

MUNICIPAL RESOLUTION - URBAN COUNTY VILLAGE OF HIGHLAND FALLS

RESOLUTION AUTHORIZING THE **VILLAGE OF HIGHLAND FALLS** ENTER INTO AN AMENDMENT TO THE EXISTING COOPERATION AGREEMENT DATED **JUNE 26, 2012**, AS AMENDED, WITH THE COUNTY OF ORANGE FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL **FISCAL YEARS 2015, 2016, 2017** (AND FOR SUCCESSIVE THREE YEAR QUALIFICATION PERIODS AS PROVIDED FOR IN THE AUTOMATIC RENEWAL PROVISION) PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED AND TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990, AS AMENDED.

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") authorized, under Title 1 of the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended to make grants to states and other units of general local government to help finance Community Development and Affordable Housing Programs; and

WHEREAS, it is desirable and in the public interest that the **Village of Highland Falls** participate in aforesaid Community Development and HOME Programs for the program year commencing **Federal Fiscal Years 2015, 2016, 2017**, (and successive three year qualification period); 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, applications for grants to finance Community Development and Affordable Housing Programs under the Housing and Community Development Act of 1974, as amended and the National Affordable Housing Act of 1990, as amended and any "eligible Activities" thereunder are not inconsistent with the statutes or constitution of this state; and

WHEREAS, **VILLAGE** shall take all actions necessary to assure compliance with the COUNTY'S certification under Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The COUNTY and the **VILLAGE** shall also comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. Furthermore, the COUNTY and the **VILLAGE** shall comply with all other applicable New York State and Federal laws and regulations.

In addition, CDBG funding of activities in, or in support of, **VILLAGE** is prohibited if the **VILLAGE** does not affirmatively further fair housing within its own jurisdiction or the **VILLAGE** impedes COUNTY'S actions to comply with the COUNTY'S fair housing certification. **VILLAGE** shall indemnify, defend and hold harmless COUNTY from any non-compliance with affirmatively furthering fair housing by **VILLAGE** that result in funding sanctions or other remedial actions by the United States Department of Housing and Urban Development and/or the federal government against COUNTY.

WHEREAS, The **VILLAGE** as a cooperating unit of local government has adopted and is enforcing:

- a) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- b) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.

WHEREAS, participation by the County of Orange, as an urban county in the Community Development and HOME programs require that the **Village of Highland Falls** and the County of Orange cooperate in undertaking or assisting in undertaking, community renewal and lower income housing assistance activities. Specifically urban renewal and publicly assisted housing, pursuant to said Act specifically those activities authorized by statutes and pursuant to Articles 9 and 17 of the New York State Constitution; and

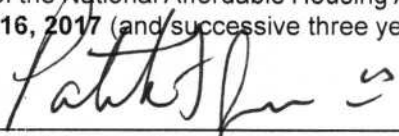
WHEREAS, the County and **Village of Highland Falls** will cooperate in developing Community Development and Affordable Housing Programs and applications for the Community Development Block Grant Entitlement Program and the HOME Investment Partnership ("HOME Program") which will be designed primarily for the purpose of meeting the priority needs and objectives of the participating localities based upon an inventory of the community development and housing needs developed mutually by local and County officials;

WHEREAS, **VILLAGE** may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the [Housing and Community Development] Act [of 1974]. This requirement is contained in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76.

WHEREAS, this **VILLAGE Board** deems it to be in the public interest for the **Village of Highland Falls** to enter into an Amendment to the existing Cooperation Agreement dated July 8, 1993, as amended, with the County of Orange for the aforesaid purpose;

NOW, THEREFORE, BE IT

RESOLVED, that the **Mayor** be and **he** hereby is authorized and directed to execute a Cooperation Agreement Amendment between the **Village of Highland Falls** and the County of Orange for the purpose of undertaking Community Development and HOME Programs pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended, for the program year commencing Federal **Fiscal Years 2015, 2016, 2017** (and successive three year qualification periods).



Patrick Flynn, Mayor

6-3-14


Date

STATE OF NEW YORK)
COUNTY OF ORANGE)
OFFICE OF THE CLERK OF
THE VILLAGE OF HIGHLAND FALLS)

THIS IS TO CERTIFY THAT I, REGINA M TAYLOR Clerk of the VILLAGE of Highland Falls
(Clerk's Name) (VILLAGE)
have compared the foregoing copy of resolution with the original resolution now on file in my office and which was
passed by the **VILLAGE Board** of HIGHLAND FALLS on the 2nd day of JUNE, 2014,
and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of said **VILLAGE Board** this
3rd day of JUNE, 2014.




Regina M. Taylor
Clerk of the **Village of Highland Falls**

AMENDMENT TO COOPERATION AGREEMENT

It is hereby agreed effective as of _____, 2014, by and between the County of Orange, a municipal corporation of the State of New York, having its principal offices at 255-275 Main Street, Goshen, New York 10924 ("COUNTY"), and "**Village of Highlands Falls**" a municipal corporation of the State of New York, having principal offices at **303 Main Street, Highland Falls, New York 10928 ("VILLAGE")** to amend the Cooperation Agreement dated, **June 26, 2012**, between the parties ("Cooperation Agreement") as follows:

1. Strike and replace Paragraph 3 as follows:

3. Pursuant to New York State General Municipal Law §99-h, the COUNTY and the **VILLAGE** agree to undertake, or assist in undertaking, community renewal and lower income housing assistance activities.

2. Strike and replace Paragraph 6 as follows:

6. The COUNTY and the **VILLAGE** shall take all actions necessary to assure compliance with the COUNTY'S certification under Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The COUNTY and the **VILLAGE** shall also comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. Furthermore, the COUNTY and the **VILLAGE** shall comply with all other applicable New York State and Federal laws and regulations.

In addition, CDBG funding of activities in, or in support of, **VILLAGE** is prohibited if the **VILLAGE** does not affirmatively further fair housing within its own jurisdiction or the **VILLAGE** impedes COUNTY'S actions to comply with the COUNTY'S fair housing certification. **VILLAGE** shall indemnify, defend and hold harmless COUNTY from any non-compliance with affirmatively furthering fair housing by **VILLAGE** that result in funding sanctions or other remedial actions by the United States Department of Housing and Urban Development and/or the federal government against COUNTY.

3. Add the following Paragraph 18:

18. **VILLAGE** may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the [Housing and Community Development] Act [of 1974]. This requirement is contained in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76.

In all other respects, the provisions of the Cooperation Agreement, shall remain in full force and effect and shall be binding upon the parties referred to above.

VILLAGE OF HIGHLANDS FALLS

COUNTY OF ORANGE

(PLACE SEAL)

(PLACE SEAL)

BY: Patrick Flynn

Patrick Flynn
Mayor

BY: _____

Stefan (Steven) M. Neuhaus
County Executive

STATE OF NEW YORK)
COUNTY OF ORANGE) ss:

On this 3 day of June 2014, before me personally appeared Patrick J Flynn, to me known, who being by me duly sworn did dispose and say that he/she resides at New York and that **he** is the **MAYOR** of the **VILLAGE OF HIGHLANDS FALLS** of the corporation described in and which executed the above instrument; that **he** knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal, that it was so affixed by order to the **VILLAGE** Board of said corporation, and that **he** signed **his** name thereto by like order.



Margaret D Lewis
Notary Public

STATE OF NEW YORK)
COUNTY OF ORANGE) ss:

On this ___ day of _____ 2014, before me personally appeared Stefan (Steven) M. Neuhaus, County Executive of the County of Orange, the corporation described in and who executed the foregoing instrument, to me known and known to be such County Executive, and he being by me duly sworn, did dispose and say that he is the County Executive of Orange County; that he knows the corporate seal of said County of Orange that the seal affixed pursuant to resolution of the County Legislature.

Notary Public

OPINION OF COUNTY COUNSEL

The undersigned County Attorney for the County of Orange, New York, certifies that the terms and provisions of the foregoing Agreement are fully authorized under existing State and local law and that the Agreement provides full legal authority for the County to undertake, or assist in undertaking, essential community renewal and lower income housing assistance activities in cooperation with local units of government.

Langdon C. Chapman, County Attorney

Date: _____