

RESOLUTION NO. 2011-26-CD

**Cooperative Agreement for Participation in
Hamilton County Community Development Program**

**RESOLUTION AUTHORIZING THE MANAGER TO ENTER
INTO AN AGREEMENT OF COOPERATION WITH HAMILTON COUNTY, OHIO,
PURSUANT TO PROVISIONS OF THE HOUSING AND COMMUNITY
DEVELOPMENT ACT OF 1974, AS AMENDED
AND DECLARING AN EMERGENCY**

WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974, which has as its primary objective the development of viable communities; and

WHEREAS, Hamilton County qualifies under said Act as an urban county eligible to receive federal block grant funding for support of community development activities; and

WHEREAS, said Act provides for and encourages units of local government to enter into agreements of cooperation with urban counties for purposes of undertaking essential community development and housing assistance activities; and

WHEREAS, the Council of the Village of Greenhills, Ohio, desires to enter into a cooperative agreement with Hamilton County for Federal Fiscal Years 2012, 2013, and 2014 of the Community Development Program;

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Greenhills, Hamilton County, Ohio:

SECTION 1.

That the Manager is hereby authorized to execute the Cooperation Agreement with the Board of County Commissioners of Hamilton County, Ohio, a copy of which agreement is attached hereto and made a part hereof.

SECTION 2.

That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare; the reason for the emergency being the filing deadline established by the U.S. Department of Housing and Urban Development for Community Development Block Grant applications, and shall therefore take effect and be in effect immediately upon passage.

Passed this 23rd day of June, 2011.

Fred Murrell, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

COOPERATION AGREEMENT

This Agreement between the BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO, hereinafter called "County" and THE CITY/VILLAGE OF _____, OHIO, hereinafter called "City".

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 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 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 viable 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 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 community revitalization in areas with population out-migration or a stagnating or declining tax base;

- 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 City and the County are desirous of entering into community development activities within Hamilton County which are directed toward the above 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 cities with populations of fewer than 50,000, for the purpose of carrying out the objectives of the Act; and

WHEREAS, Cities 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, which such City may exercise, perform or render; and

WHEREAS, the City 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

WHEREAS, the City and the County have agreed that it is in the best interests of carrying out the objectives of the Act within Hamilton County that the City and the County should join together in both the Community Development Block Grant (hereinafter referred to as CDBG) and HOME Investment Partnerships Programs (hereinafter referred to as HOME) and Emergency Shelter Grant Program (hereinafter referred to as ESG);

IT IS AGREED BETWEEN PARTIES THAT:

- 1) The County shall prepare and submit an application to the United States Secretary of Housing and Urban Development for a grant under the terms of the Housing and Community Development Act of 1974 as Amended. This application 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 conform with Section 104 of the Act. The community development plan described above shall hereinafter be called the "plan". The County shall also prepare and submit an application for "HOME" funds and "ESG" funds as they are made available. By executing this agreement and participating in the Hamilton County Programs, the City understands that it may not apply for grants under the Small Cities or State CDBG Program nor participate in a HOME consortium except through Hamilton

County.

- 2) The City may prepare 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 shall be submitted to the Hamilton County Community Development Department which has been designated by the Board of County Commissioners of the County as the reviewing agency for all proposed objectives and activities to be included in the plan. It is understood between the parties that the Community Development Department shall make recommendations to the County Commissioners for the contents of the plan and for recommended priorities among these various projects and activities which may be submitted. It is also understood between the parties that the County will have the authority and responsibility to make decisions concerning the contents of the plan, and that the projects and activities for which approval and urban county formula funding is sought under the application shall be in conformance with the purposes of the Act. It is understood between the parties that the Act places emphasis on urban areas in providing for the distribution of urban county formula funds.
- 3) If projects or activities with the City are approved and funded, pursuant to the application, the City may elect the implementation of those portions of the plan which are to take place within its boundaries, or it may elect to have the County implement that portion of the plan. The parties acknowledge that, whatever the City election, the County will have the responsibility and authority for the overall implementation of the program and for the proper use of the urban county formula funds and for any program income generated from the expenditure of such funds in accordance with the requirements of the Act.
- 4) The County shall develop a uniform administrative procedure for the development of the Application 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.
- 5) The City authorizes the County to do on behalf of the City, in accordance with the conditions of this agreement, all things which the City could do for itself in the making of the application for, and the expenditure of, urban county formula funds.
- 6) The City and County will cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing. The parties further agree not to obstruct or restrict the implementation of the approved Consolidated Plan during the course of this agreement.
- 7) This agreement is for the Program Years 2012, 2013, and 2014, March 1, 2012 through February 28, 2015, and may not be terminated by either party, 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 case this agreement is null and void. The parties further agree that this agreement will remain in effect until the CDBG and/or HOME and/or ESG funds and program income received with respect to this three year period are expended and the funded activities completed.

- 8) Both the County and City agree to take all actions 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; the Americans with Disabilities Act of 1990; and other applicable laws. Further, urban county funding shall be prohibited from 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 its fair housing certification.
- 9) The City 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 its jurisdiction.
- 10) 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.
- 11) The City agrees to inform the County of any income generated by the expenditure of Community Development Block Grant Funds and to return such income to the County within thirty (30) days of its receipt. The City further agrees to supply such records as are appropriate to document said income.
- 12) For any real property acquired or improved in whole or in part using Community Development Block Grant Funds, the City agrees:
 - a. To notify the County in a timely manner of any proposed modification or change in the use of the real property from that planned at the time of acquisition or improvement including its 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 Community Development Block Grant Funds) of property acquired or improved with Community Development Block Grant Funds that is sold or transferred for a use which does not qualify under the Community Development Block Grant Regulations.
 - c. To return to the County (as provided in Section 11, above) all program income generated from the disposition, transfer, or rent of property acquired or improved with Community Development funds.

IN WITNESS WHEREOF, the parties by authority of the corresponding governing bodies have hereunto set their hands this ____ day of _____, 2011.

WITNESSES:

BOARD OF COUNTY COMMISSIONERS
OF HAMILTON COUNTY, OHIO

_____ BY _____

_____ BY _____

_____ BY _____

CITY OF _____

_____ BY _____

_____ BY _____