

A RESOLUTION REAUTHORIZING THE MAYOR OF THE VILLAGE OF MINERVA PARK
TO ENTER INTO A COOPERATION AGREEMENT WITH THE BOARD OF COUNTY
COMMISSIONERS, FRANKLIN COUNTY OHIO TO PARTICIPATE IN THE FRANKLIN
COUNTY OHIO DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD)
ENTITLEMENT PROGRAM AND ABIDE BY THE COVENANT OF THAT PROGRAM AS
STATED HEREIN, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the provisions of the Housing and Community Development Act of 1974 (Public Law 93-383, 42 U.S.C. 5301) as amended, Franklin County, Ohio, is recognized by the United States Department of Housing and Urban Development as a urban county and entitled to Community Development Block Grant Program funds and HOME 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 enter into agreements with cities and villages in Franklin County to exercise certain powers and perform certain functions or render services on behalf of the said cities and villages; and

WHEREAS, the Village of Minerva Park desires to reaffirm its participation and inclusion of its population in the Franklin County Community Development Block Grant and HOME programs and to reauthorize the cooperation agreement for another three years (April 1, 2009 - March 31, 2012);

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

- Section 1. The Village of Minerva Park is located within the geographical boundaries of Franklin County, Ohio.
- Section 2. The attached agreement with the Board of County Commissioners, Franklin County, Ohio, is hereby reauthorized for the period of April 1, 2009 through March 31, 2012, for the purpose of cooperating and participating in the Franklin County HUD Entitlement Program per the Housing and Community Development Act of 1974 (Public Law 93-383), 42 U.S.C. 5301 as amended and Section 570.105b3(iii), Community Development Block Grant Program rules and regulations.
- Section 3. All other resolution(s) or any part(s) thereof, which is(are) inconsistent with this resolution is(are) hereby repealed as to the inconsistent part(s) thereof and the remainder of said Resolution (s) not inconsistent with this Resolution shall remain in full force and effect.
- Section 4. Council hereby declares this to be an emergency measure necessary for the preservation of the public health, safety, and welfare, of the residents of the Village of Minerva Park, such emergency arising from the need to submit this resolution on a timely basis. Wherefore, this resolution shall take effect and shall be in force upon its passage.

First Reading: Waived September 8, 2008
Second Reading: Waived September 8, 2008
Third Reading: Waived September 8, 2008
Passed: Passed September 8, 2008

Lynn Eisentrout, Mayor, Village of Minerva Park

Attest Suzanne Coulter, Clerk-Treasurer,
Village of Minerva Park

Reviewed by Counsel

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

WHEREAS, the agreement, made and concluded at Franklin County, Ohio, on September 8, 2008, 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 September 8, 2008, hereinafter referred to as "Board," and the Village of Minerva Park, its council being duly authorized in the premises by the provisions of Resolution 2008-20 dated September 8, 2008, hereinafter referred to as "Minerva Park,"

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. The Board and the Council of Minerva Park will cooperate in the undertaking or assist in the undertaking of essential community renewal activities as funded through the Department of Housing & Urban Development (HUD) Community Development Block Grant and HOME Investment Partnership programs for the period of April 1, 2009 through March 31, 2012. The parties further agree not to obstruct or restrict the implementation of the County's approved Consolidated Plan during the course of this agreement. All of these aforementioned activities shall be carried out in accordance with CDBG and HOME program rules and regulations and the applicable provisions of the Ohio Revised Code, including but not limited to the Community and Economic Development Act of 1974 (Public Law 93-383, 42 U.S.C. 5301) as amended, and Section 570.105b3(iii), Community Development Block Grant Rules and Regulations.

Section 2. County-wide community development plans and projects, program budgets, and the needs and goals established in the Consolidated Plan and amendments thereto shall be binding on said Board and Council of Minerva Park for the 35th, 36th, and 37th program years of the afore-cited HUD entitlement programs that end on March 31, 2012 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.

Section 3. The Agreement gives the Board the authority to carry out the activities funded from annual Community Development Block and HOME Grants from federal fiscal years 2009, 2010, and 2011 appropriations and from any program income generated from the expenditure of such funds. The Council of Minerva Park must inform the Board of any program income generated through the expenditure of those funds. Said program income must be returned to the county. If any program income is authorized to be retained by the Council of Minerva Park, it may be used only for eligible activities in accordance with all CDBG requirements.

The Board has the responsibility for monitoring and reporting to HUD on the use of any such program income, thereby requiring appropriate recordkeeping and reporting by the participating unit as may be needed for this purpose. 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 also shall be returned to the county.

Section 4. The Department of Economic Development and Planning (EDP) is authorized to act for the Board and is accepted by the Council of Minerva Park as an agent of the Board in planning, administering, and overall coordinating the programs that are the subject of this agreement.

Section 5. It is accepted by the Council of Minerva Park that the County's HUD entitlement program, the programs it chooses to fund, and the priorities it chooses to address reflect the needs of the entire county.

Section 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 Council of Minerva Park 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 Council of Minerva Park 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 that does not qualify under the CDBG regulations.

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

The policies and procedures of the Franklin County HUD Entitlement Program will apply to any projects involving acquisition, whereby EDP 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.

Section 7. The Council of Minerva Park, 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 of the Code of Federal Regulations requires the Board and any participating unit of local government to execute a written agreement before the disbursement of any federal funds. As such, Franklin County has prepared a Template Funding Agreement that must be executed. This agreement includes certain administrative, legal, and financial procedures that 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, and other program requirements (except that the County is responsible for initiating the review and process under Executive Order 1272), Suspension and Termination, 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.

Section 8. Minerva Park is included in Franklin County for the purpose of planning and implementing the Franklin County HUD Entitlement Program. The Council of Minerva Park 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. The Council of Minerva Park may not participate in a HOME consortium except through Franklin County, regardless of whether or not Franklin County receives a HOME formula allocation.

Section 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.

Section 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.

Section 11. The city, village, and county each have authority to carry out the kinds of activities that are the objectives of the Act pursuant to Section 303.256 of the Ohio Revised Code, et seq.

Section 12. The Council of Minerva Park elects to include the total areas and population of its corporation in Franklin County for the purpose of planning and implementing the Franklin County HUD Entitlement Program.

NOW, THEREFORE, the Board, in consideration of the promises and agreements of the Council of Minerva Park herein set forth, promises and agrees as follows:

1. That it or its agent shall prepare the local portion of the County-wide Consolidated Plan based upon information as to needs, objectives, plans, and programs supplied by the Council of Minerva Park or its agent, pursuant to the applicable rules and regulations governing the Community Development Block Grant and the HOME Investment Partnership Programs.
2. The 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 plans, programs, and budgets; and furnishing assurances and certifications. The Board also is responsible for the accomplishment of goals set forth in its Consolidated Plan.
3. The Board shall prepare and submit the Franklin County HUD Entitlement program to the appropriate federal agency and assume all related responsibilities as to said submission.
4. The Board shall acquire as applicable, by purchase or condemnation, land and structures thereon for property or easements needed in connection with the Franklin County HUD Entitlement program that is the subject of the Agreement, title to said property and easements to be taken in the name of the Council of Minerva Park. 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 Council of Minerva Park hereby promises and agrees as follows:

1. It will promptly submit to the Board its needs, objectives, plans, required reports, and programs for preparation by the Board of the local portion of the Consolidated Plan.
2. 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. It will take all actions with the Board that are necessary to ensure compliance with the urban county's certification required by Section 105(b) of Title I of the Community and Economic 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 Community and Economic Development Act of 1974 as amended, the Americans with Disabilities Act of 1990, and other applicable laws.
4. The Village of Minerva Park 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 nonviolent civil rights demonstrations.
 - b. a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within jurisdictions.

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 Village of Minerva Park by Lynn Eisentrout, its Mayor, per a duly enacted resolution of the Village Council of Minerva Park, Franklin County, Ohio.

BOARD OF COUNTY COMMISSIONERS

Date

Marilyn Brown, President

Mary Jo Kilroy

Paula Brooks

VILLAGE OF MINERVA PARK

Date

Lynn Eisentrout, Mayor

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.

ASSISTANT PROSECUTING ATTORNEY,
FRANKLIN COUNTY

Date

Approved as to form and legality of purpose:

Date

Reviewed by Village Counsel