
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Substantial Amendment to the 2008-2009 One-Year Action Plan: CDBG-R Program

DEPARTMENT: Community Services

DIVISION: Community Assistance

AUTHORIZED BY: Michele
Saunders

CONTACT: Ricardo Soto-Lopez, Jennifer
Bero

EXT: 2385,
7125

MOTION/RECOMMENDATION:

Approve and amend the 2008-2009 One-Year Action Plan to add the newly-authorized CDBG-R (Community Development Block Grant-Recovery) Program, and submit such amendment to the U.S. Department of Housing and Urban Development (HUD) requesting \$648,202 in American Recovery and Reinvestment Act (ARRA) funds through the CDBG-R Program; and authorize the County Manager to execute the amendment on behalf of the Board of County Commissioners.

County-wide

Jennifer Bero, Ricardo Soto-Lopez

BACKGROUND:

The American Recovery and Reinvestment Act of 2009 (ARRA) appropriated \$1 billion to carry out additional Community Development Block Grant (CDBG) activities on an expedited basis. These funds (the new program is called CDBG-R) will be distributed to grantees that received CDBG funding in Program Year 2008-2009. Seminole County is allocated \$648,202 in CDBG-R funds. Funding is proposed to be used for the following "shovel-ready" projects:

- Jamestown Street Rehabilitation -- \$128,367.
- Castle Brewer Court Sanitary Sewer Rehabilitation -- \$280,000.
- Lake Hayes Potable Water Installation -- \$175,015.

To receive the funds, a Substantial Amendment to the 2008-2009 One-Year Action Plan must be made by June 5, 2009. To meet this requirement, staff requested the County Manager approve the amendment under the caveat that the application would be withdrawn should the Board decline the amendment at its June 9, 2009 meeting. Staff is requesting approval of the Substantial Amendment (attached). There is no match requirement for this grant.

STAFF RECOMMENDATION:

Staff recommends that the Board approve and amend the 2008-2009 One-Year Action Plan to add the newly-authorized CDBG-R (Community Development Block Grant-Recovery) Program, and submit such amendment to the U.S. Department of Housing and Urban Development (HUD) requesting \$648,202 in American Recovery and Reinvestment Act (ARRA) funds through the CDBG-R Program; and authorize the County Manager to execute

the amendment on behalf of the Board of County Commissioners.

ATTACHMENTS:

1. CDBG-R Amendment Submission

Additionally Reviewed By:

- County Attorney Review (Arnold Schneider)
- Grant Review (Jennifer Bero, Lisa Spriggs)

Application for Federal Assistance SF-424

Version 02

*1. Type of Submission:

 Preapplication Application Changed/Corrected Application

*2. Type of Application

 New Continuation Revision

* If Revision, select appropriate letter(s)

*Other (Specify)

3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

B-08-MC-12-0010

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: Seminole County Board of County Commissioners

*b. Employer/Taxpayer Identification Number (EIN/TIN):

59-6000856

*c. Organizational DUNS:

678342358

d. Address:*Street 1: 1101 E. First Street

Street 2: _____

*City: SanfordCounty: Seminole*State: FL

Province: _____

*Country: USA*Zip / Postal Code 32771**e. Organizational Unit:**

Department Name:

Community Services

Division Name:

Community Assistance

f. Name and contact information of person to be contacted on matters involving this application:Prefix: Mr. *First Name: Ricardo

Middle Name: _____

*Last Name: Soto-Lopez

Suffix: _____

Title:

Organizational Affiliation: Program Manager (staff)	
*Telephone Number: 407-665-2385	Fax Number: 407-665-2399
*Email: rsotolopez@seminolecountyfl.gov	
*9. Type of Applicant: County government	
*10 Name of Federal Agency: U.S. Department of Housing & Urban Development	
11. Catalog of Federal Domestic Assistance Number: 14.253 _____ CFDA Title: CDBG - Entitlement _____	
*12 Funding Opportunity Number: _____ *Title: _____	
13. Competition Identification Number: _____ Title: _____	
14. Areas Affected by Project (Cities, Counties, States, etc.): Seminole County, Florida	
*15. Descriptive Title of Applicant's Project: Improvements to public facilities, including the rehabilitation of sanitary sewer and streets, and the installation of potable water lines.	
16. Congressional Districts Of: *a. Applicant: 4, 5 *b. Program/Project: 4, 5	
17. Proposed Project: *a. Start Date: 7/1/09 *b. End Date: 9/30/09	

18. Estimated Funding (\$):	
*a. Federal	648,202
*b. Applicant	
*c. State	
*d. Local	
*e. Other	145,985
*f. Program Income	
*g. TOTAL	794,187
*19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input checked="" type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <u>6/5/09</u> . <input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review. <input type="checkbox"/> c. Program is not covered by E. O. 12372	
*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)</p> <input checked="" type="checkbox"/> ** I AGREE ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions	
Authorized Representative:	
Prefix: <u>Ms.</u>	*First Name: <u>Cindy</u>
Middle Name: _____	
*Last Name: <u>Coto</u>	
Suffix: _____	
*Title: <u>County Manager</u>	
*Telephone Number: <u>407-665-7212</u>	Fax Number: <u>407-665-7958</u>
* Email: <u>ccoto@seminolecountyfl.gov</u>	
*Signature of Authorized Representative:	*Date Signed:

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

Not applicable.

CDBG-R SUBMISSION TEMPLATE **& CHECKLIST**

The American Recovery and Reinvestment Act of 2009 ("Recovery Act") was signed into law by President Obama on February 17, 2009. The Recovery Act awards \$1 billion in CDBG Recovery (CDBG-R) funds to be distributed to cities, counties, insular areas and states, of which \$10 million has been reserved by HUD for its administrative costs and \$10 million of which will be awarded to Indian tribes. Recipients of the remaining \$980 million of CDBG-R funds will be the approximately 1,200 jurisdictions that received CDBG funding in Fiscal Year 2008. This template sets forth the suggested format for grantees receiving funds from CDBG-R. A complete submission contains the information requested below, including:

- (1) The CDBG-R Substantial Amendment (template attached below)
- (2) Spreadsheet for Reporting Proposed CDBG-R Activities (see <http://www.hud.gov/recovery>)
- (3) Signed and Dated Certifications (see <http://www.hud.gov/recovery>)
- (4) Signed and Dated SF-424.

Grantees should also attach a completed CDBG-R Substantial Amendment Checklist to ensure completeness and efficiency of review (attached below).

THE CDBG-R SUBSTANTIAL AMENDMENT

Jurisdiction: <u>Seminole County, FL.</u>	CDBG-R Contact Person: Rick Soto-Lopez
Jurisdiction Web Address:	Address: 534 W. Lake Mary Blvd.
• <i>Seminolecountyfl.gov</i>	Sanford, FL 32773
	Telephone: 407-665-2385
	Fax: 407-665-2399
	Email: rsotolopez@seminolecountyfl.gov

ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD’s recovery website at <http://www.hud.gov/recovery>.

B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)

(1) **Activity Name:** (Grantees should follow the same order that activities are listed in the Spreadsheet for Reporting Proposed CDBG-R Activities – this will allow HUD to easily match activity narratives with the information provided in the spreadsheet.)

(2) **Activity Narrative:**

In addition to the Spreadsheet for Reporting Proposed CDBG-R Activities, grantees must provide a narrative for each activity describing how the use of the grantee’s CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA. The grantee’s narrative must also state how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by:

- Preserving and creating jobs and promoting economic recovery;
- Assisting those most impacted by the recession;
- Providing investment needed to increase economic efficiency;
- Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;
- Minimizing or avoiding reductions in essential services; or
- Fostering energy independence.

- (3) Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs)).
- (4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)
- (5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

Activity Name:

Jamestown Street Rehabilitation

Activity Narrative:

A total of \$128,367 will be used to rehabilitate several streets in the Jamestown Subdivision. This activity follows a comprehensive installation of a new sanitary sewer system, including main collection lines and service lines, throughout the subdivision. Streets to be restored include Security Avenue, Weston Avenue, South Street, East Street, and James Street. Approximately 45 households will be served, and most are low/mod income.

Jobs Created:

No permanent jobs will be created, but it is anticipated that ten to twelve temporary construction jobs will be either created or retained. The majority of these will most likely be low/mod jobs.

Additional Activity Information:

The resultant infrastructure will provide a long-term benefit, security, and conservation to the residents of Jamestown, and it is likely that the improvements, now coupled with the recently-installed community-wide sanitary sewer system, will create an incentive for further residential development (both new construction and rehabilitation) in Jamestown. No energy efficiency benefits are anticipated.

Responsible Organization:

Seminole County Board of County Commissioners
County Services Building
1101 E. First Street
Sanford, FL 32771

Administrator: Cindy Coto, County Manager
407-665-7212

Contact Information: Ricardo Soto-Lopez, CD HUD Administrator
407-665-2385
407-665-2399 (fax)
Rsotolopez@seminolecountyfl.gov

Activity Name:

Castle Brewer Sanitary Sewer Rehabilitation

Activity Narrative:

A total of \$280,000 will be used to rehabilitate the entire sanitary sewer system of the 124-unit Castle Brewer Court public housing complex of the City of Sanford Housing Authority, and its administration and maintenance facilities. The sanitary sewer system is over fifty years old and is in poor repair due mainly to its age and the fact that it was originally constructed of clay pipe. Over the years the system has had many failures from extensive breakage, tree root infiltration, and subsidence resulting in bellies and blockage.

This activity is expected to eliminate recurring problems (and the expense for dealing with those problems) caused by blockage and deterioration of the current sanitary sewer system.

Jobs Created:

No permanent jobs will be created, but it is anticipated that eight to ten temporary construction jobs will be either created or retained. The majority of these will most likely be low/mod jobs.

Additional Activity Information:

The improvements will provide a long-term benefit and conservation to the residents of Castle Brewer Court, and will eliminate the recurring expenses and inconvenience currently taking place. No energy efficiency benefits are anticipated.

Responsible Organization:

Seminole County Board of County Commissioners
County Services Building
1101 E. First Street
Sanford, FL 32771

Administrator: Cindy Coto, County Manager
407-665-7212

Contact Information: Angel Tua, Executive Director
City of Sanford Housing Authority
94 Castle Brewer Court
Sanford, FL 32771
407-323-3150
atua@sanfordha.org

Activity Name:

Lake Hayes Potable Water Installation

Activity Narrative:

A total of \$175,015 in CDBG-R funds will be used to install potable water main lines in the Lake Hayes area of Seminole County. This will be leveraged by an additional \$145,985 in County fund to complete the project. The households in this area are currently served by water wells, and most of the households are currently experiencing a great deal of contamination of the water table. The centralized potable water system to be installed will provide safe water to these residents.

Jobs Created:

No permanent jobs will be created, but it is anticipated that nine to eleven temporary construction jobs will be either created or retained. The majority of these will most likely be low/mod jobs.

Additional Activity Information:

The improvements will provide a permanent benefit and conservation to the residents of the Lake Hayes community in the form of potable water. No energy efficiency benefits are anticipated.

Responsible Organization:

Seminole County Board of County Commissioners
County Services Building
1101 E. First Street
Sanford, FL 32771

Administrator: Cindy Coto, County Manager
407-665-7212

Contact Information: Carol Hunter
407-665-2021
chunter@seminolecountyfl.gov

C. PUBLIC COMMENT

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

Note: A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

Response:

The draft CDBG-R spreadsheet and narrative template was posted on the County's main web site on Monday, May 18, 2009, and revisions were updated as they were made. The 7-day citizen participation requirement was satisfied on Monday, May 25, 2009, but the posting has not been removed from the web site to this date.

No comments were received.

CDBG-R Substantial Amendment

Grantee Checklist

Contents of a CDBG-R Action Plan Substantial Amendment

Jurisdiction: <u>Seminole County, FL.</u> Jurisdiction Web Address: <ul style="list-style-type: none"> • <i>Seminolecountyfl.gov</i> 	CDBG-R Contact Person: Rick Soto-Lopez Address: 534 W. Lake Mary Blvd. Sanford, FL 32773 Telephone: 407-665-2385 Fax: 407-665-2399 Email: rsotolopez@seminolecountyfl.gov
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The elements in the substantial amendment required for the CDBG recovery funds are:

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes No Verification found on page **6**

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes No Date Spreadsheet was emailed: **6/5/09**

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,
 Yes No Verification found on page(s) **6-9**
- the Eligibility citation (eligibility regulatory cite or HCDA cite),
 Yes No Verification found on page(s) **6**
- the CDBG national objective citation,
 Yes No Verification found on page(s) **6**

B. CDBG-R INFORMATION BY ACTIVITY

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,
 Yes No Verification found on page(s) **7-9**
- projected number of jobs created for each activity,
 Yes No Verification found on page(s) **7-9**

- whether an activity will promote energy efficiency and conservation,
Yes No Verification found on page(s) 7-9
- the name, location, and contact information for the entity that will carry out the activity,
Yes No Verification found on page(s) 7-9
- evidence that no more than 10% of the grant amount will be spent on administration and planning,
Yes No Verification found on page (s) 6
- evidence that no more than 15% of the grant amount will be spent on public services,
Yes No Verification found on page (s) 6
- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,
Yes No Verification found on page (s) 6

C. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the jurisdiction's usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes No Verification found on page(s) _____

Is there a summary of citizen comments included in the final amendment?

Yes No Verification found on page(s) _____

D. CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|--|---|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (3) Drug-free Workplace | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (4) Anti-lobbying | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (5) Authority of jurisdiction | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (6) Consistency with plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (7) Section 3 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (8) Community development plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (9) Following a plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (10) Use of Funds | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (11) Excessive Force | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (12) Compliance with anti-discrimination laws | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (13) Lead-based paint procedures | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (14) Compliance with laws | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (15) Compliance with ARRA | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (16) Project selection | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (17) Timeliness of infrastructure investments | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (18) Buy American provision | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (19) Appropriate use of funds for infrastructure investments | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (20) 70% of CDBG-R for LMI | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

Optional Certification

(21) Urgent Need

Yes

No

D. STATE CERTIFICATIONS

The following certifications are complete and accurate:

(1) Affirmatively furthering fair housing

Yes

No

(2) Anti-displacement and relocation plan

Yes

No

(3) Drug-free Workplace

Yes

No

(4) Anti-lobbying

Yes

No

(5) Authority of State

Yes

No

(6) Consistency with plan

Yes

No

(7) Section 3

Yes

No

(8) Community development plan

Yes

No

(9) Consultation with Local Governments

Yes

No

(10) Use of Funds

Yes

No

(11) Excessive Force

Yes

No

(12) Compliance with anti-discrimination laws

Yes

No

(13) Compliance with laws

Yes

No

(14) Compliance with ARRA

Yes

No

(15) Project selection

Yes

No

(16) Timeliness of infrastructure investments

Yes

No

(17) Buy American provision

Yes

No

(18) Appropriate use of funds for infrastructure investments

Yes

No

(19) 70% of CDBG-R for LMI

Yes

No

Optional Certification

(20) Urgent Need

Yes

No

CERTIFICATIONS

- (1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.
- (2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.
- (3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:
1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
 4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Special Assessments. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) 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 (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

Signature/Authorized Official

Date

County Manager

Title