

ORDINANCE NO. 2010- -40

AN ORDINANCE APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR FISCAL YEAR 2010 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE 2010-2014 FIVE YEAR CONSOLIDATED PLAN AND PY2010 ANNUAL ACTION PLAN AND AUTHORIZING THE EXECUTION AND FILING OF THE 2010-2014 CONSOLIDATED PLAN AND PY2010 ANNUAL ACTION PLAN, INCLUDING RELATED CERTIFICATIONS, AND UPON AWARDING OF THE GRANT, AUTHORIZING APPROPRIATION OF FUNDS 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 there under (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 \$325,555 for Program Year 2010; and

WHEREAS, the City proposes to apply for such a grant for Program Year 2010 and has, in that connection and as required by and pursuant to the Act and Regulations, prepared its 2010-2014 Five Year Consolidated Plan and PY2010 Annual Action Plan marked Exhibit "A" and on file in the City Council office, 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 2010-2014 Five Year Consolidated Plan and PY2010 Annual Action Plan, as well as the comments and recommendations of the public and City 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 2010- 2014 Five Year Consolidated Plan gives maximum feasible priority to activities which benefit low-to-moderate income persons or aids in the elimination or prevention of slum and blight and the Consolidated Plan includes those activities to be undertaken by the City with the funds provided for the 2010 Program Year that meet the housing and community development needs and objectives allowed by the Act and Regulations and identified in the City's 2010-2014 Five Year Consolidated Plan.

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 Plan, has complied with the applicable requirements of the Act and Regulations, and this Council hereby approves the Consolidated 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: 05/19/2010
Date

Mayor and President of Council

ATTEST: _____
Clerk of Council

I hereby certify that Ordinance No. 2010- 40 was duly enacted on this 19 day of May, 2010 by the Council of the City of Kent, Ohio.

Clerk of Council