

ORDINANCE NO. 2020-46

AN ORDINANCE AMENDING RESOLUTION 2019-55, PASSED MAY 15, 2019 APPROVING A REQUEST FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ASSISTANCE FOR PROGRAM YEAR (PY) 2019 UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, INCLUDING THE PY2019 ANNUAL ACTION PLAN IN ORDER TO ACCEPT SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV) FUNDS, AVAILABLE THROUGH THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES ACT), IN THE AMOUNT OF \$178,696.00, 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 City of Kent, by Resolution 2019-55, accepted HUD/CDBG funds in the amount of \$283,165.00 for Program Year 2019; and

WHEREAS, the City of Kent received notification on April 2, 2020 from the U.S. Department of Housing and Urban Development (HUD) that the City has been allocated \$178,696 in supplemental CDBG funding available through the Coronavirus Aid, Relief and Economic Security Act (CARES Act) to be used to prevent, prepare for, and respond to the Coronavirus, known as CDBG-CV funding; and

WHEREAS, the City has complied with its citizen participation plan, including conducting virtual public hearings and other amendment requirements, in order to include the supplemental CDBG-CV funding in Program Year 2019 and allocate the funds to eligible activities and projects in response to the Coronavirus pandemic, in that connection and as required by and pursuant to the Act and Regulations; and

WHEREAS, this Council has duly reviewed and considered this supplemental CDBG-CV funding to be included in the amended PY2019 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 CARES Act CDBG-CV supplemental funds will be allocated to eligible activities and projects in response to the Coronavirus pandemic.

SECTION 2. That the City Manager, being the chief executive officer of the City as that term is defined in the Act and Regulations, or his designee, 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 and this amended allocation of funds, has complied with the applicable requirements of the Act and Regulations, and this Council hereby approves the amended PY2019 Action 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 slum or blight, and this Council hereby authorizes the City Manager or his designee 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 Block Grant Program.

SECTION 5. That this Council hereby authorizes the City Manager or his designee 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 or his designee 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: May 30, 2020
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: May 30, 2020
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

AMY WILKENS
CLERK OF COUNCIL
(SEAL)