

EMERGENCY RESOLUTION NO. 36-2019

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF MONROE AND THE COUNTY OF BUTLER, OHIO FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND DECLARING AN EMERGENCY.

WHEREAS, the Housing and Urban Development (HUD) is requesting that new agreements be executed for the Community Development Block Grant Program; and

WHEREAS, Council desires to authorize the City Manager to enter into this agreement so that funds can be applied for through this program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: The City Manager is hereby authorized to enter into a cooperation agreement by and between the City of Monroe and the County of Butler, Ohio for the Community Development Block Grant Program pursuant to the terms and conditions marked "Exhibit "A" attached hereto and made a part hereof.

SECTION 2: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to execute this agreement at the earliest possible date to avoid any delay in applying for these grant funds. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: July 23, 2019

ATTEST: 

Clerk of Council

APPROVED: 

Mayor

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.

"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.



Clerk of Council
City of Monroe, Ohio

COOPERATION AGREEMENT
for the
BUTLER COUNTY ENTITLEMENT PROGRAM
Program Years 2020-2022

This Agreement between the County of Butler, Ohio, hereinafter referred to as
"County" and the _____, Ohio, hereinafter referred to as "City/Village".

WITNESSETH:

WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974, as amended, (hereinafter called the "Act"), which has as its primary objective, the development of viable urban communities, and whereby federal assistance will be provided for the support of community development activities which are directed toward the following specific objectives:

- 1) The elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income;
- 2) The elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities;
- 3) The conservation and expansion of the Nation's housing stock in order to provide a decent home and suitable living environment for all persons, but principally those of low and moderate income;
- 4) The expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities;
- 5) A more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreation, and other needed activity centers;
- 6) The reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for

persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income;

- 7) The restoration and preservation of properties of special value for historic, architectural, or esthetic reasons;
- 8) The alleviation of physical and economic distress through the stimulation of private investment and downtown revitalization in Neighborhood Business Districts.

WHEREAS, both the City/Village and the County are desirous of entering into community development activities within Butler County, which are directed toward the above and specific objectives, and for that reason, desirous of seeking such federal funding as may be available to them pursuant to the Act; and

WHEREAS, the Act contemplates and encourages the joining together by agreement of counties and municipalities with populations less than 50,000, for the purpose of carrying out the objectives of the Act;

WHEREAS, municipalities and counties in Ohio have authority under Section 307.15 of the Ohio Revised Code (ORC) to enter into agreements whereby a Board of County Commissioners undertakes, and is authorized by the contracting City/Village, to exercise any power, perform any function, or render any service, on behalf of the City/Village which such City/Village may exercise, perform or render; and

WHEREAS, the City/Village and the County each have the authority to carry out the kinds of activities which are the objectives of the Act pursuant to Section 303.26 of the Ohio Revised Code, et Seq.; and

WHEREAS, the County has authority under Section 307.85(A) of the Ohio Revised Code to cooperate with other governmental agencies in operating any federal program enacted by the United States Congress; and

WHEREAS, the City/Village and the County have agreed that it is in the best interest of carrying out the objectives of the Act within Butler County that the City/Village and the County should join together in both the CDBG, ESG, and HOME Investment Partnership Programs.

IT IS AGREED BETWEEN PARTIES THAT:

1. This Agreement covers Program Years 2020, 2021, and 2022, from May 1, 2020 through April 30, 2023, of both the Community Development Block Grant (CDBG) Entitlement Program and the HOME Investment Partnership Program. By executing this Agreement and participating in the Butler County Programs, the City/Village understands that it may not apply for grants under the Small Cities or State CDBG Program, and that it may

receive a formula allocation under the HOME Program only through the urban county. Even if the urban county does not receive a HOME formula allocation, the participating unit of local government cannot form a HOME consortium with other local governments except for Butler County. The County shall also prepare and submit an application for “ESG” funds as they are made available. The City/ Village may receive a formula allocation under the ESG Program only through the Urban County if funds become available.

2. The County shall prepare and submit an application to the Secretary of Housing and Urban Development for grants under the terms of the Housing and Community Development Act of 1974, as amended. These applications shall set forth a summary of a community development plan which identifies community development needs, demonstrates a comprehensive strategy for meeting those needs, and specifies both short and long term community development objectives, which have been developed in accordance with area wide development planning and national urban growth policies, and otherwise conforms with Section 104 of the Act. The community development plan described above shall hereinafter be called the “Plan”.
3. The City/Village may prepare applications of recommended projects and activities for community development within its boundaries, of which the activities and objectives must be in accordance with the objectives of the Act. These applications shall be submitted to the Butler County Department of Development, which will be the reviewing agency for all proposed activities and objectives to be included in the Plan. The Butler County Department of Development shall make recommendations to the Board of County Commissioners for the contents of the plan and for recommended priorities among these various projects and activities which may be submitted. Final approval of projects and activities to be included in the plan is the responsibility of the Board of County Commissioners. It is also understood between the parties that the County has the authority and responsibility to make decisions concerning the contents of the applications, and that the projects and activities for which approval and urban county formula funding is sought under these applications shall be in conformance with the purposes of the Act and the Plan.
4. If projects or activities with the City/Village are approved and funded, pursuant to the applications, the County will have the responsibility and authority for the overall implementation of the programs and for the proper use of the urban county formula funds and any and all program income generated from the expenditure of these funds in accordance with the requirements of the Act.
5. The County shall develop and maintain a uniform administrative procedure for the development of applications and the distribution of urban county formula funds. These procedures will of necessity reflect the requirements of the Secretary of Housing and Urban Development and the regulations which the secretary may develop for the distribution and expenditure of urban county formula funds.

6. The City/Village authorizes the County to do on behalf of the City/Village, in accordance with the conditions of this agreement, all things which the City/Village could do for itself in the making of the application for, and the expenditure of, urban county formula funds.
7. The City/Village and the County agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing.
8. Pursuant to 24 CFR 570.501 (b), the City/Village shall be subject to the same requirements as subrecipients, including the requirement of a written agreement, where applicable in accordance with 24 CFR 570.503.
9. If a City/Village is a subrecipient, it must inform the County of any income generated by the expenditure of CDBG funds and return such income to the County within thirty (30) days of its receipt, unless other specific arrangements have been negotiated and agreed to by the City/Village and the County. The City/Village shall maintain and supply such records and supporting documentation to the County to assure program income is being accurately reported and correctly expended. Any program income that is on hand or received subsequent to close out of the activity shall be paid to the County within thirty (30) days.
10. For any real property acquired or improved in whole or in part using CDBG funds, the City/Village agrees:
 - a) To notify the County within thirty (30) days of any proposed modification or change in the use of real property from that planned at the time of acquisition or improvement including disposition.
 - b) To reimburse the County in an amount equal to the current Fair Market Value (less any portion thereof attributable to expenditures of non-CDBG funds) of the property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under CDBG regulations.
 - c) To return to the County (as provided in Section 8 and Section 9 above) all program income generated from the disposition, transfer, or rent of property acquired or improved with CDBG funds.
11. Both the County and City/Village agree to take all actions necessary to assure compliance with the urban county's certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age discrimination Act of 1975, and affirmatively furthering fair housing. Further, no funding shall be made 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.

12. The City/ Village agrees to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities.
13. The City/Village has adopted and is enforcing:
 - a) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - b) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.
14. This agreement shall remain in effect for Program Years 2020, 2021, and 2022, and cannot be terminated, until CDBG, ESG, and HOME funds, as well as any program income received are expended, and the funded activities are completed, and that the county and participating unit of local government cannot terminate or withdraw from the cooperation agreement while it remains in effect, except if the County fails to qualify as an urban county or if the County does not receive a grant in any year of this period, in which cases this agreement is null and void.
15. Any amendments to the Housing and Community Development Act of 1974, as currently amended, necessitating a change to this agreement, shall be incorporated by a formal amendment to this agreement. Failure by either party to adopt an amendment incorporating all changes necessary to meet the requirements set forth in the Urban County Qualification Notice applicable for the year in which the next qualification is scheduled, shall automatically terminate the agreement following the expenditure of all CDBG funds allocated for use in the City/Village's jurisdiction, and that such failure to comply will void the automatic renewal of such qualification period.
16. This agreement shall be automatically renewed in successive three-year qualification periods unless either party exercised the option to terminate the agreement at the end of the urban county qualification period. If the City/Village fails to exercise that option before the end of the urban county qualification period it will not have the opportunity to exercise that option until the end of the subsequent urban county qualification period. Such termination will be accepted only if it is submitted in writing before the end of each qualification period and a copy of that notice must be submitted to the HUD Columbus Field Office. Butler County will notify the City/Village by the date specified in HUD's Urban County Qualification Notice, of its right to terminate the Agreement.
17. The city/village may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.

BUTLER COUNTY:

President

Witness

Vice-President

Member

CITY/VILLAGE: _____

Authorizing Signature

Witness

Name

Title

**LEGAL OPINION ATTACHED
and made part of this Agreement.**