RESOLUTION - ACTION REQUESTED 2020-413

MEETING: July 14, 2020

TO: The Board of Supervisors

FROM: Dallin Kimble, County Administrative Officer

RE: CDBG Economic Development Over the Counter Grant

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution Approving an Application for Funding and Authorize the Board of Supervisors Chair to Sign the Grant Agreement and Any Amendments Thereto from the State CDBG Over the Counter Program (Subject to County Counsel Approval as to Legal Form).

Per CDBG’s microenterprise guidelines, each reimbursement must be processed by an underwriter. The draft agreement with the underwriter is attached for reference.

The novel coronavirus pandemic has triggered the closure of local businesses and attractions, necessitated new guidelines and procedures designed to mitigate spread, and required many of our local businesses to modify their facilities in order to continue providing services as safely as possible. Each of these pandemic results has had significant impacts on local businesses in Mariposa County.

In recognition of and response to the economic impacts on local businesses, staff proposes leveraging CDBG program income to initiate the Safety and Freedom Enhancement (SAFE) business relief program. For businesses who have been and continue to be compliant with guidelines to mitigate the spread of COVID-19, SAFE provides an opportunity for reimbursement of business expenses encountered in order to adhere to reopening safety measures.

After requesting guidance from CDBG, staff was directed to transfer funds from the Revolving Loan Fund to a Program Income Fund, since CDBG guidelines prohibit RLFs to be used as grants or reimbursements, while PIF’s can allow loan forgiveness and reimbursements. Submission of a grant application is required to utilize CDBG Program Income funds for a business relief program.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The current program income reuse plan was approved in 2016 and the RLF program was adopted in 2017.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
The County would forgo using CDBG funds and County staff would explore other
grant opportunities to fund the SAFE program.

FINANCIAL IMPACT:
This action would allow $78,000 intended for revolving loans to be used as reimbursements or grants. There is no impact to the General Fund. The County has already applied for additional funds to be used as revolving loans in the future. If approved this action will be incorporated into the FY 20-21 Adopted Budget.

ATTACHMENTS:
board memo for SAFE program.doc (PDF)
Mariposa BOS Resolution_OTC (DOCX)
Underwriting Services AgreementSAFE (DOC)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Marshall Long, District III Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
MARIPOSA COUNTY
BOARD OF SUPERVISORS
RESOLUTION NO. 2020-413

A RESOLUTION APPROVING THE TRANSFER OF CDBG REVOLVING
LOAN FUNDS TO PROGRAM INCOME AND AN APPLICATION FOR CDBG
(COMMUNITY DEVELOPMENT BLOCK GRANT) OVER-THE-COUNTER
ECONOMIC DEVELOPMENT GRANT TO UTILIZE MARIPOSA COUNTY’S
PROGRAM INCOME FOR A BUSINESS RELIEF PROGRAM

BE IT RESOLVED by the County Board of Supervisors of the County of Mariposa as
follows:

The County Board of Supervisors has reviewed and hereby approves the application for
the following CDBG activities, pursuant to the January 2020 CDBG NOFA:

SECTION 1

Activity and amount:

• Over-The-County Economic Grant - $78,500

SECTION 2

The County acknowledges compliance with state and federal public participation
requirements in the development of this application.

SECTION 3:

The County hereby authorizes and directs the Board Chair, to sign this application and
act on the County’s behalf in all matters pertaining to this application.

SECTION 4:

If the application is approved, the Board Chair is authorized to enter into and sign the
grant agreement and any subsequent amendments thereto with the State of California
for the purposes of this grant.

SECTION 6:

If the application is approved, the Board Chair is authorized to sign Funds Requests and
other required reporting forms.
PASSED AND ADOPTED at a regular meeting of the County Board of Supervisors of the County of Mariposa held on July 14th, 2020 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

By: [Signature]
Kevin Cann, Board Chair
Board of Supervisors

Approval as to Legal Form:

[Signature]
Steve Dahlem, County Counsel

Attest:

[Signature]
Rene LaRoche, Clerk of the Board
Appendix J: 2020 CDBG Application Certifications and Statement of Assurances

Complete and fully execute the attached 2020 CDBG Application Certifications and Statement of Assurances. The executed statement must be uploaded as a threshold document in the application. The document may not be modified.
2020 CDBG Application Certifications and Statement of Assurances

The { County of Mariposa } hereby certifies the following:

1. Legal Authority:

   It possesses the legal authority to apply for and execute the proposed activity(s) in the application.

2. Application Authorization:

   Its governing body has duly adopted or passes as an official act or resolution, motion, or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer or other designee to act in connection with the application and to provide such additional information as may be required.

3. Citizen Participation:

   It has or will comply with all citizen participation requirements, which include, at a minimum, the following components:
   
   A. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which CDBG funds are proposed to be used, and provides for participation of residents in low- and moderate-income neighborhoods as defined by the local jurisdiction — and

   B. Provides citizens with reasonable ADA compliant and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by CDBG regulations, and relating to the actual use of funds under this title — and

   C. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee — and
D. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program. These include at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries and with accommodation for the handicapped. This shall include one public meeting during the program design, annual performance report preparation, and formal amendments. A public hearing shall be conducted prior to application submittal – and

E. Solicits and provides for a timely written answer to written complaints and grievances, within 15 working days where practicable – and

F. Identifies needs of limited-English speaking residents will be met in the case of public hearings where limited-English speaking residents can reasonably be expected to participate.

4. National Objective:

It has developed its CDBG Program so as to primarily benefit targeted income person and households and each activity in the program meets one of the three national objectives: benefit to low-and moderate-income persons, elimination of slums and blight, or meets an urgent community need (with prior Department approval) certified by the grantee as such.

5. NEPA Environmental Review:

It consents to assume, and hereby assumes the responsibilities for environmental review and decision-making in order to ensure timely compliance with NEPA by following the procedures for recipients of block grant funds as set forth in 24 CFR Part 58, titled "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities." Also included in this requirement is compliance with Executive Order 11988 relating to the evaluation of flood hazards, Section 102(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) regarding purchase of flood insurance, and the National Historic Preservation Act of 1966 (16 USC 470) and implementing regulations (36 CFR §800.8).

6. Audit/Performance Findings:

It certifies that the State Controller’s Office (SCO) was in receipt of its complete Single Audit Package by the NOFA application due date, or certifies that is exempt from the Single Audit requirements set forth in 2 CFR Part 200.
7. Growth Control:

It certifies that there is no plan, ordinance, or other measure in effect which directly limits, by number, the building permits that may be issued for residential construction or the buildable lots which may be developed for residential purposes; or if such a plan, ordinance, or measure is in effect, it will either be rescinded before receiving funds, or it need not be rescinded because it:

A. Imposes a moratorium on residential construction, to protect health and safety, for a specified period of time which will end when health and safety is no longer jeopardized; or,

B. Creates agricultural preserves under Chapter 7 (commencing with Section 51200) of Part 2 of Division 1 of Title 5 of the Government Code; or,

C. Was adopted pursuant to a specific requirement of a State or multi-State board, agency, department, or commission; or,

D. The applicant has an adopted housing element which the Department has found to be in compliance, unless a final order has been used by a court in which the court determined that it is not in compliance with Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code, commencing with section 65580.

8. Uniform Administrative Requirements:

It will comply with the regulations, policies, guidelines and requirements of 2 CFR Part 200 and 24 CFR Part 85 and the CDBG Program Guidelines.

9. Nondiscrimination:

It shall comply with the following regarding nondiscrimination laws and practices as may be amended from time to time:

A. Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

B. Title VIII of the Civil Rights Act of 1968 (Public Law 90-284) as amended; and will administer all programs and activities related to housing and community development in a manner affirmatively furthering fair housing.

C. Section 109 of the Housing and Community Development Act of 1974, as amended.
D. Section 3 of the Housing and Urban Development Act of 1968, as amended.

E. Executive Order 11246, as amended by Executive Orders 11375 and 12086.

F. Executive Order 11063, as amended by Executive Order 12259.

G. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended, and implementing regulations.


10. Anti-Displacement/Relocation:

It will comply with the Federal Relocation Act (42 U.S.C. 4601 et seq.).

11. Labor Standards:

It will comply with the following regarding labor standards as may be amended from time to time:

A. Section 110 of the Housing and Community Development Act of 1974, as amended.

B. Section 1720, et seq. of the California Labor Code regarding public works labor standards.

C. Davis-Bacon and Related Acts as amended (40 U.S.C. §276(a)) regarding the payment of prevailing wage rates.


12. Architectural Barriers:

It will comply with the Architectural Barriers Act of 1968 (42 U.S.C. §4151 et seq.) and implementing regulations (24 CFR Parts 40-41)

13. Conflict of Interest:

Department of Housing and Community Development
Revised 1/15/2020

2020 CDBG NOFA
It will enforce standards for conflicts of interest which govern the performance of their officers, employees, or agents engaged in the award and administration, in whole or in part, of State CDBG grant funds (24 CFR §570.611).

14. Limitations on Political Activities:

It will comply with the Hatch Act (5 U.S.C. §1501, et seq.) regarding political activity of employees.

15. Lead Based Paint:

It will comply with the Lead-Based Paint Regulations (24 CFR Part 35) which prohibit the use of lead-based paint on projects funded by the program.

16. Debarred Contractors:

It certifies that neither the applicant or its staff are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal assistance programs, in any proposal submitted in connection with the CDBG program, per the Excluded Party List System located at https://www.sam.gov/SAM/. In addition, the applicant will not award contracts to or otherwise engage the services of any contractor while that contractor (or its principals) is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the covered transaction, in any proposal submitted in connection with the CDBG program under the provisions of 24 CFR Part 24.

17. Inspection of Grant Activities:

It will give HUD, the Comptroller General, the State Department of Housing and Community Development, or any of their authorized representatives access to and the right to examine all records, books, papers, or documents related to the grant.

18. Cost Recovery:

It will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG 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, unless:
A. CDBG funds received are used to pay the proportion of such fee or assessment that relates to the capital costs of public improvements that are financed from revenue sources other than CDBG funds; or

B. For purposes of assisting any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income, that it lacks sufficient funds received from CDBG Program to comply with the requirements of this clause.

19. Procurement:

It will follow the federal procurement policies per 24 CFR §200.317 et seq.

20. Excessive Force:

It will adopt and enforce policies:

A. Prohibiting the use of excessive force by its law enforcement agencies against individuals engaged in non-violent civil rights demonstrations; and,

B. Enforcing applicable State and local law against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.

21. Anti-Lobbying:

A. It certifies and agrees that 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 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.

B. 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 of employee of any agency, a Member of Congress in connection with the 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.
22. Compliance with Laws:

The jurisdiction will comply with all applicable laws, rules, and regulations governing the activities being applied for herein.

I hereby certify under penalty of perjury that all information contained in this Statement of Assurances (including all supporting documentation) is true and correct. I understand and acknowledge that making false statements on this certification, including any documents submitted in support of it, is a crime under federal and California state laws, which may result in criminal prosecution and fines.

[Signature]
Kevin Cann
Printed Name of Authorized Representative (*per the Resolution*)

[Signature] [Signature] 9/11/2020
Chair, BoS  Date

APPROVED AS TO FORM:

[Signature]
STEVEN W. DAHLEM
COUNTY COUNSEL

Department of Housing and Community Development
Revised 1/15/2020

2020 CDBG NOFA