

ORDINANCE NO. 2009- 48

AN ORDINANCE APPROVING A REQUEST FOR ASSISTANCE FOR FISCAL YEAR 2009 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS RELATED THERETO AS AMENDED, INCLUDING THE FY2009 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE FIVE YEAR CONSOLIDATED DEVELOPMENT PLAN AND FY2009 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS THEREFOR AND DECLARING AN EMERGENCY.

WHEREAS, under provisions of Title I of the Housing and Community Development Act of 1974, as amended (which title is hereinafter referred to as the "Act") and the regulations promulgated thereunder (24 CFR Parts 58 and 570, hereinafter referred to as the "Regulations"), the Secretary of the Department of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to make grants to units of general local government to help finance community development programs (as that term is defined in the Act and Regulations); and

WHEREAS, the Secretary has notified the City of Kent of its eligibility to apply for HUD/CDBG funds in the amount of \$302,094 for Year 2009; and

WHEREAS, the City proposes to apply for such a grant for Fiscal Year 2009 and has, in that connection and as required by and pursuant to the Act and Regulations, prepared its FY 2005 - FY2009 Five Year Consolidated Development Plan of Community Development Objectives and Projected Use of Funds, and FY2009 Annual Action Plan marked Exhibit "A", attached thereto and incorporated herein, which contains local objectives, identification of housing, homeless and non-housing Community Development priorities, a description of activities to be undertaken, a local community development budget, and certifications in the form of assurances; and

WHEREAS, this Council has duly reviewed and considered the Consolidated Development Plan, as well as the comments and recommendations of the public as well as the City's administrative and planning officials.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That this Council hereby finds and determines that the Consolidated Development Plan gives maximum feasible priority to activities which benefit low and moderate-income families or aid in the elimination or prevention of slums, blight, and deterioration where such conditions or needs exist and provides improved community development facilities and public improvements, including the provision for supporting health, social and similar services when necessary and appropriate; and that the Consolidated Development Plan includes those activities to be undertaken by the City with the Funds provided for the 2009 Program Year to meet the community development needs and objectives and otherwise meets the requirements contained in the Act and Regulations.

SECTION 2. That the City Manager being the chief executive officer of the City as that term is defined in the Act and Regulations, is hereby designated as the authorized representative of the City to act in connection with the grant request and to provide such additional documentation or certifications as may be required by the Secretary or by other responsible agencies.

SECTION 3. That this Council hereby finds and determines that the City, in preparing its Consolidated Development Plan, has complied with the applicable requirements of the Act and Regulations, and this Council hereby approves the Consolidated Development Plan, together with all related documentation for submission to the Secretary.

SECTION 4. That this Council hereby directs that the City in carrying out the Program shall continue to comply with applicable requirements of the Act and Regulations and of other applicable laws, including, among others, requirements with respect to civil rights and anti-discrimination, citizen participation, relocation and land acquisition, environmental protection, cost accounting and administration, federal labor standards, flood control, conflicts of interest, political activity of employees, access to books and records and the requirements of giving maximum feasible priority to activities which will benefit low and moderate-income families or aid in the prevention or elimination of slums or blight, and this Council hereby authorizes the City Manager to execute and file with the Secretary certifications in such forms as the Secretary may prescribe, which will provide

assurances concerning the foregoing matters, and concerning such other matters as may be required by the Secretary in connection with carrying out the Community Development and Housing Program.

SECTION 5. That this Council hereby authorizes the City Manager to consent to assume the status of a responsible federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the Secretary's responsibilities for environmental review, decision making and action to be assumed and carried out by the City Manager and authorizes the City Manager to consent on behalf of the City to accept the jurisdiction of the Federal courts for the purpose of carrying out the program. The City Manager is authorized to execute and file requests for release of funds and related certifications and prepare and file such other documents and take such other actions in connection with the environmental review process as may be required by the Act, the Regulations, particularly the regulations contained in 24 CFR Part 58, and by the National Environmental Policy Act of 1969.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 7. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 05/20/2009
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2009- 48 was duly enacted on this 20 day of May, 2009 by the Council of the City of Kent, Ohio.

Clerk of Council