

AGENDA ITEM

21A

FORT BEND COUNTY FY 2009  
COMMISSIONERS COURT AGENDA REQUEST FORM

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: May 26, 2009	Submitted By: Marilyn Kindell <i>M Kindell</i>
Court Agenda Date: June 2, 2009	Department: Community Development
	Phone Number: 281-341-4410

**SUMMARY OF ITEM:** Take all appropriate action to authorize County Judge to sign the Substantial Amendment to the 2008 Consolidated Action Plan for the Community Development Block Grant (CDBG) funding under the American Recovery and Reinvestment Act of 2009 and authorize County Judge to sign all documents pertaining to the amendment. Amount: \$508,804

RENEWAL AGREEMENT/APPOINTMENT	YES	NO	X
REVIEWED BY COUNTY ATTORNEY'S OFFICE:	YES	NO	X

**FINANCIAL SUMMARY:**

BUDGETED ITEM: NO  
FUNDNG SOURCE: N/A

Activity (If Applicable) N/A  
DESCRIPTION: Substantial Amendment to the 2008 Consolidated Action Plan for CDBG funding under the American Recovery and Reinvestment Act of 2009.

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

**DISTRIBUTION:**

Original Form Submitted with back up to County Judge's Office  (✓ when completed)  
If by E-Mail to [ospindon@co.fort-bend.tx.us](mailto:ospindon@co.fort-bend.tx.us) If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

x Auditor (281-341-3774)	x Comm. Pct. 1 (281-342-0587)
x Budget Officer (281-344-3954)	x Comm. Pct. 2 (281-403-8009)
x Facilities/Planning (281-633-7022)	x Comm. Pct. 3 (281-242-9060)
x Purchasing Agent (281-341-8642)	x Comm. Pct. 4 (281-980-9077)
x Information Technology (281-341-4526)	x County Clerk (281-341-8697)
<input type="checkbox"/> Other:	x County Atty (281-341-4557)

**RECOMMENDATION / ACTION REQUESTED:**

Special Handling Requested (specify):

COUNTY JUDGE  
RECEIVED  
MAY 27 2009

6-3-09 copy received

**Substantial Amendment to the 2008 Consolidated Action Plan  
for the Community Development Block Grant Program Funding  
Under the American Recovery and Reinvestment Act of 2009**

In May of 2009, the U.S. Department of Housing and Urban Development (HUD) announced the allocation of \$1 billion in Community Development Block Grant--Recovery (CDBG-R) Program funding under the American Recovery and Reinvestment Act of 2009. Fort Bend County expects to receive \$508,804 in CDBG-R Program funds. The purpose of this program is to provide funds to states and local governments to carry out, on an expedited basis, eligible activities under the CDBG program. 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.

Grantees eligible to receive funds under the CDBG--R are required to complete a substantial amendment to their 2008 Consolidated Action Plan and submit it to the U.S. Department of Housing and Urban Development by June 5, 2009. To aid grantees in meeting this submission deadline, the CDBG--R Notice reduced the requirement for a 30-day public comment period to no less than 7 calendar days for this substantial amendment. Fort Bend County's public comment period began on May 14, 2009 and ended on May 21, 2009. The County did not receive any written comments regarding CDBG-R program funds during this period.

To maximize transparency, HUD strongly recommended that each grantee post its substantial amendment materials on the grantee's official website as the materials are developed. The public notice and the substantial amendment also are posted on the Fort Bend County Community Development Department website at <http://www.co.fort-bend.tx.us>.

**Contents of a CDBG--R Action Plan Substantial Amendment**

The required elements in the CDBG--R substantial amendment to the annual plan are:

- i. a description of the activities including any other Recovery Act funding to be used in conjunction with each activity and total activity budget from all funding sources. In addition, information concerning CDBG--R assisted activities must be provided in an electronic spreadsheet. 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.
- ii. a description of how the distribution and uses of CDBG--R funds will meet the requirements of Title XII of Division A and Section 1602 of the Recovery Act: that, in selecting projects to be funded, recipients shall give priority to projects that can award contracts based on bids within 120 calendar days from the date the funds are made available; and that for CDBG--R funds being used for infrastructure investments, preference will be given to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 calendar days after February 17, 2009.

- iii. For each activity, a written description of how the use of CDBG--R funds for the activity will maximize job creation and economic benefit in relation to the CDBG--R funds obligated, and will address the Recovery Act, by;
  - (A) Preserving and creating jobs and promoting economic recovery;
  - (B) Assisting those most impacted by the recession;
  - (C) Providing investment needed to increase economic efficiency;
  - (D) Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;
  - (E) Minimizing or avoiding reductions in essential services; or
  - (F) Fostering energy independence.
- iv. For each activity, the number of full and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs.)
- v. A description of the activities that will be carried out with CDBG--R funds that promote energy conservation, smart growth, green building technologies, or reduced pollution emissions.
- vi. Information on how to contact grantee program administrators, so that citizens and other interested parties know who to contact for additional information.
- vii. A signed standard federal form SF-424, and signed certifications as specified.

**i. Description of CDBG--R Activities**

Fort Bend County will use \$20,000.00 in CDBG--R program funds for administrative costs. This amount represents almost four percent of total CDBG--R program funds. Fort Bend County will use the remainder of CDBG--R program funds, \$488,804.00, to construct a new wastewater treatment plant for the City of Kendleton.

The City of Kendleton proposes to build a 140,000 gpd wastewater treatment plant. The new plant will replace the old, malfunctioning, and inefficient 80,000 gpd treatment plant. The existing plant is the only wastewater treatment plant providing services for the residents of the City of Kendleton. The new plant will be built on City owned property adjacent to the existing plant. This project qualifies as an activity benefiting low- and moderate-income persons on an area benefit basis. The wastewater treatment plant provides city-wide service to residents within the City of Kendleton. The City of Kendleton is located within 2000 Census Tract 6758, Block Groups 3 and 4, place code 38848. According to HUD, the City of Kendleton is 66.23 percent low and moderate income. This information is summarized in the table below.

<b>Place Name</b>	<b>Place Code</b>	<b>Census Tract</b>	<b>Block Group</b>	<b>Low/Mod Persons</b>	<b>Total Persons</b>	<b>Low/Mod Percent</b>
Kendleton	38848	675800	3	0	9	0.00%
Kendleton	38848	675800	4	304	450	67.55%
Total	38848			304	459	66.23%

The proposed budget for the City of Kendleton project is listed below.

<b>Description</b>	<b>Total</b>
Wastewater Treatment Plant (140,000 gpd)	
Construction	\$510,000.00
Construction Contingency (10%)	\$51,000.00
Engineering, Geotechnical, Surveying	\$59,780.00
Construction Subtotal:	\$620,780.00
Permit Fees	\$10,000.00
Legal Fees	\$10,000.00
Fee Subtotal:	\$20,000.00
 Total Project Budget:	 \$640,780.00

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This project will be funded with both CDBG--R program funds and Fort Bend County CDBG Program funds. The proposed use of CDBG--R program funds is summarize in the table below.

Sources and Uses of Funds:	CDBG--R Administration	Kendleton WWTP	Total
CDBG--R:	\$20,000.00	\$488,804.00	\$508,804.00
CDBG (2007)	\$0.00	\$151,976.00	\$151,976.00
 Total:	 \$20,000.00	 \$640,780.00	 \$660,780.00

The electronic spreadsheet required by HUD is attached.



**ii. Description of How the Distribution and Uses of CDBG--R Funds Will Meet the Requirements of Title XII of Division A and Section 1602 of the Recovery Act**

In December of 2008, the Fort Bend County contacted all the cities in the County's CDBG service area and requested that they provide a list of projects that could be ready to implement within 120 days, in case federal stimulus funds were available. The County received five proposals.

The County developed an evaluation form, in order to evaluate, score, and rank the submitted proposals. The County's Community Development staff was responsible for scoring the proposals. The proposals were ranked from highest score to lowest score. Funds were awarded from the highest ranked project down until all funds are allocated. Given the amount of CDBG--R program funds available to Fort Bend County, the City of Kendleton's proposal for a sewage treatment plant was selected as the only County's CDBG-R program activity.

The City of Kendleton meets the requirements of Title XII of Division A and Section 1602 of the Recovery Act. This project was selected from a group of projects that could be ready for implementation within 120 days. This project requires a considerable investment of funds in an infrastructure project that cannot be divided into phases and funded over more than one year because of the nature of the project.

**iii. Description of How the Use of CDBG--R Funds Will Maximize Job Creation and Economic Benefit.**

The Kendleton project will create at minimum of seven full-time, temporary construction jobs. Thus, this activity will create jobs and promote economic recovery. This project also will provide continued employment to the engineering firm selected to provide the design and engineering work for the project and the firm contracted to operate and maintain the plant. This project also will provide investment in infrastructure that will provide long-term economic benefit to the City of Kendleton. The City of Kendleton has only one wastewater treatment plant. The existing plant is old, inefficient and malfunctioning. The City of Kendleton has been issued numerous citations by the Texas Commission of Environmental Quality (TCEQ) for non-compliance with effluent quality, sludge disposal, and other operating and maintenance issues. The problems with the wastewater treatment plant have prevented the City from expanding wastewater services to residential and commercial interests that have expressed interest in locating in the City along Highway 59. The construction of a new wastewater treatment plant also will minimize the possibility that the existing plant will fail completely and leave the residents without any wastewater treatment service.

**iv. Number of Full-Time, Part-Time Jobs**

The construction of the Kendleton wastewater treatment plant will create at minimum of seven temporary, fulltime construction jobs. In the past similar wastewater treatment plant projects have provided employment for truck drivers, backhoe operators, front end loader drivers, common laborers, foremen, utility laborers, form builder structures laborers, concrete finishers, and construction inspectors.

This project will provide continued employment to the engineering firm staff selected to provide the design and engineering work for the project. In addition, this project will retain the jobs provided by the firm contracted to operate and maintain the plant.

**v. Description of Activities That Will Promote Energy Conservation, Smart Growth, Green Building Technologies, or Reduced Pollution Emissions.**

The replacement of the old, malfunctioning, and inefficient wastewater treatment plant for the City of Kendleton will reduce water pollution emissions and minimize the possibility that the existing plant will fail completely, leaving residents without any wastewater treatment services, and allow an unauthorized discharge of untreated effluent. The City of Kendleton has been issued numerous citations by the Texas Commission on Environmental Quality (TCEQ) for non-compliance with effluent quality, sludge disposal, and other operating and maintenance issues. As the existing plant has aged, the required maintenance has increased in both frequency and in costs, along with the number of citations from the TCEQ. The new plant will reduce non-compliance issues and improve the quality of the wastewater effluent released by the City of Kendleton. The improvement in the quality of the wastewater effluent released by the City of Kendleton's wastewater treatment plant will improve the quality of the water released for use by communities downstream. The new plant also will reduce the increasing number of noncompliance issues cited by TCEQ and the costs to the City associated with addressing these on-going issues.

In addition, the new plant will be much more energy efficient than the very, old, malfunctioning wastewater treatment plant. The replacement of the older, existing plant will conserve energy that is being wasted by the continued use of the inefficient and uneconomical, malfunctioning plant. It is expected that the maintenance and operation costs associated with the City of Kendleton's wastewater treatment plant will be significantly reduced, once the new plant is on line.

**vi. CDBG--R Program Contract Information**

For more information regarding the CDBG--R program, please contact:

Marilynn Kindell, Director  
Fort Bend County Community Development Department  
4520 Reading Road, Suite A  
Rosenberg, Texas 77471  
(281) 341-4410

Updates on the substantial amendment will be posted on the County's website: <http://www.co.fort-bend.tx.us> as materials are developed.

Application for Federal Assistance SF-424		Version 02
<b>*1. Type of Submission:</b> <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		<b>*2. Type of Application</b> * If Revision, select appropriate letter(s) <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision  *Other (Specify) _____
3. Date Received:		4. Applicant Identifier:
5a. Federal Entity Identifier:		*5b. Federal Award Identifier:
<b>State Use Only:</b>		
6. Date Received by State:		7. State Application Identifier:
<b>8. APPLICANT INFORMATION:</b>		
*a. Legal Name: Fort Bend County, Texas		
*b. Employer/Taxpayer Identification Number (EIN/TIN): ██████████		*c. Organizational DUNS: 16-1673959
<b>d. Address:</b>		
*Street 1: <u>4520 Reading Road,</u>		
Street 2: <u>Suite A</u>		
*City: <u>Rosenberg</u>		
County: <u>Fort Bend County</u>		
*State: <u>Texas</u>		
Province: _____		
*Country: <u>U.S.A</u>		
*Zip / Postal Code <u>77471</u>		
<b>e. Organizational Unit:</b>		
Department Name: Community Development Department		Division Name:
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
Prefix: <u>Ms.</u> *First Name: <u>Marilynn</u>		
Middle Name: _____		
*Last Name: <u>Kindell</u>		
Suffix: _____		
Title: <u>Community Development Department Director</u>		
Organizational Affiliation:		
*Telephone Number: 281 341 4410		Fax Number: 281 341 3762
*Email: <u>kindemar@co.fort-bend.tx.us</u>		

**Application for Federal Assistance SF-424** Version 02

**\*9. Type of Applicant 1: Select Applicant Type:**  
B.County Government  
Type of Applicant 2: Select Applicant Type:  
  
Type of Applicant 3: Select Applicant Type:  
  
\*Other (Specify)

**\*10 Name of Federal Agency:**  
U.S Department of Housing and Urban Development (HUD)

**11. Catalog of Federal Domestic Assistance Number:**  
14.253 \_\_\_\_\_  
CFDA Title:  
Community Development Block Grant Program--Recovery (CDBG--R) \_\_\_\_\_

**\*12 Funding Opportunity Number:**  
\_\_\_\_\_  
  
\*Title:  
\_\_\_\_\_

**13. Competition Identification Number:**  
\_\_\_\_\_  
Title:  
\_\_\_\_\_

**14. Areas Affected by Project (Cities, Counties, States, etc.):**  
Fort Bend County: Areas affected include the unincorporated areas of Fort Bend County and the incorporated limits of the following cities: Arcola, Beasley, Fairchilds, Fulshear, Kendleton, Meadows Place, Needville, Orchard, Pleak, Richmond, Rosenberg, Simonton, Stafford, and Thompsons.

**\*15. Descriptive Title of Applicant's Project:**  
Community Development Block Grant --Recovery (CDBG--R)

**Application for Federal Assistance SF-424**

Version 02

**16. Congressional Districts Of:**

\*a. Applicant: 22

\*b. Program/Project: 22

**17. Proposed Project:**

\*a. Start Date: September 1, 2009

\*b. End Date: August 31, 2012

**18. Estimated Funding (\$):**

*a. Federal	_____	\$508,804.00
*b. Applicant	_____	
*c. State	_____	
*d. Local	_____	
*e. Other	_____	
*f. Program Income	_____	
*g. TOTAL	_____	\$508,804.00

**\*19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on \_\_\_\_\_
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E. O. 12372

**\*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

- Yes       No

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)

\*\* 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: The Honorable      \*First Name: Robert

Middle Name: E.

\*Last Name: Hebert

Suffix: \_\_\_\_\_

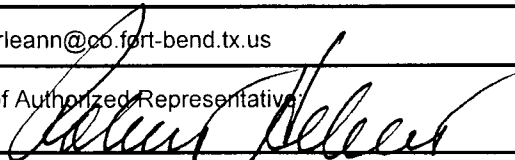
\*Title: Fort Bend County Judge

\*Telephone Number: 281-341-8606

Fax Number: 281-341-8609

\* Email: werleann@co.fort-bend.tx.us

\*Signature of Authorized Representative:



\*Date Signed: June 2, 2009

**Application for Federal Assistance SF-424**

Version 02

**\*Applicant Federal Debt Delinquency Explanation**

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

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This is a standard form (including the continuation sheet) required for use as a cover sheet for submission of preapplications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency (agency). Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

Item	Entry:	Item	Entry:
1.	<b>Type of Submission:</b> (Required); Select one type of submission in accordance with agency instructions. <ul style="list-style-type: none"> <li>• Preapplication</li> <li>• Application</li> <li>• Changed/Corrected Application – If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date.</li> </ul>	10.	<b>Name Of Federal Agency:</b> (Required); Enter the name of the Federal agency from which assistance is being requested with this application.
		11.	<b>Catalog Of Federal Domestic Assistance Number/Title:</b> Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
2.	<b>Type of Application:</b> (Required); Select one type of application in accordance with agency instructions. <ul style="list-style-type: none"> <li>• New – An application that is being submitted to an agency for the first time.</li> <li>• Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals.</li> <li>• Revision - Any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "Other" is selected, please specify in text box provided.                             <ul style="list-style-type: none"> <li>A. Increase Award    B. Decrease Award</li> <li>C. Increase Duration    D. Decrease Duration</li> <li>E. Other (specify):</li> </ul> </li> </ul>	12.	<b>Funding Opportunity Number/Title:</b> (Required); Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
		13.	<b>Competition Identification Number/Title:</b> Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
		14.	<b>Areas Affected By Project:</b> List the areas or entities using the categories (e.g., cities, counties, states, etc.) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
3.	<b>Date Received:</b> Leave this field blank. This date will be assigned by the Federal agency.	15.	<b>Descriptive Title of Applicant's Project:</b> (Required); Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For preapplications, attach a summary description of the project.
4.	<b>Applicant Identifier:</b> Enter the entity identifier assigned by the Federal agency, if any, or applicant's control number, if applicable.	16.	<b>Congressional Districts Of:</b> (Required) 16a. Enter the applicant's Congressional District, and 16b. Enter all District(s) affected by the program or project. Enter in the format: 2 characters State Abbreviation – 3 characters District Number, e.g., CA-005 for California 5 <sup>th</sup> district, CA-012 for California 12 <sup>th</sup> district, NC-103 for North Carolina's 103 <sup>rd</sup> district. <ul style="list-style-type: none"> <li>• If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland.</li> <li>• If nationwide, i.e. all districts within all states are affected, enter US-all.</li> <li>• If the program/project is outside the US, enter 00-000.</li> </ul>
5a.	<b>Federal Entity Identifier:</b> Enter the number assigned to your organization by the Federal Agency, if any.		
5b.	<b>Federal Award Identifier:</b> For new applications leave blank. For a continuation or revision to an existing award, enter the previously assigned Federal award identifier number. If a changed/corrected application, enter the Federal Identifier in accordance with agency instructions.		
6.	<b>Date Received by State:</b> Leave this field blank. This date will be assigned by the State, if applicable.		
7.	<b>State Application Identifier:</b> Leave this field blank. This identifier will be assigned by the State, if applicable.		
8.	<b>Applicant Information:</b> Enter the following in accordance with agency instructions:	17.	<b>Proposed Project Start and End Dates:</b> (Required); Enter the proposed start date and end date of the project.
a.	<b>Legal Name:</b> (Required); Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website.		
b.	<b>Employer/Taxpayer Number (EIN/TIN):</b> (Required); Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.		
c.	<b>Organizational DUNS:</b> (Required); Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website.		
d.	<b>Address:</b> Enter the complete address as follows: Street address (Line 1 required); City (Required); County, State (Required if country is US); Province, Country (Required); Zip/Postal Code (Required, if country is US);		
e.	<b>Organizational Unit:</b> Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the	18.	<b>Estimated Funding:</b> (Required); Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
		19.	<b>Is Application Subject to Review by State Under Executive Order 12372 Process?</b> Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the

	<p>assistance activity, if applicable.</p> <p>f. Name and contact information of person to be contacted on matters involving this application: Enter the name (First and last name required), organization's affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.</p>	<p>State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State.</p>		
		<p>20. Is the Applicant Delinquent on any Federal Debt? (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.</p>		
		<p>if yes, include an explanation on the continuation sheet.</p>		
<p>21.</p>	<p>Type of Applicant: (Required) Select up to three applicant type(s) in accordance with agency instructions.</p> <table border="0"> <tr> <td data-bbox="212 636 553 1005"> <p>A. State Government</p> <p>B. County Government</p> <p>C. City or Township Government</p> <p>D. Special District Government</p> <p>E. Regional Organization</p> <p>F. U.S. Territory or Possession</p> <p>G. Independent School District</p> <p>H. Public/State Controlled Institution of Higher Education</p> <p>I. Indian/Native American Tribal Government: (Federally Recognized)</p> <p>J. Indian/Native American Tribal Government: (Other than Federally Recognized)</p> <p>K. Indian/Native American Tribally Designated Organization</p> <p>L. Public/Indian Housing Authority</p> </td> <td data-bbox="553 636 889 1005"> <p>M. Nonprofit with 501(c)(3) IRS Status (Other than Institution of Higher Education)</p> <p>N. Nonprofit without 501(c)(3) IRS Status (Other than Institution of Higher Education)</p> <p>O. Private Institution of Higher Education</p> <p>P. Individual</p> <p>Q. For-Profit Organization (Other than Small Business)</p> <p>R. Small Business</p> <p>S. Hispanic-serving Institution</p> <p>T. Historically Black Colleges and Universities (HBCUs)</p> <p>U. Tribally Controlled Colleges and Universities (TCCUs)</p> <p>V. Alaska Native and Native Hawaiian Serving Institutions</p> <p>W. Non-domestic (non-US) Entity</p> <p>X. Other (specify)</p> </td> </tr> </table>	<p>A. State Government</p> <p>B. County Government</p> <p>C. City or Township Government</p> <p>D. Special District Government</p> <p>E. Regional Organization</p> <p>F. U.S. Territory or Possession</p> <p>G. Independent School District</p> <p>H. Public/State Controlled Institution of Higher Education</p> <p>I. Indian/Native American Tribal Government: (Federally Recognized)</p> <p>J. Indian/Native American Tribal Government: (Other than Federally Recognized)</p> <p>K. Indian/Native American Tribally Designated Organization</p> <p>L. Public/Indian Housing Authority</p>	<p>M. Nonprofit with 501(c)(3) IRS Status (Other than Institution of Higher Education)</p> <p>N. Nonprofit without 501(c)(3) IRS Status (Other than Institution of Higher Education)</p> <p>O. Private Institution of Higher Education</p> <p>P. Individual</p> <p>Q. For-Profit Organization (Other than Small Business)</p> <p>R. Small Business</p> <p>S. Hispanic-serving Institution</p> <p>T. Historically Black Colleges and Universities (HBCUs)</p> <p>U. Tribally Controlled Colleges and Universities (TCCUs)</p> <p>V. Alaska Native and Native Hawaiian Serving Institutions</p> <p>W. Non-domestic (non-US) Entity</p> <p>X. Other (specify)</p>	<p>21. Authorized Representative: (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required) title (Required), telephone number (Required), fax number and email address (Required) of the person authorized to sign for the applicant.</p> <p>A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)</p>
<p>A. State Government</p> <p>B. County Government</p> <p>C. City or Township Government</p> <p>D. Special District Government</p> <p>E. Regional Organization</p> <p>F. U.S. Territory or Possession</p> <p>G. Independent School District</p> <p>H. Public/State Controlled Institution of Higher Education</p> <p>I. Indian/Native American Tribal Government: (Federally Recognized)</p> <p>J. Indian/Native American Tribal Government: (Other than Federally Recognized)</p> <p>K. Indian/Native American Tribally Designated Organization</p> <p>L. Public/Indian Housing Authority</p>	<p>M. Nonprofit with 501(c)(3) IRS Status (Other than Institution of Higher Education)</p> <p>N. Nonprofit without 501(c)(3) IRS Status (Other than Institution of Higher Education)</p> <p>O. Private Institution of Higher Education</p> <p>P. Individual</p> <p>Q. For-Profit Organization (Other than Small Business)</p> <p>R. Small Business</p> <p>S. Hispanic-serving Institution</p> <p>T. Historically Black Colleges and Universities (HBCUs)</p> <p>U. Tribally Controlled Colleges and Universities (TCCUs)</p> <p>V. Alaska Native and Native Hawaiian Serving Institutions</p> <p>W. Non-domestic (non-US) Entity</p> <p>X. Other (specify)</p>			

# 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 undersubparagraph 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.

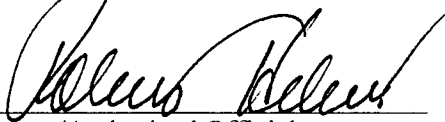
(13)**Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(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.

FORT BEND COUNTY



\_\_\_\_\_  
Signature/Authorized Official

Robert Hebert

County Judge

\_\_\_\_\_  
Title

\_\_\_\_\_  
June 2, 2009  
Date