

(Mayor Potter)

**CITY OF KIRTLAND**

**ORDINANCE NUMBER 23-O-55**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF KIRTLAND TO ENTER INTO AN AGREEMENT WITH THE LAKE COUNTY BOARD OF COMMISSIONERS TO PARTICIPATE IN THE URBAN ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND FOR THE UTILIZATION OF FUNDS MADE AVAILABLE BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Housing and Community Development Act of 1974, as amended, provides an entitlement of funds for community development purposes for urban counties; and

**WHEREAS**, Lake County will be designated as an “Urban County” provided that it secures the continued commitments with various political subdivisions in Lake County; and

**WHEREAS**, the Mayor and Council of the City of Kirtland may desire the use of “CDBG Urban County Entitlement Funds” for needed public improvements in Lake County and its municipalities; and

**WHEREAS**, the County shall prepare Applications for FY 2024, 2025 and 2026 CDBG Urban County Entitlement Funds pursuant to the aforementioned Act.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Kirtland, Lake County, Ohio:

**SECTION 1:** That the Mayor be, and he hereby is, authorized to enter into an agreement with the Lake County Board of Commissioners from the first day of 2024 program year through and including the last day of the 2026 program year. Said Agreement shall authorize the County to undertake essential Community Development and Housing Assistance Plans and projects eligible under the Housing and Community Development Act of 1974, as amended.

**SECTION 2:** That the funds necessary for the purposes of this Ordinance authorized thereby shall be paid from “CDBG Urban County Entitlement Funds” under the Housing and Community Development Act of 1974, as amended.

**SECTION 3:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation and protection of the public peace, health, safety and general welfare of the inhabitants of the City, and for the further reason to permit the County to submit the documents at the earliest date possible in order to meet Federal deadlines for program eligibility to secure possible funding, wherefor, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Submitted to the Mayor for his  
Approval on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2023.

ATTEST:

Approved by the Mayor, this \_\_\_\_\_  
day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk of Council  
CDBG Program Participation 2024-2026

\_\_\_\_\_  
Mayor Kevin F. Potter

**COOPERATION AGREEMENT  
URBAN COUNTY ENTITLEMENT PROGRAM**

This Agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the Political Subdivision of \_\_\_\_\_, Ohio (hereinafter referred to as “Political Subdivision”), by its Chief Executive Officer, duly authorized by Ordinance No. \_\_\_\_\_ passed by its Council on the \_\_\_\_ day of \_\_\_\_\_, 2023; and the County of Lake, Ohio (hereinafter referred to as “County”), duly authorized by a Resolution adopted by its Board of County Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 2023.

**WITNESSETH:**

**WHEREAS**, the Housing and Community Development Act of 1974, as amended, provides an entitlement of funds for community development purposes for urban counties; and that this Agreement covers both the Community Development Block Grant (CDBG) Entitlement program and, the HOME Investment Partnership program; and

**WHEREAS**, Lake County may be designated as an Urban County provided that it secures Cooperation Agreements with various political subdivisions in Lake County; and

**WHEREAS**, the Chief Executive Officer and the Legislative Body of the Political Subdivision of \_\_\_\_\_ desires the use of “Urban County Entitlement Funds” for needed public improvements in Lake County and its municipalities; and

**WHEREAS**, the County shall prepare an Application for FY 2024, 2025 and 2026 Urban County Entitlement Funds pursuant to the aforementioned Act for the FY 2024, 2025 and 2026 Program Years; and

**WHEREAS**, the County and the cooperating unit of local government will cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities; and

**WHEREAS**, the County and the cooperating unit of general local government will 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; Title VI of the Civil Rights Act of 1964; and the implementing regulations at 24 CFR Part 1, Section 109 of Title I of the Housing and Community Development Act of 1974; and implementing regulations at 24CFR Part 6, and the Fair Housing Act; and the implementing regulations at 24 CFR Part 100, and will affirmatively further fair housing; and

**WHEREAS**, the County and the cooperating until of general local government will take all actions necessary to assure compliance with the implementing regulations at 24 CFR Part 8, Title II of the Americans with Disabilities Act; and the implementing regulations at 28 CFR Part 35, the Age Discrimination Act of 1975; and the implementing regulation at 24 CFR Part 146, and Section 3 of the Housing and Urban Development Act of 1968; and other applicable laws; and

**WHEREAS**, the County and the cooperating unit of general local government will take all actions necessary to prohibit urban county funding 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 actions to comply with the County's fair housing certification, including the obligation to sign the assurances and certifications in the HUD 424-B; and

**WHEREAS**, this Agreement gives the County authority to carry out activities which will be funded from annual Community Development Block Grants (CDBG) from FY 2024, 2025 and 2026 appropriations and from any program income generated from the expenditure of such funds; and

**WHEREAS**, urban county funding 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 actions to comply with its fair housing certifications, is prohibited; and

**WHEREAS**, the unit of general local government may not sell, trade, or otherwise transfer all or any portion of such funds to a metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, if any CDBG activity is undertaken between the County and the Political Subdivision, where the Political Subdivision desires to undertake and implement the activity, the Political Subdivision is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement set forth in 24 CFR 570.503; and

**WHEREAS**, by executing the Cooperation Agreement the Political Subdivision understands that it may not apply for grants under the Small Cities or State CDBG Programs for fiscal years during the period in which it is participating in the Urban County's CDBG program; may not participate in a HOME consortium except through the Urban County, regardless of whether the Urban County receives a HOME formula allocation,;and may receive a formula allocation under the ESG Program only through the Urban County; and

**WHEREAS**, this Agreement shall remain in effect until the CDBG and HOME funds and income received with respect to the three-year qualifications period (and any successive qualification periods) are expended and the funded activities completed, and that the parties hereto may not terminate or withdraw from this Agreement while the Agreement remains in effect; and

**WHEREAS**, the Political Subdivision has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies against individuals engaged in non-violent civil rights demonstrations; and 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 demonstration, within the Political Subdivisions Jurisdiction; and

**WHEREAS**, this Agreement will automatically be renewed for participation in successive three-year qualification periods, unless the County or Political Subdivision provides written notice it elects not to participate in a new qualification period; and by the date specified by HUD for the next qualification period, the County will notify the Political Subdivision in writing of its right to make such elections; and that failure by either party to adopt an amendment to the Agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year qualification period, will void the automatic renewal of such qualification period.

**NOW, THEREFORE**, the Political Subdivision and the County do hereby promise and agree that:

1. The period of time of this Agreement shall be from the first day of the 2024 program year, through and including the last day of the 2026 program year; and
2. The County will, on behalf of the Political Subdivision, execute essential Community Development and Housing Assistance applications, plans, programs, and projects eligible under the Housing and Community Development Act of 1974 as amended, and the County and the Political Subdivision will cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities.

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

*Approved as to form:*

\_\_\_\_\_  
Director of Law - Political Subdivision of  
\_\_\_\_\_  
(City/Village)

**POLITICAL SUBDIVISION OF**  
\_\_\_\_\_  
City  
\_\_\_\_\_  
By: \_\_\_\_\_  
(Mayor, Manager or Administrator)

**BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, OHIO**

\_\_\_\_\_  
John R. Hamercheck, Commissioner President

\_\_\_\_\_  
John Plecnik, Commissioner

\_\_\_\_\_  
Richard J. Regovich, Commissioner

*Opinion of County's Counsel:*

The terms and provisions of this Agreement are fully authorized under State and Local law, and that 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.

By: \_\_\_\_\_  
Legal Counsel