlement, or in cooperation with the County. If Downers Grove chooses the option not to participate, it would mean that the \$217,000 that Downers Grove or the County would have received would be distributed to other entitlement communities and counties throughout Illinois. The CDBG program has helped bring important federal resources to Downers Grove and other DuPage communities to assist in meeting the needs of low and moderate income residents; we would like to retain these funds locally.

Summary and Recommendation

We recommend that you continue with Option Two above because it is the most expeditious and would bring the maximum amount of CDBG and HOME funds to DuPage. This option also minimizes the administrative burden on Downers Grove. Your decision will affect your status with these programs for the three-year period from October 1, 2008 to September 30, 2011.

If you have any questions regarding the above requalification process, your options, or the impact of taking any of the actions described above, please contact me at 407-6420.

Sincerely,



Philip R. Smith
Director
Department of Community Services Division

c: Cara Pavlicek, Village Manager
Andrew Matejcek, CDC Representative