

RESOLUTION APPROVING THE
VILLAGE OF ARLINGTON HEIGHTS' PARTICIPTION
IN THE COOK COUNTY HOME CONSORTIUM

WHEREAS, the Village of Arlington Heights, an Illinois municipality ("Village") and the County of Cook, a body politic and corporate of the State of Illinois ("County") are home rule units and units of local government pursuant to the Illinois Constitution of 1970; and

WHEREAS, Article VII, Section 10 of the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., authorize local governments to contract or otherwise associate among themselves to obtain or share services, and to exercise, combine or transfer any power or function, in any manner not prohibited by law; and

WHEREAS, the Village is a grantee of Community Development Block Grant funds ("CDBG funds") provided by the U.S. Department of Housing and Urban Development (referred to as "HUD"); and

WHEREAS, the County administers, the Cook County HOME Investment Partnerships Program Consortium (the "HOME Consortium"), a group, including the County and certain other participating municipalities, that receives federal funding (the "HOME funds") pursuant to the Cranston-Gonzalez National Affordable Housing Act for the support of affordable housing; and

WHEREAS, the amount of HOME funds that the County receives is based upon the populations of the participating municipalities within its jurisdiction; and

WHEREAS, the Village, while entitled to receive CDBG funds directly from HUD, may also elect to participate in the HOME Consortium, so as to utilize HOME funds within the Village and to allow HUD to take into account its population when calculating the County's annual HOME funds entitlement grant; and

WHEREAS, the County has invited the Village to join the HOME Consortium, subject to the terms of the current HOME Consortium Agreement originally executed on June 15, 2002, by and between the County and the City of Berwyn, the City of Chicago Heights, and the Town of Cicero; and

WHEREAS, the Village's participation in the HOME Consortium will require it to modify its present program year for CDBG funds to conform to the HOME Consortium's program year, which runs from October 1 through September 30 in accordance with HUD rules;

WHEREAS, the Village will continue to be a CDBG entitlement jurisdiction receiving direct CDBG funding from HUD in under the new program year, beginning with Federal FY 2016 CDBG funding for the program year beginning October 1, 2016,

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: The recitals set forth above are incorporated by reference into this Section One as material terms.

SECTION TWO: The Village President and Village Board hereby approve the Memorandum of Understanding, attached hereto as Exhibit 1, as an Addendum to the current HOME Consortium Agreement originally executed on June 15, 2002, by and between the County and the City of Berwyn, the City of Chicago Heights and the Town of Cicero.

SECTION THREE: That the Village Manager of the Village of Arlington Heights is hereby authorized to execute the Memorandum of Understanding, described in Section Two of this Resolution.

SECTION FOUR: That this Resolution shall be in full force and effective from and after its passage and approval in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this 15th day June, 2015.

Village President

ATTEST:

Village Clerk

**MEMORANDUM OF UNDERSTANDING
HOME Investment Partnerships Program (HOME)
Addendum to Consortium Agreement**

THIS Memorandum of Understanding ("the MOU") regarding funding to align program years for CDBG Grants by and between the County of Cook, a body politic and corporate of the State of Illinois (the "County") and the Village of Arlington Heights, an Illinois municipal corporation (the "Village"), which are collectively known as the Parties.

WITNESSETH:

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

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

WHEREAS, the amount of HOME funds that the County receives pursuant to entitlement status under said Act is determined by HUD formula that takes into consideration the populations of the municipalities within its jurisdiction; and

WHEREAS, certain municipalities within the County are also entitled to receive Community Development Block Grant (CDBG) funds directly from HUD and, as program income, they can elect to join with the County in the County's HOME Consortium, which would allow HUD to take into account the populations of these municipalities when calculating the County's annual HOME funds entitlement grant; and

WHEREAS, the County and the Municipality 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 by 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 by 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:

ΔSection 3. Intergovernmental Agreements. Any powers, privileges or authority exercised or which may be exercised by a public agency of this State may be exercised 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 State, to the extent that laws of such other state or of the United States do not prohibit joint exercise or enjoyment.@

ΔSection 5. Intergovernmental Contracts. Any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform provided that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties@; and

WHEREAS, the parties to this MOU are all home rule units exercising their home rule powers pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois; and

WHEREAS, the parties to this MOU agree to comply with all provisions outlined in the currently active HOME Consortium Agreement originally executed on June 15, 2002 by and between the County, a body politic and corporate of the State of Illinois and the City of Berwyn, the City of Chicago Heights, and the Town of Cicero, all Illinois municipal corporations; and later amended to include the Villages of Hoffman Estates, Mount Prospect, Oak Park, Palatine, and Schaumburg, all Illinois municipal corporations, and

WHEREAS, the County is looking to increase its allocation of HOME Funds, and therefore seeks to include the Municipality in its HOME Consortium; and

WHEREAS, the Village, by electing to join the County's HOME Consortium, must conform to the County's HOME Consortium Program Year, which runs October 1 through September 30 in accordance with HUD rules; and

WHEREAS, the Village, which will continue to receive a direct allocation of CDBG funds from HUD but is electing to join the County HOME Consortium, agrees to modify their existing CDBG program year to conform to the County HOME Consortium program year cycle as necessary; and

WHEREAS, to facilitate the addition of the Municipality to the HOME Consortium, the County will provide the financing not to exceed \$56,610 in corporate, non-Federal dollars to

cover the loss in administrative, social service and emergency home rehabilitation funding that is needed to align the Municipality's program year for its Community Development Block Grant program with the County HOME Consortium program year cycle of October 1 – September 30, with such funding being payable within 30 days of the County's receipt of monthly invoices submitted by the Village;

WHEREAS, the County shall provide the Village with copies of applications, whether formal or informal, for the use of HOME funds submitted to the County within 10 business days of the County's receipt of those applications and the County will consult and collaborate with the Village regarding mutually acceptable Consolidated Plan goals and objectives; and

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 Village hereto, as follows:

A. That the recitals hereinabove set forth are incorporated herein by reference as if fully set forth herein.

B. That the Cook County HOME Investment Partnerships Program Consortium (the "Consortium") is defined to include as members of the Consortium the County and the Municipalities.

C. That the parties to this MOU agree to comply with all provisions outlined in the currently active HOME Consortium Agreement originally executed on June 15, 2002 by and between the County of Cook, a body politic and corporate of the State of Illinois and the City of Berwyn, the City of Chicago Heights, and the Town of Cicero, all Illinois municipal corporations and later amended to include the Villages of Hoffman Estates, Mount Prospect, Oak Park, Palatine, and Schaumburg, all Illinois municipal corporations, effective October 1, 2016, and which remains in effect until the HOME funds from the current renewal period are expended and closed out pursuant to 24 CFR 92.507.

D. That the Village agrees to evidence their consent to participation in the Consortium by providing the County with two certified copies of a Resolution from the governing body of the Village that the Village Manager or their designee of the Village Manager is authorized to sign this MOU; and

E. That the signature of the Village Manager or their designee will be affixed to this MOU evidencing the willingness of the Village to participate in the Consortium, and to cooperate in the implementation of the County HOME Consortium.

F. That the County agrees to evidence its consent to include the Village in the Consortium by providing the Village with one certified copy of a Resolution from the governing body of the County that the Chief Executive Officer or their designee of the County is authorized to sign this Consortium MOU.

G. That the signature of said Chief Executive Officer will be affixed to this MOU evidencing the willingness of the County to participate in the Consortium.

H. Further, that a copy of this MOU signed by the Chief Executive Officer or their designee of the County will be provided to the Village.

I. That the parties hereto agree that this MOU 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 COOK, ILLINOIS

BY: _____
Bureau Chief

ATTEST: _____
County Clerk

SEAL:

APPROVED AS TO FORM: _____
Assistant State's Attorney

VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS

BY: _____
Village Manager

ATTEST: _____
Village Clerk

SEAL:

APPROVED AS TO FORM: _____
In-House Counsel