

SUMMARY NO. 4696

INTRODUCED BY: **CHRIS A. TREGRE, PARISH PRESIDENT**
DEPARTMENT OF COMMUNITY SERVICES

ORDINANCE NO. 99-4-3

A ordinance of the St. Charles Parish Council authorizing the Parish President to enter into a Consortium Cooperation Agreement with the Parish of Jefferson, City of Kenner and Parish of St. Charles for Fiscal Year 2000, 2001 and 2002 for the purposes of the HOME Investment Partnership Program.

WHEREAS, HUD has deemed it necessary that the consortium be redesignated for Fiscal Year 2000, 2001, and 2002 to correspond with Jefferson Parish's urban county qualification period under the CDBG program; and,

WHEREAS, the Community Development Act created a new funding source under the HOME Program to expand the supply of decent and affordable housing; and,

WHEREAS, the Parish of St. Charles does not qualify for direct funding through the Federal Housing and Urban Development allocation formula; and,

WHEREAS, the Federal Department of Housing and Urban Development recognizes consortia as a vehicle for funding for small communities; and,

WHEREAS, the Jefferson Parish Community Development Department has agreed to apply on behalf of the Parish of St. Charles; and,

WHEREAS, this funding will increase revenue in the Parish for Housing Programs; and,

WHEREAS, it is in the best interest of the Parish to take advantage of this additional funding opportunity.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That a Consortium Agreement with the Parish of Jefferson, City of Kenner and Parish of St. Charles is approved for the purpose of authorizing activities which will be funded from the annual HOME Investment Partnership Program appropriations and from any program income generated from the expenditure of such funds.

SECTION II. That the Parish President is hereby authorized to execute the Consortium Cooperation Agreement.

NOW, THEREFORE BE IT ORDAINED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby approve and authorize the execution of an Agreement between the St. Charles Parish Department of Community Services and the Jefferson Parish Consortium.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: RAMCHANDRAN, MINNICH, ALEXANDER, CHAMPAGNE, PHILLIPS, AUTHEMENT, SIRMON

NAYS: NONE

ABSENT: JOHNSON (OUT OF MEETING ROOM); DUHE

And the ordinance was declared adopted this 5th day of April, 1999, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 4-7-99

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RET'D/SECRETARY: 4-7-99

AT: 12:05 PM RECD BY: [Signature]

HOME INVESTMENT PARTNERSHIP ACT
CONSORTIUM COOPERATION AGREEMENT
FOR FISCAL YEAR 2000, 2001 AND 2002

AMONG

THE PARISH OF JEFFERSON
THE CITY OF KENNER
AND
THE PARISH OF ST. CHARLES

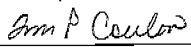
The following Agreement is entered into on this 12th day of May 1999 by and among the Parish of Jefferson, herein represented by the Parish President, Tim P. Coulon, duly authorized by Resolution No. 89248 of the Jefferson Parish Council, and the City of Kenner herein represented by the Honorable Louis J. Congerni, its Mayor, duly authorized by Resolution No. B-10579 of the City Council of Kenner, and the Parish of St. Charles, herein represented by Parish President, Chris A. Tregre, duly authorized by Ordinance No. 99-4-3 of the St. Charles Parish Council:

1. That the parties hereto have the authority to carry out activities which will be funded from the annual HOME Investment Partnership Program for Fiscal Years 2000, 2001 and 2002 appropriations and from any program income generated from the expenditure of such funds, and are fully authorized under the laws of the State of Louisiana
2. That the parties hereto, in order to obtain the benefits of the HOME Investment Partnership Act, as amended, do hereby enter into an Agreement to cooperate to undertake, or to assist in undertaking housing assistance activities through the HOME Investment Partnership Program to alleviate housing problems within the consortium's geographical area.
3. That this Agreement does not provide for and does not allow for a veto or other restriction which would allow any party to the Agreement to obstruct the implementation of the approved Consolidated Plan during the three program years and for such additional time as may be required for the expenditure of funds granted to the Consortium for such period.
4. That this Agreement is binding on all three parties of the Consortium referred above and contains no provision for termination or withdrawal by any party during the three program years for which the parties are seeking to qualify as a HOME participating jurisdiction.
5. That the Parish of Jefferson is hereby authorized as the single unit of general government to act in a representative capacity for both the City of Kenner and the Parish of St. Charles for the purposes of the HOME Program.
6. That the Parish of Jefferson is hereby being recognized as the representative member and referred to as the lead entity and shall be responsible for ensuring that the Consortium's HOME Program is carried out in compliance with the requirements of the program, including requirements of the approved Consolidated Plan for the respective membership of the Consortium, in accordance with HUD Regulations in 24 CFR Part 92 and 91, respectively, and the requirements of 24 CFR 92.350.
7. That this Agreement is authorized by the Jefferson Parish Council, and the City council of Kenner, and the St. Charles Parish Council and shall be executed for the Parish of Jefferson by the Parish President, acting as chief executive officer of Jefferson Parish, and by the Mayor of the City of Kenner, acting as chief executive officer of the City of Kenner, and for the Parish of St. Charles by the Parish President, acting as chief executive officer of St. Charles Parish.


8. That the determination by the Jefferson Parish Attorney's Office that the term and provisions of this Agreement are fully authorized under state and local law (i.e., LSA R.S. 33:1324, LSA R.S. 33:1236 and Section 1.103 of the Jefferson Parish Charter) and that this Agreement provides full legal authority for the Consortium to undertake or assist in undertaking housing assistance activities for the HOME Investment Partnership Program, is hereby attached and made part of this Agreement.
9. That it is the intention and understanding of the parties hereto to affirmatively further fair housing, and to conform to the directives contained in the aforesaid HOME Investment Partnership Act of Congress and to take all required actions necessary to assure compliance with Jefferson Parish's certification required by Section (104) (b) for Title I of the Housing and Community Development act of 1974, as amended, including the provisions of Title VI of the civil Rights Act of 1964, the Fair Housing Act, and other applicable laws which are made part of this Agreement by reference. Non-compliance by the City of Kenner and/or the Parish of St. Charles may constitute noncompliance by the HOME Program Consortium and may provide cause for funding sanctions or other remedial actions.
10. That this Agreement sets forth the following provisions in regard to program income:
 - a. That the City of Kenner and the Parish of St. Charles will inform the Parish of Jefferson of any income generated by the expenditure of HOME Investment Partnership funds received by either jurisdiction.
 - b. The City of Kenner or the Parish of St. Charles may retain any such program income subject to the following requirements:
 1. Any program income the City of Kenner or the Parish of St. Charles is authorized to retain by the Parish of Jefferson will only be used for eligible activities in accordance with all HOME Investment Partnership Act requirements as may then apply.
 2. That the Parish of Jefferson will have the responsibility for monitoring and reporting to HUD on the use of any such program income thereby requiring appropriate record keeping and reporting by the City of Kenner and Parish of St. Charles as may be required under OMB Circular A-102 for this purpose.
 3. That in the event of close-out or change in status of the City of Kenner or Parish of St. Charles, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the Parish of Jefferson.
11. That the Parish of Jefferson has final responsibility for filing annual program descriptions and annual reports to HUD.
12. That the City of Kenner and the Parish of St. Charles will participate by formal response to all Jefferson Parish inquiries initiated by the Jefferson Parish Department of Community Development Programs as it applies to the HOME Program.

13. That the City of Kenner and the Parish of St. Charles do assure to the Parish of Jefferson and to the Department of Housing and Urban Development (HUD) compliance with the current HOME Investment Partnership Act Program certifications, as modified, which are made part of this Agreement by reference.
14. That the City of Kenner and the Parish of St. Charles endorse the Relocation Policy and Procedure for Non-Acquisition Activities under the Community Development Block Grant Program for Jefferson Parish which is made part of this Agreement by reference.
15. That the Parish of Jefferson will prohibit HOME Investment Partnership Program funding for activities in or in support of the City of Kenner or the Parish of St. Charles if the City or Parish fails to affirmatively further fair housing within its own jurisdictions or impedes Jefferson Parish's actions to comply with its fair housing certification.
16. The terms of this Agreement shall be for the HOME Fiscal Years 2000, 2001 and 2002 and this agreement shall remain in effect until the HOME funds from each of the Federal fiscal years of the qualification period are closed out pursuant to 24 CFR 92.507. No member may withdraw from the agreement while the agreement remains in effect.
17. Jefferson Parish will act as the lead entity to amend this agreement on behalf of the entire consortium to add new members to the consortium should the occasion arise for increasing membership.
18. That the parties hereto confirm that they all operate on the same program year for CDBG, HOME, Emergency Shelter Grants (ESG) and Housing Opportunities for Persons with AIDS (HOWPA).

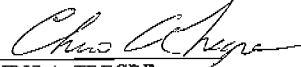
PARISH OF JEFFERSON


Tim P. Coulon
PARISH PRESIDENT

CITY OF KENNER


LOUIS Y. CONGEMI
MAYOR

PARISH OF ST. CHARLES


CHRIS A. TREGRE
PARISH PRESIDENT

HS66GP

STATE CERTIFICATION
Re. Consortium Housing Activities

- WHEREAS, the Louisiana Housing Finance Act contained in Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, as amended, created the Louisiana Housing Finance Agency (the "Agency") and further provided that the Louisiana Legislature found and declared that the limited resources directed to the State of Louisiana (the "State") or its agencies may be more effectively and efficiently utilized if a single agency such as the Agency is authorized and directed to coordinate housing programs administered by the State or its agencies and instrumentalities; and;
- WHEREAS, LSA-R.S. 40:600.6 provides that the Louisiana Housing Finance Agency has been designated the state housing Agency responsible for establishing policies for housing finance for all units, divisions, agencies, public corporations, and instrumentalities of the state involved directly or indirectly in financing single or multi-family housing, and has all powers necessary or convenient to carry out and effectuate its purpose;
- WHEREAS, pursuant to correspondence dated May 11, 1999, a copy of which is attached hereto as Exhibit "A", the Parish President of Jefferson Parish requested the Agency to provide written certification pursuant to 24 CFR §92.101 stating that the consortium to be formed by the Parish of Jefferson, the City of Kenner and the Parish of St. Charles will direct its activities to the alleviation of housing problems within the State;
- WHEREAS, the city of Kenner has evidenced its intent to join with the Parish of Jefferson in a consortium agreement by Resolution No. B-10579 dated March 19, 1992; and the Parish of St. Charles has evidenced its intent to form a consortium with the Parish of Jefferson and the City of Kenner by Resolution No. 99-4-3, dated April 5, 1999, copies of which are attached hereto as Exhibits "B" and "C" respectively;
- WHEREAS, the Parish of Jefferson has provided the Agency with a copy of a resolution whereby the Parish of Jefferson is authorized to enter in a consortium with the City of Kenner and the Parish of St. Charles, a copy of which is attached hereto as Exhibit "D";
- WHEREAS, the Agency has been provided with a letter from the Parish of Jefferson describing how the consortium will direct its activities to alleviate the housing problems within the consortium's geographical area, a copy of which is attached Exhibit "E";
- WHEREAS, Lana Todd, the Agency's Federal Program Manager represents in the attached letter Exhibit "F" dated July 7, 1999, that she has reviewed the consortium's activities and such activities will help alleviate housing problems within the State;

NOW, THEREFORE, based upon the foregoing and with due authorization and execution by the Parish of Jefferson, the City of Kenner, and the Parish of St. Charles of all necessary formalities including but not limited to all required resolutions and the execution of a legally binding Consortium Cooperation Agreement whereby the Parish of Jefferson, the City of Kenner, and the Parish of St. Charles agree to cooperate to undertake or to assist in alleviating housing problems within the State of Louisiana, pursuant to Executive Order No. MJF 96-53, the Louisiana Housing Finance Agency as the designated State Housing Agency hereby certifies that the consortium to be formed by the Parish of Jefferson, the City of Kenner, and the Parish of St. Charles will direct its activities to the alleviation of housing problems within the State.

Dated this 27th day of July, 1999.

Louisiana Housing Finance Agency

By: V. Jean Butler
V. Jean Butler, President

AUTHORIZED OFFICIAL

INTER-OFFICE COMMUNICATION

DATE: April 15, 1999

TO: Brenda Richard-Montgomery, Community Development

FROM: Deirdre Fuller, Assistant Parish Attorney *DF*

SUBJECT: 2000-2002 Home Investment Partnership Act Consortium Cooperation Agreement
Our File No. 9044-013

At your request I have reviewed the 2000-2002 Home Investment Partnership Act Consortium Cooperation Agreement between the Parish of Jefferson, the City of Kenner and St. Charles Parish. It is my legal opinion that the Agreement and its terms are fully authorized by Louisiana Constitution, relevant State statutes and the Jefferson Parish Charter. Article VI, §20 of the Louisiana Constitution, as well as LSA R.S. 33:1324 authorizes political subdivisions to exercise the powers and functions jointly or in cooperation with other political subdivision within the State as well as the United States and its agencies. The State Statute, LSA R.S. 33:1324 provides that at least one of the governmental entities be authorized under general or special law to engage in the activities that is the subject matter of the Agreement. Jefferson Parish is specifically authorized under general and local law to engage in housing assistance programs. LSA R.S. 33:1236 specifically provides that parish governing authorities are authorized to provide housing development and service organizations to needy tenants and homeowners. Section 1.103 of the Jefferson Parish Charter authorizes Jefferson Parish to establish and administer Parish housing, urban rehabilitation and conservation programs.

Pursuant to the above, the Parish may validly enter into the 2000-2002 Home Investment Partnership Act Consortium Cooperation Agreement with the City of Kenner and the Parish of St. Charles for the provision of affordable housing via rehabilitation of rental properties, tenant-based assistance, first time home buyers assistance and other programs and services that are specifically enumerated and provided for in the Home Investment Partnership Agreement.

DF/ke

cc: Arleeta Terrell

650 . . .

Id. Shall

On motion of Mr. Brissard, seconded by Mr. Jones,
the following resolution was offered:

RESOLUTION NO. 89248

A resolution of the Jefferson Parish Council authorizing the
Parish President to enter into a Consortium Cooperation
Agreement with the City of Kenner and the Parish of St. Charles
for Fiscal Years 2000, 2001 and 2002 for purposes of the HOME
Investment Partnership Program. (PARISHWIDE)

WHEREAS, Resolution No. 82169 on May 22, 1996 authorized
Jefferson Parish to enter into a Consortium Cooperation Agreement with the City of Kenner
and the Parish of St. Charles for fiscal Years 1997, 1998 and 1999 for purposes of the HOME
Investment Partnership Program; and

WHEREAS, HUD has deemed it necessary that the Consortium be re-designated for
Fiscal Years 2000, 2001 and 2002 to correspond with Jefferson Parish's urban county
qualification period under the CDBG program; and

WHEREAS, the National Housing Affordability Act created a new funding source -
the HOME Investment Partnership Act to expand the supply of decent and affordable
housing; and

WHEREAS, neither the City of Kenner nor the Parish of St. Charles qualify for direct
funding through the Federal Department of Housing and Urban Development's HOME
Program allocation formula; and

WHEREAS, Jefferson Parish would be authorized to act in a representative capacity
for both the City of Kenner and Parish of St. Charles in carrying out the HOME program
requirements.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Parish of Jefferson agrees to enter into a Consortium
Cooperation Agreement with the City of Kenner and the Parish of St. Charles for purposes of
the HOME Investment Partnership program for Fiscal Years 2000, 2001 and 2002.

SECTION 2. That the Parish President is hereby authorized to sign all documents
relative to the Consortium Agreement and the application for HOME funds.

The foregoing resolution having been submitted to a vote, the vote thereon was as
follows:

YEAS: 6 NAYS: None ABSENT: (1) Lavarine
The resolution was declared adopted on this the 5th day of May, 1999

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY

Tennie T. Rodrigue

TENNIE T. RODRIGUE
PARISH CLERK
JEFFERSON PARISH COUNCIL

MS
5/10/99

504466677 ...P

899 P02 AUG 23 '94 11:

Ansardi, Maxwell & Power
Attorneys and Counselors at Law

Concourse Place/Suite 125
1940 I-10 Service Road
Kenner, LA 70065

Glenn Ansardi
James D. Maxwell*
Michael J. Power
David S. For
Dorothy Fendergast
Kurt Calderon Garcia

*Also admitted in Mississippi & New York

August 23, 1994

Area Cud
466-13
FAX
466-66

VIA FACSIMILE
468-9354

Mr. Edgar Bernard
Director, Community Development
City of Kenner
2100 Third Street
Kenner, LA 70062

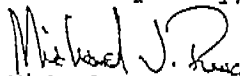
RE: Jefferson Parish Community Development Consortium

Dear Edgar:

In response to your note faxed to me on August 22, 1994, I have reviewed Resolution No. B-10579, which was adopted on March 19, 1992. Since the Resolution provides no reference to a time frame, it is our opinion that the Mayor may execute a new consortium agreement with Jefferson Parish without the necessity of additional Council approval.

Please let us know if you have any further questions on this matter.

Yours very truly,


Michael J. Power
Office of the City Attorney

MJP/kla

On motion of Councilman Irvin, seconded by Councilman Hipp, the following Resolution was offered:

RESOLUTION NO. E-10579

A RESOLUTION AUTHORIZING THE MAYOR, AARON F. BROUSSARD TO ENTER IN CONSORTIUM WITH PARISH OF JEFFERSON UNDER THE NATIONAL AFFORDABLE HOUSING ACT OF 1990:

WHEREAS, the Community Development Act created a new funding source under Home Program to expand the supply of decent and affordable housing; and

WHEREAS, the City of Kenner does not qualify for direct funding through Federal Housing and Urban Development allocation formula; and

WHEREAS, the Federal Department of Housing and Urban Development recognizes consortia as a vehicle for funding for small communities; and

WHEREAS, Jefferson Parish Community Development Department has agreed to apply on behalf of the City of Kenner; and

WHEREAS, this funding will increase revenue in the City of Kenner for Housing Rehabilitation; and

WHEREAS, it is in the best interest of the City of Kenner to take advantage of this additional funding opportunity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF KENNER:

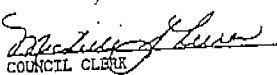
SECTION ONE: That the Mayor of the City of Kenner is hereby authorized to execute a consortium agreement with Parish of Jefferson,

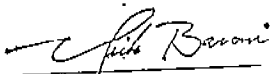
SECTION TWO: That the Mayor be designated as the authorized certifying officer with regards to the Home Program.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS:	4
NAYS:	Councilman Lavarine
ABSENT:	0
ABSTAIN:	Councilmen Hipp & Congeni

This Resolution was declared adopted on this, the 19th day of March, 1992.


COUNCIL CLERK


COUNCIL PRESIDENT

SUBMITTED BY AARON F. BROUSSARD, MAYOR/COMMUNITY DEVELOPMENT DEPARTMENT