

ORDINANCE NO. 54-90

BY: John T. Loehnert

An Ordinance to authorize the Mayor and Auditor to contract with the Board of County Commissioners, Franklin County, Ohio, on behalf of the City of Bexley for a Community Development Block Grant Program and provide acquisition services therewith.

WHEREAS, pursuant to the provisions of the Housing and Community Development Act of 1974 (Public Law 93-383, 42 U.S.C. 5301), Franklin County, Ohio is recognized by the United States Department of Housing and Urban Development as an urban county and entitled to Community Development Block Grant Program funds for urban counties, and;

WHEREAS, pursuant to the provision of Section 307.85, Ohio Revised Code, the Board of County Commissioners, Franklin County, Ohio, is authorized to participate in and cooperate with cities and villages in Franklin County in establishing and operating federal programs, and;

WHEREAS, pursuant to the provisions of Section 307.15, Ohio Revised Code, the Board of County Commissioners, Franklin County, Ohio, is authorized to enter into agreements with cities and villages in Franklin County whereby it is provided that the Board of County Commissioners, Franklin County, Ohio, exercises powers and performs functions or renders services on behalf of the said cities and villages. NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the City of Bexley is located within the geographical boundaries of Franklin County, Ohio.

Section 2. That the Mayor and Auditor should be, and they hereby are, authorized and directed on behalf of the City of Bexley to enter into an agreement with the Board of County Commissioners, Franklin County, Ohio, for the purpose of cooperating and participating in the Franklin County Housing and Community Development Act of 1974 (Public Law 93-383, 42 U.S.C. 5301), and Section 570.105 b 3 (iii), Community Development Block Grant Program Rules and Regulations. The agreement as provided herein and identified as Exhibit "A" is attached hereto and made a part hereof.

Section 3. That said agreement for which provisions are made in Section 1 hereof shall provide that pursuant to the provisions of Section 307.15, Ohio Revised Code, the Board of County Commissioners, Franklin County, Ohio, shall perform acquisition services for the City of Bexley leading to purchase or condemnation of land and structures thereon for property or easement needed in connection with the said Community Development Block Grant Program, title to said property and easements to be taken in the name of the City of Bexley.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: July 24, 1990

Robert L. Schmitz
President of Council

Attest: John W. Dwyer

Approved: July 24, 1990

David H. Madison
David H. Madison
Mayor

June 26, 1990 - 1st reading
July 10, 1990 - 2nd reading
July 24, 1990 - 3rd reading
adopted

COOPERATION AGREEMENT
FOR
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
RENEWAL AND EXTENSION
EXHIBIT "A"

WHEREAS, this agreement, made and concluded at Franklin County, Ohio, this 24th day of SEPTEMBER (1988-90), 1990, by and between the Board of County Commissioners, Franklin County, Ohio, being duly authorized in the premises by the provisions of an Ordinance adopted on SEPTEMBER 4th (1988-90) 1990, hereinafter referred to as "Board" and the City of Bexley by David H. Madison, its Mayor and John W. Hornberger, its Auditor, being duly authorized in the premises by the provisions of Ordinance No. 54-90 dated 24th DAY OF JULY, 1990, hereinafter referred to as "City":

NOW, THEREFORE, it is hereby agreed by and between the parties hereto, upon the considerations herein set forth as follows:

1. Board and City will cooperate in the undertaking or assist in the undertaking of essential community renewal and lower income housing activities, specifically urban renewal and publicly assisted housing, and other essential activities during the next three program years of the Franklin County Community Development Program, all in accordance with the Community Development Act of 1974 (Public Law 93-383, 42 U.S.C. 5301), and Section 570.105 b 3 (iii), Community Development Block Grant Program Rules and Regulations.

2. Countywide community development plan and projects, program budget and the housing conditions, needs and goals established in the Housing Assistance Plan (HAP) and amendments thereto, shall be binding on said Board and City for the Seventeenth, Eighteenth and Nineteenth program years, which end March 31, 1994 and for such additional time as may be required for the expenditure of funds granted to the county for such period.

3. The Agreement gives the Board authority to carry out activities funded from annual CD Block Grants from Federal Fiscal Years 1991, 1992 and 1993 appropriations, and from any program income generated from the expenditure of such funds. The City must inform the Board of any program income generated by spending CDBG funds. Said program income must be paid to the county. If any program income is authorized to be retained by the City, it may only be used for eligible activities in accordance with all CDBG requirements.

That the Board has the responsibility for monitoring and reporting to HUD on the use of any such program income thereby requiring appropriate record keeping and reporting by the participating unit as may be needed for this purpose; and,

That in the event of close-out or change in status of the participating unit, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the county.

4. Mid-Ohio Regional Planning Commission (MORPC) is authorized to act for the Board and accepted by the City as agent of the Board in planning, administering and overall coordinating the program which are the subject of this agreement.

5. Franklin County Housing and Community Development Program carried out by Board reflects the needs of the entire county.

6. The following standards shall apply to real property acquired or improved in whole or in part using CDBG funds that is within the control of a participating unit of local government:

The City will notify the Board as soon as it knows of any modification or change in the use of the real property from that planned at the time of acquisition or improvement including disposition;

The City will be required to reimburse the Board in the full amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-CDBG funds) of property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under the CDBG regulations; and,

Treatment of program income generated from the disposition or transfer of property prior to or subsequent to the close-out, change of status or termination of the cooperation agreement between the Board and the participating unit, will be subject to the provisions of Section 3 of this same Agreement.

The policies/procedures of the Franklin HCD Program will apply to any projects involving acquisition, whereby MORPC will be notified during the planning and design process of any approved project, where applicable land acquisitions and other items are subject to the Uniform Relocation and Real Properties Acquisition Policies Act of 1970.

7. The City, pursuant to 24 CFR 570.501(b), is subject to the same requirements applicable to subrecipients, including the requirements of a written agreement set forth in 24 CFR 570.503.

Section 570.503, Code of Federal Regulations, requires that the Board and unit of local government execute a written agreement prior to the disbursement of any federal funds. Franklin County has prepared a Funding Agreement which must be executed. This agreement includes certain administrative, legal and financial procedures which define the responsibilities of the grantor and grantee. The Agreement shall remain in effect during any period that the subrecipient has control over CDBG funds, including program income.

At a minimum, this written Funding Agreement shall contain provisions as prescribed in the Code of Federal Regulations concerning: Statement of Work; Records and Recordkeeping; Program Income; OMB Circulars; Other program requirements, except that the County maintains environmental responsibilities, and the County is responsible for initiating the review process under Executive Order 12372; Suspension and Termination; and reversion of assets meeting the prescribed criteria; and disposing of assets in a manner comparable to that described in the aforementioned Code of Federal Regulations.

8. The City is included in Franklin County for the purpose of planning and implementing the Franklin County Housing and Community Development Program. The City shall not apply for separate small cities CDBG, administered by the State or HUD, in any year while participating in this program.

9. No Community Development Block Grant funds provided by Franklin County under this Agreement may be used 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 Franklin County's actions to comply with its fair housing certification.

NOW, THEREFORE, the Board, in consideration of the promises and agreements of the City herein set forth, hereby promises and agrees as follows:

1. That it or its agency shall prepare the local portion of the Countywide community development plan, program, budget and housing assistance plan based upon information as to needs, objectives, plans and programs supplied by the City or its agent, pursuant to the applicable rules and regulations governing the Community Development Block Grant Program.

2. Board assumes full responsibility and all obligations for preparation of the application and execution of the program including, but not limited to, the analysis of needs, setting of objectives, development of plans, programs and budgets, and furnishing assurances and certifications. Board is also responsible for the accomplishment of housing assistance goals.

3. Board shall prepare and submit to appropriate Federal Agency, the Franklin County Housing and Community Development Program Submission, and assume all related responsibilities as to said submission.

4. Board shall acquire, by purchase or condemnation, land and structures thereon for property or easements needed in connection with the Franklin County Housing and Community Development Program, which is the subject of the agreement, title to said property and easements to be taken in the name of the City. Said acquisition procedures shall be accomplished in accordance with applicable provisions of the Uniform Relocation and Real Properties Acquisition Policies Act of 1970 and the Ohio Revised Code.

WHEREAS, in consideration of the promises and agreements of the Board herein set forth, the City hereby promises and agrees as follows:

1. That it will promptly submit to Board needs, objectives, plans and programs for preparation by Board of the local portion of the countywide community development plan, program and budget and housing assistance plan.

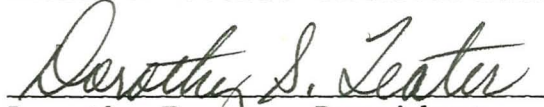
2. That it will implement plans concerning community development and housing activities prepared by Board, however, the Board shall retain full responsibility and obligations for preparation and implementation of said plans.


3. That it will take all actions with the Board that are necessary to assure compliance with the urban county's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including 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, and other applicable laws.


Board, however, shall retain primary responsibility for implementing compliance.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the day and year first written above by the Board of County Commissioners, Franklin County, Ohio, being the governing body of the said County, and by the City of Bexley, by David H. Madison, its Mayor and John W. Hornberger, its Auditor per a duly enacted Ordinance of the City of Bexley.

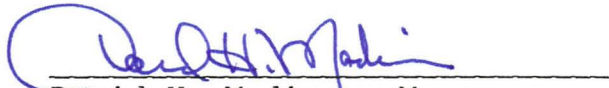
BOARD OF COUNTY COMMISSIONERS

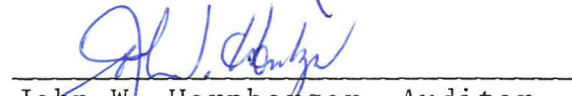

Dorothy Teater, President


Jack Foulk

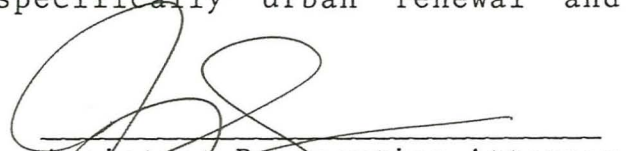

Hugh DeMoss

CITY OF BEXLEY, OHIO



David H. Madison, Mayor


John W. Hornberger, Auditor

The terms and provisions of this agreement are fully authorized under State and Local Law, and the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and development and housing assistance activities, specifically urban renewal and publicly assisted housing.


Assistant Prosecuting Attorney
Franklin County

Approved as to form and legality of purpose.


James H. Gross
City Solicitor