



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 08/04/09

SUBJECT: Extension of the term of the Agreement between the City of Port Orange and Mid Florida Housing Partnership, Inc. for services related to SHIP Program client file processing

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION:

To approve an extension of the term of the Agreement between the City of Port Orange and Mid Florida Housing Partnership, Inc. until December 31, 2009.

SUMMARY

The agreement between the City and Mid Florida Housing Partnership, Inc. (MFHP) for services related to the SHIP Program expired on June 30, 2009. Staff had intended to publish a request for quotes that appropriately complied with SHIP statute requiring a sponsor selection process. However, as a result of elimination of the SHIP program allocation for fiscal year 2009-2010, the City will not require a new agreement for comprehensive sponsor service provision for fiscal year 2009-2010. All required application processing can be accommodated by current staff.

Staff recommends that an extension of the term of this agreement be executed from July 1, 2009 to December 31, 2009. This term extension will permit MFHP to continue to screen potentially eligible applicants for the City's SHIP assistance strategies and allow MFHP to be of additional assistance as the City begins its administration and implementation of the Homeownership Opportunity Program.

ATTACHMENTS: Ordinance Resolution Budget Resolution

Other Support Documents

DEPARTMENT HEAD

Wayne Clark, Director *Wayne Clark* Date *7-14-09*

FINANCE DEPARTMENT

Approved as to Budget Requirements Date

CITY ATTORNEY

Mitchell

Approved as to Form and Legality Date *7-29-09*

CITY MANAGER

Shaw

Approved Agenda Item For: *08.04.2009*

COUNCIL ACTION: Approved as Recommended Disapproved

Tabled Indefinitely Continued to Date Certain

Approved with Modification:



STAFF REPORT

Mid Florida Housing Partnership Extension of Term

INTRODUCTION:

Request approval of the term of the Agreement between the City of Port Orange and Mid Florida Housing Partnership, Inc. for services related to SHIP client file processing.

General Information:

In April 2009, the City Council approved a modification and extension of the existing Agreement between the City and Mid Florida Housing Partnership, Inc. that included a performance-based payment arrangement and extended the term for three months, to June 31, 2009, which is the end of the state fiscal year.

To date, the goals and outcomes detailed in the agreement have not yet been realized.

Defined terms of the Agreement:

- Goal:** 7 households would be assisted with down payment assistance OR rehabilitation assistance.
- Actual:** 2 households have been assisted (both with down payment assistance)
- Goal:** A minimum of one Homebuyer Education Class conducted
- Actual:** Completed
- Goal:** 6 eligible households would be assisted with foreclosure assistance
- Actual:** No applicants have qualified for the assistance

Staff believes firmly that these goals are attainable but require more time to achieve the intended results. We recommend that Mid Florida be given an extension of the term of the agreement to December 31, 2009 in order for them to accomplish the goals set forth in the agreement.

The City does have some remaining SHIP funds from previous fiscal years that have not yet been committed to eligible households, but it will be unnecessary to execute a year-long contract agreement to provide processing of assistance applications.

**Extension
of
AGREEMENT OF SERVICES
BETWEEN
MID-FLORIDA HOUSING PARTNERSHIP, INC.
AND
CITY OF PORT ORANGE, FLORIDA**

This extension is made and effective as of **June 30, 2009** by and between the City of Port Orange, a municipal corporation and political subdivision of the State of Florida (the "City") and Mid Florida Housing Partnership, Inc., a Florida nonprofit corporation ("MFHP") for an existing Agreement executed April 1, 2009 for a term of three months with an original expiration date of June 30, 2009.

On April 1, 2009, the City and MFHP executed an Agreement of Services for a term of three (3) months through and including June 30, 2009.

Although the original term has expired, the City desires to extend the term until December 31, 2009 to allow MFHP additional time to satisfy the scope of work as outlined in the original agreement and contained herein.

Scope

MFHP agrees to the following performance measures for this extension Agreement:

Down Payment Assistance AND Owner Occupied Rehabilitation Programs activities	A minimum of five (5) households assisted
Homebuyer Education Class	Completed
Foreclosure Prevention	A minimum of six (6) households assisted

This extension Agreement will utilize performance-based invoicing and will require MFHP to invoice for actual households closed/assisted and actual Homebuyer Education classes conducted where applicants have indicated intent to purchase a home in the City of Port Orange.

Indemnification

To the full extent permitted by law, MFHP shall indemnify and hold harmless, the City and its agents and employees from and against all claims, damage, loss, and expenses, including, but not limited to, attorney's fees, arising out of, or resulting from the performance of the Agreement by the City and MFHP.

Termination

This Agreement may be terminated by either party, with or without cause, upon no less than sixty (60) days written notice delivered to the other party, or at the option of the City, immediately in the event that MFHP fails to fulfill any of the terms of this Agreement.

All other terms and conditions of that certain Agreement dated April 1, 2009 shall remain in full force and effect, except as modified herein.

Approved by the City of Port Orange, Florida this _____ day of _____, 2009.

WITNESSES:

**CITY OF PORT ORANGE, FLORIDA
a chartered municipal corporation**

Printed Name: _____

By: _____
Allen Green, Mayor

Printed Name: _____

Attest: _____
Kenneth W. Parker, City Manager

Printed Name: _____

Date: _____

Printed Name: _____

(SEAL)

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by Allen Green and Kenneth W. Parker, the Mayor and City Manager, respectively, duly authorized to execute the foregoing **EXTENSION AND MODIFICATION of AGREEMENT** on behalf of the **CITY OF PORT ORANGE, FLORIDA**, a chartered municipal corporation, and who are personally known to me, or have produced _____ as identification.

Notary Public, State of Florida at Large
*Print or type or affix stamp with notary name
Commission and expiration date*

WITNESSES:

**MID FLORIDA HOUSING
PARTNERSHIP, INC.**

Printed Name: _____

Francine Gordon, Executive Director

Printed Name: _____

(SEAL)

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____
2009, by Francine Gordon, the Executive Director of Mid Florida Housing Partnership,
Inc., duly authorized to execute the foregoing EXTENSION AND MODIFICATION
AGREEMENT on behalf of the organization, and who [] are personally know to me, or
[] have produced _____ as identification.

Notary Public, State of Florida At Large
*Print or type or affix stamp with Notary Name
Commission and expiration date*

APPROVED AS TO FORM:

City Attorney

Date: _____

**Extension and Modification
of
AGREEMENT OF SERVICES
BETWEEN
MID-FLORIDA HOUSING PARTNERSHIP, INC.
AND
CITY OF PORT ORANGE, FLORIDA**

This agreement is made and effective as of **April 1, 2009** in the amount of **Three Thousand Seven Hundred Fifty and no/100 dollars (\$3,750.00)** by and between the City of Port Orange, a municipal corporation and political subdivision of the State of Florida (the "City") and Mid Florida Housing Partnership, Inc., a Florida non profit corporation ("MFHP").

On April 1, 2008, the City and MFHP executed an Agreement of Services for a term of twelve (12) months through and including March 31, 2009.

Although expired, the City and MFHP mutually agreed, prior to the expiration date of the previous Agreement of Services, to extend the term until June 30, 2009 and modify the scope of services in an effort to more effectively track and report expected outcomes according to the State fiscal year and to effectively respond to the rapidly increasing number of foreclosures within the City.

Scope

MFHP agrees to the following performance measures for this extension Agreement:

Down Payment Assistance AND Owner Occupied Rehabilitation Programs activities	A minimum of seven (7) households assisted
Homebuyer Education Class	A minimum of one (1) class conducted
Foreclosure Prevention	A minimum of six (6) households assisted

This extension Agreement will utilize performance-based invoicing and will require MFHP to invoice for actual households closed/assisted and actual Homebuyer Education classes conducted where applicants have indicated intent to purchase a home in the City of Port Orange.

Indemnification

To the full extent permitted by law, MFHP shall indemnify and hold harmless, the City and its agents and employees from and against all claims, damage, loss, and expenses, including, but not limited to, attorney's fees, arising out of, or resulting from the performance of the Agreement by the City and MFHP.

Termination

This Agreement may be terminated by either party, with or without cause, upon no less than sixty (60) days written notice delivered to the other party, or at the option of the City, immediately in the event that MFHP fails to fulfill any of the terms of this Agreement.

All other terms and conditions of that certain Agreement dated April 1, 2008 shall remain in full force and effect, except as modified herein.

Approved by the City of Port Orange, Florida this 21st day of April, 2009.

WITNESSES:

Shirley M. Kelly
Printed Name: Shirley M. Kelly

M. T. Roberts
Printed Name: Margaret T. Roberts

Shirley M. Kelly
Printed Name: Shirley M. Kelly

M. T. Roberts
Printed Name: Margaret T. Roberts

CITY OF PORT ORANGE, FLORIDA
a chartered municipal corporation

By: Allen Green
Allen Green, Mayor

Attest: Kenneth W. Parker
Kenneth W. Parker, City Manager

Date: April 21, 2009

(SEAL)

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 21st day of April, 2009, by Allen Green and Kenneth W. Parker, the Mayor and City Manager, respectively, duly authorized to execute the foregoing EXTENSION AND MODIFICATION of AGREEMENT on behalf of the CITY OF PORT ORANGE, FLORIDA, a chartered municipal corporation, and who are personally known to me, or have produced _____ as identification.



M. T. Roberts
Notary Public, State of Florida at Large
Print or type or affix stamp with notary name
Commission and expiration date

WITNESSES:

MID FLORIDA HOUSING
PARTNERSHIP, INC.

Marcella Yonkasky
Printed Name: MARCELLA Yonkasky

Francine Gordon
Francine Gordon, Executive Director

Brenda Elton
Printed Name: Brenda Elton

(SEAL)

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 14th day of MAY 2009, by Francine Gordon, the Executive Director of Mid Florida Housing Partnership, Inc., duly authorized to execute the foregoing EXTENSION AND MODIFICATION AGREEMENT on behalf of the organization, and who are personally know to me, or have produced _____ as identification.



Lynn M. Coonrad
Notary Public, State of Florida At Large
Print or type or affix stamp with Notary Name
Commission and expiration date

APPROVED AS TO FORM:

City Attorney

Date: _____