

CITY OF ENGLEWOOD

**NOTICE OF APPROVAL
OF A BILL FOR AN ORDINANCE**

On the 3rd day of September 2024, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY
COUNCIL BILL NO. 40
INTRODUCED BY
COUNCIL MEMBER NUNNENKAMP**

A BILL FOR AN ORDINANCE
REPEALING ORDINANCE NO. 23
SERIES OF 2024, AND AUTHORIZING
AN AMENDMENT TO THE
INTERGOVERNMENTAL
AGREEMENT BETWEEN ARAPAHOE
COUNTY, COLORADO, SEVERAL
CITIES WITHIN ARAPAHOE COUNTY,
AND THE CITY OF ENGLEWOOD,
COLORADO RELATING TO THE
CONDUCT OF COMMUNITY
DEVELOPMENT BLOCK GRANT
(CDBG) AND HOME INVESTMENT
PARTNERSHIP (HOME) PROGRAMS.

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.englewoodco.gov>, Government, Legal/Public Notices.

PUBLISHED: September 4, 2024
Official Website of the City of
Englewood, Colorado

ORDINANCE NO. _____
SERIES OF 2024

COUNCIL BILL NO. 40
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE REPEALING ORDINANCE NO. 23 SERIES OF 2024, AND AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN ARAPAHOE COUNTY, COLORADO, SEVERAL CITIES WITHIN ARAPAHOE COUNTY, AND THE CITY OF ENGLEWOOD, COLORADO RELATING TO THE CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS.

WHEREAS, the City Council of the City of Englewood approved the execution of an Intergovernmental Agreement between the City of Englewood and Arapahoe County by passage of Ordinance No. 39, Series of 1994, covering the City’s participation in the Arapahoe County CDBG Entitlement Program as extended by Amendment No. 3, for funding years 2004 through 2006; and

WHEREAS, the Englewood City Council passed Ordinance No. 13, Series of 2006 and that was modified by Amendment No. 1 dated February, 2007 relating to participation in the Urban County Entitlement Program for CDBG and HOME funds for 2007 through 2009; and

WHEREAS, the Englewood City Council authorized continued participation from 2009 through 2024 through the passage of additional legislation as follows: Ordinance No. 38 Series of 2006, Ordinance No. 22 Series of 2009; Ordinance No. 25 Series of 2012, Ordinance No. 19 Series of 2015, Ordinance No. 12 Series of 2018, Ordinance No. 20 Series of 2021; and

WHEREAS, the passage of this Ordinance authorizes the execution of an Amendment to the Intergovernmental Cooperation Agreement between Arapahoe County and Englewood relating to the conduct of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs for program grant years through September 30, 2027; and

WHEREAS, the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs incorporate funds from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, on the 5th day of August, 2024, City Council adopted Ordinance No. 23, Series of 2024, authorizing an Amendment to the Intergovernmental Joint Cooperation Agreement and Home Consortium Agreement Between Arapahoe County and Participating Cities, and after that date, one party to the Agreement withdrew and another party to the Agreement made revisions to it.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF

THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby repeals Ordinance No. 23, series of 2024, thereby repealing authorization to execute the agreement attached thereto.

Section 2. The City Council of the City of Englewood, Colorado authorizes execution of an Amendment to the Intergovernmental Joint Cooperation Agreement and Home Consortium Agreement Between Arapahoe County and Participating Cities Relating to the Conduct of the Community Development Block Grant Program and Home Investment Partnerships Program For Grant Years 2025 Through 2027. The Amendment shall be in substantially the same form as that attached hereto. The Intergovernmental Agreement, as amended, further contains automatic renewal provisions, and the City shall be authorized to execute any document or agreement necessary to effectuate said automatic renewal without additional, specific authorizing legislation by City Council.

Section 3. The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

A. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

B. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

C. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

D. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be by reference or in full in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method. Manuals, Municipal Code, contracts, and other documents approved by reference in any Council Bill may be published by reference or in full on the City's official website; such documents shall be available at the City Clerk's office and in the City Council meeting agenda packet when the legislation was adopted.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance, including to accept funds for and on behalf of the City of Englewood, Colorado.

G. Enforcement. To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.