

January 5, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Approval of Amendment #4 to a Revenue Intergovernmental Agreement Grant from the Oregon Department of Housing and Community Services to Add Low Income Household Energy Assistance Funding. Amendment value is \$6,349,405, agreement value is increased to \$38,096,432. Funding is through the Oregon Department of Housing and Community Services. No County General Funds are involved.

Previous Board Action/Review	The Board of Commissioners 7-8-21 approved the original IGA. 20210708 II Amendments #1 and #2 were approved by the Board on 3-31-22. 20220331 II.A.1 20220331 II.A.2 Amendment #3 was approved by the Board on 12-8-22. 20221208 II.A.3 Briefed at Issues- 1/3/23		
Performance Clackamas	<ol style="list-style-type: none"> 1. Ensure Safe, Healthy, and Secure Communities 2. Honor, Utilize, Promote and Invest in our Natural Resources 		
Counsel Review	Yes	Procurement Review	N/A
Contact Person	Brenda Durbin, Director Social Services Division	Contact Phone	(503) 655-8641

Executive Summary:

The Social Services Division (SSD) of the Health, Housing and Human Services Department requests the approval of a revenue Intergovernmental Agreement (IGA) Grant Amendment #4 with the State of Oregon, Housing and Community Services Department (OHCS), which adds Low-Income Household Energy Assistance Funds (LIHEAP) for Federal Fiscal Year 24 to provide winter heating assistance to residents of Clackamas County and increases the non to exceed maximum to \$38,096,432.

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Healthy Families. Strong Communities.

OHCS is a recipient of federal formula grant funds from the U.S. Department of Energy under the FY2022 Bipartisan Infrastructure Law that allocated \$3,500,000,000 to States and Tribes to increase the energy efficiency of dwellings owned or occupied by low-income persons, reduce their total residential energy expenditures, and improve their health and safety. Failure to accept this Amendment will result in the LIHEAP program shutting down and low-income households no longer receiving winter heating assistance. Other programs that have been allocated additional funding may also be in danger of shut down if the not-to-exceed value of the agreement is not corrected.

The Amendment increases the dollar amount by \$6,349,405, bringing the not-to-exceed value of the agreement to \$38,096,432. The Amendment was approved by County Counsel and is effective upon signature by all parties. No County General Funds are required.

The Amendment was downloaded to a PDF file for the County review process; however, OHCS requires the signature authority for Clackamas County to sign the Amendment by using the DocuSign electronic system.

RECOMMENDATION:

Staff recommends that the Board approve the agreement and that the Board Chair be authorized to sign on behalf of the County.

Respectfully submitted,

Rodney A. Cook

Rodney A. Cook
Director
Health, Housing, and Human Services Department

Attachment:
IGA Grant Amendment #4 to H3S#10239, State #7005

State of Oregon
Oregon Housing and Community Services Department
Master Grant Agreement
Amendment No. 4

This is Amendment No. 4 (the “Amendment”) to the Master Grant Agreement No. 7005, dated July 1, 2021 (the “Agreement” or “MGA”) executed by and between the State of Oregon, acting by and through its Housing and Community Services Department, (“OHCS” or “Department”), and Clackamas County, acting by and through its Health, Housing and Human Services Department, (“Subgrantee”).

Recitals:

- A. OHCS is a recipient of federal formula grant funds from the U.S. Department of Health and Human Services under Public Law 117-180, Continuing Appropriations Act, 2023 which allocates \$35,481,832 to Oregon for the Low-Income Home Energy Assistance Program (LIHEAP).

For good and sufficient consideration including the terms and conditions of this Amendment, the parties agree as follows:

1. **Amendment to Agreement.** The Agreement is hereby amended as follows effective upon signature by all parties and approval required by law and with a funding start date as of **July 1, 2021**: New Language is indicated by **bolding** and **underlining** and deleted language is indicated by **bolding** and **striking** unless a section is replaced in its entirety:
 - a. Amend Section 3. Entitled Consideration, as follows:

Consideration. While there is no guarantee of funding under this Agreement, it authorizes OHCS to provide grant funding to subgrantee up to an amount not to exceed **\$38,096,432.00** [~~**\$31,747,027.00**~~] (the “Grant Funds”). The grant funds available to Subgrantee through OHCS are contingent to OHCS receiving federal awards, state funds, and limitation. These grant funds may be allocated by OHCS to Subgrantee upon availability to OHCS through the Notice of Allocation process, as later defined in this Agreement. Allocations will be made by OHCS in accordance with applicable Program periods, funding formulas, or otherwise applicable.
 - b. Incorporate Exhibit H – Federal Award Information, which is attached to the Amendment and incorporated by this reference.
2. Except as expressly amended above, all other terms and conditions of the Agreement, as amended, remain in full force and effect.
3. The parties expressly affirm and ratify the Agreement as herein amended.
4. Subgrantee certifies that the representations, warranties, and certifications contained in the Agreement are true and correct as of the effective date of this Agreement and with the same effect as though made at the same time of this Amendment.

5. This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.

Certification: By signature on this Amendment, the undersigned hereby certifies for Subgrantee under penalty of perjury that the undersigned is authorized to act on behalf of Subgrantee and that Subgrantee is, to the best of the undersigned's knowledge, not in violation of any Oregon Tax Laws. For purposes of this certification, "Oregon Tax Laws" means a state tax imposed by ORS 320.005 to 320.150 and 403.200 to 403.250 and ORS chapters 118, 314, 316, 317, 318, 321, and 323 and elderly rental assistance program under ORS 310.630 to 310.706 and local taxes administered by the Department of Revenue under ORS 305.620.

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SIGNATURE PAGE

SUBGRANTEE:

Clackamas County

Authorized Signature: _____ Date: _____

Name: _____ Title: _____

OHCS:

**State of Oregon acting by and through its
Housing and Community Services Department**

Authorized Signature: _____
Designated Procurement Officer or designee Date

Reviewed and Approved By:  12/2/2022
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Tim Zimmer, Assistant Director of Energy Services Date

DEPARTMENT OF JUSTICE

Approved as to Legal Sufficiency By: David Berryman via email December 2, 2022
Assistant Attorney General Date

**2021 -23 MASTER GRANT AGREEMENT
EXHIBIT H**

Information Required by 2 CFR, Part 200, Subtitle B
(with guidance at 2 CFR 200.332)

1. Federal Award Identification: 2302ORLIEA
2. Recipient Name: Oregon Housing and Community Services
3. Recipient's Unique Entity Identifier: 809580293
4. Federal Award Date: 011/01/2022
5. Period of Performance Start and End Date: From: 10/01/2022 To: 9/30/2024.
6. Total Amount of Federal Funds Obligated by this Agreement: \$1,930,073
 - a. Total Amount of Federal Award: \$35,481,832
 - (1) Federal Award Project Description: Provide assistance to low-income families that assist with energy costs.
 - (2) Name of Federal Awarding Agency: U. S. Department of Health and Human Services
 - (3) Contact Information for Awarding Official:
Angel Chen
(646) 905-8120
 - (4) Indirect Cost Rate: De minimis (10% MTDC) unless otherwise negotiated with federal cognizant agency
 - (a) Catalogue of Federal Domestic Assistance (CFDA) Number and Name: 93.568
 - (b) Program Title: Low-Income Home Energy Assistance Program
7. Is Award Research and Development? Yes No

MGA 2021-23
Exhibit H – LIHEAP 23
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