

ORIGINAL

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, APPROVING MODIFICATION TO
“HOME CONSORTIUM INTERGOVERNMENTAL AGREEMENT”
WITH YAKIMA COUNTY AND PARTICIPATING GOVERNMENTS**

WHEREAS, the United States government, through the National Affordable Housing Act of 1930, has established the HOME Investment Partnerships Act Program (“HOME Program”), for the purpose of expansion and rehabilitation of the supply of decent, safe, sanitary and affordable housing, and to foster and strengthen partnerships among all levels of government and the private sector; and

WHEREAS, Yakima County has been designated Lead Agency for the county region, and Participating Governments within Yakima County were invited to enter into a HOME Consortium Intergovernmental Agreement; and

WHEREAS, the City of Sunnyside and Yakima County have negotiated an intergovernmental agreement; and

WHEREAS, the City Council finds and determines that approval of such modification to the intergovernmental agreement and participation in such program is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON, as follows:**

SECTION 1. That Modification 01 to the “HOME Consortium Intergovernmental Agreement for Program Years 2010-2012,” a copy of which is attached hereto as Exhibit “A” and incorporated herein by this reference, is hereby approved; and the City Manager is hereby authorized to execute and administer such agreement for and on behalf of the City of Sunnyside.

SECTION 2. This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law.

PASSED this 24th day of August, 2009.



JAMES RESTUCCI, MAYOR PRO TEM

ATTEST:



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:

MENKE JACKSON BEYER EHLIS & HARPER, LLP
ATTORNEYS AT LAW



**HOME CONSORTIUM INTERGOVERNMENTAL AGREEMENT
MODIFICATION 01**

This **AGREEMENT MODIFICATION**, entered into this _____ day of _____ 2009 by **Yakima County** (hereafter referred to as **the Lead Agency**) whose address is 128 North 2nd Street, Room 102, Yakima, Washington 98901-2639, and **City of Sunnyside** (hereafter referred to as **the Participating Government**) whose address is 818 E. Edison Avenue, Sunnyside, WA 98944, whose signatures are reflected on this Agreement.

This Home Consortium Intergovernmental Agreement between the Contractor and the County is hereby modified as follows:

1. **Section 1.F, DEFINITIONS, "Participating Governments"** is deleted in its entirety and replaced with the attached revised **Section 1.F, DEFINITIONS, "Participating Governments"**.
 - F. "Participating Governments" means Yakima County and the Cities of Grandview, Mabton, Sunnyside, Toppenish, Wapato, and Union Gap and shall be designated as the Consortium.
2. **Section 3.A, AGREEMENT, Term** is deleted in its entirety and replaced with the attached revised **Section 3.A, AGREEMENT, Term**.
3. **AGREEMENT**
 - A. **Term:** The initial term (also known as "qualification period") of this Agreement shall be program years 2010 - 2012. Pursuant to 24 CFR 92.101(e), no member of the Consortium may withdraw from the Agreement while the Agreement remains in effect. This Agreement shall be automatically renewed for a second three-year qualification period, unless terminated as set forth herein.

The Lead Agency shall provide a minimum of 30 days advance written notice to each Participating Government of the program requirements to be in effect for subsequent Federal fiscal years or qualifying periods. Notice shall be sent by the Lead Agency to the following:

City Manager
City of Sunnyside
818 E. Edison Avenue
Sunnyside, WA 98944

3. **Section 3.D, AGREEMENT, Program Administration** is deleted in its entirety and replaced with the attached revised **Section 3.D, AGREEMENT, Program Administration**.

D. Program Administration: Yakima County as Lead Entity will have regional oversight, representation, and authority on certain issues affecting all of Yakima County. The HOME Program Advisory Committee will have responsibility to review the Consolidated Plan, develop project selection criteria and recommend projects for HOME funding.

4. This HOME Consortium Intergovernmental Agreement Modification shall not be binding upon the County until signature on behalf of the County is authorized by the Board of County Commissioners.

5. All other terms and conditions of this HOME Consortium Intergovernmental Agreement remain in full force and effect.

EXHIBIT "A"

This Agreement Modification contains all of the terms and conditions agreed upon by the parties. No other understandings or representations, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind the parties. The parties signing below warrant that they have read and understand this Agreement and have authority to enter into this Agreement.

CITY OF SUNNYSIDE

BOARD OF COUNTY COMMISSIONERS

James L. Bridges, Interim City Manager

J. Rand Elliott, Chairman

Date

Michael D. Leita, Commissioner

ATTEST

Deborah A. Estrada, City Clerk

Kevin J. Bouchey, Commissioner

Approved as to Form:

Deputy Prosecuting Attorney

AGREEMENT AUTHORIZATION

Attest:

Christina S. Steiner, Clerk of the Board

Date