

RESOLUTION NO. R-14-26

**A RESOLUTION AUTHORIZING THE CITY OF AVON, THROUGH THE
OFFICE OF THE MAYOR, TO PARTICIPATE IN THE LORAIN COUNTY URBAN
COUNTY CDBG PROGRAM AND TO AUTHORIZE THE MAYOR TO
EXECUTE THE HUD COOPERATION AGREEMENT
AND DECLARING AN EMERGENCY**

WHEREAS, Title 1 of the Housing and Community Development Act of 1974, as amended, authorizes the CDBG Program; and

WHEREAS, Lorain County is seeking Urban County qualifications for January 1, 2027 through December 31, 2029; and

WHEREAS, the City of Avon is an eligible Unit of General Local Government.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 – That the City of Avon elects to participate in the Lorain County Urban County. (see Exhibit A)

Section 2 – That the Mayor is authorized to execute the Cooperation Agreement and related documents.

Section 3 – The Clerk of Council shall transmit certified copies to Lorain County Community Development.

Section 4 – That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Resolution were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

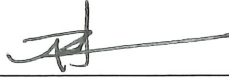
Section 5 – That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to participate in the Lorain County Urban County CDBG Program; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: August 3, 2026

DATE SIGNED: August 3, 2026

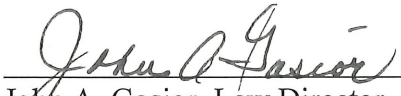
By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: August 4, 2026



Bryan K. Jensen, Mayor

APPROVED AS TO FORM:



John A. Gasior, Law Director

ATTEST:



Barbara Brooks, Clerk of Council

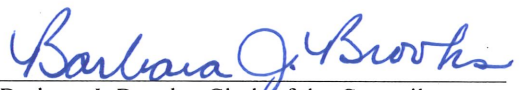
POSTED: August 6, 2026
Electronically and at City Hall as
Provided by Council

Prepared By:

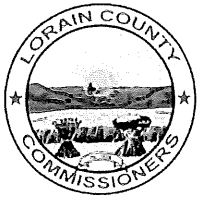
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Resolution No. R-14-26, passed by the Council of said City on August 3, 2026.

IN WITNESS WHEREOF, I have on this 4th day of August 2026, affixed my signature and official seal.



Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio



COOPERATION AGREEMENT

for the

LORAIN COUNTY ENTITLEMENT (URBAN COUNTY) PROGRAM

Program Years 2027-2029

This Agreement between the Board of Commissioners of Lorain County, Ohio, hereinafter referred to as the "Board" and the City of Avon, Ohio, hereinafter referred to as "City".

WITNESSETH:

WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974, as amended (42 U.S.C. §5301 et seq.) (hereinafter referred to as the "Act"), whose primary objective is the development of viable urban communities, and whereby federal assistance will be provided for the support of community development activities which are directed toward the following specific objectives:

- 1) The elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income;
- 2) The elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities;
- 3) The elimination of conditions which are detrimental to health, safety, and public welfare, and the provision of a decent home and suitable living environment for all persons, but principally those of low and moderate income;
- 4) The conservation and expansion of the Nation's housing stock in order to provide a decent home and suitable living environment for all persons, but principally those of low and moderate income;
- 5) The expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities;
- 6) A more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreation, and other needed activity centers;
- 7) The reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income;

- 8) The restoration and preservation of properties of special value for historic, architectural, or aesthetic reasons;
- 9) The alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or a stagnating or declining tax base;
- 10) The conservation of the Nation's scarce energy resources, improvement of energy efficiency, and the provision of alternative and renewable energy sources of supply.

WHEREAS, both the City and the Board are desirous of entering into community development activities within Lorain County, which are directed toward the above and specific objectives, and for that reason, desirous of seeking such federal funding as may be available to them pursuant to the Act; and

WHEREAS, the Act contemplates and encourages the joining together by agreement of counties and units of general local governments (UGLG) with populations less than 50,000, for the purpose of carrying out the objectives of the Act; and

WHEREAS, the Board is applying for initial qualification as an Urban County under the Act, having a separate program of community development in which other units of general local government, such as the City, may participate or opt out; and

WHEREAS, counties and units of general local governments have the authority to carry out the kinds of activities which are the objectives of the Act pursuant to Ohio Revised Code Section 303.26, et seq., Section 3, Article XVIII of the Ohio Constitution, et al.; and

WHEREAS, units of general local governments (UGLG) and counties in Ohio have authority under Ohio Revised Code Section 307.15 to enter into agreements whereby a board of county commissioners undertakes, and is authorized by the contracting municipality, to exercise any power, perform any function, or render any service on behalf of the unit of general local government which such unit of general local government may exercise, perform, or render; and

WHEREAS, counties have authority under Ohio Revised Code Section 307.85(A) to cooperate with other governmental agencies in operating any federal program enacted by the United States Congress;

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES THAT:

1. This Agreement covers Program Years 2027, 2028, and 2029, from January 1, 2027, through December 31, 2029, of both the Community Development Block Grant (CDBG) Entitlement Program and the HOME Investment Partnership Program. By entering into this Agreement and participating in the Lorain County Programs, the City understands that it may not apply for grants under the Small Cities or State CDBG Program during the term of this Agreement, and that it may receive a formula allocation under the HOME Program only through the Board. Even if the Board does not receive a HOME formula allocation, the City cannot form a HOME consortium with other

local governments except for the Board. If Emergency Solutions Grant (ESG) Program funds become available, the Board will serve as applicant for those funds. The City may receive a formula allocation under the ESG Program only through the Board. This does not preclude the County or City from applying for HOME or ESG funds from the State if the State allows.

2. The Board shall prepare and submit an application to the Secretary of Housing and Urban Development for grants under the terms of the Housing and Community Development Act of 1974, as amended. This application shall set forth a summary of a community development plan which identifies community development needs, demonstrates a comprehensive strategy for meeting those needs, and specifies both short and long term community development objectives, which have been developed in accordance with area wide development planning and national urban growth policies, and otherwise conforms with Section 104 of the Act. The community development plan and all required certifications shall be submitted by the Board, and the Board shall retain final responsibility and authority for the contents of such submissions.
3. The City may prepare applications of recommended projects and activities for community development within its boundaries, of which the activities and objectives must be in accordance with the objectives of the Act. These applications shall be submitted to the Lorain County Department of Community Development (or successor department) ("Department"), which will be the reviewing agency for all proposed activities and objectives to be included in the Plan. The Department shall make recommendations to the Board for the contents of the Plan and for recommended priorities among various projects and activities submitted. Final approval of projects and activities to be included in the Plan shall rest with the Board. It is also understood between the parties that the Board has the authority and responsibility to make decisions concerning the contents of the applications, and that the projects and activities for which approval and urban county formula funding is sought under these applications shall be in conformance with the purposes of the Act and the Plan.
4. The Board and the City agree to cooperate to undertake, or assist in undertaking, essential community development and housing assistance activities, as approved and authorized between the parties in the CDBG Agreements, including the Consolidated Plan.
5. The Board shall develop and maintain uniform administrative procedures for the development of applications and the distribution of urban county formula funds. These procedures will reflect HUD requirements and regulations governing the distribution and expenditure of urban county formula funds.
6. If the Board is awarded a CDBG, HOME, or ESG grant during the qualification period, the Board will have responsibility and authority for overall implementation and proper use of grant funds and any program income generated from the expenditure of such funds within the City, in accordance with Section 104 of the Act and applicable HUD regulations.
7. The City authorizes the Board to do on behalf of the City, in accordance with the conditions of this Agreement, all things which the City could do for itself in the making of the application for, and the expenditure of, Urban County formula funds.

8. Pursuant to 24 CFR 570.501(b), the City shall be subject to the same requirements as subrecipients, including the requirement of a written agreement, where applicable in accordance with 24 CFR 570.503.
9. If a City is a subrecipient, it must inform the Board of any income generated by the expenditure of CDBG funds and return such income to the Board within thirty (30) days of its receipt, unless other specific arrangements have been negotiated and agreed to by the City and the Board. The City shall maintain and supply such records and supporting documentation to the Board to assure program income is being accurately reported and correctly expended. Any program income that is on hand or received subsequent to closeout of the activity shall be paid to the Board within thirty (30) days.
10. For any real property acquired or improved by a City in whole or in part using CDBG funds, the City agrees: (a) To notify the Board within thirty (30) days of any proposed modification or change in the use of real property from that planned at the time of acquisition or improvement including disposition. (b) To reimburse the Board in an amount equal to the current Fair Market Value (less any portion thereof attributable to expenditures of non-CDBG funds) of the property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under CDBG regulations. (c) To return to the Board (as provided above) any proceeds or program income generated from the disposition, transfer, lease, or rent of such property in accordance with HUD requirements.
11. The Board and the City agree to comply with all applicable federal requirements, including but not limited to Title VI of the Civil Rights Act of 1964; the Fair Housing Act and the obligation to affirmatively further fair housing; Section 109 of Title I of the Housing and Community Development Act of 1974; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act; the Age Discrimination Act of 1975; Section 3 of the Housing and Urban Development Act of 1968; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and Section 104(d) of the Housing and Community Development Act of 1974. No funding shall be made for activities in or in support of any participating jurisdiction that does not affirmatively further fair housing or that impedes the Board's Fair Housing Certification.
12. The City has adopted and is enforcing: (a) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (b) 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 demonstrations within its jurisdiction.
13. This Agreement shall remain in effect for Program Years 2027, 2028, and 2029 (January 1, 2027 through December 31, 2029) and cannot be terminated, until CDBG funds, HOME funds, ESG funds, if any, and any program income received are expended, and the funded activities are completed. The Board and the City cannot terminate or withdraw from the Agreement while it remains in effect, except if the Board fails to qualify as an Urban County or if the Board does not receive a grant in any year of this period, in which cases this Agreement is null and void.

14. Any amendments to the Housing and Community Development Act of 1974, as currently amended, or HUD regulations necessitating a change to this Agreement, shall be incorporated by a formal amendment to this Agreement. Failure by either party to adopt an amendment incorporating all changes necessary to meet the requirements set forth in the applicable Urban County Qualification Notice for the next qualification period shall terminate the automatic renewal of such next qualification period, following the expenditure of all funds and completion of funded activities.
15. This Agreement shall automatically renew for **one additional three-year Urban County qualification period** unless either party exercises its option not to participate in accordance with the applicable HUD Urban County Qualification Notice. **The Board shall notify each participating Unit of General Local Government (UGLG), by letter and no later than the deadline established in the applicable HUD Urban County Qualification Notice, of its right not to participate in the next qualification period. Copies of any required notices shall be provided to the appropriate HUD Field Office, as required by HUD.** Any subsequent qualification period beyond the one additional three-year renewal shall require execution of a new Cooperation Agreement in accordance with applicable HUD requirements.
16. The City may not sell, trade, or otherwise transfer all or any portion of such funds to another metropolitan city, urban county, unit of general local government, or other eligible entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Act.
17. LEGAL OPINION ATTACHED and made part of this Agreement.

IN WITNESS WHEREOF, each party hereto has executed this Agreement by its duly authorized representative.

LORAIN COUNTY BOARD OF COMMISSIONERS:

[Signature] Alma Marco
President / Commissioner Witness

[Signature]
Commissioner

[Signature]
Commissioner

CITY: Avon

[Signature] Barbara J. Burks
Authorizing Signature Witness

Bryan K. Jensen
Name

Mayor
Title

EXHIBIT A – Certified Authorizing Resolution Attached

EXHIBIT B – Legal Opinion Attached



July 16, 2026

Garvin B. Carrington-Matthews
Community Housing Coordinator
Lorain County Department of Development
Division of Community Development
226 Middle Avenue, Room 400
Elyria, Ohio 44035

RE: CDBG Program Cooperation Agreement

Dear Mr. Carrington-Matthews:

We have reviewed the Cooperation Agreement for program years 2027-2029 relative to Lorain County's urban county qualification for participation in the Community Development Block Grant (CDBG) program.

Based upon my review of the agreement you submitted and of the relevant provisions of the Ohio Revised Code, my opinion is as follows:

The terms and provisions of the Cooperation Agreement are fully authorized under state and local law. Pursuant to Ohio Revised Code §§ 307.15 and 307.85(A), the Board of County Commissioners of Lorain County, Ohio, has full legal authority to enter into the Cooperation Agreement, which provides full legal authority for the Board to undertake, or assist in undertaking, community renewal and housing assistance activities.

If you have any further requirements in this regard, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Perales", with a long horizontal flourish extending to the right.

Kathryn Perales
Assistant Prosecuting Attorney

KP/kl