

RESOLUTION 2008-044

A RESOLUTION APPROVING AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A COOPERATION AGREEMENT WITH THE WARREN COUNTY BOARD OF COMMISSIONERS RELATIVE TO THE FY 2009-2011 COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has determined that Warren County is now eligible to be designated as an entitled Urban County under the Community Development Block Grant (CDBG) beginning in Fiscal Year 2009; and

WHEREAS, the Village of Waynesville desires to be included in Warren County's FY 2009-2011 CDBG Program;

NOW THEREFORE BE IT RESOLVED, by the Council of the Village of Waynesville, 10 members elected thereto concurring:

SECTION 1: That the Cooperation Agreement with the Warren County Board of Commissioners relative to the Fiscal Years 2009-2011 CDBG Entitlement Program attached hereto as Exhibit A and incorporated herein by reference is hereby approved.

SECTION 2: That Village Manager of the Village of Waynesville, Ohio is authorized to execute the Cooperation Agreement with the Warren County Board of Commissioners relative to the FY 2009-2011 Community Development Block Grant Entitlement Program, as attached hereto as Exhibit A and made a part hereof;

SECTION 3: That is Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to execute the Agreement in a timely manner so that the County may timely file the appropriate applications by their deadlines.

Adopted this 20th day of October 2008.

Attest:

Staci Morris, Clerk of Council

Earl J. Isaacs, Mayor

362801.1

1st rd - 10/20/2008

2nd rd - emergency

emergency
10/20/2008

COOPERATION AGREEMENT
for the
WARREN COUNTY CDBG ENTITLEMENT PROGRAM
Program Years 2009-2011

This Agreement made and entered into this ~~25th~~ day of October, 2008, by and between the political subdivision of the VILLAGE OF WAYNESVILLE, Warren County, Ohio, by its Chief Executive Officer, duly authorized by Resolution/Ordinance No. 2008-044, passed by its Council on the 20th day of October, 2008, (hereinafter referred to as "Village"), and COUNTY OF WARREN, OHIO, duly authorized by Resolution No. _____, adopted by its Board of County Commissioners on the _____ day of October, 2008, (hereinafter referred to as "County").

WITNESSETH:

WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974 (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 slum and blight, the prevention of blighting influences, 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, via 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 a 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 urban communities;
5. A more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational. 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 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 community revitalization in areas with population outmigration or a stagnating or declining tax base; and
9. The conservation of the Nation's scarce energy resources, improvement of energy efficiency, and the provision of alternative and renewable energy sources of supply.

WHEREAS, both the Village and the County are desirous of entering into community development activities within Warren County which are directed toward the above specific objectives, and for that reason, desirous of seeking 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 cities with populations of fewer than 50,000, for the purpose of carrying out the objectives of the Act; and

WHEREAS, municipalities 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 Village, to exercise any power, perform any function, or render any service, on behalf of the Village, which such Village may exercise, perform, or render; and

WHEREAS, the Village and the County each have authority to carry out the kinds of activities which are the objectives of the Act within Warren County that the Village and the County should join together in both the Community Development Block Grant (hereinafter referred to as CDBG) and HOME Investment Partnerships Programs;

IT IS AGREED BETWEEN PARTIES THAT:

1. This Agreement covers Program Years 2009, 2010, and 2011 of both the Community Development Block Grant (CDBG) Entitlement Program and the HOME Investment Partnership Program. By executing this Agreement and participating in the Warren County Program, the Village understands that it may not apply for grants under the Small Cities of 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.

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 specifics 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 Village may prepare applications of recommended projects and activities for community development within its boundaries, which activities and objectives must be in accordance with the objectives of the Act. These applications shall be submitted to the Warren County Office of Grants Administration, which will be the reviewing agency for all proposed activities and objectives to be included in the Plan. The Warren County Office of Grants Administration 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 a conformance with the purposes of the Act and the Plan.
4. If projects or activities with the Village are approved and funded, pursuant to the application, 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 Village authorizes the County to do on behalf of the Village, in accordance with the conditions of this agreement, all things, which the Village could do for itself, in the making of the application, and the expenditure of urban county formula funds.

7. The 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 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 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 Village and the County. The 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 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, above) all program income generated from the disposition, transfer, or rent of property acquired or improved with CDBG funds.
11. Both the County and Village agree to take all actions necessary to assure compliance with the provisions of Section 104(b) of Title 1 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 1 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act of 1990, and other applicable laws. 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 action to comply with its fair housing certification.
12. The 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.
13. This agreement shall remain in effect for Program Years 2009, 2010, and 2011, and cannot be terminated, until CDBG 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.
14. 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 Village's jurisdiction, and that such failure to comply will void the automatic renewal of such qualification period.
15. 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 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. Warren County will notify the Village by the date specified in HUD's Urban County Qualification Notice, of its right to terminate the Agreement.

IN WITNESS WHEREOF, the Village and the County have caused this Agreement to be executed by their respective officers, thereunto duly authorized as of the day and year first above written.

ATTEST:

WARREN COUNTY BOARD OF COMMISSIONERS

Tina Davis, Clerk

ATTEST:

VILLAGE OF WAYNESVILLE

Approved as to form:

Keith Anderson
Assistant County Prosecutor

LEGAL OPINION ATTACHED
and made part of this Agreement.