



Contract Number
14-1042 A-2

SAP Number

Community Development and Housing

Department Contract Representative	Bryan Anderson, Supervising Analyst
Telephone Number	(909) 387-4351
Consultant	City of Montclair
Consultant Representative	Christine Caldwell
Telephone Number	(909) 625-9413
Contract Term	2015-2018;2018-2021
Original Contract Amount	N/A
Amendment Amount	N/A
Total Contract Amount	N/A
Cost Center	N/A

SECOND AMENDMENT TO THE AMENDED AND RESTATED COOPERATION AGREEMENT

This Second Amendment to the Amended and Restated Cooperation Agreement is made and entered into by and between the County of San Bernardino, of the State of California, hereinafter to as "COUNTY," and the City of Montclair, a city within the COUNTY, hereinafter referred to as "CITY."

WHEREAS, the COUNTY and the CITY entered into that Amended and Restated Cooperation Agreement for Housing and Urban Development Community Development and Planning Grants for Fiscal Years 2015-16, 2016-17, 2017-18 and Subsequent Automatic Renewals, Unless Terminated, Contract No.14-1042, hereinafter referred to as "Agreement."

WHEREAS, the COUNTY and the CITY entered into that First Amendment to the Amended and Restated Agreement, hereinafter referred to as "First Amendment."

WHEREAS, pursuant to Section 2 of the Agreement, the CITY and COUNTY can adopt amendments necessary to meet the requirements for cooperation agreements set forth in an Urban County Qualification Notice.

WHEREAS, the United States Department of Housing and Urban Development has notified the COUNTY that the Agreement must be amended to update provisions cited in Notice CPD-20-03.

WHEREAS, to implement and effectuate the provisions in Notice CPD-20-03, the COUNTY and CITY desire to enter into this Second Amendment to the Amended and Restated Cooperation Agreement, hereinafter referred to as "Second Amendment."

NOW, THEREFORE, the COUNTY and CITY hereby agree that the Agreement is amended as follows effective July 1, 2020:

Section 5 of the Agreement is hereby amended to include the following:

The COUNTY and the CITY obligate themselves to 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, that the grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act and will affirmatively further fair housing. See 24 CFR 91.225(a) and 5.105(a). The COUNTY and the CITY obligate themselves to 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, of Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and Section 3 of the Housing and Urban Development Act of 1968, and all other applicable laws. The COUNTY will prohibit urban county funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the COUNTY's actions to comply with the COUNTY's fair housing certification.

Except as expressly modified by this Second Amendment, all other provisions of the Agreement remain unmodified and continue in full force and effect. In the event of any conflict between this Second Amendment and the Agreement, the provisions of this Second Amendment shall prevail. This Second Amendment may be executed in multiple originals, each of which is deemed to be an original, and may be signed in counterparts.

IN WITNESS WHEREOF, the COUNTY and CITY have each caused this Second Amendment to be authorized by its respective duly authorized officers, on its behalf.

COUNTY OF SAN BERNARDINO

▶ [Signature]
Gary McBride, Chief Executive Officer

Dated: 10/1/20

CITY OF MONTCLAIR

By ▶ [Signature]

Name Edward C. Starr

Title City Manager

Dated: September 21, 2020

Address 5111 Benito St.
Montclair CA 91763

FOR COUNTY USE ONLY

Approved as to Legal Form

▶ [Signature]
Suzanne Bryant, Deputy County Counsel
Date 9/28/2020

Reviewed for Contract Compliance

▶ _____
Date _____

Reviewed/Approved by Department

▶ [Signature]
Gary Hallen, Director
Date 9/28/2020



County of San Bernardino DELEGATED AUTHORITY – DOCUMENT REVIEW FORM

This form is for use by any department or other entity that has been authorized by Board of Supervisors/Directors action to execute grant applications, awards, amendments or other agreements on their behalf. All documents to be executed under such delegated authority must be routed for County Counsel and County Administrative Office review prior to signature by designee.

Note: This process should NOT be used to execute documents under a master agreement or template, or for construction contract change orders. Contact your County Counsel for instructions related to review of these documents.

Complete and submit this form, along with required documents proposed for signature, via email to the department's County Counsel representative and Finance Analyst. If the documents proposed for signature are within the delegated authority, the department will submit the requisite hard copies for signature to the County Counsel representative. Once County Counsel has signed, the department will submit the signed documents in hard copy, as well as by email, to CAO Special Projects Team for review. If approved, the department will be provided routing instructions as well as direction to submit one set of the executed documents to the Clerk of the Board within 30 days.

For detailed instructions on submission requirements, reference Section 7.3 of the Board Agenda Item Guidelines as the Delegation of Authority does not eliminate the document submission requirements.

Department/Agency/Entity: Community Development and Housing /Community Development and Housing Agency

Contact Name: Thomas Ramirez Telephone: (909) 387-4324

Agreement No.: Attached Amendment No.: 2 Date of Board Item 8/25/20 Board Item No.: 19

Name of Contract Entity/Project Name: Second Amendment to the Amended and Restated Cooperation Agreement

Explanation of request/Special Instructions:

Per the request of HUD and to clarify the Section 504 of the Rehabilitation Act of 1973 of Title II of the Americans with Disabilities Act, the San Bernardino County's First Amendment to the Amended and Restated Cooperation Agreements (FAARCA1) must be amended. As a result, the County is required to have all 13 Cooperating cities sign and approve Amendment No. 2 to the Amended and Restated Cooperation Agreement. Additionally, the agreement must be signed by the County CEO as indicated in the BAI Recommendation #3. Designate and Authorize the Chief Executive Officer, upon approval of County Counsel, to execute any future Amendments to the Amended and Restated Cooperation Agreements and the Amended and Restated Delegate Agency Agreements. Final executed copies must be returned to HUD by September 21.

Insert check mark that the following required documents are attached to this request:

- Documents proposed for signature (Note: For contracts, include a signed non-standard contract coversheet for contracts not submitted on a standard contract form).
- Board Agenda item that delegated the authority

Department Routed to County Counsel	County Counsel Name: Suzanne Bryant	Date Sent: 9/21/20
Reviewing County Counsel Use Only	Review Date <u>9/28/2020</u> <u>Judith Surden for Suzanne Bryant</u> Signature	Determination: <input checked="" type="checkbox"/> Within Scope of Delegated Authority <input type="checkbox"/> Outside Scope of Delegated Authority
CAO-Special Projects Use Only	Review Date <u>9/30/2020</u> <u>Danette Tealer</u> Signature Danette Tealer	Disposition: <input checked="" type="checkbox"/> Route for signature to: <input type="checkbox"/> Chair <input checked="" type="checkbox"/> CEO <input type="checkbox"/> Department <input type="checkbox"/> Return to Department for preparation of agenda item