

ORDINANCE NO. 2010-70

AN ORDINANCE APPROVING AND AUTHORIZING AN AMENDED AGREEMENT BETWEEN THE CITY OF SHOREACRES AND HARRIS COUNTY, FOR THE PARTICIPATION IN THE APPLICATION AND DISTRIBUTION OF HURRICANE IKE DISASTER COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:

Section 1. The City Council hereby approves and authorizes the contract, agreement, or other undertaking described in the title of this ordinance, a copy of which is on file in the office of the City Secretary. The Mayor is hereby authorized execute all related documents on behalf of the City of Shoreacres to confirm acceptance by the City of Shoreacres. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

Section 2. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. This Ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED, this _____ day of _____, 2010.

CITY OF SHOREACRES

By: _____
Jayo Washington, Mayor

ATTEST:

David K. Stall, City Secretary

**AMENDED AGREEMENT BETWEEN HARRIS COUNTY AND
THE CITY OF SHOREACRES
FOR THE PARTICIPATION IN THE APPLICATION AND
DISTRIBUTION OF HURRICANE IKE DISASTER COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Agreement, made and entered into by and between HARRIS COUNTY, a body corporate and politic under the laws of the State of Texas, hereinafter sometimes referred to as "County," and THE CITY OF SHOREACRES, a municipal corporation under the laws of the State of Texas, hereinafter sometimes referred to as the "City."

WITNESSETH:

WHEREAS, the City has elected to participate in the Harris County Consolidated Region (HCCR) Application for Hurricane Ike Disaster Community Development Block Grant (CDBG) funds. These funds will be used to address unmet needs in housing, infrastructure, and economic development damages caused by Hurricane Ike and to mitigate future disaster events. Per Federal statute, a portion of funding must benefit low-income residents; and

WHEREAS, the city hereby expresses its intent to seek formal approval of its governing body to participate under the HCCR CDBG Disaster Recovery program by executing a Memorandum of Understanding to the County; and

WHEREAS, the County will allocate a proportion of Hurricane Ike Disaster Community Development Block Grant funding to the City based on a Method of Distribution established by the County for eligible project(s); and

WHEREAS, this agreement shall be of no force and effect unless and until it is executed by both parties hereto and certified by counsel for all parties hereto on the forms set forth below.

THEREFORE, the parties hereto agree as follows:

1. The City will prepare and submit an application for the Hurricane Ike Disaster Community Development Block Grant Recovery Program ("CDBG Grant") to the Texas Department of Rural Affairs (TDRA) in the amount allocated in the Harris County Method of Distribution.

2. The City understands and agrees that it will contract directly with TDRA, will be responsible for oversight of the City's CDBG Grant, and will maintain ownership and responsibility of long-term maintenance and operation of the improvements made using the CDBG Grant.
3. If any proceeds awarded under the CDBG Grant are not expended by the City, the County will reallocate the proceeds of the CDBG Grant based on the Method of Distribution established by the County for eligible projects in accordance with federal and state law applicable to the CDBG Grant.

IN WITNESS WHEREOF this instrument in duplicate originals, has been executed by the parties hereto as follows:

APPROVED AS TO FORM:

HARRIS COUNTY

VINCE RYAN
Harris County Attorney

By: _____
DOUGLAS P. RAY
Assistant County Attorney

By: _____
DAVID B. TURKEL
Director, Harris County Community and
Economic Development Department

Date Signed: _____

ATTEST:

CITY OF SHOREACRES

By _____
DAVID K. STALL
City Secretary

By _____
JAYO WASHINGTON
Mayor

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the _____ day of _____, 2009, with the following members present, to wit:

Ed Emmett	County Judge
El Franco Lee	Commissioner, Precinct No. 1
Sylvia R. Garcia	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
Jerry Eversole	Commissioner, Precinct No. 4

And the following members absent, to-wit _____, constituting a quorum, when among other business, the following was transacted:

ORDER AUTHORIZING AN AGREEMENT BETWEEN HARRIS COUNTY AND THE CITY OF SHOREACRES

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Emmett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Eversole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

WHEREAS, the City has elected to participate in the Harris County Consolidated Region (HCCR) Application for Hurricane Ike Disaster Community Development Block Grant (CDBG) funds. These funds will be used to address unmet needs in housing, infrastructure, and economic development damages caused by Hurricane Ike and to mitigate future disaster events. Per Federal statute, a portion of funding must benefit low-income residents; and

WHEREAS, the city hereby expresses its intent to seek formal approval of its governing body to participate under the HCCR CDBG Disaster Recovery program by executing a Memorandum of

Understanding to the County; and

WHEREAS, the County is willing to cooperate with the City in the development and implementation of the City's Disaster Recovery project(s) under the Disaster Community Development Block Grant Program; and

WHEREAS, the County will allocate a proportion of Hurricane Ike Disaster Community Development Block Grant funding to the City based on a Method of Distribution established by the County for eligible project(s).

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

David B. Turkel, Director of the Harris County Community Services Department is hereby authorized to execute for and on behalf of Harris County, an Agreement between Harris County, and the City of Shoreacres, in the Harris County Consolidated Region (HCCR) Application for Hurricane Ike Disaster Community Development Block Grant (CDBG) funds which Agreement is hereby referred to and made a part hereof for all purposes as though fully set out herein.