



# COBB COUNTY CDBG PROGRAM OFFICE

192 Anderson Street, Suite 150  
Marietta, Georgia 30060  
Phone: (770) 528-1455 Fax: (770) 528-1466  
[www.cobbcounty.org/cdbg](http://www.cobbcounty.org/cdbg)

Kimberly Roberts  
Managing Director



March 12, 2020

The Honorable Al Thurman, Mayor  
City of Powder Springs  
4484 Marietta Street  
Powder Springs, GA 30127

Re: Cooperation Agreement for Program Years January 1, 2021 – December 31, 2023

Dear Mayor Thurman:

Every three years, Cobb County, as the lead entity for the Cobb Urban County CDBG Program, is required to re-qualify as an Urban County along with each of its municipal partners<sup>1</sup>. As such, the Cobb County CDBG Program Office is requesting documentation of the City's intent to participate in the Cobb Urban County CDBG Program. If the City elects to participate for the next three years, please pass a resolution to authorize the chief elected official to execute an agreement that allows for continual participation in the Cobb Urban County CDBG Program. If the City elects to not participate, please send a formal declination that excludes participation in Cobb's Urban County CDBG Program. (Cobb County is required to notify affected participating units of government in writing that the agreement will automatically be renewed unless the City of Powder Springs notifies the Cobb County CDBG Program Office in writing by **Friday, May 15, 2020**).

This letter serves as notification that City of Powder Springs is not eligible to apply for CDBG grants under the State CDBG program while it is a part of an Urban County, and in becoming a part of the Urban County, City of Powder Springs automatically participates in the HOME and ESG programs if the Urban County receives HOME and ESG funding, respectively. If a jurisdiction decides to exclude itself from Cobb's Urban County, it may compete statewide through the Georgia State Department of Community Affairs (DCA) CDBG program for any future CDBG funding<sup>2</sup>.

We have enjoyed working with your City over the years and we know that the CDBG funds invested in the City of Powder Springs have funded numerous public improvements, supported non-profit agencies, and provided assistance to low and moderate income families.

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<sup>1</sup> The Cobb Urban County CDBG Program consists of the following cities: Acworth, Austell, Kennesaw, and Powder Springs.

<sup>2</sup> This does not apply to the City of Smyrna because the City's low and moderate income population qualifies this jurisdiction as a separate entitlement community.

**To remain a part of the Cobb Urban County, the City should take the following steps:**

**Council Action Required**

- Obtain a formal majority vote by the City Council at a regularly scheduled or special meeting prior to **Friday, May 15, 2020** to rejoin the Cobb Urban County CDBG Program; and
- Authorize the Mayor to execute and the City Clerk to certify all Cooperation Agreements and any other necessary documents permitting the City to remain as a member of the Cobb Urban County CDBG Program.

**Mayor/Clerk Action Required**

- Execute Federal Program Year [PY] 2021-2023 Cooperation Agreement with original signatures on **all 5** copies.
- **Return all 5 copies** of PY2021-2023 Cooperation Agreements and copies of the City's authorizations [agenda and minutes] to the Cobb CDBG Program Office by **Monday, June 1, 2020**.
- If your City chooses to exclude itself from the Cobb County Urban County CDBG Program, you are required to notify **the County** in writing that the City wishes to be excluded from participation in Cobb County's Urban County program at the expiration of the current agreement.

Should you have any questions regarding the execution of the City's Cooperation Agreement, please contact me at (770) 528-1459 or via email at [kimberly.roberts@cobbcounty.org](mailto:kimberly.roberts@cobbcounty.org).

Sincerely,



Kimberly Roberts  
Managing Director

Enclosures: Cooperation Agreement

cc: Mrs. Rabiah Walker-Towers, Deputy Director, Cobb County CDBG Program Office  
Ms. Pam Conner, City Manager, City of Powder Springs

**U.S. Department of Housing and Urban  
Development**

**CDBG Program Urban County Qualification**



**COOPERATION AGREEMENT**

**FOR**

**Cobb County, Georgia**

**and**

**The City of Powder Springs**

**Program Years**  
**January 1, 2021 – December 31, 2023**

AUTHORITY: HUD - NOTICE CPD-19-04



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## **COBB COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS COOPERATION AGREEMENT [AUTHORITY: CPD NOTICE 19-04; MARCH 2019] Program Year 2021 - 2023**

This Cooperation Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Cobb County, a political subdivision of the State of Georgia (hereinafter referred to as the "County") and the City of Smyrna, a municipal corporation located in Cobb County (hereinafter referred to as the "City").

### **Section 1: Urban County Qualification Requirements**

The United States Department of Housing and Urban Development (hereinafter referred to as "HUD") has determined that the County is eligible, as an "Urban County", to receive Entitlement Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974, as amended, to address certain needs of predominantly low and moderate income persons with CDBG funds, and any program income derived from the expenditure of CDBG funds to be made available during the period beginning with Program Year [hereinafter referred to as PY] 2021 and continuing in place and in full effect until such time in the future as the City shall elect to exclude itself, in accordance with HUD instructions and schedules. The County agrees to provide written notice to the City of its rights of future exclusion from the County CDBG Program for each successive three year qualification period, in compliance with HUD-required notification dates.

HUD permits Urban Counties and their participating municipalities to execute Cooperation Agreements which are to be automatically renewed at the end of each three-year qualification period, unless changes in the Agreement are required by HUD that would necessitate the execution of a new Agreement and/or unless the participating municipality elects to be excluded from the Agreement at the beginning of each three year cycle. The County and the City agree, herein, to execute this automatically renewing Cooperation Agreement, with these special stipulations, and as further described in this Agreement, beginning with PY 2021.

### **Section 2: CDBG Program**

The funds received under this Agreement will be used to improve the quality of housing, public facilities, certain public service capital needs, and to create and/or retain jobs, predominantly for low and moderate income persons. These funds will benefit low and moderate income citizens of the County's incorporated municipalities, if the needs of such persons in these municipalities are included in the Cobb County CDBG Program.



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By executing the CDBG cooperation agreement, the city understands that it:

1. May not apply for grants from appropriations under the State CDBG Program for fiscal years during the period in which it participates in the urban county's CDBG program; and
2. May receive a formula allocation under the HOME Program only through the urban county. Thus, even if the urban county does not receive a HOME formula allocation, the participating unit of local government cannot form a HOME consortium with other local governments. (Note: This does not preclude the urban county or a unit of government participating with the urban county from applying to the State for HOME funds; and
3. May receive a formula allocation under the ESG Program only through the urban county. (Note: This does not preclude the urban county or a unit of government participating with the urban county from applying to the State for ESG funds.

Participation in this Agreement covers participation in the Community Development Block Grant [CDBG] program per HUD requirements. The County invites the participation of the incorporated municipalities located in Cobb County in the Community Development Block Grant Program, upon the respective municipalities dedicating their population counts in support of the County formula allocation of funds and the County agrees to carry out the objectives of the Housing and Community Development Act, as amended, throughout the unincorporated areas of the County and in the City.

The County agrees to allocate to the City each Program Year a CDBG "fair share" dollar amount based on the City's percentage of the County's total population, according to the 2020 or later Census, or any Bureau of Census population statistics, if approved by HUD. The City may also receive additional CDBG funds, if awarded by the Cobb County Board of Commissioners.

During each Program Year, the City agrees to make priority decisions and to submit a list of eligible CDBG activities to the County. The CDBG activities shall be submitted to the County in accordance with the County's schedule for the preparation of the Consolidated Plan(s), which must be approved by HUD. The list of CDBG activities will be accepted by the County, as recommended by the City, except for activities, which are ineligible under the federal program regulations. The County and the City acknowledge that neither party shall obstruct the implementation of the HUD approved Consolidated Plan(s) during the period covered by this Agreement. The County and City jointly agree to work cooperatively each program year to establish a schedule of implementation, which is responsive to the City's needs, while complying with all federal requirements. The County agrees to submit to the City, for review and comment, any plans, which would affect the City, which will involve the use of CDBG funds for implementation.





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## **Section 3: Duration of Agreement**

This Agreement remains in effect until CDBG funds have been received from HUD and have been expended by the City and the County. Neither the County nor the City can terminate or withdraw from the Cooperation Agreement while it remains in effect.

The City pledges its willingness to undertake or assist in the undertaking of eligible CDBG activities funded by the Cobb County CDBG Program. The City understands that it remains a part of the County CDBG Program beginning with PY 2021 and shall remain a member until such time, at the end of any HUD-designated three-year period, as the County provides to the City written notice, in accordance with the HUD-established instructions and schedule, and the City elects not to participate in a new qualification period. The failure of either party to adopt an amendment to the Agreement incorporating all changes necessary to meet the requirements for Cooperation Agreements set forth by HUD for a subsequent three year Urban County qualification period and to submit the amendment(s) to HUD, as required by HUD, will void the automatic renewal of such qualification period. The County will notify the City, by HUD prescribed dates, for the next and all subsequent three year qualification periods, of the City's rights to remain a party to the Agreement or elect to choose exclusion from the County CDBG Program.

It is hereby agreed to by the parties signed hereto that neither party shall terminate this Cooperation Agreement after the date first written prior to the end of any three year qualifying period. The City may choose to exclude itself from the County CDBG Program only at the beginning of each three year qualifying period, unless the City has exercised its option to exclude itself from the County CDBG Program established under the terms of the Housing and Community Development Act of 1974, as amended. The only other options for termination of this Agreement are the cancellation by HUD of its obligation to the County under the aforementioned Act, or if the County fails to qualify as an Urban County, or if the County does not receive a CDBG grant in any year of the three year period previously identified. It is also agreed by the parties signed hereto that this Agreement shall remain valid until such time as:

- a. HUD requires changes in the Agreement; or
- b. The City shall choose to exclude itself from the County CDBG Program; or
- c. The County shall no longer qualify to receive CDBG funds.

## **Section 4: Federal Grant Restrictions**

The City understands that it may not apply for grants under the Small Cities or Department of Community Affairs [DCA] State CDBG Program from appropriations for fiscal years during the period in which it is participating in the County's CDBG Program. The City understands that it



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may not participate in a Consortium except through the County, regardless of whether the County receives a formula allocation.

The County agrees to actively request the City's involvement in the Community Development Block Grant Program and the County agrees to accept the City's interest in undertaking eligible CDBG activities. The City and the County agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing within the municipal limits of said City.

### **Section 5: Compliance**

The county and the city agree to "cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities."

The City acknowledges that it has adopted and is enforcing 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. The City acknowledges that it has adopted and is enforcing 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.

The County and the City will take all actions necessary to ensure compliance with the County's certification under Section 104 (b) of Title I of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The City and the County also have an obligation to comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, and all other applicable laws.

The County acknowledges that it is prohibited from funding activities in or in support of any cooperating city that does not affirmatively further fair housing within its own jurisdiction or that impede the County's actions to comply with its fair housing certification. If the City undertakes any activities with Community Development Block Grant funds, the City will take all required actions to comply with the provisions of Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable laws.

The City agrees to affirmatively further fair housing within its jurisdiction and to assist the County in the implementation of its HUD approved Consolidated Plan covering the County and the City throughout the effective term of this Agreement.





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The City has affirmed that it 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 jurisdictions."

The city understands that it may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds 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.

### **Section 6: CDBG Eligible Project Approval**

The County will have the responsibility for approving projects as eligible for funding, after their selection by the Mayor and Council of the City. The County will also have the responsibility for preparing the Consolidated Plan and for other documents and reports to be submitted to HUD. The City will provide the necessary documentation, with technical assistance from the County, for projects funded with CDBG funds. Pursuant to the requirements of 24 CFR 570.501(b), the City agrees that it will enter into a CDBG Subrecipient Agreement [as do all Subrecipients, as set forth in 24 CFR 570.503] for each of the years during which the City remains as a participating municipality in the County CDBG Program for the use of such funds as are approved by the County for the City for each of the respective years.

### **Section 7: Program Income**

If the City generates any program income as a result of the expenditure of CDBG funds, the provisions of 24 CFR 570.504(c), as well as the following specific stipulations, shall apply:

- a. The City acknowledges that it must notify the County of any program income generated through the expenditure of CDBG funds during the calendar month that such program income is generated.
- b. The City acknowledges that any such program income must be expended by the City or paid to the County at the end of the month in which the program income is generated.



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- c. The City further acknowledges that the County has the responsibility for monitoring and reporting to the U.S. Department of Housing and Urban Development (HUD) on the generation of any such program income. The responsibility for appropriate recordkeeping by the City and reporting to the County by the City on the generation of such program income is hereby acknowledged by the City. The County agrees, herein, to provide technical assistance to the City in establishing an appropriate and proper recordkeeping and reporting system, as required by HUD.
- d. In the event of close-out or change in status of the City, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the County within 30 calendar days following the official date of the close-out or change in status. The County agrees to notify the City, in writing, should close-out or change in status of the City occur as a result of changes in CDBG Program statutes, regulations and/or instructions.

The following standards shall apply to real property (within the control of the City) acquired or improved, in whole or in part, using CDBG funds. The standards are:

- a. The City shall inform the County in writing at least thirty (30) calendar days prior to any modification or change in the use of the real property from that planned at the time of acquisition or improvements, including disposition;
- b. The City shall reimburse the County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-CDBG funds) of property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under the CDBG regulations. Said reimbursement shall be provided to the County at the time of sale or transfer of the property referenced, herein.
- c. Any program income generated from the disposition or transfer of property prior to or subsequent to the close-out, change of status or termination of the Cooperation Agreement between the County and the City shall be repaid to the County at the time of disposition or transfer of the property.

### **Section 8: Authorizations**

The Mayor of the City is hereby authorized to execute any and all documents necessary as a condition for the City's participation under the terms of the aforementioned Housing and Community Development Act of 1974, as amended.



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## **Section 9: Agreement Execution**

IN WITNESS WHEREOF, the parties hereunto have affixed their signatures on the dates specified below:

### **For City of Powder Springs:**

\_\_\_\_\_  
Signature of Authorized Person

\_\_\_\_\_  
Typed or printed name and title

\_\_\_\_\_  
Date of Signature

Attest: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name and title

\_\_\_\_\_  
Date of Signature

Date Approved: City Governing Body:  
\_\_\_\_\_

[IMPRINT CITY SEAL HERE]

### **For Cobb County:**

\_\_\_\_\_  
Michael H. Boyce, Chairman  
Cobb County Board of Commissioners

\_\_\_\_\_  
Date of Signature

Attest: \_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Date of Signature

[IMPRINT COUNTY SEAL HERE]

\_\_\_\_\_  
Kimberly Roberts, Managing Director  
Cobb County CDBG Program Office

\_\_\_\_\_  
Date of Signature

Board Action Date: \_\_\_\_\_

Approved As To Form:

\_\_\_\_\_  
County Attorney's Office

\_\_\_\_\_  
Date of Signature



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*Managing Director*



## **Section 10: City Clerk Certification**

Name of City: City of Powder Springs

This is to certify that the authority to execute the attached Cooperation Agreement with the Cobb County Board of Commissioners for participation in the Cobb County Community Development Block Grant Program, for Urban County qualification beginning with PY2021, and continuing until such time for future Urban County qualification periods as the City might choose to exclude itself from the Cobb County Community Development Block Grant Program, was approved and adopted in the regular meeting of the City Council held on:

\_\_\_\_\_  
Date

This is to further certify that the attached is a true and correct copy of said "Cooperation Agreement," as approved at the City Council meeting held on the date written above.

\_\_\_\_\_  
Signature of City Clerk

\_\_\_\_\_  
Print Name of City Clerk

\_\_\_\_\_  
Date

Attest: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name of Attestor

\_\_\_\_\_  
Date of Signature



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Managing Director



## **Section I I: Legal Opinion**

### **For City of Powder Springs**

#### **LEGAL OPINION OF THE CITY ATTORNEY:**

I do hereby certify that the terms and provisions of the Cobb County Urban Cooperation Agreement are fully authorized under State and local law, and the Agreement provides full legal authority for the Urban County to undertake or assist in undertaking activities for the Community Development Block Grant Program.

Approved: \_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Name of City Attorney  
[Typed or Printed]

\_\_\_\_\_  
Date of Approval

### **For Cobb County**

#### **LEGAL OPINION OF THE COUNTY ATTORNEY:**

I do hereby certify that the terms and provisions of the Cobb County Urban Cooperation Agreement are fully authorized under State and local law, and the Agreement provides full legal authority for the Urban County to undertake or assist in undertaking activities for the Community Development Block Grant Program.

Approved: \_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Name of County Attorney  
[Typed or Printed]

\_\_\_\_\_  
Date of Approval