

# CITY OF CLAYTON, OHIO

## RESOLUTION NO. R – 08 - 14 - 58

### A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT TO URBAN COOPERATION AGREEMENT WITH MONTGOMERY COUNTY, OHIO

**WHEREAS**, prior to the merger of Randolph Township (“Township”) and the Village of Clayton (“Village”) to form the City of Clayton, the Village, on or about May 6, 1993, via passage of Resolution R-05-93-1, entered into an Urban County Cooperation Agreement (“Agreement”) with Montgomery County, Ohio; and

**WHEREAS**, Paragraph 10 of the above referenced Agreement contains an automatic renewal provision such that the Agreement has successively renewed itself in 3 year increments, beginning with the close of fiscal year 1996; and

**WHEREAS**, the electors of the Township and the Village voted to approve the *Terms and Conditions of Merger* and Article VIII, Subsection 2 thereof provides that upon the effective date of the merger, the City of Clayton “...shall succeed to the interests of ... the present Village of Clayton in: ... all rights and interests in contracts...or other instruments...and shall become liable for all outstanding...contracts...and other legal claims, actions and obligations of ...the present Village of Clayton.”; and

**WHEREAS**, pursuant to Paragraph 11 of the above identified Agreement, Montgomery County, Ohio has requested an amendment to the aforesaid Agreement necessitated by a new requirement found at Division L, Title II of the 2014 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act; and

**WHEREAS**, the City is in agreement to add the following provision to the above referenced Agreement: “The City may not sell, trade, or otherwise transfer all or any portion of such funds (CDBG) to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives such funds in exchange for any other funds, credits or non-federal considerations, but must use such funds for activities eligible under Title 1 of the Housing and Community Development Act of 1974.”

### **NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the Cooperation Agreement Amendment with Montgomery County, Ohio and appended hereto, is hereby approved and the City Manager is hereby authorized to execute said agreement on behalf of the City of Clayton.


ADOPTED BY COUNCIL ON AUGUST 21, 2014.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor (Presiding Officer of Council)

  
\_\_\_\_\_  
Clerk of Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper	Date of publication
<u>Englewood Independent</u>	<u>August 28, 2014</u>

  
\_\_\_\_\_  
CLERK

**COOPERATION AGREEMENT AMENDMENT**

**THIS AMENDMENT**, entered into as of this 21 day of August, 2014 by and between the **BOARD OF MONTGOMERY COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO**, hereinafter referred to as the "**County**" and duly authorized through a resolution of the Board of Montgomery County Commissioners adopted on this day, and the **CITY OF CLAYTON, OHIO** hereinafter referred to as the "**City**" and duly authorized through the enactment of Ordinance No. R-58 of the Council of the City.

**WHEREAS**, the County and the City have previously entered into a cooperation agreement for the purpose of receiving Community Development Block Grant (CDBG) and HOME Investment Partnership funding; and

**WHEREAS**, it is necessary to amend the agreement to add the following provision:

The City may not sell, trade, or otherwise transfer all or any portion of such funds (CDBG) to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives such funds in exchange for any other funds, credits or non-federal considerations, but must use such funds for activities eligible under Title 1 of the Housing and Community Development Act of 1974.

All other provisions of the above mentioned Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 28 day of August, 2014

WITNESS:

BOARD OF MONTGOMERY COUNTY COMMISSIONERS

\_\_\_\_\_

\_\_\_\_\_  
Dan Foley, Commission President

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\_\_\_\_\_  
Deborah A. Lieberman, Commissioner

\_\_\_\_\_

\_\_\_\_\_  
Judy Dodge, Commissioner

WITNESS:

CITY OF CLAYTON

BY:

  
\_\_\_\_\_

  
\_\_\_\_\_ (Signature)

\_\_\_\_\_  
City Manager (Title)

APPROVED AS TO FORM:  
MATHIAS H. HECK, JR., Prosecuting Attorney

BY:   
Assistant Prosecuting Attorney

DATE: 7/25/14

This agreement is in accordance with the laws of the State of Ohio and the City of Clayton

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Counsel for City