

ORDINANCE NO. 38 -96

BY: Jeffrey L. McClelland

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 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.

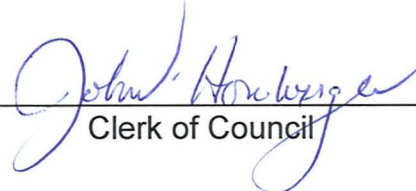
Section 3. That said agreement for which provisions are made in Section 1 hereof shall provide that pursuant to the provisions of Section 307.15, Ohio Revised Code, the Board of County Commissioners, Franklin County, Ohio, shall perform acquisition services for the City of Bexley leading to purchase 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: June 25, 1996




President of Council

Attest: 

Clerk of Council

Approved: 6/25, 1996



David H. Madison,
Mayor

May 28, 1996 - 1st reading
June 11, 1996 - 2nd reading
June 25, 1996 - 3rd reading - Passed.

**COOPERATION AGREEMENT
FOR
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
RENEWAL AND EXTENSION
EXHIBIT "A"
(Cities & Villages)**

WHEREAS, the agreement, made and concluded at Franklin County, Ohio, this 25th day of June, 1996, by and between the Board of County Commissioners of Franklin County, Ohio, being duly authorized in the premises by the provisions of a resolution adopted on _____, hereinafter referred to as "Board" and the city/village of Bexley (Name), its Mayor (Chief Executive Officer), or _____ being duly authorized in the premises by the provisions of resolution/ordinance no. 38-96 dated June 25, 1996 hereinafter referred to as "city/village":

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

1. Board and City of Bexley (city/village) will cooperate in the undertaking or assist in the undertaking of essential community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing, and that the City of Bexley (city/village) agrees that it is in the best interest of carrying out the objectives of the Act within Franklin County that the city/village and the County should join together in both the CDBG and HOME Investment Partnership Programs, and other essential activities during the next three program years of the Franklin County Housing, Community Development and Weatherization (HCD&W) Program. The parties further agree not to obstruct or restrict the implementation of the approved Comprehensive Housing Affordability Strategy (CHAS) during the course of this agreement. All of these aforementioned activities shall be carried out in accordance with the Community Development Block Grant (CDBG) Program Rules and Regulations and the applicable provisions of the Ohio Revised Code, including but not limited to the Housing and Community Development Act of 1974 (Public Law 93-383, 42 U.S.C. 5301) as amended, and Section 570.105 b 3 (iii), Community Development Block Grant Rules and Regulations.
2. County-wide community development plan and projects, program budget and the housing conditions, needs and goals established in the Comprehensive Housing Affordability Strategy and amendments thereto, shall be binding on said Board and City of Bexley (city/village) for the Twenty-Third, Twenty-Fourth, and Twenty-Fifth program years, which end March 31, 2000 and for such additional time as may be required for the expenditure of funds and completion of funded activities granted to the county and any program income received for such period.

3. The Agreement gives the Board authority to carry out activities funded from annual Community Development Block Grants from Federal Fiscal Years 1997, 1998 and 1999 appropriations, and from any program income generated from the expenditure of such funds. The City of Bexley (city/village) 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 of Bexley (city/village), 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.

During the period of qualification no included unit of general local government may withdraw from the urban county unless the urban county does not receive a grant for any year during such period.

4. Mid-Ohio Regional Planning Commission (MORPC) is authorized to act for the Board and accepted by City of Bexley (city/village) as agent of the Board in planning, administering, and overall coordinating the programs which are the subject of this agreement.
5. Franklin County Housing, Community Development and Weatherization Program carried out by the 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 of Bexley (city/village) 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 of Bexley (city/village) 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 County HCD&W 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 of Bexley(city/village) 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 record keeping; Program Income; OMB Circulars; Other program requirements; except that 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. City of Bexley (city/village) is included in Franklin County for the purpose of planning and implementing the Franklin County HCD&W Program. City of Bexley (city/village) shall not apply for separate grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the urban county's CDBG program; and City of Bexley (city/village) may not participate in a HOME consortium except through Franklin county, regardless of whether Franklin County receives a HOME formula allocation.
9. No Community Development Block Grant and HOME Investment Partnership Program 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.

10. Cities/Villages and counties in Ohio have authority under Section 307.15 of the Ohio Revised Code to enter into agreements whereby a Board of County Commissioners undertakes, and is authorized by the contracting subdivision, to exercise any power, perform any function, or render any service, in behalf of the city/village, which such city/village may exercise, perform or render; and
11. The city/village and the County each have 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

NOW THEREFORE, the Board, in consideration of the promises and agreements of City of Bexley (city/village) herein set forth, hereby promises and agrees as follows:

1. That it or its agent shall prepare the local portion of the County-wide community development "non-housing" plan, program, budget, and Comprehensive Housing Affordability Strategy based upon information as to needs, objectives, plans, and programs supplied by City of Bexley (city/village) or its agent, pursuant to the applicable rules and regulations governing the Community Development Block Grant Program and the HOME Investment Partnership 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 goals set forth in its Comprehensive Housing Affordability Strategy.
3. Board shall prepare and submit to the appropriate Federal Agency, the Franklin County HCD&W 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 HCD&W Program, which is the subject of the agreement, title to said property and easements to be taken in the name of City of Bexley (city/village). Said acquisition procedures shall be accomplished in accordance with applicable provisions of the Uniform Relocation and Real Properties Acquisition Policies Act of 1970 as amended and the Ohio Revised Code.

WHEREAS, in consideration of the promises and agreements of the Board herein set forth, the City of Bexley (city/village) hereby promises and agrees as follows:

1. That it will promptly submit to the Board its needs, objectives, plans, and programs for preparation by the Board of the local portion of the county-wide community development

"non-housing" plan, program and budget and Comprehensive Housing Affordability Strategy.

2. That it will implement plans concerning community development and HOME activities prepared by the 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, as amended; the Americans with Disabilities Act of 1990; and other applicable laws.
4. The city/village of City of Bexley 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.

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

IN WITNESS WHEREOF, the parties have hereunto set their hands hereof on the day and year first above written by the Board of County Commissioners, Franklin County, Ohio being the governing body of the said County, and by the city/village of Bexley by ^{John Hornberger} ~~David H. Madison~~ (Name) its ^{Auditor} ~~Mayor~~ (Chief Executive Officer) per a duly enacted Resolution/Ordinance of the city/village Council of Bexley.

BOARD OF COUNTY COMMISSIONERS

Date

DEWEY R. STOKES

DOROTHY TEATER

ARLENE SHOEMAKER

Bexley

CITY/VILLAGE

June 25, 1996
Date

D. Madison

CHIEF EXECUTIVE OFFICER - MAYOR
John 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 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/Village Counsel

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