

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2015-0003

<p>Sponsored by: <b>Councilmember Greenspan</b></p> <p>Co-sponsored by: <b>Councilmembers Simon, Germana, Gallagher, Conwell, Hairston, Brown and Jones</b></p>	<p><b>An Ordinance</b> amending Title 7 of the Cuyahoga County Code to include community development as an allowable use for the Casino Revenue Fund and to establish the County Community Development Supplemental Grant Fund Program, and declaring the necessity that this Ordinance become immediately effective.</p>
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WHEREAS, Article VII, Section 7.01 of the Cuyahoga County Charter mandates that “the County shall develop and implement policies, programs and activities for the expansion and enhancement of economic activity in the County so as to create and preserve jobs and employment opportunities for and available to residents of the County;” and

WHEREAS, Cuyahoga County, as an Urban County designated by the Department of Housing and Urban Development (“HUD”), receives and administers an annual entitlement from the Community Development Block Grant program through the Cuyahoga County Department of Development; and

WHEREAS, the Department of Development carries out various housing and community development activities with Community Development Block Grant (“CDBG”) funds including but not limited to funding eligible activities carried out by other units of local government through the County’s Municipal Grant Program; and

WHEREAS, Cuyahoga County, as an Urban County, has entered or will enter into cooperation agreements with all participating units of local government within the County pursuant to 24 CFR §570.307 (b)(1); and

WHEREAS, the Department of Development allocates a portion of the CDBG funds annually to eligible activities carried out by members of the Cuyahoga Urban County including but not limited to a Municipal Grant Program pursuant to the cooperation agreements entered into with units of local government; and

WHEREAS, as part of the process of identifying activities eligible to receive CDBG funding, Investment Target Areas are identified by Cuyahoga County with the advice from its municipal partners every ten years in manner directed, authorized, and approved by HUD; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of the County.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Section 709.04 of the Cuyahoga County Code is hereby amended to read as follows:

**Section 709.04 Revenues Remaining and Received on or after July 1, 2016**

Revenues remaining in the Casino Revenue Fund or received on or after July 1, 2016 may be used for either or both of the following purposes:

- A. to promote economic and community development in any area of Cuyahoga County.
- B. to provide additional funding for educational initiatives, including the Cuyahoga County Educational Assistance Fund.

**SECTION 2.** Section 709.05 of the Cuyahoga County Code is hereby amended to read as follows:

**Section 709.05 Requests for Early Spending**

- A. Notwithstanding Section 709.02 of the County Code, prior to June 30, 2014, the County Executive may propose spending monies from the Casino Reserve Fund on specific “downtown district” development projects. Council shall determine whether any specific project justifies an earlier than anticipated expenditure of funds.
- B. Notwithstanding Section 709.03 of the County Code, after June 30, 2015 and before July 1, 2016, the County Executive or the County Council may propose spending monies on specific projects promoting economic and community development in any area of Cuyahoga County. Council shall determine whether any specific project justifies an earlier than anticipated expenditure of funds.

**SECTION 3.** Chapter 714 of the Cuyahoga County Code is hereby repealed and replaced in its entirety by the following:

**CHAPTER 714: Municipal Grant Programs**

**Section 714.01 County Community Development Block Grant Program**

A. Program Established

There is hereby created the Cuyahoga County Community Development Block Grant program consistent with all requirements set forth by the Department of Housing and Urban Development (“HUD”) under applicable federal law and regulations, including but not limited to the regulations codified in Title 24 Code of Federal Regulations (CFR) §570.

B. Program Administration

The Cuyahoga County Community Development Block Grant (“CDBG”) program shall be administered by the Cuyahoga County Executive through the Cuyahoga County Department of Development.

C. Funding Source

The CDBG program shall be funded through entitlement funds allocated to Cuyahoga County each fiscal year by HUD, as determined by the Director of Development, consistent with the cooperation agreements between Cuyahoga County and each Urban County member community.

D. Eligibility Requirements

To be eligible to receive CDBG funding for an eligible activity through the Municipal Grant Program, a local community shall meet the following criteria and all other requirements of applicable federal law and regulations including in Title 24 CFR §570:

1. The community must be a signatory to the Cuyahoga County Urban County Cooperation Agreement pursuant to 24 CFR §570.503(a); and
2. The community must be able to document appropriate activities to affirmatively further fair housing choice; and
3. The community must document its compliance with citizen participation requirements as set forth in Cuyahoga County’s Community Development Block Grant Citizen Participation Plan pursuant to 24 CFR §570.302; and
4. The proposed activity must meet one of the three national objectives that benefit low-and moderate-income persons, aid in the prevention of elimination of slums and blight, or meet other community development needs of an urgent nature that present a serious and immediate threat to the health or welfare of the community. These initiatives include but are not limited to the following HUD eligible activities:
  - a. community master plans,

- b. housing and commercial demolition,
  - c. infrastructure,
  - d. public safety,
  - e. streetscapes,
  - f. parks and playgrounds, or
  - g. community and senior centers.
5. The community must be in compliance with any existing contract for CDBG funds as determined by the Department of Development.
  6. For eligible activities which serve a defined area within a local community, the defined area must meet HUD's requirements which may include a location in an Improvement Target Area defined by Cuyahoga County, location in an area which meets Improvement Target Area guidelines as documented by the local community, or a location in and service to an area with a certain percentage of households having incomes at or below a certain level according to HUD-approved survey data; and
  7. The Department of Development shall issue written requirements for each year's application format, contents, and required attachments; and
  8. The Department of Development shall establish and notify local communities of each year's application deadline and other requirements regarding the application deadline.

E. Evaluation Criteria

The Department of Development shall administer an evaluation process in which all timely submitted and properly completed applications for CDBG funding eligible activities shall be scored using an objective numerical rating system. The Department of Development may invite knowledgeable officials of other County departments and non-Urban County local communities to serve on a rating and ranking committee for this evaluation.

**Section 714.02 County Community Development Supplemental Grant Program**

A. Program Established

There is hereby created the Cuyahoga County Community Supplemental Block Grant program to be administered in conjunction with and using the same grant process as the County Community Development Block Grant Program.

B. Program Administration

The Cuyahoga County Community Development Supplemental Grant (“CDSG”) program shall be administered by the Cuyahoga County Executive through the Cuyahoga County Department of Development.

C. Funding Source

The CDSG program shall be funded through the County Casino Revenue Fund as established in Chapter 709 of the County Code. One million dollars (\$1,000,000.00) of the funds transferred into the Casino Revenue Fund annually in calendar years 2016 and 2017 shall be used to fund projects approved through the Cuyahoga County Community Development Supplemental Grant program.

D. Eligibility Requirements

To be eligible to receive CDSG funds through the Municipal Grant Program, applicants shall meet the following criteria:

1. All applicants must be municipal corporations, townships, or not-for-profit community development corporations tax-exempt under Section 501(c)(3) of the Internal Revenue Code located within Cuyahoga County. To be eligible to apply, a not-for-profit community development corporation must be incorporated for not less than two years prior to the application deadline set by the Department of Development; provided, however, that community development corporations in existence on or before the original effective date of this provision shall be eligible to apply; and
2. The applicant must be able to document appropriate activities to affirmatively further fair housing choice; and
3. The applicant must document its compliance with citizen participation requirements as set forth either in Cuyahoga County’s Community Development Block Grant Citizen Participation Plan or in a citizen participation plan prepared by an entitlement community pursuant to 24 CFR §570.302; and
4. All application projects must meet a community development need related to the health or welfare of the community. These initiatives include but are not limited to the following eligible activities:
  - a. community master plans,
  - b. housing and commercial demolition,
  - c. infrastructure,
  - d. public safety,

- e. streetscapes,
  - f. parks and playgrounds, or
  - g. community and senior centers
5. The applicant must be in compliance with all existing contracts for CDBG and CDSG funds previously allocated pursuant to this Chapter by the date of the current application deadline as determined by the Department of Development; and
  6. Applications must specify the location of all projects; and
  7. All documents required by the Department of Development must be contained within the application or attached; and
  8. All applications must be received by the deadline as set by the Department of Development.

E. Evaluation Criteria

1. The Department of Development shall issue written requirements for each year's application format, contents, and required attachments; and all documents required by the Department of Development must be contained within the application or attached.
2. The Department of Development shall establish and notify local communities of each year's application deadline and other requirements regarding the application deadline. All applications must be received by the deadline as set by the Department of Development.
3. The Department of Development shall evaluate applications based upon factors including, but not limited to, the following:
  - a. That the application meets the eligibility requirements specified in paragraph (D) of this section.
  - b. That the project specified in the application may complement or otherwise enhance other projects supported through other funding sources.
4. Each Community Development Supplemental Grant award shall not exceed \$50,000.00.

**SECTION 4.** It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of

the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 5.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the 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, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Greenspan, seconded by Ms. Brown, the foregoing Ordinance was duly enacted.

Yeas: Jones, Brown, Hairston, Simon, Greenspan, Miller, Germana, Gallagher, Conwell and Brady

Nays: None

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

First Reading/Referred to Committee: January 27, 2015

Committee(s) Assigned: Community Development

Additional Sponsorship Requested on the Floor: January 27, 2015

Additional Sponsorship Requested: March 7, 2016

Additional Sponsorship Requested: May 23, 2016

Committee Report/Second Reading: June 14, 2016

Legislation Amended on the Floor: June 14, 2016

Additional Sponsorship Requested on the Floor: June 28, 2016

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