

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:** October 6, 2009 [ X ] Consent [ ] Regular

**Department:** Housing and Community Development

**Submitted By:** Housing and Community Development

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to Receive and File:** A Grant Agreement with the U. S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant— Recovery (CDBG-R) Program (No. B-09-UY-12-0004), providing \$1,846,758 for the period of June 4, 2009 to September 30, 2012.

**Summary:** Palm Beach County was notified in March 2009 of eligibility to receive \$1,846,758 under the CDBG-R Program. On June 2, 2009, the Board of County Commissioners (BCC) approved the 11<sup>th</sup> Amendment to the FY 2008-09 Action Plan constituting the County's CDBG-R application to HUD. Also on June 2, 2009, the BCC approved Resolution R-2009-0901 granting the authority for the County Administrator to sign all documents related to application for and implementation of the CDBG-R Program. On July 21, 2009, HUD executed the CDBG-R Agreement, and on July 27, 2009, the County Administrator counter-executed the Agreement which provides \$1,846,758 in grant funding for activities assisting in the economic revitalization and growth of communities in Palm Beach County. **Countywide (TKF)**

**Background and Justification:** The American Recovery and Reinvestment Act of 2009 (ARRA) signed by the President of the United States on February 17, 2009 was intended to provide a stimulus to the U.S. economy in the wake of the current economic downturn. A component of the ARRA is the CDBG-R Program which appropriated \$1 billion to assist in the economic revitalization and growth of communities. The CDBG-R regulations mandate that 70% of the funds must be used to benefit low and- moderate income persons and must address the Recovery Act by serving one or more of the following areas: **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; **E)** minimizing or avoiding reductions in essential services; or **F)** fostering energy independence. According to HUD, the County must meet the requirements of Section 1602 of the Recovery Act, which states that for infrastructure investment, recipients shall give preference 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 days after the date of the enactment of this Act. Recipients shall also use grant funds in a manner that maximizes job creation and economic benefit. Activities funded through the Agreement meet these criteria, and have been approved by HUD.

- Attachments:**
- A. Resolution No. R-2009-0901
  - B. Grant Agreement for the Community Development Block Grant Recovery (CDBG-R) Program (Contract No.B09-UY-12-0004)

Recommended By: Edward P. Gorman 9/16/09  
Department Director Date

Approved By: Sharon [Signature] 9/20/09  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

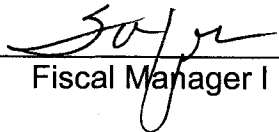
**A. Five Year Summary of Fiscal Impact:**

<u>Fiscal Years:</u>	2009	2010	2011	2012	2013
Capital Expenditures:					
Operating Costs:		1,846,758			
External Revenues:		(1,846,758)			
Program Income (County):					
In-Kind Match (County):					
<b>NET FISCAL IMPACT:</b>	0				
 # OF ADDITIONAL FTE POSITIONS (Cumulative):	N/A				
 Is Item Included In Current Budget?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>			

Budget Account: Fund 1111 Agency 143 Org. 1425 Object various Program Code/Period various/GY08


**B. Recommended Sources of Funds/Summary of Fiscal Impact:** A budget amendment of \$1,846,758 was approved in September 1, 2009 to appropriate \$1,846,758 under the Community Development Block Grant— Recovery (CDBG-R) Program grant.

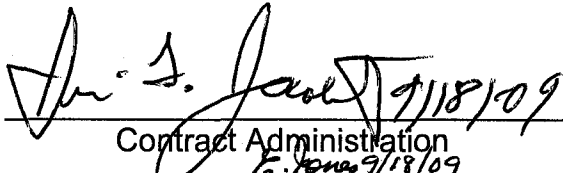
**C. Departmental Fiscal Review:**

  
 Fiscal Manager I 9-10-09

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Administration Comments:**

  
 9-15-09 OFMB 9/17/09  
 9/18/09 9/15/09

  
 Contract Administration 9/18/09  
 E. Jones 9/18/09

**B. Legal Sufficiency:**

  
 Senior Assistant County Attorney 9/24/09

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

This summary is not to be used as a basis for payment.

**RESOLUTION NO. R-2009-0901**

**RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO SIGN THE 11<sup>TH</sup> AMEDMENT TO THE FY 2008-2009 ACTION PLAN, STANDARD FORM 424, GENERAL CONSOLIDATED PLAN CERTIFICATIONS, CERTIFICATIONS, HUD AGREEMENT, AND ALL OTHER DOCUMENTS RELATED TO THE COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) PROGRAM.**

**WHEREAS**, The State of Florida is a leader in unemployment rates across the nation; and

**WHEREAS**, a significant number of Palm Beach County residents have become unemploye as a direct result of the economic crisis; and

**WHEREAS**, the Palm Beach County Board of County Commissioners intends to utilize all available resources to create or retain jobs and generate the maximum economic benefit primarily for low- and moderate-income persons; and

**WHEREAS**, on February 17, 2009 the President of the United States signed the American Recovery and Reinvestment Act of 2009 (ARRA) which is intended to provide a stimulus to the U.S. economy in the wake of the economic downturn; and

**WHEREAS**, a component of ARRA called Community Development Block Grant Recovery Program (CDBG-R), granted to Palm Beach County \$1,846,758 to provide community development activities directed towards long-term economic development and job growth; and

**WHEREAS**, on May 5, 2009 Palm Beach County was officially notified of the CDBG-R funding allocation and the application submission deadline of June 5, 2009.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:**

The County Administrator or his designee is authorized to sign the 11<sup>th</sup> Amendment to the FY 2008-2009 Action Plan, Standard Form 424, General Consolidated Plan Certifications, Certifications, HUD Agreement, and all other documents related to the Community Development Block Grant Recovery (CDBG-R) Program.

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Vana, and being put to a vote, the vote was as follows:

<b>JOHN F. KOONS, Chairman</b>	- Aye
<b>BURT AARONSON, Vice Chairman</b>	- Aye
<b>KAREN T. MARCUS</b>	- Aye
<b>SHELLY VANA</b>	- Aye
<b>STEVEN L. ABRAMS</b>	- Aye
<b>JESS R. SANTAMARIA</b>	-
<b>VACANT (DISTRICT 7)</b>	-

The Chairperson thereupon declared the Resolution duly passed and adopted this 2nd day of June, 2009.

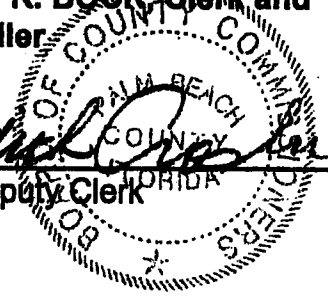
**PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS**

**APPROVED AS TO FORM AND LEGAL SELF SUFFICIENCY**

**ATTEST:**  
**SHARON R. BOGK, Clerk and Comptroller**

By: [Signature]

By: [Signature]  
Deputy Clerk



**Funding Approval/Agreement**

Title I of the Housing and Community Development Act (Public Law 930383)

**U.S. Department of Housing and Urban Development**  
Office of Community Planning and Development  
Community Development Block Grant Program

HI-00515R of 20515R

1. Name of Grantee (as shown in item 5 of Standard Form 424) Palm Beach County	3. Grantee's 9-digit Tax ID Number 596000785	4. Date use of funds may begin (mm/dd/yyyy) 06/04/2009
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 301 North Olive Avenue, 12th Floor, Suite 1201 West Palm Beach, FL 33401  CDBG-R Appropriation Code - 869/00161 DUNS # - 078470481	5a. Project/Grant No. 1 B-09-UY-12-0004 5b. Project/Grant No. 2 5c. Project/Grant No. 3	6a. Amount Approved \$1,846,758 6b. Amount Approved 6c. Amount Approved

**Grant Agreement:** This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) <b>MARIA R. ORTIZ</b> Title CPD DIRECTOR MIAMI F.O. Signature <i>[Signature]</i>	Grantee Name Robert Weisman Title County Administrator Signature <i>[Signature]</i> Date (mm/dd/yyyy) 07/21/09	Date (mm/dd/yyyy) 07/27/2009
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7. Category of Title I Assistance for this Funding Action (check only one) <input checked="" type="checkbox"/> a. Entitlement, Sec 106(b) <input type="checkbox"/> b. State-Administered, Sec 106(d)(1) <input type="checkbox"/> c. HUD-Administered Small Cities, Sec 106(d)(2)(B) <input type="checkbox"/> d. Indian CDBG Programs, Sec 106(a)(1) <input type="checkbox"/> e. Surplus Urban Renewal Funds, Sec 112(b) <input type="checkbox"/> f. Special Purpose Grants, Sec 107 <input type="checkbox"/> g. Loan Guarantee, Sec 108	8. Special Conditions (check one) <input type="checkbox"/> None <input checked="" type="checkbox"/> Attached	9a. Date HUD Received Submission (mm/dd/yyyy) 06/04/2009 9b. Date Grantee Notified (mm/dd/yyyy) 06/17/2009 9c. Date of Start of Program Year (mm/dd/yyyy)	10. check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number
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11. Amount of Community Development Block Grant	FY (yyyy) 2009	FY (yyyy)	FY (yyyy)
a. Funds Reserved for this Grantee	\$1,846,758		
b. Funds now being Approved	\$1,846,758		
c. Reservation to be Cancelled (11a minus 11b)	0		

12a. Amount of Loan Guarantee Commitment now being Approved Not Applicable	12b. Name and complete Address of Public Agency Not Applicable
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**Loan Guarantee Acceptance Provisions for Designated Agencies:**  
The public agency hereby accepts the Grant Agreement executed by the Department Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

12c. Name of Authorized Official for Designated Public Agency Not Applicable	Title	Signature	Date (mm/dd/yyyy)
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APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
*[Signature]*  
COUNTY ATTORNEY

**HUD Accounting use Only**

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
153												
176												
			Y									
			Y									

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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**SPECIAL CONDITIONS TO THE GRANT AGREEMENT FOR  
COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) FUNDS  
AUTHORIZED AND APPROPRIATED  
UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009  
(PUBLIC LAW 111-5, FEBRUARY 17, 2009)**

**CDBG-R GRANTEE:** Palm Beach County  
**CDBG-R GRANT NUMBER:** B-09-UY-12-0004  
**CDBG-R GRANT AMOUNT:** \$1,846,758  
**CDBG-R APPROVAL DATE:** July 17, 2009

**Special Conditions:**

The terms of the Grant Agreement include the following special conditions:

1. The Grant Agreement between the U.S. Department of Housing and Urban Development (HUD) and the above named Grantee, is made pursuant to the authority of Title XII of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the Recovery Act). The Grantee acknowledges that the CDBG-R grant is one-time funding.
2. The Grant Agreement is governed by and the Grantee shall comply with the requirements of the Recovery Act; the Notice of Program Requirements for Community Development Block Grant Program Funding Under the American Recovery and Reinvestment Act of 2009, 74 Fed. Reg. 21816 (May 11, 2009) available at <http://www.hud.gov/recovery/cdblock.cfm> (as now in effect and as may be amended from time to time) (the Notice); Title I of the Housing and Community Development Act of 1974, as amended (42 USC 5301 et seq.) (as modified by the Notice); and, the HUD regulations at 24 CFR part 570 (as now in effect and as may be amended from time to time) as modified by the Notice (the Regulations). The Grantee's submissions, the Notice, the Funding Approval/Agreement (form HUD-7082) and the special conditions described herein are incorporated by reference and constitute part of the Grant Agreement. Submissions include the CDBG-R action plan substantial amendment, including the certifications and assurances and any information or documentation required to meet any grant award conditions. In the event of conflict between a provision of the Grantee's submissions and any other provision of this Grant Agreement document, the latter shall control.
3. The Grantee shall comply with government-wide guidance and standard award terms established by the Office of Management and Budget (OMB) concerning the implementation of the Recovery Act, including *Requirements for Implementing Sections 1512, 1605, and 1606 of the American Recovery and Reinvestment Act of 2009 for Financial Assistance Awards*, 74 Fed. Reg. 18449 (April 23, 2009) (to be codified at 2 CFR Part 176) (as now in effect and as may be amended from time to time). Notwithstanding the foregoing, the

Grantee shall comply with Section 110 of the CDBG Statute concerning the Davis-Bacon Act. The Grantee shall comply with reporting requirements established by HUD and OMB (including all revisions to such reporting requirements), as well as Sections 1511, 1515, and 1553 of the Recovery Act (including implementing guidance).

4. The Grantee shall at all times maintain an up-to-date copy of its Grantee Submission, including all amendments approved by HUD, on its Internet website as required by the Notice. The Grantee shall maintain information on all drawdowns, deposits, and expenditures of grant funds and program income under this Grant Agreement and any other records required by applicable law, in its files, and shall make such information available for audit or inspection by duly authorized representatives of HUD, HUD's Office of the Inspector General, the Recovery Act Transparency Board, or the Comptroller General of the United States.
5. In addition to other lawful remedies, HUD reserves the right to restrict access to grantees' CDBG-R funds for delinquent, incomplete, or inaccurate reporting. This includes the right to suspend access to the Integrated Disbursement and Information System (IDIS) should the Grantee fail to comply with quarterly CDBG-R reporting requirements.
6. The Grantee may take advantage of the pre-award costs provisions at 24 CFR 570.200(h) to incur pre-award costs associated with the development of the substantial amendment to the action plan beginning May 5, 2009. The Grantee may also incur costs prior to the grant award for specific activities as of the date the CDBG-R action plan substantial amendment was submitted to HUD.
7. The Grantee is advised that providing false, fictitious or misleading information with respect to CDBG-R funds may result in criminal, civil or administrative prosecution under 18 U.S.C. § 1001, 18 U.S.C. § 1343, 31 U.S.C. § 3729, 31 U.S.C. § 3801 or another applicable statute. The Grantee shall promptly refer to HUD's Office of the Inspector General any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving CDBG-R funds.
8. In any contract involving the use of CDBG-R funds, the Grantee shall include, and require its subrecipients and contractors to include, a project sign provision consistent with criteria established by the Secretary.
9. The Grantee shall have until September 30, 2012, to expend the entire CDBG-R Grant Amount. CDBG-R funds not expended by September 30, 2012, will be recaptured by HUD.
10. The Grantee shall extend all applicable terms and conditions of this grant award to subrecipients and contractors, including obtaining a DUNS number (or updating the existing DUNS record), and registering with the Central Contractor Registration (CCR).
11. The Grant Agreement may be amended in writing by HUD. In considering proposed amendments to this Grant Agreement, HUD shall review, among other things, whether the amendment is otherwise consistent with the Recovery Act, the Housing and Community Development Act, the Notice and the Regulations.