



Department of Economic Development

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

**INDUSTRIAL INFRASTRUCTURE GRANT
APPLICATION & GUIDELINES**

APRIL 2018

**Department of Economic Development
Division of Business & Community Services
Finance Management
CDBG Program – Economic Development
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INDUSTRIAL INFRASTRUCTURE GRANT PROGRAM

SUMMARY

There are two parts of this application:

1. Information from the **Sponsor** (City or County) that are required by law to enact the CDBG Program.
2. Information from the **Company** regarding the Project, ownership, management, market potential and projections.

PURPOSE: Assist local governments in the development of public infrastructure that allows industries to locate new facilities, expand existing facilities, or prevent the relocation or closing of a facility.

AUTHORIZATION: Public Law 93-383, Title I of the Housing & Community Development Act of 1974, as amended; 24 CFR Part 570; and Missouri's Consolidated Plan" submitted to the U.S. Department of Housing and Urban Development.

HOW THE PROGRAM WORKS: Grant funds will be made available to the extent that a community lacks for the resources to completely finance the public improvements.

ELIGIBLE AREAS: The grant must be made in cooperation with a city or county sponsor in a "non-entitlement" area where the project will be located. A non-entitlement area is a city with population less than 50,000 and /or a county with population under 200,000.

FUNDING LIMITS: The use of this program is based on the local government exhausting their available resources; DED has targeted a firm 15% match by the community based upon the availability of unencumbered city or county funds. Grants will be determined in accordance with the following schedule:

<u>Expansion / Business Type</u>	<u>Grant Amount</u>	<u>Special Requirements</u>
Start – Up	\$20K / Job or \$350,000 Or 50% of the cost of infrastructure activities (Lesser of the three)	Personal Guaranty
Existing / Established	\$20K / Job up to \$2,000,000	Case by Case basis

Capital Investment Requirement (All Applicants): A minimum of one dollar of capital investment must be pledged by the company for every dollar of grant funds requested.

PLEASE BE AWARE

No one must obligate CDBG funds or expend funds from **any** source, private or otherwise, for use in a CDBG-assisted project; no new construction excavation, demolition, rehabilitation, repair, modification, or property acquisition can commence, nor commitment made to undertake such activities until the environmental review is complete and the MO Department of Economic Development has issued a formal release of funds / environmental approval.

**FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL
JEOPARDIZE CDBG FUNDS FOR USE IN YOUR PROJECT**

DEFINITIONS

APPLICANT means the city or county that submitted an application to the Missouri Department of Economic Development (DED) for funding under the CDBG Industrial Infrastructure program.

ACTIVE OWNER refers to any person who owns company stock or has an equity investment and participates in any of the decision making process in the company as shown on the stock certificates or ownership contracts.

APPLICATION means the documents, forms, certifications, engineering reports, company financial information, and other information submitted by the Applicant to DED regarding the Project.

CDBG means the Community Development Block Grant program, funding is provided by the US Department of Housing and Urban Development (HUD) to DED, which then grants CDBG funds to cities or counties.

CAPITAL EXPENDITURES refers to the funds expended by the Company for new real and personal property improvements related to the Project, or the book value of personal property relocated by the Company from another state for the Project.

COMPANY refers to the company specified at the heading of this agreement, which will benefit from the Project specified in the Application.

CONDITIONS for ENVIRONMENTAL APPROVAL (Mitigation Measures Considered and Recommended) - Measures to reduce potential impacts such as avoiding certain actions, limiting the degree or magnitude of an action and its implementation, and rectifying the impact through repair, rehabilitation, and / or restoration of the affected environment. Conditions may be assigned to the local government or the company.

COST SHARE: The Cost Share Program provides financial assistance to public and private applicants for state highway and bridge projects satisfying a transportation need. The purpose of the Cost Share Program is to build partnerships with local entities to pool efforts and resources to deliver state highway and bridge projects. The Missouri Department of Transportation (MoDOT) allocates Cost Share funds based on the Missouri Highways and Transportation Commission's (MHTC) approved funding distribution formula. At least 10 percent is set-aside for projects that demonstrate economic development through job creation.

CURRENT EMPLOYEES 'or' CURRENT EMPLOYMENT means the number of Full-time year-around employees of the Borrower at the location of the project at the time the application was submitted by the Sponsor.

DED means the Missouri Department of Economic Development, an agency of the State of Missouri.

ECONOMIC IMPACT refers to the impact that the completed project will have on the local economy. This consists of increased jobs, increased private investment, and / or increased local revenue stream. The project must contribute by positively impacting the conditions that allow these measures to increase.

ENVIRONMENTAL REVIEW Federal HUD environmental review pursuant to the National Environmental Policy Act (NEPA) that must be completed by the unit of local government sponsoring a CDBG application for the purpose of evaluating impacts to the environment from a CDBG-assisted project and those effects the environment may have on the project, including short term, cumulative, and long term impacts. All activities proposed by all funding sources, public and private, must be evaluated in the environmental review.

ENVIRONMENTAL REVIEW RECORD (ERR) concise public document exhibiting compliance with NEPA and providing evidence and analysis of a more complex review resulting in a determination of a Finding of No Significant Impact (FONSI), or a Finding of Significant Impact (FOSI).

FINANCIAL INFORMATION refers to current and / or project balance sheets, profit and loss, cash flow and other financial information about the Company at the Project Location. Such projections must be consistent with those submitted to lenders, stockholders, partners, or other parties having an interest in the Company.

FULL-TIME, YEAR-AROUND EMPLOYEES means employees of the Borrower who are projected to work at least 1800 hours in a year, have medical insurance benefits, and employed by the Borrower. This does not include seasonal, construction, part-time, or temporary employees, or persons that work within the Borrower's facility, but are not employees of the Borrower.

FULL EMPLOYMENT means the actual number of full-time year-around employees added to Current Employment due to the project.

GRANT AGREEMENT refers to a formal Agreement between the Applicant and DED defining the conditions of the Project.

GRANTEE means the Applicant for the Project once approved for CDBG funding under this program.

GUARANTOR(S) means any individual(s), companies or corporations who own majority stock in the Company must provide a personal guaranty to DED.

HUD means the US Department of Housing and Urban Development, an agency of the US government.

LOW- AND MODERATE-INCOME HOUSEHOLD / PERSON (LMI) means a household OR person whose total current annualized family income is less than the prescribed standard, based on family size and county of residence, is considered low and moderate income (LMI). "Family is considered husband, wife, and dependents. "Annual Income" is the total amount of income of the immediate family from all sources based on current rate of pay. The new wages a new employee will receive by the Company is not relevant in the determination of LMI.

NEW JOB means the number of new full-time year-around employees of the Company in addition to the current employment at the project location. This number is the net increase over current employment at other locations of the Borrower or an Affiliate in the state of Missouri, and net of decreased employment at other locations of the Company or related companies in the State of Missouri.

NON-ENTITLEMENT AREA refers to a city with population fewer than 50,000 and / or a county with a population under 200,000.

OPERATIONAL is a location that can function after both the completion of building construction or rehabilitation and completion of equipment installation.

PROJECT means the construction, reconstruction, purchase, and / or installation of buildings, machinery, equipment, utilities, streets, furniture, and other real estate or personal property improvements to be located at the Project Location, whether owned or leased by the Company or Applicant, as detailed as the Application.

PROJECT INVESTMENT means new assets to be acquired by the Borrower for the project, not including assets acquired by a revolving line of credit.

RELEASE OF FUNDS refers to DED's formal approval of the environmental review completed by the unit of local government sponsoring a CDBG application. Also referred to as the Authority to Use Grant Funds, it allows a project to commence on environmental grounds.

RETAINED JOBS means the number of current full-time, year-round employees of the Company who would have been terminated if the Project had not been undertaken. In the event less than 100% of the employees of the entire facility would be terminated, the specific employees who would be retained have been named, and a direct relationship has been established between their proposed termination and the Project.

RESPONSIBLE ENTITY (RE) For environmental review purposes, responsible entities are units of local government sponsoring a CDBG application. Also known as grantees once a project is awarded CDBG funds.

SPONSOR means a city or county government located in a "non-entitlement area" of Missouri who has submitted an application for an Industrial Infrastructure Grant on behalf of the Company.

START-UP COMPANY refers to a company who has a financial history of 3 years or less.

GENERAL

Approval is based on meeting the criteria as stated herein, and the availability of funds. In the event the annual allocation of CDBG funds is more than 50% committed prior to October 1 each year, DED may prioritize projects based on the economic impact of the Project and level of community distress.

ELIGIBLE SPONSORS: Cities and counties in CDBG “non-entitlement areas” of Missouri are the only entities eligible to sponsor a grant request on behalf of a company. The company must be within a sponsor’s jurisdiction, or if not, the company must agree that at least 51% of the new jobs will be from the sponsor’s jurisdiction.

CDBG “non-entitlement areas” include all of the state **EXCEPT:**

Blue Springs, Columbia, Florissant, Independence, Jefferson City, Jefferson County and the cities within Jefferson County who have elected to participate in the County entitlement programs, Joplin, Kansas City, Lee's Summit, O'Fallon, Springfield, St. Charles, St. Charles County and the cities within St. Charles County who have elected to participate in the County entitlement programs (Cottleville, Dardenne Prairie, Lake St. Louis, St. Paul, St. Peters, Weldon Spring, and Wentzville), St. Joseph, St. Louis (city), St. Louis County, and the cities within St. Louis County who have elected to participate in the County entitlement programs (Ballwin, Bella Villa, Bellefontaine Neighbors, Bellerive, Bel-Nor, Bel-Ridge, Berkeley, Beverly Hills, Breckenridge Hills, Brentwood, Bridgeton, Calverton Park, Charlack, Cool Valley, Country Club Hills, Dellwood, Edmundson, Ellisville, Eureka, Fenton, Ferguson, Flordell Hills, Glen Echo Park, Glendale, Greendale, Hanley Hills, Hazelwood, Hillsdale, Jennings, Kinloch, Kirkwood, Mackenzie, Maplewood, Maryland Heights, Moline Acres, Normandy, Northwoods, Norwood Court, Olivette, Overland, Pagedale, Pasadena Hills, Pasadena Park, Pine Lawn, Richmond Heights, Riverview, Rock Hill, St. Ann, St. John, Sycamore Hills, University City, Uplands Park, Valley Park, Velda Village, Velda Village Hills, Vinita Park, Vinita Terrace, Webster Groves, Winchester, and Woodson Terrace).

ELIGIBLE APPLICANTS: Due to limited funding, for-profit manufacturing, processing, and assembly companies are prioritized. Preferred companies have proposed wages above the average for the area, provide health benefits and high value-added processes. Areas of high economic distress have more discretion on the types of businesses, which are prioritized. Intra-state relocation projects are ineligible, except where the alternative is that the business would move out of the state.

ELIGIBLE USE OF FUNDS: Grant funds may be used for public streets, water or sewer lines, engineering, and other public facilities necessary to support the project. Facilities owned by the company utility are not eligible for funding.

FUNDING: The use of this program is based on the local government exhausting their available resources. DED requires a 15% match by the community based upon the availability of the unencumbered city or county funds. This match may be achieved by, but not limited to cash, or in-kind services or any combination thereof.

The maximum CDBG funding per project is limited to \$2,000,000. The grants shall be determined in accordance with the following:

Existing/Established Companies (more than 3 years of financial history): LOWER of \$2,000,000 Per project or \$20,000 per New Full Time Job.

Start-up Companies (3 years or less of financial history): funding shall be limited to the LOWER of \$350,000 per project; 50% of cost of the infrastructure activities; or \$20,000 per New Full Time Job. DED MAY, at its discretion award up to \$500,000 if the participating company provides a personal guaranty OR an Irrevocable Letter of Credit from an acceptable financial institution for the amount which exceeds \$350,000. (Maximums of \$20,000 per job and 50% of infrastructure costs still apply).

MODOT COST SHARE:

The Department of Economic Development (DED) partners with MODOT to 1) provide financing as part of match for the cost/share program or 2) provide support for local Economic Development Transportation projects.

DED may partner with communities to provide the match or a portion of the match for the cost/share program. DED does that through its Community Development Block Grant Program (CDBG), using the General Infrastructure or Industrial Infrastructure categories. If a community/project meets the eligibility criteria of the program and chooses to apply for funding under the General Infrastructure category, an application must be submitted to DED by **April 1**. If a community/project meets the eligibility criteria of the program and chooses to apply for funding under the Industrial Infrastructure category, an application must be submitted to DED

no later than the Cost/Share Application is submitted to MODOT. If the application is not submitted to DED by that deadline, the project will be considered in the next round of MODOT cost/share funding. No letter of recommendation is needed from DED for the MODOT application. Instead, DED will provide the contingent approval letter prior to the Commission meeting. If a community/company has questions regarding which application to submit, they may contact Business and Community Services at 573-526-6708.

DED may partner with communities to provide a support letter for up to 100% funding through the Economic Development category. The applicant must submit the following information **at least 30 days prior to the submission deadline for the MODOT cost/share program.**

- Applicant name, address, contact information
- Detailed description of the project
- Description of need
- Company name
- New jobs creation numbers and ramp up period
- Capital investment
- Average wages
- Fiscal year of project funding proposed
- Budget detail/sources and uses, including local match
- Certification from community that local funds have been fully maximized

DED will evaluate each project on the following:

- New job creation and investment impact to the local economy
- The infrastructure improvement's tie to the ability of the company to expand or locate
- Whether DED has provided a proposal for the project
- Local effort (level of participation) based upon capacity to participate
- Company efforts
- Amount of request as compared to the amount available

Please contact DED at 573-526-6708 to determine the appropriate application to submit.

APPLICATION PROCEDURE: The company must prove that **"But For"** the Industrial Infrastructure grant, the project could not occur. **A grant would not be eligible if the company's project begins prior to the Department of Economic (DED) approval of the grant and completion of the Environmental Review.** An environmental review must be conducted by a city or county sponsor, and may be started at any time, even prior to submission of an application. There is no deadline for applications to be submitted.

SPECIAL PROGRAM REQUIREMENTS

- **LMI EMPLOYEES:** At least 51% of the new jobs to be created must be taken by persons considered "low to moderate income" (LMI). The LMI standard is based on the prior year's total family income. Call 573-751-3600 and ask for the CDBG for the most recent LMI standards from HUD.
- A public entity must own the facilities to be funded.
- More than one business must potentially benefit from the facilities to be funded.
- The local government applicant must provide as much unrestricted resources (cash, in-kind, etc) as they have available. A 15% match is required.
- Industrial parks owned by a for-profit developer are not a priority, except in rare cases. In any case, if a for-profit property owner may realize a benefit from the public improvements, certain restrictions may be imposed.

APPROVAL METHOD

1. The company cannot make a public announcement of the project prior to DED's contingent approval of an application submitted by the city or county. Also, the company, developer, or city / county may not begin any project related investment before DED's approval and the completion of the environmental review (approximately 45-60 days).

2. A sponsor (city / county) inserts a public hearing notice in a local newspaper. At least five (5) days later, the sponsor holds a public hearing. The sponsor must also complete the environmental review, and have a FONSI / RFF (Finding of No Significant Impact / Request for Funds) notice published in the newspaper, including online versions.
3. The sponsor (city / county) submits the application documents to DED. If DED approves the grant request, a letter will be sent to the sponsor and company.
4. A Grant Agreement is executed between DED and the city / county sponsor. Grant proceeds are typically disbursed after all other funds. Proceeds would be provided upon the submission of invoices for approved items, or other approved documentation. Costs incurred and invoiced prior to the date of DED award date and applicable environmental review are not eligible.

CLOSED RECORDS: Section 620.014 RSMo, provides that “Records and documents submitted to the department of economic development, to the Missouri economic development, export and infrastructure board, or to a regional planning commission formed pursuant to chapter 251, relating to financial investments in a business, or sales projections or other business plan information which may endanger the competitiveness of a business, or records pertaining to a business prospect with which the department, board, or commission is currently negotiating, may be deemed a closed record as such term is defined in section 6910.010.

PENALTIES FOR NON-COMPLIANCE: Section 620.017 RSMo, states that DED must require that any company or applicant which receives financial assistance from a DED program to use the proceeds solely as required by the program, and any recipient who fails to comply with any requirement shall return any remaining proceeds to DED, and any proceeds expended shall be repaid to DED. The Grant Agreement will specify that in the event the New Jobs committed are not achieved, or, that less than 51% of the New Jobs are LMI, or that the Project Investment is not completed, DED will require full or pro-rated payment of the grant.

1. PENALTIES FOR NONCOMPLIANCE:

The penalties for non-compliance with the Participation Agreement are as follows:

- a. LMI Benefit: If the Company fails to meet the LMI requirements set forth in **Section 4** of the Participation Agreement, the Company agrees to pay to DED, upon 60 days written notice by DED, an amount equal to 100% of the CDBG funds provided by DED for the Project, 4% simple interest annually accruing from the date CDBG funds were first received by the Grantee and any expenses associated with the collection of funds from the Company due to this penalty.
- b. New Job Creation: If LMI requirements are met then for each New Job less than the number stated in **Section 5** of the Participation Agreement which is not created within two (2) years of the date that the facility becomes Operational, the Company agrees to pay DED, upon 60 days written notice by DED, an amount equal to the grant divided by the number of new jobs specified in **Section 5**, 4% simple interest annually accruing from the date CDBG funds were first received by the Grantee and any expenses associated with the collection of funds from the Company due to this penalty.
- c. Other Non-compliance: In the event the Company fails to comply with any other provisions of the Participation Agreement, the Company agrees to pay to DED, upon 60 days written notice by DED, an amount equal to 100% of the CDBG funds provided by DED for the Project, 4% simple interest annually accruing from the time CDBG funds were first received by the Grantee, and any expenses associated with the collection of funds from the Company due to this penalty. At the sole discretion of DED, a lesser penalty may be imposed, based upon the severity of the non-compliance, as determined by DED.

CONFLICT OF INTEREST POLICY

PERSONS APPLICABLE: The conflict of interest provisions of this policy shall apply to any person who is an employee, elected or appointed official, agent, consultant, officer, or any immediate family member or business partner of the above, of the Sponsor city / county, or of any designated public agencies, or “sub-recipients” which are receiving funds from the Industrial Infrastructure program.

APPLICABILITY: In the area of procurement of supplies, equipment, construction and services by recipients, sub-recipients or designated public agencies, the conflict of interest provisions in 24 CFR 570.611, as applicable, shall apply. In all cases no governed by 24 CFR 570.611, the provisions of this policy shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or sub-recipients to individuals, businesses and their private entities in the form of grants, loans, or other assistance through eligible activities of the program, which authorize such assistance.

CONFLICTS PROHIBITED: Except for approved eligible administrative or personnel costs, no persons described above (Persons Covered) who exercises or have exercised any functions or responsibilities with respect to CDBG activities or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there-under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. For the CDBG program, the above restrictions shall apply to all activities that are a part of the Grant Agreement, and shall cover any such interest or benefit during, or at any time after, such person’s tenure. No elected official with any association of their entity as a CDBG recipient, shall be compensated in any form for performing administration of a CDBG project, and shall not receive fees from any source, including finders’ fees, realtors’ or brokers’ fees, from a Business or other parties involved in a CDBG assisted project.

EXCEPTIONS: DED may grant an exception to a conflict after a determination has been made by the State that the exception will serve the purposes of the Housing and Community Development Act of 1974 and the State’s adopted Consolidated Plan. This exception will only be considered after the recipient has provided, to DED, written documentation detailing a disclosure of the nature of the conflict accompanied by an assurance that there has been a public disclosure of the conflict, a description of how the public disclosure was made, and an opinion of the recipient’s attorney that the interest for which the exception is sought would not violate state or local law.

In determining whether to grant an exception, DED shall consider the following factors, where applicable:

- a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the Project which would otherwise not be available;
- b. Whether an opportunity was provided for open competitive bidding or negotiation;
- c. Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;
- e. Whether the interest or benefit was present before the affected person was in a position as described above (conflicts prohibited);
- f. Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- g. Any other relevant considerations.

DISCLOSURE AND CERTIFICATIONS: The Public Participation Form (Form I) requires the Mayor or Presiding Commissioner (acting on behalf of the Sponsor) to certify that, to the best of their knowledge, no conflict will occur regarding the Project.

INTRA-STATE RELOCATION

INELIGIBLE PROJECTS: Projects that propose intra-state transfer of part or all of a Company are generally ineligible for funding. Also, companies that have one or more existing facilities in Missouri which, propose to transfer some Business Operations to another Missouri location are generally ineligible for funding.

EXCEPTIONS: An exception of this policy may be granted by DED if, in order to remain financially viable, the Company must consolidate with another existing facility of the Company's, or relocate to a more cost-effective site. In the event that the relocating Company is closing a unionized facility, a meeting with the affected union, Company and DED must take place to determine what, if any, negotiations have taken place before the Company's decision to relocate was finalized. Every effort possible must be made to preserve the bargaining rights of unionized employees at a new location. If DED determines the primary purpose of the Company relocation is to break a collective bargaining agreement or to operate a non-union Company, the Project is ineligible. To the extent possible, the workers whose jobs are being relocated must be offered an opportunity to transfer to a newly relocated facility in similar positions.

EXISTING COMMUNITY CONTACT: Upon the receipt of an application, DED will contact the economic developer of the community where the Company is currently located to inform him / her of the request. The community will be offered an opportunity to retain the Company prior to DED's decision regarding the Application.

NET NEW JOBS: If the intra-state relocation policy is granted an exception by DED, only the net increase of New Jobs over the Current Employment of the Borrower will be applicable for the program. Replacement jobs and / or transfer jobs will not be used to calculate New Jobs.

GRANT ADMINISTRATION

RESPONSIBLE PARTY: The city or county Sponsor must complete the procedures and requirements as established under the **Statement of Assurances** (Form J) and the CDBG Management Manual, which is available upon request from DED. The Manual specifies procedures for all types of CDBG projects, which most of are not applicable to the Industrial Infrastructure Grant program. For most Infrastructure Grant Projects, those procedures typically include:

- a. Conduct 1st public hearing;
- b. Environmental review;
- c. Submit request for grant proceeds to be drawn;
- d. Closeout forms and 2nd public hearing.

ADMINISTRATIVE METHODS: DED recommends that a Sponsor assign the administrative functions listed above to existing staff. If the Sponsor does not have adequate staff capacity or qualified staff to perform the CDBG-related administrative procedures, the Sponsor may contract with an outside firm. If, in this case, an outside firm will be procured, the Sponsor must complete a competitive procurement process, as described in the CDBG Management Manual.

NEW JOB REQUIREMENTS

TIME PERIOD: The creation of New Jobs projected and committed by the Borrower at the Project location must be fulfilled within 2 years from the date of the facility becomes Operational. The Borrower may not reduce Business Operations at another Missouri facility to fulfill the New Job commitment.

PENALTIES: In the event the New Jobs are not created within the 2 year period, the grant must be prepaid (pro-rated for the actual New Jobs as a percentage of the number committed), plus an interest penalty. The interest penalty is 4% simple interest (from the date funds were received) on the amount of the required prepayment. Transfer of Business Operations to another location would not allow a waiver of penalties, unless prior approval was granted by DED due to possible failure of the business.

RATIONALE OF NEW JOBS PROJECTED: New Jobs (see definition) are the increase of Full-time, Year-around Employees (see definition) over Current Employment (see definition) at the Project Location. The number of New Jobs to be created by the Company must be consistent with the Company's payroll costs of their projected financial statements. The projection of New Jobs must also be directly correlated to the activities of the Project.

DOCUMENTATION: Current employment and the projected number of New Jobs will be stated by the Company on the Employment Data section of the Company Application. New Jobs will be verified by DED from the **Employment Status Statement** administered by the Company. DED may also consult with the Missouri Division of Employment Security to verify such information. In the event such information has discrepancies, the Company must provide payroll records to DED.

LOW & MODERATE INCOME REQUIREMENTS

51% LMI OF NEW JOBS: At least 51% of the New Jobs must be taken by persons qualifying as low and moderate income (“LMI”). Also, if Full Employment exceeds the projected New Jobs, at least 51% of all actual New Jobs must be LMI, as documented on the Employment Status Statement.

JOB TITLES: On the Employment Data section of the Company Application, the Company must identify specific job titles of New Jobs in order for DED to determine the likelihood of accomplishing the 51% LMI requirement. Generally, jobs applicable for LMI persons do not require post-secondary education or specialized training as a condition for consideration of employment. However, the **Employment Status Statement** actually documents the 51% LMI requirement.

EMPLOYEE SURVEY: the Employment Status Statement form determines LMI status. After the date of the DED’s approval of the loan, the Borrower must survey each person hired. The surveys must be signed by the employee, and the employee must be willing to verify his / her family income upon request of DED, HUD, or the Sponsor. In addition, the Borrower must have all persons applying for jobs complete the survey for ethnicity data. The survey is voluntary and confidential; however, all surveys not completed will be assumed to be from non-LMI persons. The Borrower is responsible to administer the surveys and provide the completed surveys to the Sponsor and DED upon Full Employment, or 2 years from the date of the Loan Agreement, whichever is first.

COUNTY LMI LIMITS: The LMI limits vary by size of family and county of the Project. The income refers to the family’s **current** (prior to the hiring for the New Job) total income, annualized. For example, if someone made \$300 / week, the annual income would be \$15,600. (Note: Spouse income must be included to determine LMI eligibility.) The rate of pay for someone to be hired by the Company should not be considered in determining LMI limits.

SPONSOR GUIDELINES

EVERY PROJECT REQUIRES SOME LEVEL OF ENVIRONMENTAL REVIEW

As a recipient of CDBG funds, the Responsible Entity (RE) is responsible for evaluating how the project effects the environment and what impacts the environment may have on the project, including short term, cumulative and long term impacts. The environmental review is a means by which we can enhance the quality of projects, protect the environment, and improve the lives of people who will benefit. **The environmental review, started EARLY, will save time and money in the long run.**

CALL (573) 751-3600 and ask to speak to the Environmental Review Specialist.

STEP 1: DETERMINE ELIGIBILITY

STEP 2: PER / PAR (Preliminary Engineering & Architectural Reports)

STEP 3: ENVIRONMENTAL REVIEW

STEP 4: 1st PUBLIC HEARING

- NEEDS ASSESSMENT

STEP 5: SUBMIT APPLICATION TO CDBG REPRESENTATIVE

- SPONSOR
- COMPANY

STEP 6: CDBG APPROVAL PROCESS (Internal)

STEP 7: ANNOUNCEMENT

STEP 8: DED CONTINGENT COMMITMENT LETTER

STEP 9: FORMAL GRANT AWARD & AGREEMENT

STEP 10: TRANSITION MEETING

STEP 11: PUBLIC HEARING #2

STEP 12: CLOSE OUT MONITORING

Checklist: The project must conform to **all** the criteria herein in order to be eligible for funding.

ELIGIBILITY CRITERIA CHECKLIST	RESPONSE (YES / NO)	
1. Publicly Owned Facility – The improvements to be financed with CDBG funds will be owned by a public entity	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Multiple Users – The CDBG financed facilities are NOT restricted to one user, and other users may benefit, either now or in the future.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Decision to Initiate Project – The Company has NOT yet made a public announcement of the project, and has NOT executed contracts for construction or purchases related to the project.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Essential Activities and Least Amount – All the CDBG-financed public improvements are essential , and are the least amount in order for the company to initiate their project.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Priority Project – The company is either manufacturing, assembly, processing or distribution (if not, conforms to the criteria of); creates new state and local taxes, and is financially stable.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Competition with Existing Business – The Company’s project will not significantly affect another business in the State of Missouri. (Some exceptions may apply, check with DED)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Maximum CDBG Funding – The CDBG funding is less than ALL of these criteria: a. Lower of \$ 350,000 per project for a Start-up or \$20,000 per job or 50% of cost of infrastructure activities b. Lower of o \$2,000,000 per project or \$20,000 per New Full time job for existing or established business c. CDBG cost (\$_____) divided by the number of jobs created or retained due to the project (_____ jobs) equals \$_____ per job. d. Company must pledge a minimum of one dollar of capital investment for every dollar of grant funds requested.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Low and Moderate Income Benefit – Of all the employees the company will hire due to this project, at least 51% will be low and moderate income persons. (If this is a retention project, at least 51% of all current employees are low and moderate income persons)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Intra-State Relocation – The project does not involve the relocation of a facility within Missouri, or will not result in the reduction of employment in another Missouri facility by the same company. (Some exceptions may apply – check with DED)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. Local Match – The applicant (City / County) will contribute a minimum of 15% toward the cost of the public improvements proposed for the project.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11. No Other Suitable Sites – There is no other site in the area which is suitable to the company, or which would cost substantially less to develop. If this is an existing company that proposes an expansion at the same site, the proposed public improvements are commonly provided to any industry by the community.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12. Private Industrial Parks (if applicable) – The location is private owned & the developer has provided documentation that shows that other debt and equity funding has been maximized.	<input type="checkbox"/> Yes	<input type="checkbox"/> No

STEP 1 – DETERMINE ELIGIBILITY

The approval of an application is based on conformance with all eligibility criteria, the availability of funds, and the economic impact of the project.

DETERMINE RESPONSIBILITY / OWNERSHIP: Ownership and responsibility are factors that must be examined by a community applying to the CDBG program. When more than one government is involved in the same application an **Intergovernmental Agreement** must be executed prior to application submittal. When a government sponsors an application on behalf of an applicant of an eligible non-governmental agency, a grantee / sub-grantee agreement must be executed prior to application submittal.

An application must meet all of the following in order to be eligible for funding.

- Public Ownership – CDBG funds may be used only for facilities which are owned by cities, counties, water or sewer districts, road districts, and other political subdivisions, or the state or federal government. The facilities must be such that their use is not restricted to a single user, and is a typical facility that the public entity provides to industry.
- Multiple Users – the facilities must be considered a public use, in that more than one entity must potentially benefit from the proposed improvements. Such entities may be other companies, area residents, or commercial facilities. The intent that it grants funds will not be used exclusively by one private company. In any event, there must be at least 51% benefit to low and moderate income persons from all beneficiaries.
- “But For” test – The applicant must demonstrate that the public facilities proposed for this project are necessary due to the company’s project. There must be a direct correlation of the company’s expansion and the increase in employment to the public facilities requested in the project. An additional capacity desired by the applicant for non-industrial use must be completely paid from other sources.

DED cannot use CDBG funds to replace funds committed by a city or county prior to the approval of an application. Also, if a public announcement of the project has been done prior to the approval of an application, the project is ineligible. It is not acceptable for the company to execute construction contracts for their project, which specify the award of CDBG funds as a contingency. Facilities for speculative development are not eligible.

PRIVATELY-OWNED INDUSTRIAL PARKS

Generally, the use of CDBG funds in the development of an industrial park that is not owned by a public entity devoted to local economic development is not a priority due to the potential of developer profit based upon publicly funded improvements. However, in some cases, it may be appropriate if the following factors are met:

1. There is no other suitable land available in the area for an industrial prospect;
2. A public entity does not have the capacity to own or develop an industrial park necessary for the prospect;
3. Financial projections must be developed showing the development costs and projected revenues from the sale of property, which indicate the developer has maximized other debt and equity funding. The projections must make various assumptions on the revenue generated on sales based upon comparable activity in the area; and
4. The developer has documented that all forms of additional funding have been exhausted, including equity and debt, under normal development practices.

LOCAL PARTICIPATION REQUIREMENTS

The CDBG program is not designed to replace local public or private funds, which could be used in a project; rather CDBG is designed to supplement local funds when they are insufficient. The Department has targeted a firm 15% match by the community based upon the availability of unencumbered city or county funds. This match may be achieved by cash, in-kind services or any combination thereof. If the community is a distressed area as defined by the Department of Economic Development, the match requirement may be decreased or waived. The application should provide as much of the cost of public infrastructure or perform as much in-kind services as feasibly possible.

It is also expected that the community act as a partner with DED in offering incentives to obtain the commitment of a company when competing with other states. Such incentives may include tax abatement, tax increment financing, reduced cost land or utility hookups, utility rate reductions, and other incentives. In most cases, it is desirable to prepare a comprehensive proposal to a company from all involved parties, city, county, state, utilities, local lenders, etc.

ELIGIBLE USE OF FUNDS

Grant assistance may be provided only for activities, which are eligible under CDBG program. The listing of prioritized activities is based on those, which are considered to be the responsibilities of the local government to provide in normal circumstances and have proven to be the minimum necessary to allow a company to commence a project. All facilities must be owned by a public entity and potentially benefit more than one entity. Eligible activities are:

Water Systems – water facilities include the source and distribution of publicly owned water systems. Examples include water towers, pumps, and water lines. Ancillary facilities such as meters, fireplugs, and hookups are not included.

In the event water improvements are needed for insurance rate considerations and / or fire flow, the applicant should perform a cost-benefit analysis to determine if the investment is reasonable compared to the difference in the cost of premiums. In such case, the applicant should provide information regarding current and proposed insurance premiums, and other relevant information. Insurance rate driven projects are not a priority.

Sanitary Sewage Systems – collection facilities (lines) of a sanitary sewer system including pump stations and force mains that are a part of a collection system, and treatment systems are eligible. Lines must be run along public land, right of way, or permanent easement in the most cost-effective manner as determined by a professional engineer, recognizing potential future use and growth. Hook-ups are not included.

Storm Sewers – storm sewers or drainage facilities are sewers or other conduits, open or closed, or other appurtenances, which collect, transport and dispose of storm water, surface water, street wash, other wash, and ground water drains. Improvements must be made on public land, right of way, or permanent easement. Domestic waste water and commercial and industrial waste is not eligible.

Flood & Drainage Facilities – flood and drainage facilities are designed to influence or affect the flow in a natural water course (such as a river, stream, lake, or intermittent stream) as they relate to storm water drainage of the proposed project site. Levies, floodwalls, and other such structures may also be applicable. Such improvements cannot be in private property or property leased by a private company.

Street Facilities – eligible activities include the reconstruction of existing surfaces, the widening of existing streets, and construction of new streets. The street width should conform to city codes for its intended use, or be comparable to other similarly used streets in the area. The applicant must document the proposed use of a street, such as the number of vehicles per day; tonnage of trucks; and other possible routes, etc.

Street Accessories – Support facilities such as culverts, crossways, bridges, overpasses, curbs and gutters for a publicly owned street are eligible for funding. DED will consider the following in determining if street accessories are eligible for funding; city code; topography; comparable facilities in other similar streets in the area; future use potential; etc. Sidewalks and street lighting are not included.

Electrical Distribution Facilities – Improvements to publicly-owned electrical systems may be eligible for funding. Eligible activities include wires, poles, and relay stations. Designated transformers and hook-ups are not eligible.

Port Facilities – Infrastructure and river related activities that are located within the area designated in a port authority are eligible. River related activities may include docking facilities and dredging if such activities are not considered recurring on a regular basis. CDBG funded activities in this section must be under the ownership and control of a port authority to justify the inability for the applicant to issue new debt. Land, buildings, machinery, and equipment is not included.

Natural Gas Lines – lines constructed for the distribution of gas for a publicly-owned utility are eligible. Lines must run along public land, right of way, or permanent easement. Hook-ups are not eligible.

Engineering Design – DED will only fund the percentage of engineering fees for improvements funded by CDBG monies unless other specific arrangements are approved by DED. This does not preclude a grantee from using local funds to pay a higher amount.

Construction Inspection – construction inspection costs are limited to 75% of CDBG funded engineering design fees and are limited to the percentage of construction inspection fees for CDBG funded construction costs, unless other arrangements are approved by DED.

Administration of CDBG Funds – Applicants are encouraged to perform administrative responsibilities without additional funding. The CDBG funds cannot be used for the replacements of salaries of existing employees of a grantee are ineligible. In the event that the grantee does not have the capacity to administer the grant, CDBG funds may be used to provide funding for the employment of an outside consultant or a part-time temporary employee. If so, such funds must relate to the actual amount of services the consultant or employee would perform. The preparation of an application is not an eligible cost, as this service was performed prior to the approval of the project. The maximum cost allowable by CDBG is 4% of the non-administrative CDBG costs, plus \$10,000.

Rail Spurs – Rail spurs are only eligible in the higher distressed counties. An extension of railroad tracks (including switch connections) from the main track for industrial use may be eligible for funding. The spur must be publicly owned and potentially serve more than one company. The applicant must show documentation as to why the Rail Company will not finance the spur. A written policy and a letter from the railroad denying construction and ownership of the spur and the amount of funds generated by the use of the spur which will be rebated by the company. (Such funds will be returned to the CDBG program, unless otherwise approved by DED.)

If new user fee revenues result from the project, a cash flow projection of the water, sewer, and / or electric utility operations must be provided to justify the inability for the applicant to issue new debt.

Ineligible or Non-priority Activities – Facilities that do not have a substantial impact on the decision of a company to implement their project or remain operational at the current level are not fundable. More specifically, the following are either non-eligible or not a priority for funding in this program.

- Speculative development;
- Loans or grants directly to a company for real or personal property;
- Application preparation costs, a “bonus” or other compensation for writing a funded application;
- Purchase of equipment;
- General Government expenses, or replacing expenses or salaries that the grantee normally incurs;
- Operation and maintenance cost or costs which occur on a normal basis;
- Parking lots;
- Sewage pre-treatment systems;
- Acquisition of land or site development of land to be used other than public infrastructure development;
- Street lighting;
- Sidewalks;
- Preparation of preliminary engineering reports or other planning reports;
- Airports;
- Utilities or other facilities owned by private companies;
- Water, sewer or gas line hook-ups’
- Water meters and fire plugs;
- Designated electrical transformers.

STEP 2 – PER / PAR (Preliminary Engineering & Architectural Reports)

NOTE: This step is for those projects where construction costs from any funding source will be used.

Projects requiring an Environmental Assessment (EA) or Statutory Checklist (CEST level) will likely require a preliminary engineering (PER) and / or architectural report (PAR).

Engineering reports are generally required for public infrastructure improvement projects such as water, sewer, storm sewer, utilities, roads, bridges, etc.

Architectural reports are required for new construction or rehabilitation of buildings.

Occasionally a project will require both types of reports. Following are items commonly included in PERs and PARs, but is not an all-inclusive list. Reports must be written to address the specific details of a need for a project. The level of effort needed to prepare the report and the depth of analysis within should be proportional to the size and complexity of the proposed project.

- **General Preliminary Engineering Report (PER) Contents**

Title Page:

- A. Name of Project
- B. Owner of system, property, facility, building, structure, infrastructure, etc.
- C. Name of CDBG applicant (county, city, village)
- D. Preparer name, agency / firm, address, phone, e-mail, and fax numbers, licensed to practice in Missouri
- E. Licensed engineer's seal, signature and date of report.

Section 1: Purpose and Need for the Project

- A. Purpose & need for new construction, expansion, or improvements of existing facilities; project beneficiaries.
- B. Health & safety concerns
- C. Violations and / or environmental issues and agency concerns and recommendations
- D. Existing population and projected population for 20 years
- E. Projected economic growth
- F. Operation and maintenance (O & M) issues, if applicable
- G. Future needs of owners / beneficiaries
- H. Whether the project is in conformance with any existing comprehensive or strategic plans.

Section 2: Project Description – All activities by all funding sources

- A. Details of the proposed project – size(s) of existing facilities, detailed improvements proposed, materials and amounts needed, whether project is multi-jurisdictional, whether project is to be completed in phases (explain each phase in detail, including timelines, as currently known)
- B. Timeline for construction
- C. Location – address, coordinates, legal description, maps photos, sketches, legal & natural boundaries, major obstacles, elevations, general service area, etc.

Section 3: Existing Facility / Infrastructure, and / or Land Description

- A. Location of existing and / or proposed infrastructure or facility to be addressed by the project.
- B. Location of property proposed for acquisition, if applicable, and a plan and timeline for acquisition
- C. Location of easements needed, if applicable, and a plan and timeline for acquiring easements
- D. Origin of funding for original facility or infrastructure, including any existing debt
- E. History and condition of facilities / infrastructure, *current* easements.

Section 4: Alternatives Considered – Include No Project / No Action Alternative

- A. Description of each alternative (sites & designs) including: locations, design parameters, schematic layout map, land requirements, permitting, potential construction issues, environmental impacts, etc.)
- B. Construction and average annual operation and maintenance cost for each Alternative

Section 5: Recommended Alternative for Proposed Project

- A. Preferred alternative; reason for selection: cost, efficiency, environmental impacts, location, ease of construction, etc.

Section 6: Project Cost & Project Financing

- A. Total project cost all sources; existing & proposed project budget including costs for O&M, capital improvements, debt payment and status of reserve accounts, if applicable.
- B. Anticipated annual operation & maintenance (O&M) cost for proposed project
- C. Technical, managerial, administrative capacity of owner / operator and / or applicant
- D. Funding source(s) for all project costs, additional O&M, and replacement costs
- E. Status of funding – contingencies by any sources; anticipated receipt of funding

Section 7: Environmental Review / Impacts

- A. General impacts to natural & manmade environments from construction & completed project: noise; odors; increased traffic and new traffic hazards; fugitive dust, etc.
- B. Environmental clearances needed; agencies' clearances / responses if received prior to completing PER.
- C. Environmental permits needed and / or received; timeline for obtaining permits
- D. Environmental impacts for the No Action / No Project alternative
- E. Maps, photos, environmental studies and narratives
- F. Location, significance of, and anticipated impacts to important resources on and near project site(s): farmland; forest; conservation areas; wetlands; unique features; 100 & 500 year floodplains; streams, creeks, and river crossings; historic sites; critical habitats; low income & minority neighborhoods and residential areas; landfills; Superfund sites; flammable / hazardous facilities; air quality; water quality; mitigation; abatement of toxic or hazardous materials (heavy metals, asbestos, arsenic, tec.); etc.
- G. Land Use Compatibility and Planning & Zoning
- H. Construction best management practices and construction staging controls
- I. Storm water drainage including, NPDES permitting and storm water pollution prevention plan, if applicable.

Section 9: Conclusion

- A. Final recommendation
- B. Additional information and explanations

• **Preliminary Architectural Report (PAR) Contents**

Title Page:

- A. Name of project
- B. Owner of building, property, facility
- C. Name of CDBG applicant (county, city, or village); if multijurisdictional, list all applicants
- D. Name of CDBG sub-applicant, if applicable: public water, sewer, levee, drainage, etc. districts
- E. Preparer name, agency / firm, address, phone, e-mail, and fax numbers, licensed to practice in Missouri
- F. Licensed architect's seal, signature, and date of report

Section 1: Purpose and Need for the Project

- A. Purpose & need for any of the following proposed activities: new construction; expansion, improvements, demolition of existing facilities. Indicate the project beneficiaries.
- B. Health & safety concerns (structural issues, asbestos, lead based paint, mold, ADA accessibility, local health and safety ordinances, State health and safety requirements, etc.)
- C. Code and / or environmental violations agency concerns and recommendations
- D. Operation and maintenance issues, if applicable
- E. Future needs of owners / beneficiaries
- F. Whether the project is in conformance with any existing comprehensive or strategic plans

Section 2: Project Description – All activities by all funding sources

- A. Description of proposed project

- B. Timeline for construction
- C. Location of building: legal & natural boundaries; Maps: topographic, area map indicating location of the building within the city or town; site map showing building(s) / site and adjacent streets, with appropriate notations, such as a north arrow and main entrance of the building; map of service area

Section 3: Existing Conditions On and Around the Project Site

- A. Description of current conditions of the existing building, if applicable, and the overall site, including but not limited to code deficiencies, structural decay, presence of asbestos, lead paint, mold or moisture, subsidence issues
- B. Prior uses of the building, if applicable
- C. Current uses of surrounding buildings, if applicable, and description of surrounding environment
- D. Zoning and / or land use of the area.

Section 4: Alternatives Considered – Include No Project / No Action Alternative

- A. Description of each alternative (sites & designs) including: locations, design parameters, schematic layout map, land requirements, permitting, potential construction issues, environmental impacts, etc.
- B. Construction and average annual operation and maintenance cost for each Alternative

Section 5: Recommended Alternative for Proposed Project

- A. Preferred alternative; reason for selection: cost, efficiency, environmental impacts, location, ease of construction, etc.

Section 6: Project Goals & Design Principals

- A. Statement summarizing the goals of the project and the design principles governing the project (e.g. principles may be that public spaces receive the highest level of preservation; preserving the primary elevations of the building was important; retaining as many original design elements as possible was important, etc)

Section 7: Project Cost & Project Financing

- A. Total project cost all sources; existing & proposed project budget including costs for O&M, capital

Section 8: Environmental Review / Impacts

- A. General impacts to natural and manmade environments from construction or demolition and completed project: noise, orders, increased traffic and new hazards, parking availability, fugitive dust, etc.
- B. Environmental clearances needed; agencies' responses if received prior to completing the PAR
- C. Environmental permits needed and / or received; timeline for obtaining permits
- D. Environmental impacts of No Action / No Project alternative
- E. Any current or prior environmental studies, surveys, reports, testing, etc.
- F. Any prior abatement documentation for lead paint, mold, and asbestos
- G. Location, significance of, and anticipated impacts to important resources on and near project site(s): farmland; forest; conservation areas; wetlands; unique features; 100 & 500 year floodplains; streams, creeks, and rivers; historic sites; critical habitats; low income & minority neighborhoods and residential areas; landfills; Superfund sites; flammable / hazardous facilities; air quality; water quality; mitigation; abatement of toxic or hazardous materials (heavy metals, asbestos, arsenic, etc.); etc.
- H. Land Use Compatibility and Planning & Zoning
- I. Construction best management practices and construction staging controls

Section 9: Conclusion

- A. Final recommendations
- B. Additional information and explanations

ATTACHMENTS

- ✓ Proposed Project plans: Complete scaled floor plans of the proposed structure & surrounding area indicating specific infrastructure related to the overall project regardless if requesting CDBG for those portions. Indicate all new construction.
- ✓ Demolition Plans, if applicable: Complete scaled floor plans of the existing structure. Indicate all proposed demolition. Elevation sections (even in sketch form).

- ✓ Elevations: All elevations of the existing building. If any elevation is to be changed, those changes must be explained.
- ✓ Historical information about the site including any architectural surveys and information from local historical societies, groups, or individuals.
- ✓ Photographs of existing conditions both exterior and interior labeled and keyed to a site map, and existing floor plans. Preliminary photographs can be 3.5 color or black and white.
- ✓ Specifications must be provided; general notes are acceptable in the preliminary stages of a project.
- ✓ Statement or certification that all improvements are consistent with the Americans with Disabilities Act and related laws.
- ✓ Renderings if relevant to the project.

NOTE: Floor plans, elevations and sections must be drawn and notated with standard architectural forms and notations (e.g. plans must be drawn accurately; the entire building should be drawn; the width of the walls should be shown; doorways and door swings indicated, materials indicated when appropriate, etc.)

(SAMPLE FOR PRESELECTION)

REQUEST FOR QUALIFICATIONS

PROFESSIONAL ENGINEERING SERVICES

The City of Anytown requests qualifications for preliminary engineering services and subsequent engineering design services to assist in a proposed project to be partially financed with Community Development Block Grant (CDBG) funds. The remainder of the project is being financed by the _____. The project consists of _____.

Information provide to the city must include:

1. The specialized experience and technical competence of the firm with respect to the project or related work.
2. The capacity and capability of the firm to perform the work in question, including specialized services, within a period of twelve months beginning _____.
3. The past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules.
4. The firm's proximity to and familiarity with the area in which the project is located.
5. References from previous clients of related work with the firm within the past five years.

The firm will be selected based on the above qualifications. Once the most qualified firm is selected, a cost for preliminary engineering will be negotiated separately from the cost for engineering design.

The ability to begin work immediately and guarantee submittal to appropriate state department, if applicable, within twelve months plus the bullets above shall receive primary consideration. The above information should be submitted no later than _____, 20____ at 5:00 pm to City Hall, 111 First Street, Anytown, MO 66000. For more information, contact _____ at 555-555-5555. The City of Anytown is an Equal Opportunity Employer, and invites the submission of proposals from minority and women-owned firms.

STEP 3 – ENVIRONMENTAL REVIEW

Federal law requires ALL CDBG-assisted projects to undergo an environmental review subject to the National Environmental Policy Act.

**FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL
JEOPARDIZE CDBG FUNDS FOR USE IN YOUR PROJECT**

All projects and related activities undertaken by CDBG Responsible Entities (RE) (grantees and applicants) are subject to the provisions of the *National Environmental Policy Act of 1969*, as amended (NEPA), which established national policies, goals and procedures for protecting, restoring and enhancing environmental quality. In addition to NEPA requirements, CDBG-assisted projects are also subject to other related laws and Federal, State, and local authorities. Procedures with Federal Government programs must ensure that environmental information is available before decisions are made and before actions are taken.

The RE must determine who has the knowledge, qualifications and experience necessary to assist in preparing the environmental documents.

REMEMBER: the RE is solely accountable should issues arise –

Choose the Environmental Preparer wisely!

PLEASE BE AWARE!!!

The CDBG recipient (also known as “Responsible Entity (RE) / grantee) cannot obligate CDBG funds or expend funds from any source, private or otherwise, for use in a CDBG-assisted project; no new construction, excavation, demolition, rehabilitation, repair, modification, or property acquisition can commence, nor commitment made to undertake such activities, until the environmental review is complete and the MO Department of Economic Development has issued a formal release of fund / environmental approval

CDBG REs’ are required to follow specific procedures for carrying out Federal environmental review responsibilities as specified in:

24 CFR Part 58 – http://www.access.gpo.gov/nara/cfr/waisidx_04/24cfr58_04.html

A determined effort should be made to become familiar with all aspects of 24 CFR Part 58. The CDBG Administrative Manual, including Chapter 4 Environmental Review, and all required forms are located online at <http://ded.mo.gov/BCS%20Programs/BCSProgramDetails.aspx?BCSProgramID=12>

Commonly Used Options for Environmental Preparer

1. Use of existing RE (county / city) staff persons (engineer, planner, public works, city administrator, economic or community developer, county clerk, etc.)
2. Local Regional Planning Commissions & Regional Council of Governments
3. Private Grant Consultants & Grant Administrators
4. Other Federal or State Environmental and/ or Funding Agencies
5. Licensed / certified Engineers, Planners, and / or Architects
6. Private Environmental Consultants / Agencies

If CDBG funds are proposed to pay for any contract – including environmental studies and services – the RE must follow CDBG procurement methods.

If CDBG funds are not proposed, then RE procurement methods apply.

When reviewing project activities for potentially adverse environmental impacts, it may be determined that certain conditions be met to alleviate or minimize the effects during the course of the project. Once the environmental review process is complete, including the identification of any environmental conditions for approval and plan for implementation, DED would issue environmental approval (release of funds) with the condition that certain recommendations, mitigation measures or controls be included in design plans and construction contract documents, and appropriately implemented. Evidence that conditions were met would be reviewed during the project and/or at the time of project close out monitoring.

Levels of Environmental Review and Timing

EVERY project requires some level of environmental review

As a recipient of CDBG funds, the RE is responsible for evaluating how the project effects the environment and what impacts the environment may have on the project, including short term, cumulative and long term impacts. The environmental review is a means by which we can enhance the quality of projects, protect the environment, and improve the lives of people who will benefit.

The environmental review, especially when started EARLY, will save time and money in the long run.

24 CFR Part 58 provides guidance for conducting the environmental review process. The level of effort needed to prepare a review and the depth of analysis within should be proportional to the size and complexity of the proposed project.

There are five levels of environmental review to consider. Times to complete the reviews vary from project to project. The times provided below are only approximations:

1. Exempt – approximately 1 hour to complete
2. Categorically Excluded, Not Subject To 58.5 (CENST)- approximately 1 hour to complete
3. Categorically Excluded, Subject To 58.5 (CEST) – approximately 45 – 60 days to complete
4. Environmental Assessment (EA) – approximately 60 – 90 days to complete
5. Environmental Impact Statement (EIS)- approximately 1-2 years to complete

Timing is typically a concern with Economic Development (ED) projects. Most companies are anxious to begin expending funds and commencing construction activities once the project is known. It is critical that the environmental review be initiated as soon as possible to minimize and avoid delays.

All parties in the project (e.g. CDBG applicants, key company personnel, economic developers, RPCs / RCOGs, private grant consultants, etc.) should be informed as soon as possible of HUD's environmental review requirements. Applicants (RE) and companies should be provided the most current environmental review information available and be afforded the opportunity to make thoughtful decisions about designing the project in the early stages of development.

All activities proposed by all funding sources must be included in the review. All geographically and functionally related activities make up a project. For example, a "project" is not simply a road proposed with CDBG funds; the road is merely one activity in the project and the construction of a new facility would be considered a second activity. So the activities under this example would include both the public road AND the construction of the new facility. Individual activities must not be parsed out separately in an attempt to avoid completing environmental requirements.

A project may involve more than one activity funded by several sources including other federal and state agencies, cities or counties, banks and other lending institutions, private individuals, companies, etc. Communication among all parties is critical to the success of these reviews.

Below are key points to consider when proposing CDBG funds for an ED project:

- All activities proposed by all funding sources must be included in the environmental review. Reviews are not conducted solely on activities proposed with CDBG funds.
- Ensure there is a detailed description of a company's operations along with their proposed activities. If a company is permitted in any way, permit information and all related documentation, including current permits or permit applications, must be included in the environmental review.
- No construction, acquisition, rehabilitation, modifications, excavation, and no expenditures for working capital or installation of machinery and equipment proposed in the project must occur prior to the completion of the applicable environmental review. Doing so will jeopardize CDBG funds for use in the project.

- Initiate the environmental review as soon as the project is substantially known. If there is intent to apply for CDBG funds, the environmental review should be considered as early as possible in the project development process.
- Once the required CDBG application public hearing notice is published, environmental review requirements go into effect.
- The environmental review cannot be waived. Once the level of environmental review is determined for a project, all steps in that process are required for completion prior to beginning the project.
- Environmental review is authorized and regulated by Federal law, not DED policy.
- Environmental reports, assessments, reviews, etc., completed by other agencies, may not fulfill all CDBG requirements. However, this information may be adopted by a Responsible Entity for use in completing the CDBG environmental review.

Conditions for Environmental Approval

Conditions for approval could include, but are not limited to, any of the following:

- Federal, state, and/or local permitting and controls (i.e., air, water, storm water discharge, solid waste, floodplain management, permits to construct, permits to operate, etc.);
- Project design approval from other State agencies including water and wastewater engineering design by DNR, MODOT rights-of-way, railroad rights-of-way, and projects with transportation engineering, etc.;
- Recommendations from environmental agencies for implementation of construction best management practices;
- Local laws and ordinances requiring control of construction staging, noise, traffic, fugitive dust, etc.

For questions or more information about the environmental review---
Contact a CDBG Environmental Review Officer at (573) 751-3600

STEP 4: 1ST PUBLIC HEARING

Public Participation (Form I) & the Environmental Review (call for customized packet)

Public participation is a critical component of the environmental review process promoting effective planning, project development, implementation, and compliance with NEPA and HUD environmental requirements. Public participation is often a requirement of the CDBG funding application process; however, it is also important for ensuring a safe, successful, and environmentally sound project. Below are ways to incorporate public participation into your project.

PUBLIC NOTICES

1ST PUBLIC HEARING NOTICE: The notice must be published at least 5 days prior to the public hearing (DO NOT count the day of the notice and the day of the hearing). It should be published as a **display-type ad** (not in the classified section) in the newspaper with widest circulation in the community. The community may also post advertisement in areas providing the largest access to the public. If the Sponsor is also applying for an Industrial Infrastructure Grant application for the same project, one ad and public hearing may include both applications.

- 1) The newspaper notice must include the following information:
 - a. The city / county intend to submit an application for CDBG funds.
 - b. The maximum grant amount
 - c. The types of activities that may be undertaken include the improvement of public works, public facilities, housing rehabilitation, and others as allowed by law.
 - d. At least 51% of the funds must be used to benefit low- and moderate-income persons, or the funds will be used to eliminate slums and blight, as applicable.
 - e. There will be minimization of displacement of persons resulting from the project, and assistance to any displaced persons would be provided according to the Uniform Relocation and Real Property Acquisition Act of 1970, as amended, and Section 104(d), Section 104(k), or Section 105(a)(11) of the Title I Act.
 - f. The city / county is soliciting citizen input on the entity's on-going community development needs assessment.
 - g. Description of proposed project for which the city / county is applying
 - h. Total estimated project cost, including amount being applied for, other state / Federal funds, local contribution proposed, etc.
 - i. Specific location of project, either community-wide or boundaries (by name) of target area.
 - j. Percent of low- and moderate-income benefit of the proposed project (if known), or at least 51%
 - k. Encouragement of area residents to attend.

- 2) The notice must be sufficient in size and clarity to properly gain public attention.
- 3) A copy of the notice must be included in the application.

In addition to required language outlined in *Chapter II – Citizen Participation of the CDBG Administrative Manual* (listed above), the following are **recommendations** for inclusion in the application public hearing notice with respect to **Environmental Review** compliance:

1. Date & time of the public hearing to facilitate as much public participation as possible;
2. Project contact information for the hearing, and for project & environmental-related questions;
3. *Anticipated* environmental impacts for discussion at the hearing (i.e., historic buildings, floodplains, wetlands, endangered species, contamination, flammable operations, noise concerns, traffic, etc.);
4. Notice **must NOT state** that CDBG funds are already committed or awarded to the project.

Distributing the Hearing Notice (required):

- a) Post at high-traffic public and / or private buildings;
- b) Post local and / or regional websites (i.e., local governments, public libraries, economic development groups, RPCs / COGs, chambers of commerce, tourism sites online news sites, local historic group sites, etc.)
- c) Distribute in newsletters & flyers;
- d) Direct invitations, as deemed necessary or appropriate, to members of the public including: individuals & residents; governmental, environmental, & funding agencies; local environmental-related groups; businesses; school administrations; housing agencies; neighborhood associations & groups; senior groups; hospital & other medical service-related industries; local emergency management organizations; civic organizations; religious groups, local media, etc., & any other individuals or groups who are anticipated to have interest in the proposed project.

SAMPLE PUBLIC NOTICE – HEARING NO. 1

The City of Anytown will hold a public hearing on Month, date, Year at City Hall to discuss an application to be submitted to the Missouri Department of Economic Development under the Community Development Block Grant (CDBG) program. The City is interested in obtaining citizen input on community and economic development needs within the City. As part of the hearing process citizens will be asked to verbally assist in the completion of a Needs Assessment document. The document will detail what the residents feel are the strengths and weaknesses of the community. The city needs as much local participation as possible in order to reflect the true desires of the community as a whole, as well as the comments relating to the proposed project application.

The maximum amount of funds available from the CDBG Industrial Infrastructure Grant program depends upon the type of project, but cannot exceed \$2,000,000 for an existing or established company and \$350,000 for Start-up companies. At least 51% of the beneficiaries must be low and moderate-income persons. No displacement of persons will be proposed for this project.

The City proposes to request \$ _____ in CDBG funds for an _____ Industrial Infrastructure Grant to _____ (company name) for a project located at _____ (address). The proposed project will provide new employment, of which at least 51% will be low and moderate-income persons. City staff members will be present to answer questions about the CDBG program and the proposed application(s). All citizens, including those in the targeted area, are encouraged to attend in order to comment on the proposed activities.

For more information, or if you require special accommodations at the hearing, contact _____ at (____) ____ - _____ or by email at _____ @domain.com.

PUBLIC HEARING #1

PROCEDURE: DED cannot formally approve a grant request until the Sponsor completes a public hearing, executes an authorizing resolution, and executes the Assurances. At least one public hearing must be held prior to the submission of the Sponsor’s application.

IMPORTANT

The published date of the notice for the 1st Public Hearing *triggers* the start date of the Environmental Review.

NEEDS ASSESSMENT (Form I(a))

Citizen views on community needs must be solicited during the required public hearing and at any subsequent meetings in order to complete the Needs Assessment. The Needs Assessment contains sections that must be completed using public opinion, and those that may be completed using census data. The method used to stimulate enough public opinion to generate and compile a majority of the public is up to the community to determine. Please recognize special interest groups and continue to generate input from other sources.

Public perception of the needs may differ from the needs identified by the governing body, the engineer, the grant administrator, the state, and / or the federal government. The assessment should not be altered or skewed to reflect the particular project. Rather, it should be used as a preliminary planning tool.

CITIZEN PARTICIPATION: All applicants for and recipients of Community Development Block Grant funds shall be required to conduct all aspects of the CDBG program in an open manner with access to records on the proposed and actual use of funds for all interested persons. All records of applications must be kept at the applicant's office and be available during normal working hours.

Citizens shall be provided adequate and timely information, so as to enable them to be meaningfully involved in important decisions at the various stages of the program including. The applicant must provide technical assistance at the level of expertise available at City Hall to groups representative of persons of low and moderate income that request such assistance in developing proposals.

It is important to discuss the priority of needed projects in your community with your governing body, department heads and citizens. It is preferable, but not required, to have a **Capital Improvement Plan**, which identifies the needs of the community and the methods of financing those needs.

If the community has a written, adopted, current community plan, it may be substituted for the needs assessment. **It does not replace the need for the public hearing.**

PUBLIC HEARING DISCUSSION POINTS

The following items are **recommended** during the CDBG application public hearing to address **Environmental Review** compliance:

1. Attendance by local governmental officials and pertinent project parties: (i.e., project engineer / architect, sub-applicants / sub-recipients (not-for-profits, water / sewer districts, ambulance / fire districts, companies, business owners, property owners, etc.)
2. Following is project information recommended for explanation to the public and should be detailed in meeting minutes. In the event of a challenge, hearing minutes serve as an official record as to how the project was presented to the public:
 - a) Name of project
 - b) Purpose of project, project goals & outcomes
 - c) Description of all project activities by all funding sources
 - d) Total cost of project including environmental review preparation & any mitigation / modification costs
 - e) Proposed costs broken down by all funding sources proposed
 - f) Timeline of project including environmental review approval, onset of property easements & acquisition, & construction activities
 - g) Whether the project includes multiple municipal jurisdictions (identify all and lead applicant)
 - h) Whether the project will be completed in phases and / or over years
 - i) Whether acquisition and / or relocation is necessary for the project – outline rights of property owners under the federal Uniform Relocation Act (URA) requirements
 - j) Identify all anticipated environmental impacts of the project on natural, human, & manmade environments

- k) Identify all anticipated environmental impacts to the project by surrounding environments
- l) All required permitting
- m) All mitigation measures, project modification, & conditions for approval anticipated during the project to protect lives, property, and the environment
- n) General overview of CDBF environmental review procedures
- o) REs designation of the Preparer of the environmental review, if known; name of individual(s) & firm / agency
- p) Confidentiality to the extent feasible of proprietary information, business plans, & privacy of property owners
- q) Adequate time for discussion, questions, and answers.
- r) Ability to provide follow-up information or hold additional public meetings, as necessary, particularly for controversial and complex projects.

STEP 5: SUBMIT APPLICATION to CDBG

The Sponsor is responsible for submitting the application **in its entirety** (including both the Sponsor and Company with all applicable attachments to:

**MO Department of Economic Development
BCS Finance Management
301 West High Street, PO Box 118
Jefferson City, MO 65102
Phone: 573.751.4539
Fax: 573.522.4322
Email: dedfin@ded.mo.gov**

STEP 6 – CDBG APPROVAL PROCESS

This is an internal process. If any questions or additional information is needed, then the CDBG representative will contact the Sponsor and / or Company during this step for any additional items or clarification that may be needed to ensure the application receives a thorough review.

STEP 7 – ANNOUNCEMENT

The BCS Finance representative assigned to review the application is required, based on available information, to determine the applicant's eligibility.

A written evaluation of the projected economic impact of the project (the number of high paying jobs created, growth potential of the Company, etc.) relative to the probability the project will succeed. The evaluation will include, but not limited to:

- Results from DED legal department of the criminal check of applicant and, for privately-held companies, specified owners and managers utilizing Internet search, Missouri Casenet, Missouri State Highway Patrol sex offender registry, and PACER (for Missouri federal courts).
- A determination of whether the company and, for privately-held companies, specified owners and managers, have failed to comply with or fulfill obligations under any other DED program or any other relevant state program;
- For loans, a check of the credit history of the applicant and, for privately-held companies, specified owners and managers, including bankruptcies, both business and personal;
- Provide a preliminary opinion in writing of whether the risk of failure of the company is at an unacceptable level in relation to the projected economic impact or whether management is not adequately qualified or not adequately identified;
- A recommendation regarding whether there should be a public announcement of the project.

STEP 8 – DED CONTINGENT FUNDING COMMITMENT

PRIOR to any release of funds, the following assessments and determinations may include but not limited to:

- For a start-up company, a third party independent feasibility study is required;

- Require a copy of the electronically signed Memorandum of Understanding (E-verify);
- Catalog, in writing, what other programs the company may be currently utilizing or has previously utilized, based on a search of CMS (DED's tax credit tracking database).
- The company must submit a copy of a tax clearance certificate dated within 45 days from the date of the request by DED.

STEP 9 – FORMAL GRANT AGREEMENT

- Grant documents drafted and approved by DED Legal unit

STEP 10 – TRANSITION MEETING

CDBG Economic Development (Infrastructure Grant, Action Fund Loan) projects unique requirements of administration, which are in addition to the procedures for other CDBG projects. Since the project requirements often include counting jobs and private investment and since a third party exists in the form of a private company, a project transition meeting is essential. The following items shall be discussed in a **transition meeting** held at the time of funding commitment. The transition meeting must be attended by representatives from the company, the sponsor, and the state.

Document the National Objective – LMI

51% LOW & MODERATE INCOME: At least 51% of the new jobs created as a result of the Industrial Infrastructure Grant must be to persons and families that are identified as low to moderate income as outlined by HUD's Section 8 program guidelines. LMI is generally calculated on an area basis, meaning either the entire jurisdiction of the applicant (or sub-applicant) or a defined targeted area within that jurisdiction must be at least 51% LMI.

The sponsor must undertake all front-end reviews and safeguards before assisting a business with CDBG funds. The Missouri CDBG program requires that at least 51% of all jobs created shall be held by LMI persons. Documentation of LMI status is achieved through the completion of an **Employment Status Statement** - The annual income limits are available by request from CDBG. The employee must sign the surveys, and the employee must be willing to verify his / her family income upon request of DED, HUD or the Applicant. The survey is voluntary and confidential; however, all surveys not completed will be assumed to be from non-LMI persons. The Business is responsible to administer the surveys and provide the completed surveys to the Applicant and DED. The creation of the LMI jobs shall meet the following conditions:

1. The job is full time.
2. The job is permanent, not temporary or contract.
3. The job is located at the same facility where the project is occurring.
4. The Employee Status Statement and a current payroll listing are available.
5. The jobs are created after the date recorded in the agreement.
6. The Immigrant employment restrictions have been met.
7. The total jobs equal the amount pledged and at least 51% are adequately documented as LMI.

The Participation Agreement and contract forms may require additional conditions for job creation.

On infrastructure grants, the national objective requirement shall be met as follows:

1. Before assistance is provided, the local government must identify the businesses located or expected to be located in the area to be served by the public improvement. Each business must project the number of jobs expected to be created as a result of the improvement.
2. The jobs to be considered are all those in the assessment as well as any other businesses that are located in the area within a period of one year following the completion of the public improvement. If the original businesses' jobs do not exceed \$20,000/ job, the additional businesses do not have to be tracked, and close-out can be done as soon as original jobs are in place.

The Sponsor is responsible for obtaining all documentation of jobs created and LMI benefit. At the application stage, the company / industry agrees to provide this information to the Sponsor. Failure to do so could result in the Sponsor ineligibility for future funding or return of monies to DED.

The Sponsor is also responsible for obtaining documentation of the private investment from the business(es) (in the form of paid invoices, canceled checks, or audited financial statements) according to the application and / or grant agreement for the project. This should be done from the beginning of the project (loan) until the private investment is accomplished.

Additional Reporting – The racial / ethnic characteristics of all job applicants must be tracked. This information may be tracked by the company or an outside organization, such as the local Job Service. The applicant information must be tracked from the time of the funding commitment (or other agreed-upon date) until project close-out. Contact the CDBG staff for questions regarding the applicability with confidentiality and civil rights laws.

The following are a list of employment forms required:

- **Employment Status Statement:** Call DED CDBG specialist for the Income Limits for the applicable county or Metropolitan Statistical Area (MSA) and enter the spaces provided.
- **Employment Summary Sheet:** Use the same family income ranges as used on the Employment Status Statement for the appropriate county. Please note that employees who do not complete the form are considered non-LMI and must be figured in the LMI percentage benefit.
- **Applicant Summary Sheet:** This form became effective with FY93 funds and, as stated, the racial / ethnic characteristics of **all applicants** for jobs, including hires.

STEP 11 – 2nd (CLOSE OUT) PUBLIC HEARING

PROCEDURE: A public hearing on grant performance is required after a minimum of 80% project completion. A copy of the published notice and minutes of the hearing must be submitted to DED as part of the close-out.

The Sponsor must hold a second hearing after the completion of the project to offer citizens an opportunity to comment on the city’s performance. The hearing must be preceded by a display-type notice in a newspaper with the greatest distribution in the area, published at least five days prior to the hearing date. If the Sponsor has completed other CDBG projects, they may be included in this ad and public hearing.

In addition to required language outline in *Chapter II – Citizen Participation of the CDBG Administrative Manual*, following are **recommendations** for inclusion in the close out public hearing notice & discussion with respect to **Environmental Review** compliance:

Public Hearing NOTICE:

1. Date & time of the public hearing to facilitate as much public participation as possible;
2. Project contact information;
3. Descriptive name of project

The format for the notice is as follows:

The City of _____ will hold a public hearing on _____, 20__ at _____ PM at City Hall to allow citizens to comment on the City’s performance on the Community Development Block Grant awarded _____, 20__ for the _____ (company name) project. All interested citizens and groups are encouraged to attend. For further information, contact _____ at () _____.

Distributing the Public Hearing Notice:

- a. Post at high-traffic public & private buildings;
- b. Post on local and / or regional websites (i.e., local governments, public libraries, economic development groups, chambers of commerce, tourism sites, online news sites, local historic group sites, etc.)
- c. Distribute in newsletters & flyers;
- d. Direct invitations, as deemed necessary or appropriate, to members of the public including: individuals & residents; governmental, environmental, and funding agencies; local environmental-related groups; businesses; school administrations; housing agencies; neighborhood associations & groups; senior groups; hospital & other medical service-related industries; local emergency management organizations; civic organizations; religious

groups, local media, etc., & any other individuals or groups who are anticipated to have interest in the proposed project.

Public Hearing DISCUSSION POINTS:

1. Name of project
2. Purpose of project & final project outcomes – will it meet all needs originally identified?
3. Description of all project activities by all funding sources undertaken during project
4. Changes that occurred to the project as funded & environmentally reviewed
5. Final total cost of project broken down by all funding sources
6. Environmental impacts identified & addressed during construction
7. Environmental impacts of the finished project
8. Conditions for approval & whether all were satisfactorily completed & documented
9. Adequate time for discussion, questions, & answers
10. Flexibility to provide any follow-up information to the public.

STEP 12 – CLOSE OUT MONITORING

24 CFR 85.50 addresses the timing of grant close-outs as follows: “Within 90 days after the date of expiration or termination of the grant, the sponsor must submit all financial, performance, and other reports required as a condition of the grant.” DED has interpreted the time period to include the requirement of the grant being closed out, with the possible exception of the audit, within 90 days of completion of project activities. Consideration will be given to the timing at the close-out monitoring visit by CDBG staff. The close-out process encompasses a series of activities to verify that CDBG funds have been properly spent and that the city or county has completed the elements of its program in a timely and acceptable manner. The timeliness and content of information presented at close-out is considered by DED to determine future CDBG applications. It is very important that recipients pay careful attention to close-out procedures as a final step in the CDBG management process. The grantee must retain all records for a period of five years from the date the State executes the Certification of Completion.

There are five major tasks involved in closing out a program:

1. Resolution of all monitoring findings;
2. Completion of close-out public hearing and submission of the hearing minutes and affidavit of publication;
3. Submission of close-out report (one original copy);
4. Submission of Certificate of Completion (three originally signed copies); and
5. Completion and submission of the final audit.

The close-out process should begin when the following criteria have been met or will be met shortly.

1. All costs to be paid with program funds have been paid, including any unsettled third-party claims, with the exception of close-out costs, such as the cost of the final audit and the final 10% administration costs. (See the Financial Management Chapter of the CDBG Administration Manual)
2. The recipient has fulfilled all of its responsibilities under the Funding Agreement. This includes injection of all local cash and in-kind services, other State and / or Federal funding, all private investment and job creation (in the case of economic development projects). Delays in completing close-out can result in the denial of future requests for CDBG funding.

Project close-out on the public side can commence once the CDBG funds have been expended, the company has expended its private investment match, and the company’s job commitment is fulfilled. However, the company’s loan portion of the project remains open until the loan is fully paid back to the state.

At project completion, the CDBG field representative for the area involved will contact the grant recipient to determine a date for the close-out monitoring visit. All monitoring findings must be resolved before the close-out can be further processed.

**INDUSTRIAL INFRASTRUCTURE GRANT PROGRAM
SPONSOR APPLICATION CHECKLIST**

- _____ **City / County Sponsor Application and Eligibility Checklist**
- _____ **Form C: Public Property Improvements, Funding Sources, & Local Matching**
- _____ **Form D: Land Ownership & Development**
- _____ **Form F: Public Participation** (including attachments)
- _____ **Form G: Grant Administration**
- _____ **Form H: Civil rights Compliance**
- _____ **Form I: Needs Assessment**
- _____ **Form J: Statement of Assurances**
- _____ **Form K: Resolution of Sponsor**
- _____ **Form L: Lobbying Restrictions**
- _____ **Form M: Certification Regarding Section 3 Utilization**
- _____ **Form N: Residential Anti-Displacement & Relocation Assistance Plan**
- _____ **Form O (a): Fair Housing Resolution for Cities**
- _____ **Form O (b): Fair Housing Resolution for Counties**
- _____ **Form P: Excessive Force Resolution**
- _____ **Annual Data Reporting for ECONOMIC DEVELOPMENT ACTIVITIES**
- _____ **Environmental Review**
(Please call 573-751-3600 for an environmental packet)

Other Information as required:

- Letter of Recommendation** (Summary of Sponsor’s due diligence)
- _____

SPONSOR IDENTIFICATION									
CITY OR COUNTY				CHIEF OFFICER			TITLE		
ADDRESS				CONTACT PERSON			TITLE		
CITY				STATE		ZIP CODE		CONTACT PHONE NUMBER	
STATE SENATOR DISTRICT NUMBER		STATE REPRESENTATIVE DISTRICT NUMBER		FEIN		DUNS #		FISCAL YEAR END OF SPONSOR	
APPLICATION PREPARER (if different than contact person above)									
Name of Firm			Contact Person			Title		Email	
MAILING ADDRESS (Street (PO Box), City, State, Zip Code)						Phone		Fax	
PARTICIPATING COMPANY									
Company Name				Contact Person			Title		
Project Location Address				FEIN		DUNS#		Phone	
City		Zip Code		City		State	Zip Code	Email	
FLOODPLAIN / ENVIRONMENTAL REVIEW (Call 573-751-3600 to request an Environmental Review Packet)									
Does the proposed project or any portion thereof, lie within the boundaries of the 100 year floodplain?								YES	NO
Does the community participate in the National Flood Insurance Program?								YES	NO
Is the community in good standing with the National Flood Insurance Program?								YES	NO
Has the SHPO Section 106 process for historic properties been initiated or completed?								YES	NO
Will the proposed project and all activities associated, regardless of funding source, result in any land changes?								YES	NO
IF YES, Describe									
Is the Project compatible with current land use in the area?								YES	NO
Have there been any prior environmental reviews and / or studies completed for the proposed project in this area?								YES	NO
IF YES, Describe									
Will the project affect current and future land use patterns?								YES	NO
IF YES, Describe									
Describe the project area now and how it is expected to appear after project completion.									
Describe the natural and man-made environment surrounding the project area.									

CERTIFICATION

I, the undersigned, acting on behalf of the Applicant named below, hereby certify and agree to the following:

1. The information submitted by the Applicant to DED in connection with the Project is true and correct and such information is consistent with documents provided to lenders, other government programs, or investors. The Applicant hereby authorizes DED to verify such information from any source;
2. Neither the Applicant, nor any person actively engaged in the management of the Applicant:
 - a) Has committed a felony, is currently under indictment for a felony, or is currently on parole or probation;
 - b) Is delinquent with respect to any non-protested federal, state or local taxes or fees;
 - c) Has filed (or is about to file) for bankruptcy, unless otherwise disclosed to DED; or
 - d) Has failed to fulfill any material obligation under any other state or federal program;
3. There are no pending or threatened liens, judgments, or material litigation against the Applicant or any person identified on the application which is likely to have a material impact on the Applicant's viability;
4. Neither the operations of the Project itself nor the receipt of incentives for the Project would violate any existing agreement;
5. The Applicant has obtained or is capable of obtaining all necessary federal, state and local permits and licenses for the Project;
6. I certify that the applicant does NOT knowingly employ any person who is an unauthorized alien and that the applicant has complied with federal law (8 U.S.C. § 1324a) requiring the examination of an appropriate document or documents to verify that each individual is not an unauthorized alien;
7. I certify that the applicant is enrolled and will participate in a federal work authorization program as defined in Section 285.525(6), RSMo., with respect to employees working in connection with the activities that qualify applicant for this program. I certify that the applicant will maintain and, upon request, provide the Department of Economic Development documentation demonstrating applicant's participation in a federal work authorization program with respect to employees working in connection with the activities that qualify applicant for this program;
8. I certify that the Applicant shall include in any contract it enters with a subcontractor in connection with the activities that qualify applicant for this program, an affirmative statement from the subcontractor that such subcontractor is not knowingly in violation of Section 285.530.1, RSMo, and shall not be in violation during the length of the contract. In addition the Applicant will receive a sworn affidavit from the subcontractor under the penalty of perjury, attesting that the subcontractor's employees are lawfully present in the United States. I certify that the Applicant will maintain and provide the Department of Economic Development and Department of Revenue access to documentation demonstrating compliance with this requirement
9. I understand that, pursuant to section 285.530.5, RSMo, a general contractor or subcontractor of any tier shall not be liable under section 285.525 to 285.550 when such general contractor or subcontractor contracts with a direct subcontractor who violates section 285.530.1, if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of section 285.530.1 and shall not henceforth be in such violation, and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States;
10. I understand that if the applicant is found to have employed an unauthorized alien, applicant maybe subject to penalties pursuant to Sections 135.815, 285.025, and 285.535, RSMo;
11. I understand that if the applicant is found to have employed an unauthorized alien in Missouri and did not, for that employee, examine the document(s) required by federal law, the applicant shall be ineligible for any state-administered or subsidized tax credit, tax abatement or loan for a period of five years following any such finding;
12. I attest that I have read and understand the CDBG Infrastructure guidelines;
13. I will inform DED if, at any time before project completion, there is any change to any of the certifications made herein;
14. I hereby agree to allow representatives of the Department of Economic Development (DED), Department of Revenue, or either of their designated representatives, access to the property and applicable records as may be necessary for the administration of this program; and,
15. I certify under penalties of perjury that the above statements and information contained in the application and attachments are complete, true, and correct to the best of my knowledge and belief.

I certify that I am a Corporate Officer/Member of the Applicant and have the proper authority to execute this document on behalf of the Applicant. I am authorized to make the statement of affirmation contained herein. I realize that failure to disclose material information regarding the Applicant, any owners or individuals engaged in the management of the Applicant, or other facts may result in criminal prosecution.

PRINTED NAME	SIGNATURE	TITLE	DATE
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STATE OF _____) ss. COUNTY OF _____)

On this ____ day of _____ in the year 20__ before me, _____, a Notary Public in and for said state, personally appeared _____ [name of Corporate Officer/Member], _____ [Official Title], _____ [Name of Corporation / Limited Liability corporation], known to me to be the person who executed the within Agreement in behalf of said company and acknowledged to me that he or she executed the same for the purposes therein stated.

 Notary Public My Commission Expires _____

ATTACH A CORPORATE RESOLUTION AUTHORIZING APPROVAL OF THIS AGREEMENT AND AUTHORIZING THE ABOVE-NAMED PERSON TO SIGN ON BEHALF OF THE COMPANY

TO BE COMPLETED BY THE CITY / COUNTY SPONSOR					
<p>The US Department of HUD compiles annual data on job creation activities for all open CDBG projects. You will be required to report annually on all jobs created to date on your project against the proposed total in the application. Data regarding the race, ethnicity and income of employees will be required. At the close of the project, you will then provide the total reported for all program years.</p> <p>The Annual Data Reporting for Economic Development Activities form should be completed and submitted to this office no later than April 30 of each year that your project is open and funded. Information should be reflective of the jobs created / filled for the period of April 1 to March 31 of the immediate past year.</p>					
Grantee		Project Number			
Economic Development Activities -- For jobs created or retained, select from only among the following Economic Development Administration (EDA) job category definitions--					
Job Category	Created	Retained	Job Category	Created	Retained
Officials and Managers (OM)			Craft Worker (CW)		
Professional (P)			Operatives – Semi-skilled (OP)		
Technicians (T)			Laborers – Unskilled (LB)		
Sales (S)			Services Workers (SW)		
Office and Clerical (OC)			Combined Total (must match Column C)		
Activity	Outcome Indicators		(A) Proposed Number	(B) Total # in Previous Yrs.	(C) Total # as of 3/31
A. Jobs Created	Total number of jobs:				
	a.	Of those, number with employer-paid healthcare			
	b.	Number of unemployed before taking job			
B. Jobs Retained	Total number of jobs:				
	a.	Of those, number with employer-paid healthcare			
	Total number of businesses assisted:				
C. Businesses Assisted	a.	New businesses			
	b.	Existing businesses			
	(1)	Of those, number of expansions			
	(2)	Of those, number of relocations			
	c.	DUNS # of business(es)			
Please provide a breakdown of jobs listed by race / ethnicity			# employees	Of those, # Hispanics	
White					
Black / African-American					
Asian					
American Indian / Alaskan Native					
Native Hawaiian / Other Pacific Islander					
American Indian / Alaskan Native & White					
Asian & White					
Black / African-American & White					
American Indian / Alaskan Native & Black / African-American					
Asian & Native Hawaiian / Other Pacific Islander					
All Others					
TOTAL					
Performance Measure	Income Level				
	Low	Moderate	Other		
Of total jobs created, the # of Jobs that were					

To Be Completed by Company AND City / County Sponsor

***Documentation must be attached evidencing each source of project financing is committed to Project**

Source of Funds								
Project Cost Overview	Company Funds			City / County (Cash, in-kind, forgivable loan, etc)		Other Sources* (Ch. 100, TIF, etc)		CDBG Request
	Cash	Loans	Confirmed (Y / N)	Source*	Amount	Source*	Amount	Amount
Property Acquisition								
Land								
Existing Structures								
Site Development								
Inspections								
Engineering Svcs								
CDBG Administration								
Other Professional Services								
Property Modifications								
Demolition								
Renovation								
New Construction								
Bldg / Leasehold Improv								
Infrastructure								
Natural Gas Lines								
Electrical distribution lines								
Sewage Treatment								
Storm sewers								
Water distribution								
Water Treatment								
Storm drainage								
Roads								
Rail Infrastructure								
Equipment								
Mfg M & E								
Non-mfg M & E								
Furniture & Fixtures								
Other (do not use Misc, other, etc)								
Company Authorizing Signature			City / County Authorizing Signature					
Print Name	Title	Date	Print Name	Title	Date	Print Name	Title	Date



FORM D: LAND OWNERSHIP AND DEVELOPMENT

Department of Economic Development

To be completed by the City / County Sponsor

OWNERSHIP						
Current Owner of subject property where the project is located:						
If the current owner is NOT the company – please provide the following detail:						
Sale / Lease Price	\$	# of acres		Transaction date:		
Name of new owner			Other property included in sale (e.g. bldg, M & E, etc)			
List other parties compensated as a result of transaction			1.			
(This is to prevent a possible conflict of interest)			2.			
Consultant			3.			
Developer			4.			
Realtor			5.			
City / County			6.			
			7.			
INDUSTRIAL PARK			(Attach a map of the park for reference)			
Indicate whether the site is part of an industrial or commercial park			<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial		
Who are the owners and / or developers of the park?						
Date park originated:			List Current Occupants of the Park (use separate sheet if necessary):			
Total acres of Park:			1.			
Acreage remaining for sale:			2.			
Price / acre of property being offered:			3.			
Explain / List any arrangements made between the seller, buyer, city, or other parties regarding requirements for improvements made to the property prior to sale.			4.			
			5.			
			6.			
Explain how the remaining (or existing) acreage in the park will benefit from the improvements proposed in this project						
PRIVATE OWNERSHIP (Applicable if the industrial / commercial park is owned by a for-profit developer)						
Provide the following information of the existing & proposed debt on the subject property					Attach legal description of property	
Lender(s)	Amount	Term	Rate	Payment	Collateral	Date of loan originated
Explain specifically why the developer cannot provide funding for the proposed infrastructure requested herein. (Documentation MUST be provided to indicate the developer has exhausted all other sources of funds, including personal equity, bank loans, etc.)						

FORM H – CIVIL RIGHTS COMPLIANCE

TO DOCUMENT COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, PROVIDE THE INFORMATION IN THE SPACE BELOW.				
TO BE COMPLETED BY THE CITY / COUNTY SPONSOR				
Note: An individual Form H is required for each jurisdiction in a multi-jurisdictional application.				
	TOTAL APPLICANT POPULATION	HISPANIC APPLICANT POPULATION	TOTAL PROJECT BENEFICIARIES	HISPANIC PROJECT BENEFICIARIES
Caucasian (White)				
African American (Black)				
Asian				
American Indian/Alaskan Native				
Native Hawaiian / other Pacific Islander				
Other: _____				
Female Head of Household				
Handicapped (Disabled)				
Elderly				



FORM F – PUBLIC PARTICIPATION

Department of Economic Development

TO BE COMPLETED BY THE CITY / COUNTY SPONSOR			
PUBLIC PARTICIPATION REQUIREMENT			
DATE OF NEWSPAPER ADVERTISEMENT (if applicable)			
DATE OF POSTINGS (if application)			
DATE OF PUBLIC HEARING			
ATTACH:			
<input type="checkbox"/>	COPY OF PUBLIC HEARING NOTICE FROM NEWSPAPER (Photocopy must include date of publication and name of publication as they appear on the page)		
(OR)			
<input type="checkbox"/>	AFFIDAVIT OF PUBLIC HEARING NOTICE		
(OR)			
<input type="checkbox"/>	COPY OF POSTED ADVERTISEMENT		
<input type="checkbox"/>	CERTIFIED LIST OF POSTING SITES WITH DATES POSTED (if applicable)		
<input type="checkbox"/>	COPY OF MINUTES OF THE HEARING		
CONFLICT OF INTEREST CERTIFICATION			
CHECK THE APPROPRIATE BOX BELOW, AND CERTIFY WITH THE SIGNATURE OF THE APPLICANT’S CHIEF ELECTED OFFICIAL			
<input type="checkbox"/>	I HAVE READ THE CONFLICT OF INTEREST POLICY AND HEREBY CERTIFY THAT I HAVE NO KNOWLEDGE OF CONFLICTS, REAL OR APPARENT, REGARDING ANY OF THE ENTITIES, OR EMPLOYEES OF THE ENTITIES, INVOLVED IN THE PROJECT AS HEREIN DESCRIBED.		
<input type="checkbox"/>	A POTENTIAL OR REAL CONFLICT OF INTEREST EXISTS WITH THIS PROJECT, AND IS FULLY DESCRIBED ON AN ATTACHED SHEET OF PAPER.		
CHIEF ELECTED OFFICIAL (SIGNATURE)		PRINT NAME	TITLE
NEEDS ASSESSMENT REQUIREMENT			
DESCRIBE ALL ACTIVITIES TAKEN TO OBTAIN SUBSTANTIAL PUBLIC INPUT IN COMPILING THE NEEDS ASSESSMENT DOCUMENT:			
ATTACH:			
<input type="checkbox"/>	COMPLETED AND EXECUTED NEEDS ASSESSMENT DOCUMENT PAGE (Signed by the Proper Official)		
<input type="checkbox"/>	SUPPORTING DOCUMENTATION OF ANY ADDITIONAL MEETINGS WHERE INFORMATION WAS COMPILED		
<input type="checkbox"/>	SIGN-IN SHEETS		

FORM G: GRANT ADMINISTRATION

TO BE COMPLETED BY THE CITY / COUNTY SPONSOR

CDBG ADMINISTRATIVE REQUIREMENTS

Indicate the person assigned to complete the following administrative items. (If the specific person is not yet known, answer with 'TBD') The grantee may use City / County or CDBG funds to employ a consultant for some or all of these items, if the staffing capacity does not currently exist.

ADMINISTRATIVE FUNCTION	PERSON RESPONSIBLE
Environmental Review	
Labor Standards Enforcement (Wage Rates)	
Bidding / Contract Documents	
Accounting / Request for Funds	
Private Investment Documentation	
Closeout Documents	
Property Acquisition	
Other:	
Other:	

CDBG ADMINISTRATIVE FEES

If a consultant will be employed to perform CDBG administrative services, indicate the proposed cost, source (CDBG, local funds, etc.), and rationale for the cost. The cost should be based on the scope of the responsibilities and the complexity of the project.

CDBG Administrative Service	Proposed Cost of Service	Source of Funding	Rationale

FORM I - COMMUNITY NEEDS ASSESSMENT (Page 2 of 4)

13. Sidewalks					
14. Parking					
15. Other (List) _____					
C. COMMUNITY FACILITIES (Address & complete at public hearing)	DOESN'T EXIST	GOOD	FAIR	POOR	
1. Community Center					
2. Senior Citizen Center					
3. Historic Preservation					
4. Sheltered Workshop					
5. Hospital(s)					
6. Infant / Day Care					
7. Mental Health Counseling Services					
8. Senior Citizen Transportation					
9. Teen / Youth Center					
10. Drug Abuse Prevention / Rehabilitation					
11. Crime Prevention Program					
12. Community Theater					
13. Library					
14. Other (List): _____					
D. HOUSING	SINGLE FAMILY	MULTI-FAMILY	OWNER	RENTAL	
1. Number of Occupied Housing Units					
2. # of Housing Units Occupied by LMI (80% or Less of Median Income)					
3. # of Housing Units Occupied by Very Low Income (50% or Less of Median)					
4. # of Housing Units Occupied by Extremely Low Income (30% or less)					
5. Number of Substandard Housing Units					
6. Vacancy Rate (5)					
7. Number of Dilapidated Units Requiring Demolition					
8. Number of Occupied Dilapidated Units					
9. New Housing Units Needed to Provide Housing for new employment					
10. # of Housing Units Needed to Replace Housing to be Demolished					
11. Number of affordable housing units available					
12. Number of Rent-subsidized units					
13. Number of Units needing Rent Subsidies					
14. # of Units Available for Special Needs (Physically or Mentally Challenged)					
15. Number of Housing Units Needed for Persons with Special Needs					
E. HOUSING MARKET WITHIN COMMUNITY	AVAILABILITY (Circle one)				
	LOW			HIGH	
1. Duplexes for Rent	1	2	3	4	5
2. Medium to Large Apartments (2+ bedrooms)	1	2	3	4	5
3. Low Priced Single Family Homes (Under \$40,000)	1	2	3	4	5
4. Medium Priced Single Family Homes (\$40,000 to \$90,000)	1	2	3	4	5
5. High Priced Single Family Homes (Over \$90,000)	1	2	3	4	5
Continued on next page					

FORM I - COMMUNITY NEEDS ASSESSMENT (Page 3 of 4)

F. COMMUNITY HEALTH ENVIRONMENT (Address & Complete at public hearing)		AVAILABILITY (Circle one)								
		LOW			HIGH					
1. Primary Care Physicians		1	2	3	4	5				
2. Health Care Specialists		1	2	3	4	5				
3. Walk-in Clinics		1	2	3	4	5				
4. Mobile Clinics		1	2	3	4	5				
5. Dentists		1	2	3	4	5				
6. Home Care Services		1	2	3	4	5				
7. Licensed Child Care		1	2	3	4	5				
8. Youth / Elderly Services		1	2	3	4	5				
9. Substance Abuse Programs		1	2	3	4	5				
10. Patient Transportation Services		1	2	3	4	5				
11. EMS / 911		1	2	3	4	5				
G. EDUCATION PROFILE (Address & Complete at public hearing)		AVAILABILITY (Circle one)								
		LOW			HIGH					
1. Preschools		1	2	3	4	5				
2. Public Schools		1	2	3	4	5				
3. Private Schools		1	2	3	4	5				
4. Vocational Schools		1	2	3	4	5				
5. Community Colleges		1	2	3	4	5				
6. Universities		1	2	3	4	5				
7. Continuing Education		1	2	3	4	5				
8. Employer-based Skills Training		1	2	3	4	5				
9. Cooperative School-Business Partnerships		1	2	3	4	5				
10. Shared School Facilities (Recreation, Library, etc.)		1	2	3	4	5				
11. Entrepreneurship Training		1	2	3	4	5				
12. Children's Groups (4-H, Scouts, etc.)		1	2	3	4	5				
13. Other (List): _____		1	2	3	4	5				
H. ECONOMIC DEVELOPMENT (Required by all applicants – may be completed using local data)										
Average Unemployment rate for the county for the past six months			%		For the past year		%			
Average age of workforce (e.g. 20-30, 30-40, etc.)			What are the majority job skills?			<input type="checkbox"/> Skill		<input type="checkbox"/> Non-skilled		
Education level for most of the work force (√ which best represents community)			<input type="checkbox"/> High School		<input type="checkbox"/> College / University		<input type="checkbox"/> Specialty / Vocational			
Does the community have an enhanced enterprise zone?			<input type="checkbox"/> Yes <input type="checkbox"/> No		Are you planning to obtain one?		<input type="checkbox"/> Yes <input type="checkbox"/> No			
Does the community have an industrial park?			<input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, indicate if it is		<input type="checkbox"/> Public		<input type="checkbox"/> Private <input type="checkbox"/> Both	
Continued on next page										

FORM I - COMMUNITY NEEDS ASSESSMENT (Page 4 of 4)

What are the conditions of any present Industrial Park(s) – (√ appropriate box)	Doesn't Exist	Good	Fair	Poor
Roads				
Sewer				
Water				
Electric				
Gas				
Lighting				
Rail				

DESCRIBE ANY ACTIONS PROPOSED TO STIMULATE EMPLOYMENT AND PRIVATE INVESTMENT

I. EMPLOYMENT OPPORTUNITIES (Address & complete at public hearing)	AVAILABILITY (Circle one)				
	LOW		HIGH		
1. Skilled Jobs	1	2	3	4	5
2. Non-skilled jobs	1	2	3	4	5
3. Job Training	1	2	3	4	5

J. IDENTIFY THE COMMUNITY'S TOP FIVE PRIORITY NEEDS IN THIS ASSESSMENT (List in order of importance)

1.

2.

3.

4.

5.

K. DESCRIBE THE PROPOSED PROJECT AS IT RELATES TO THE TOP FIVE PRIORITIES

L. IF THE PROPOSED PROJECT DOES NOT APPEAR IN THE TOP FIVE COMMUNITY PRIORITIES, EXPLAIN WHY.

This document was completed by consensus (where required) of the participation of a pre-application Public Hearing held on _____, 20____, and subsequent meetings held on _____, 20____. Supportive documentation of all meetings (minutes, sign-in sheets, etc.) is attached.

SIGNATURE OF CHIEF ELECTED OFFICIAL	PRINT NAME	TITLE	DATE
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FORM J – STATEMENT OF ASSURANCES

TO BE COMPLETED BY THE CITY / COUNTY SPONSOR

Note: An individual Form J is required for **each jurisdiction** in a multi-jurisdictional application.

The applicant hereby assures and certifies that:

- 1) It possesses legal authority to apply for the grant, and execute the proposed program.
- 2) Its governing body has duly adopted or passed, as an official act, a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and direction, and authorizing the applicant’s chief executive officer to act in connection with the application and to provide such additional information as may be required.
- 3) It has facilitated or will facilitate citizen participation by:
 - a) Providing citizens with an opportunity to participate in the determination of priorities in community development and housing needs;
 - b) Providing adequate notices for one or more public hearings;
 - c) Holding one or more hearings on the proposed application before adoption of a resolution or similar action by the local governing body authorizing the filing of the application;
 - d) Providing for citizen participation when considering amendments to community development program;
 - e) Providing for citizen participation in the planning and assessment of the community development program including the development of a performance report and the submission of views to the state; and
 - f) Actions comparable to Section 104(a)(2) of the Act, as described by the State.
- 4) Its chief executive officer or other officer of applicant approved by the state:
 - a) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of Federal law, as specified in 24 CFR Part 58, which furthers the purposes of NEPA insofar as the provisions of such Federal law apply to the Missouri Community Development Block Grant Program;
 - b) Is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.
- 5) The Community Development Block Grant program has been developed so as to give maximum feasible priority to activities which will benefit low and moderate income families, or aid in the prevention or elimination of slums or blight; or includes activities which the grantee certifies are designed to meet other community development needs having a particular urgency as specifically explained in the application.
- 6) It will complete the Project within three years from the effective date of this CDBG Grant Agreement.
- 7) It will comply with the regulations, policies, guidelines, and requirements of 24 CFR 85, as modified by 24 CFR 570, Subpart J, as they relate to the application, acceptance, and use of Federal funds under this document.
- 8) It will comply with:
 - a) Section 110 of the Housing and Community Development Act of 1974, as amended, 24 CFR 570.603, and State regulations regarding the administration and enforcement of labor standards;
 - b) Davis-Bacon Act (46 U.S.C. 2786a) with respect to prevailing wage rates (except where exempted under the law);
 - c) Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327-332, requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basis wage rates for all hours worked in excess of eight in a calendar day or forty in a work-week, whichever is greater; and
 - d) Federal Fair Labor Standards Act, 29 U.S.C. Sec. 201 et seq. requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week.
- 9) It will comply with all requirements imposed by the State concerning special requirements of law, program requirements, and other administrative requirements, including, but not limited to, the requirement

that a grant recipient must repay to the State, upon sale of the CDBG- funded real property to a non-eligible entity, a pro-rata portion of the proceeds of the sale, as set forth in the CDBG Administrative Manual.

- 10) It will comply with:
 - a) Title VI of the Civil Rights Act of 1964 (Pub. Law 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and immediately take any measure necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, the assurances shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;
 - b) Title VIII of the Civil Rights Act of 1968 (Pub. Law 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing; the financing of housing, and the provisions of brokerage services;
 - c) Executive Order 12259, Leadership and Coordinator of Fair Housing in Federal Programs, requiring that programs and activities relating to housing and urban development be administered in a manner affirmatively to further the goals of Title VIII of the Civil Rights Act of 1968;
 - d) Section 109 of the Housing and Community Development Act of 1974 (ACT) as amended, and the regulations issued pursuant thereto (24 CFR 570.602), which provides that no person in the United States shall, on the grounds of race, color, religion, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds provided under the act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to otherwise qualified handicapped individuals as provided in Section 504 of the Rehabilitation Act of 1973 as amended shall also apply to any such program activity.
 - e) Titles I through V of the American with Disabilities Act of 1990;
 - f) Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with Federal Assistance;
 - g) Executive Order 11246 as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60), which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of federal or federally assisted construction contracts; shall take affirmative actions' to insure fair treatment in employment, upgrading, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training and apprenticeship; and
 - h) Policies required by the State to affirmatively further fair housing, derived from section 808(e)(5) of the Fair Housing Act (Title VIII of the Civil Rights Act of 1968 (Pub. Law 90-284), as amended, and subsequent legislation.
- 11) It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended which provides that, to the greatest extent feasible, opportunities for training and employment shall be given to recipients of public housing and lower-income residents of the unit of local government or the metropolitan area (or non-metropolitan county) in which the project is located. Contract work in connection with such projects shall be awarded to business concerns which are owned in substantial part by persons residing in the same metropolitan area (or Non-metropolitan County) as the project employ Section 3 residents in full-time positions, or subcontract with businesses which provide economic opportunities to low income persons.
- 12) It will:
 - a) To the greatest practical extent under State law, comply with Sections 301 and 302 of Title III (Uniform Real Property Acquisition Policy) of the Uniform Relocation Assistance and Real Property Acquisition

- Policies Act of 1970 and will comply with Sections 303 and 304 of Title III, and HUD implementing instructions at 49 CFR Part 24; and
- b) Inform affected persons of their rights and of the acquisition policies and procedures set forth in the regulations at 49 CFR Part 24 and 24 CFR 570.488
- 13) It will:
- a) Comply with Title II, of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and HUD implementing regulations at 49 CFR Part 24 and 24 CFR Part 570.488;
 - b) Provide relocation payments and offer relocation assistances described in Section 205 of the Uniform Relocation Act or Section 104(d) of Title I of the Housing and Community Development Act of 1974, as amended, and HUD implementing regulations at 24 CFR 570.488 to all persons displaced as a result of acquisition of real property for an activity assisted under the community Development Block Grant program. Such payments and assistance shall be provided in a fair, consistent and equitable manner that insures that the relocation process does not result in different or separate treatment of such persons on account of race, color, religion, national origin, sex, handicap, familial status or source of income.
 - c) Assure that, within a reasonable period of time prior to displacement, comparable decent, safe and sanitary replacement dwellings will be available to all displaced families and individuals and that the range of choices available to such persons will not vary on account of their race, color, religion, handicap, familial status, or source of income.
 - d) Inform affected persons of the relocation assistance policies and procedures set forth in the regulations at 49 CFR Part 24 and 24 CFR 570.488.
- 14) The Grantee agrees to comply with the conflict of interest provisions specified in the CDBG 2011 Guidelines.
- 15) It will comply with the Anti-kickback Copeland Act of 1934, 18 U.S.C. Sec. 874 and 40 U.S.C. Sec. 276(a), which outlaws and prescribes penalties for “kickbacks” of wages in federally financed or assisted construction activities.
- 16) It will comply with the provisions of the Hatch Act which limits the political activity of employees.
- 17) It will give the State, HUD and Comptroller General, through any authorized representatives, access to and the right to examine all records, books, papers, or documents relating to the grant.
- 18) It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the indicating that a facility to be used in the project is under consideration for listing with the EPA.
- 19) It will comply with the flood insurance purchase of the Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. Law 903-234, 87 Part 975, approved December 31, 1973, Section 102(a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of housing and Urban Development as an area having special flood hazards. The phrase “Federal financial assistance” includes any form of loan, grant guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
- 20) It will, in connection with its performance of environmental assessment under the National Historic Preservation Act of 1966 (16 U.S.D. 470), Executive Order 11593, and Preservation of Archeological and Historical Preservation Act of 1966 (16 U.S.C. 469-1, et seq.) by:
- a) Consulting with the State Historical Preservation Officer to identify properties listed in or eligible for inclusion I the national register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by proposed activity; and
 - b) Complying with all requirements established by the State to avoid or mitigate adverse effects upon such properties.
- 21) It will comply with:
- a) The National Environmental Policy Act of 1969 (42 U.S.C. sec. 4321 et seq.) and 24 CFR Part 58;
 - b) Executive Order 11988, floodplain Management;
 - c) Executive Order 11990, Protect of Wetland;
 - d) The Endangered Species Act of 1973, as amended, (16 U.S.C. Sec. 1531 et seq.);
 - e) The Fish and Wildlife Coordination Act of 1958, as amended (16 U.S.C. Sec. 661 et seq.);

- f) The Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. Sec. 1271);
 - g) The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. Sec. 30(f) et seq.);
 - h) Section 401 (f) of the Lead-Based Paint Poisoning Prevention Act, as amended (42 U.S.C.S. 4831 (b) and Title X of the Housing and Community Development Act of 1992;
 - i) Sections 700.300 – 324 of RSMo concerning lead paint hazards;
 - j) The Clean Air Act of 1970, as amended (42 U.S.C.S. 7401 et seq.);
 - k) The Federal Water Pollution Control Act of 1972, as amended, (33U.S.C.S. 1251 et seq.);
 - l) The Clean Water Act of 1977 (Public Law 95-217);
 - m) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sec. 6901 et seq.);
 - n) Section 519 of Public Law 101-144, the 1990 HUD Appropriations Act, prohibiting use of excessive force by jurisdictional law enforcement in response to nonviolent civil rights demonstrations, and prohibiting physical barring of entrance or exit to a facility subject to the nonviolent civil rights demonstrations;
 - o) Section 1352, Title 31, U.S.C. if awarded funds in excess of \$100,000;
 - p) The Single Audit Act of 1984, amended 1996, Public Law 98-502, and OMB Circular A-133;
 - q) Cranston-Gonzales National Affordable Housing Act (Section 906 and 912);
 - r) Subpart C of 24 CFR, Part 12 regarding disclosure requirements.
- 22) It will comply with all parts of title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.
- 23) It will minimize displacement of persons as a result of activities assisted with federal assistance.
- 24) It will not attempt to recover any capital costs of public improvements assisted in whole or in part under Section 106 or with amounts resulting from a guarantee under Section 108 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 public improvements, unless (i) funds received under Section 106 are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (ii) for purposes of assessing any amount against properties owned and occupied by persons of low or moderate income who are not persons of very low income, the grantee certified to the Secretary of such State, as the case may be, that it lacks sufficient funds received under Section 106 to comply with requirements of clause (i).
- 25) Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this Title and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).
- 26) It will comply with section 285.530, RSMo, which pertains to the employment of illegal aliens, and participates in a federal work authorization program as defined by this statute.

SIGNATURE, CHIEF ELECTED OFFICIAL

TITLE

PRINT NAME

DATE



FORM K – RESOLUTION

Department of Economic Development (An individual resolution is required for each jurisdiction in a multi-jurisdictional application)

A RESOLUTION OF THE CITY / COUNTY OF _____, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR / PRESIDING COMMISSIONER TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING.

WHEREAS, Title I of the Housing and Community Development Act of 1974 does state as its primary objective “the development of viable urban communities, by providing decent housing and suitable living environment and expanding economic opportunities principally for persons of low and moderate income”;

WHEREAS, Title I does offer to communities the opportunity of monetary assistance in accomplishing its stated primary objectives;

WHEREAS, The Missouri Department of Economic Development is designated to award Community Development Block Grant funding under Title I; and,

WHEREAS, The city / county does have areas of need which may be addressed through the Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the City / County of _____, Missouri that it desires to participate with the Missouri Department of Economic Development in the improvement of our community under the activities authorized pursuant to the Housing and Community Development Act of 1974.

THEREFORE, BE IT FURTHER RESOLVED, that the Mayor / Presiding Commissioner of _____, Missouri hereby is authorized to prepare and submit documents which are necessary in applying for funding and establishing an administrative organization to implement activities pursuant to the aforementioned act.

THEREFORE, BE IT FURTHER RESOLVED, that the applicant / sub-applicant will dedicate \$_____ of local cash funds and \$_____ of in-kind materials or labor to be used in this project.

SIGNATURE, CHIEF ELECTED OFFICIAL

DATE

ATTESTED BY

DATE

(AFFIX SEAL HERE)

INSTRUCTIONS: Amount dedicated on resolution must match total City/County total on Form C. Resolution cannot predate public hearing.



FORM L(a) – Applicant’s CERTIFICATION ON LOBBYING RESTRICTIONS

An individual Anti-Lobbying Certification is required for each Jurisdiction in a multi-jurisdictional application.

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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, the undersigned shall complete and submit Standard Form LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards (at all tiers, including contracts under grants, loans, and cooperative agreements, sub-contracts, and sub-grants) over \$100,000, and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

NAME OF APPLICANT

SIGNATURE, CHIEF ELECTED OFFICIAL

TITLE

TYPED NAME

DATE



FORM L(b) – Sub-Applicant’s CERTIFICATION ON LOBBYING RESTRICTIONS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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, the undersigned shall complete and submit Standard Form LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards (at all tiers, including contracts under grants, loans, and cooperative agreements, sub-contracts, and sub-grants) over \$100,000, and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

NAME OF SUB-APPLICANT

SIGNATURE, CHIEF ELECTED OFFICIAL

TITLE

TYPED NAME

DATE



FORM M – CERTIFICATION REGARDING SECTION 3 UTILIZATION

(APPLICABLE ONLY IF REQUESTING \$200,000 OR MORE IN CDBG FUNDS)
(An individual Form M is required for each jurisdiction in a multi-jurisdictional application)

The City / County of _____ hereby certifies as an applicant for funding under the Missouri Community Development Block Grant program, that it will adhere to the goals and objectives of Section 3 of the Housing and Urban Development Act of 1968, as amended in 1992, which provides that “economic opportunities” (employment, job training, contracting, etc.) generated by certain HUD financial assistance shall, to the greatest extent feasible, be directed toward the following target groups:

Section 3 Residents, defined and prioritized as:

- Low and Very Low-Income (LMI) persons residing in public housing within the grantee’s jurisdiction;
- Other Low and Very Low-Income personal residing in the project area, based on HUD’s current Section 8 income limits for the county or Metropolitan Statistical Area (MSA) in which the project is located.

Section 3 Business, defined and prioritized as:

- A business that indicates it will provide specific economic opportunities for Section 3 residents located within the grantee’s jurisdiction;
- A business that is at least 51% owned by Section 3 residents;
- A business whose current permanent, full-time employees include at least 30% Section 3 residents, or employees who were Section 3 residents within three years of the date of first employment;
- A business that provides evidence of a commitment to subcontract in excess of 25% of the dollar amount of the contract to Section 3 business.

If selected to receive program funding as a result of this application, the City / County of _____ commits to achieving a target performance goal of 30% benefit to Section 3 residents and business from CDBG-generated economic opportunities, through active recruitment and direct solicitation within the project area (non-metropolitan county or MSA) done in a fashion consistent with existing Federal, State, and local laws and regulations. It is further understood that Section 3 performance and reporting requirements will apply to all businesses awarded contracts of \$100,000 or above as a result of CDBG funding for this project.

SIGNATURE, CHIEF ELECTED OFFICIAL

TITLE

TYPED NAME

DATE



FORM N – RESIDENTIAL ANTI-DISPLACEMENT & RELOCATION ASSISTANCE PLAN

(Required by all applicants under Section 104(d) of the Housing & Community Development Act of 1974, as amended)
(An individual Form N is required for each jurisdiction in a multi-jurisdictional application)

The City / County of _____ will replace all occupied and vacant occupiable low / moderate-income dwelling units demolished or converted to use other than low / moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended.

All replacement housing will be provided within three years of the demolition of conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City / County of _____ will make public and submit, to the CDBG program, the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than low/ moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as Section 104(d) replacement dwelling units;
5. The source of funding and a time schedule for the provisions of Section 104(d) replacement dwelling units; and
6. The basis for concluding that each Section 104(d) replacement dwelling unit will remain a low / moderate income dwelling unit for at least 10 years from the date of initial occupancy.

The City / County of _____ will provide relocation assistance, as described in Section 570.488, to each low / moderate-income household displaced by the demolition of housing or by the conversion of a low / moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act:

- The City / County of _____ will take the following steps to minimize the displacement of persons from their home: *(attach list of steps on a separate sheet of paper)*
- Based on initial review of project, the following occupied dwellings (by address) will be demolished or converted with grant funds: *(attach list on a separate sheet of paper)*
- The City / County of _____ certifies that **NO** demolition or conversion of a low / moderate-income dwellings will occur for this project.

As chief elected official of the City / County of _____, I hereby certify that the above plan was officially adopted on the _____ day of _____, 20__.

SIGNATURE, CHIEF ELECTED OFFICIAL

TITLE

TYPED NAME

DATE

CDBG Model Fair Housing Resolution for Cities

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE PROVIDING "FAIR HOUSING" FOR THE CITY OF _____, MISSOURI. DEFINES DISCRIMINATORY HOUSING PRACTICES, AND CREATES A FAIR HOUSING COMMITTEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF _____, MISSOURI, AS FOLLOWS:

SECTION 1. - Declaration of Policy

The City Council of the City of _____ hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent, or obtain real property without regard to race, color, religion, sex, handicap, familial status, or national origin. This ordinance shall be deemed an exercise of the police powers of the City of _____ for the protection of the public welfare, prosperity, health, and peace of the people of _____, Missouri.

SECTION 2. - Definitions

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein unless the context otherwise indicates.

- a. Person shall include any individual, firm, partnership, or corporation.
- b. Aggrieved Person shall include any person who is attempting to provide housing for himself and/or his family in the City of _____, Missouri.
- c. Discriminate shall mean distinctions in treatment because of race, color, religion, sex, handicap, familial status, or national origin of any person.

SECTION 3. - Discriminatory Practices

It shall be a discriminatory practice and a violation of the ordinance for any person to:

- a. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status, or national origin of any person.
- b. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status, or national origin.
- c. Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- d. Represent to any person because of race, color, religion, sex, handicap, familial status, or national origin, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- e. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood or a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.
- f. Discriminate in the sale or rental of housing on the basis of a handicap of that buyer or renter; a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that buyer or renter. The design and construction of new multi-family dwellings containing four (4) or more units is required to meet certain adaptability and accessibility requirements in accordance with Section 804 of the 1988 Fair Housing Amendments Act.
- g. Discriminate in the sale or rental of housing on the basis of familial status or because a family has children, exempting certain types of buildings that house older persons (e.g. Section 202 housing) in accordance with Section 807 of the 1988 Fair Housing Amendments Act.

SECTION 4. - Discrimination in the Financing of a House

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to

a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate against any person in the fixing of the amount or conditions of such loan, because of the race, color, religion, sex, handicap, familial status, or national origin of such person, or of any person therein associated in connection with such financing.

SECTION 5. - Administration

- a. There is hereby created a Fair Housing Committee whose membership shall consist of five members, who shall be appointed by the Mayor of the City with the approval of the City Council.
- b. Every complaint of a violation of this ordinance shall be referred to a Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- c. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by conference and conciliation, then and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether to prosecute in Municipal Court on said complaint shall be left to the City Attorney.
- d. Nothing in this ordinance shall be construed in such manner as to limit administrative enforcement mechanisms and recourse against alleged discriminatory housing practices through the U.S. Department of Housing and Urban Development, as specified under Section 810 of the Fair Housing Act as amended effective March 12, 1989, or through the Missouri Commission on Human Rights, as specified in applicable state statutes.

SECTION 6. - Enforcement

- a. Any person convicted in Municipal Court of a violation of this ordinance shall be punished by a fine of (not more than) \$_____, or by confinement in the City jail for (not more than) _____ days, or both such fine and imprisonment.
- b. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

SECTION 7. - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of these standards shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 8. - Savings Clause

This ordinance shall not affect violations of any other ordinance, code, or regulation of the City of _____ existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

Read the third time and passed, approved, and adopted by the City Council of the City of _____, Missouri, this day of (month/year).

MAYOR

SEAL

ATTEST

CITY CLERK

CDBG Model Fair Housing Resolution for Counties

PUBLIC NOTICE

The Commissioners of _____ County as recipient of a Community Development Block Grant, have on the _____ day of _____ 20____, adopted this "Fair Housing Resolution" in compliance with the 1988 Fair Housing Amendments Act:

FAIR HOUSING RESOLUTION

The County of _____, being aware of the manner in which the public welfare is promoted through fair housing, which provides for accommodations irrespective of race, color, religion, sex, handicap, familial status, or national origin, does hereby resolve to support fair housing within its jurisdiction by:

- A. Appointing or recruiting an executive official of the County as Fair Housing Officer to coordinate the implementation of this Fair Housing Resolution;
- B. Acquiring and disseminating information concerning citizen and individual rights under Missouri State and Federal statutes in the area of fair housing;
- C. Responding to allegations, complaints, or evidence of discriminatory practices in housing by accumulating information, cooperating with citizens who wish to exercise their rights under any law which enforces fair housing through conference and conciliation if possible, and by making referral to the appropriate authorities for legal proceedings if efforts fail to resolve said complaints;
- D. Maintaining records including copies of correspondence, memoranda, etc., which pertain to alleged violation of fair housing laws, and document that all of the above steps have been taken.

APPROVED BY THE GOVERNING BODY OF THE COUNTY OF _____, STATE OF MISSOURI, THIS DAY OF _____, 20 _____.

COUNTY COMMISSIONER

ATTEST

COUNTY CLERK

EXCESSIVE FORCE RESOLUTION

A resolution establishing rules and regulations regarding the use of excessive force during non-violent civil rights demonstrations, including physically barring access to a facility or location which is the subject of such demonstrations, and providing penalties for violations thereof. In the City / County of _____, Missouri, as follows:

ARTICLE I

Section 1: The *City / County* hereby adopts and will enforce this policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. The *City / County* also prohibits the physical barring of any entrance or exit to such a facility and will enforce all applicable State laws in this regard.

ARTICLE II

Section 1: Any person charged with a violation of any provision of this resolution will be served by the *City / County* with written notice stating the nature of the violation.

Section 2: Any person convicted of this violation shall be guilty of a misdemeanor, and shall be fined an amount not to exceed one hundred (100) dollars for each violation. Each day on which such violation occurs shall be deemed to be a separate offense.

Section 3: Any person violating any of the provisions of this resolution shall become liable to the *City / County* for any expense, loss, or damage occasioned the *City / County* by reason of such violation.

ARTICLE III

Passed and adopted by the *City Council / County Commission* of the *City / County* of _____, State of Missouri on this ____ day of _____, 20__.

Mayor / Presiding Commissioner

ATTEST:

City / County Clerk

NOTE: This is intended for use as a sample. Articles I and III are the only required sections of the resolution. Article II is provided exclusively for example purposes.

**CDBG INDUSTRIAL INFRASTRUCTURE GRANT
COMPANY APPLICATION CHECKLIST**

_____ **Company Application**

_____ **Current Financials**

_____ **Form S: Company Participation Agreement**

_____ **Form T: Corporate Resolution**

_____ **Form Z: Project Narratives**

_____ **Employment Data** (See below; forms listed)

Other Information as required:

- Feasibility Study from an independent third party (Start-ups only)**
- Business Plan (Start ups and Corporate Restructuring)**
- Form C: Sources & Uses (to be completed by Sponsor & Company)**
- _____

EMPLOYMENT FORMS:

_____ **Annual Data Reporting for ECONOMIC DEVELOPMENT ACTIVITIES**
(This form is to be completed at the beginning AND end of the project)

_____ **EMPLOYEE STATUS STATEMENT** (To be completed by new employees)

_____ **PROJECT EMPLOYMENT SUMMARY**

_____ **PROJECT APPLICANT SUMMARY**

COMPANY APPLICATION GUIDELINES

APPLICANT INFORMATION: Legal name of the Company, NAICS of project (if known), federal tax number, Dun & Bradstreet number, mailing address and Project location if different.

SPONSOR: Name of the city / county sponsor and the Contact Person's information including their mailing address.

BUSINESS ORGANIZATION: Company type & year established; if the company is a Corporation – include what state they were incorporated in. If the company is a subsidiary – give the name, mailing address and phone number of the parent company. If the application has any subsidiaries list the name(s), address and phone number of the subsidiaries. Provide any recent changes in ownership or primary management. **Providing a chart of the corporate structure is strongly encouraged.**

CONDITIONS for ENVIRONMENTAL APPROVAL: (Mitigation Measures Considered and Recommended) – Measures to reduce potential impacts such as avoiding certain actions, limiting the degree or magnitude of an action and its implementation, and rectifying the impact through repair, rehabilitation, and / or restoration of the affected environment. Conditions may be assigned to the local government or the company.

ENVIRONMENTAL REVIEW: Federal HUD environmental review pursuant to the National Environmental Policy Act (NEPA) that must be completed by the unit of local government sponsoring a CDBG application for the purpose of evaluating impacts to the environment from a CDBG-assisted project and those effects the environment may have on the project, including short term, cumulative, and long term impacts. All activities proposed by all funding sources, public and private, must be evaluated in the environmental review.

FINANCIAL INTEREST DISCLOSURE

ASSISTANCE FROM OTHER GOVERNMENT SOURCES: Indicate in the space below the source (agency and program name), type of assistance (loan, grant, guarantee, job training, tax credits or other direct or indirect assistance), and the amount from each program provided or requested by the Company as part of this Project. This includes assistance provided from any public source, including state, federal, or local. If new items need to be added, or if any line item changes 20% or more, an updated form must be submitted to DED at or before Industrial Infrastructure Grant closeout. **Do not include programs related to public improvements, which support the project.**

Disclosure of Financial Involvement: Any person or business which has a Financial Involvement in the Project must be identified. "Project Investment" is the total of the Company's costs associated with this Project (as specified in the Application). "Financial Involvement" which must be identified would include building contractors, lenders, developers, realtors, administration, legal, insurance, engineering, or other situations where a private entity would share profits on the resale or any distribution of surplus cash or other assets of the Company, or any other party that receives compensation for any goods or services provided in connection with the Company's portion of this Project. **This would also include new equity investments by current or new stockholders of the Company.** If new items need to be added, or if any line item changes 20% or more, an updated form must be submitted to DED at or before Industrial Infrastructure Grant closeout.

EMPLOYMENT DATA: Call DED at 573.751.3600 and ask for the LMI specialist. Request the LMI County Income Limits to complete the top section of this page.

NEW JOBS: List by job title the current employees, projected NEW jobs due to the project and projected LMI of new jobs.

- Indicate (on a separate sheet) seasonal sales trends (if any) of the company, and the typical number of part time seasonal employees. Indicate the number of new part-time or seasonal employees to be added as a result of this Project, and the timing schedule of such hiring.

COMPANY CERTIFICATION FORM: Signed by the company certifying that the information submitted by the company to the Missouri Department of Economic Development and the sponsoring city or county is true and correct.

ON BUSINESS FINANCIAL STATEMENTS:

DELINQUENT TAXES / PAYMENTS: Specify any delinquent state, federal, or local taxes; if any, what actions are being taken to correct the problem. Indicate whether any delinquent taxes are under a payment agreement with a taxing authority. Indicate whether an Active Owner is delinquent on childcare payments.

LAWSUITS: Provide information on any pending or final lawsuits against the company, owners of more than 10% or Active owners that may affect the viability of the company -- Include the names of the parties, nature of the complaint, status of the lawsuit, settlements completed, and the amounts of terms of disposition or settlement, etc.

FINANCIAL INTEREST DISCLOSURE

- 1. Assistance From Other Government Sources:** Indicate in the space below the source (agency and program name), type of assistance (loan, grant, guarantee, job training, tax credits or other direct or indirect assistance), and the amount from each program provided or requested by the Company as part of this Project. This includes assistance provided from any public source, including state, federal, or local. If new items need to be added, or if any line item changes 20% or more, an updated form must be submitted to DED at or before Industrial Infrastructure Grant closeout.
- 2. Include copies of all approval letters.**

Program Agency / Name	Type of Assistance	Amount Awarded	Over how many years	STATUS (Requested / Approved)

- 3. Disclosure of Financial Involvement:** Any person or business which has a Financial Involvement in the Project must be identified. "Project Investment" is the total of the Company's costs associated with this Project (as specified in the Application). "Financial Involvement" which must be identified would include building contractors, lenders, developers, realtors, administration, legal, insurance, engineering, or other situations where a private entity would share profits on the resale or any distribution of surplus cash or other assets of the Company, or any other party that receives compensation for any goods or services provided in connection with the Company's portion of this Project. **This would also include new equity investments by current or new stockholders of the Company.** If new items need to be added, or if any line item changes 20% or more, an updated form must be submitted to DED at or before Industrial Infrastructure Grant closeout. The Department reserves the right to request personal financials of other owners as is deemed necessary.

Name	Social Security Number	Type of Participation	Financial Interest in Project	
			Dollars	Percent

E-VERIFY

- Per Section 285.530 RSMo, any business receiving **benefits** must enroll in the **E-Verify Program**.
- To access E-Verify website, go to: <https://e-verify.uscis.gov/enroll/>

ATTACH

a copy of the executed **Memorandum of Understanding**

I certify the above and the statements contained in the attachments are true and accurate as of the stated date(s). These statements are made for the purpose of obtaining an infrastructure grant. I understand FALSE statements may result in forfeiture of benefits and possible prosecution by the U.S. Attorney General (Reference 18 U.S.C. 1001). I understand that I must provide updated credit and financial information as requested if my financial condition changes.

PRINT NAME	SIGNATURE	SSN	DATE
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EMPLOYMENT DATA

CONTACT YOUR DED REPRESENTATIVE FOR THE LMI COUNTY INCOME LIMITS FOR THIS PORTION OF THE APPLICATION

COUNTY: _____	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
30% OF MEDIAN								
50% OF MEDIAN								
80% OF MEDIAN (LMI)								

Percent LMI of New Jobs # LMI Projected _____ / # New Jobs Projected _____ = _____ % LMI

Turnover Rate of Current Employment for past 12 months at the Project Location _____ %

Note: Although the project LMI above should be at least 51%, the company will be obligated in the Participation Agreement to ACTUALLY hire at least 51% LMI persons of the New Jobs (or Full Employment due to the Project, whichever is more), as documented in the EMPLOYMENT STATUS STATEMENT form.

Will **medical benefits** be provided to all Full-time, Year-around employees **YES** **NO** % Employer Paid _____

ATTACHMENTS

New Job Estimate Documentation: Provide documentation which will justify the projected number of New Jobs created **on an attached sheet**, and identify as **“EMPLOYMENT DATA SUPPLEMENTAL”**. Such documentation would include an employment plan based upon the new machinery or equipment to be purchased; financial projections that can be related to the projected New Jobs, or other as acceptable by DED.

Retention Projects: If this is a Retention Project, indicate the number of retained jobs in the column for “New Jobs”. If the number of retained jobs is not equal with the number of Current Employment, provide a detailed description of the rationale.

Current / New Jobs

“Current Employment” means the number of full-time, year-round employees of the Company at the location of the Project on the date this form is completed.

“New Job” mean new full-time, year-round employees to be hired by the Company at the Project location within two years of the date the facility becomes Operational **“Full-time, year-round employees”** are projected to work at least 1,820 hours in a year, and have medical benefits. **New jobs** are in excess of Current Employment, and are not a result of reductions of Business Operations at any of the Company’s other activities in Missouri (or Affiliates of the Company). New jobs would not include part-time, temporary, seasonal, or construction jobs.

“LMI” (Low and Moderate Income): Persons included in the “New Jobs” column with a total current annualized family income below the limits established by the United States Department of Housing and Urban Development. The projection of new LMI employees for the table below should be based on jobs which do not require post-secondary education or specialized training as a precondition of employment selection; however, 51% of actual new jobs must be taken by LMI, as documented on the EMPLOYEE STATUS STATEMENT.

Job Titles	Current Employment at Project Location	New Jobs Proposed at Project Location	Likely # LMI of New Jobs	Proposed Average Hourly Wage – New Jobs
Management				N/A
Office / Clerical				\$ /hr.
				\$ /hr.
TOTALS				*\$ /hr.

*** Average Wages:** Average hourly wage of all New Jobs, excluding Management

CERTIFICATION

I, the undersigned, acting on behalf of the Applicant named below, hereby certify and agree to the following:

16. The information submitted by the Applicant to DED in connection with the Project is true and correct and such information is consistent with documents provided to lenders, other government programs, or investors. The Applicant hereby authorizes DED to verify such information from any source;
17. Neither the Applicant, nor any person actively engaged in the management of the Applicant:
 - e) Has committed a felony, is currently under indictment for a felony, or is currently on parole or probation;
 - f) Is delinquent with respect to any non-protested federal, state or local taxes or fees;
 - g) Has filed (or is about to file) for bankruptcy, unless otherwise disclosed to DED; or
 - h) Has failed to fulfill any material obligation under any other state or federal program;
18. There are no pending or threatened liens, judgments, or material litigation against the Applicant or any person identified on the application which is likely to have a material impact on the Applicant's viability;
19. Neither the operations of the Project itself nor the receipt of incentives for the Project would violate any existing agreement;
20. The Applicant has obtained or is capable of obtaining all necessary federal, state and local permits and licenses for the Project;
21. I certify that the applicant does NOT knowingly employ any person who is an unauthorized alien and that the applicant has complied with federal law (8 U.S.C. § 1324a) requiring the examination of an appropriate document or documents to verify that each individual is not an unauthorized alien;
22. I certify that the applicant is enrolled and will participate in a federal work authorization program as defined in Section 285.525(6), RSMo., with respect to employees working in connection with the activities that qualify applicant for this program. I certify that the applicant will maintain and, upon request, provide the Department of Economic Development documentation demonstrating applicant's participation in a federal work authorization program with respect to employees working in connection with the activities that qualify applicant for this program;
23. I certify that the Applicant shall include in any contract it enters with a subcontractor in connection with the activities that qualify applicant for this program, an affirmative statement from the subcontractor that such subcontractor is not knowingly in violation of Section 285.530.1, RSMo, and shall not be in violation during the length of the contract. In addition the Applicant will receive a sworn affidavit from the subcontractor under the penalty of perjury, attesting that the subcontractor's employees are lawfully present in the United States. I certify that the Applicant will maintain and provide the Department of Economic Development and Department of Revenue access to documentation demonstrating compliance with this requirement
24. I understand that, pursuant to section 285.530.5, RSMo, a general contractor or subcontractor of any tier shall not be liable under section 285.525 to 285.550 when such general contractor or subcontractor contracts with a direct subcontractor who violates section 285.530.1, if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of section 285.530.1 and shall not henceforth be in such violation, and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States;
25. I understand that if the applicant is found to have employed an unauthorized alien, applicant maybe subject to penalties pursuant to Sections 135.815, 285.025, and 285.535, RSMo;
26. I understand that if the applicant is found to have employed an unauthorized alien in Missouri and did not, for that employee, examine the document(s) required by federal law, the applicant shall be ineligible for any state-administered or subsidized tax credit, tax abatement or loan for a period of five years following any such finding;
27. I attest that I have read and understand the CDBG Infrastructure guidelines;
28. I will inform DED if, at any time before project completion, there is any change to any of the certifications made herein;
29. I hereby agree to allow representatives of the Department of Economic Development (DED), Department of Revenue, or either of their designated representatives, access to the property and applicable records as may be necessary for the administration of this program; and,
30. I certify under penalties of perjury that the above statements and information contained in the application and attachments are complete, true, and correct to the best of my knowledge and belief.

I certify that I am a Corporate Officer/Member of the Applicant and have the proper authority to execute this document on behalf of the Applicant. I am authorized to make the statement of affirmation contained herein. I realize that failure to disclose material information regarding the Applicant, any owners or individuals engaged in the management of the Applicant, or other facts may result in criminal prosecution.

PRINTED NAME	SIGNATURE	TITLE	DATE

STATE OF _____) ss. COUNTY OF _____)

On this ____ day of _____ in the year 20__ before me, _____, a Notary Public in and for said state, personally appeared _____ [name of Corporate Officer/Member], _____ [Official Title], _____ [Name of Corporation / Limited Liability corporation], known to me to be the person who executed the within Agreement in behalf of said company and acknowledged to me that he or she executed the same for the purposes therein stated.

My Commission Expires _____

Notary Public

ATTACH A CORPORATE RESOLUTION AUTHORIZING APPROVAL OF THIS AGREEMENT AND AUTHORIZING THE ABOVE-NAMED PERSON TO SIGN ON BEHALF OF THE COMPANY

COMPANY: _____

APPLICANT: _____

In consideration of the benefits to be derived by _____ (“Company Name”) from the CDBG-assisted project as proposed in the above-named city or county’s application for the CDBG Industrial Infrastructure Program (“Application”), Company hereby certifies and agrees to fully incorporate the Application in to this Agreement and further agrees to the following:

DEFINITIONS:

- d. Applicant – the city or county that submitted an application to the Missouri Department of Economic Development (“DED”) for funding under the CDBG Industrial Infrastructure program.
- e. Application – The documents, forms, certifications, engineering reports, company financial statements, and other information submitted by the Applicant to DED regarding the Project.
- f. CDBG – Community Development Block Grant program, administered by DED. Funding is provided by the United States Department of Housing and Urban Development (“HUD”) to DED, which then grants CDBG funds to cities or counties.
- g. Capital Expenditures – The funds expended by the Company (or lessor) for new real and personal property improvements related to the Project, or the book value of personal property relocated by the Company from another state for the Project.
- h. Company – The company specified at the heading of this agreement, which will benefit from the Project specified in the Application.
- i. Current Employees or Current Employment – The number of full-time, permanent employees of the Company at the Project Location at the time this agreement is signed by the Company.
- j. DED – Missouri Department of Economic Development, an agency of the State of Missouri.
- k. Financial Information – Current and/or projected balance sheets, profit and loss, cash flow and other financial information about the Company at the Project Location. Such projections must be consistent with those submitted to lenders, stockholders, partners, or other parties having an interest in the Company.
- l. Full Time Year Round Employee – An employee of the Company at the Project Location who works a minimum of 1,800 hours per year for the Company and receives medical benefits.
- m. Grant Agreement – An agreement between the Applicant and DED defining the conditions of the Project.
- n. Grantee – The Applicant for the Project once approved for CDBG funding under this program.
- o. Guarantors, the signing individual(s). “Guarantor” or “Guarantors” shall have the same meaning both singularly and plural.
- p. HUD – The US Department of Housing and Urban Development, federal sponsor of the CDBG program.
- q. LMI – “Low and Moderate Income” persons, as defined by HUD for the CDBG program. A person is considered LMI if the total family income (prior to employment with the Company on New Job creation projects) is below the established limits.
- r. New Jobs – The number of new, full-time, year-round employees of the Company at the Project Location who will be added within two years after the date that operation begins. The number of “New Jobs” is the addition at the Project Location over Current Employment, and net of decreased employment at the other locations of the Company or related companies in the State of Missouri.
- s. Operational- A location that can function after both the completion of building construction or rehabilitation and completion of equipment installation.

- t. Project – The construction, reconstruction, purchase, and/or installation of buildings, machinery, equipment, utilities, streets, furniture, and other real estate or personal property improvements to be located at the Project Location, whether owned or leased by the Company or Applicant, as detailed in the application.
- u. Project Location –
- v. Retained Jobs – The number of Current full-time, year-round employees of the Company who would have been terminated if the Project had not been undertaken. In the event less than 100% of the employees of the entire facility would be terminated, the specific employees who would be retained have been named, and a direct relationship has been established between their proposed termination and the Project.
- w. Start-up Company-a company with a financial history of three years or less.

2. ACCURACY:

The Company has reviewed the entire contents of the Application, including all attachments, except for information that pertains to other companies that may be included, and hereby certifies that all information that relates to the Company is true and accurate, and will be verified upon request from officials of DED or the Applicant.

3. ACCESS TO RECORDS:

The Company agrees to provide reasonable access to company records by proper officials of DED, HUD, and/or the Applicant to verify information submitted in this Application and compliance with the requirements of this Agreement. “Reasonable access” shall be considered access during the Company’s normal business hours with at least three days notice by DED, HUD, or the Applicant.

4. LOW AND MODERATE INCOME BENEFIT:

The Company agrees that at least 51% of all New or Retained Jobs (as applicable) as a result of the Project will be from families classified as “low and moderate income” (LMI) as defined by HUD for the CDBG program.

The Company also agrees to survey new (or retained employees, as applicable) using the **Employee Status Statement** and provide adequate documentation of Capital Expenditures to the Grantee and DED in the manner prescribed in the program guidelines.

The Company also agrees to survey all applicants for employment due to the Project for race/ethnicity information, using the **Employee Status Statement**.

5. NEW JOB CREATION :

The Company will create, at a minimum, _____ New Jobs in addition to the Current Employment at the Project Location. These jobs must be created within two (2) years of the date a building becomes Operational.

PROPOSED CAPITAL EXPENDITURES:

The Company certifies that the proposed Capital Expenditures for the Company’s Project, as identified in the Application, have not yet begun, and will not begin until DED has conditionally approved the Application.

The Company also certifies that it will expend, at a minimum, \$_____ in Capital Expenditures for the Project, and provide paid invoices and other allowable documentation dated after DED’s conditional approval of the Application substantiating said expenditures to the Grantee and DED.

6. COMPLIANCE WITH STATE AND FEDERAL LAWS:

The Company agrees to comply with all federal and state civil rights, labor and worker safety laws at the Project Location, including, but not limited to the following, as applicable:

- Fair Labor Standards Act of 1938, as amended (29 USC §201 *et seq.*)
- Occupational Safety and Health Act of 1970, as amended (29 USC §651 *et seq.*)
- Immigration Reform and Control Act of 1986, as amended (8 USC §1324a *et seq.*)
- Civil Rights Act of 1964, as amended, “Title VII” 42 USC §2000e *et seq.*)

The Company agrees to comply with all applicable federal and state environmental laws, including, but not limited to:

- Clean Air Act of 1970 (42 USC §7401 *et seq.*)
- Clean Water Act of 1977 (33 USC §1251 *et seq.*)

- Comprehensive Environmental Response, Compensation, and Liability Act, "CERCLA" or "Superfund" (42 USC §9601 *et seq.*)
- Resource Conservation and Recovery Act, "RCRA" (42 USC §6901 *et seq.*)
- Toxic Substance Control Act (15 USC §2601 *et seq.*)

7. PENALTIES FOR NONCOMPLIANCE:

The penalties for non-compliance with this Agreement are as follows:

- LMI Benefit:** If the Company fails to meet the LMI requirements set forth in **Section 4** of this Agreement, the Company agrees to pay to DED, upon 60 days written notice by DED, an amount equal to 100% of the CDBG funds provided by DED for the Project, 4% simple interest annually accruing from the date CDBG funds were first received by the Grantee and any expenses associated with the collection of funds from the Company due to this penalty.
- New Job Creation:** If LMI requirements are met then for each New Job less than the number stated in **Section 5** of this Agreement which is not created within two (2) years of the date that the facility becomes Operational, the Company agrees to pay DED, upon 60 days written notice by DED, an amount equal to the grant divided by the number of new jobs specified in **Section 5**, 4% simple interest annually accruing from the date CDBG funds were first received by the Grantee and any expenses associated with the collection of funds from the Company due to this penalty.
- Other Non-compliance:** In the event the Company fails to comply with any other provisions of this Agreement, the Company agrees to pay to DED, upon 60 days written notice by DED, an amount equal to 100% of the CDBG funds provided by DED for the Project, 4% simple interest annually accruing from the time CDBG funds were first received by the Grantee, and any expenses associated with the collection of funds from the Company due to this penalty. At the sole discretion of DED, a lesser penalty may be imposed, based upon the severity of the non-compliance, as determined by DED.

8. VALID CONSIDERATION:

The Company certifies that but for the proposed CDBG assistance described in the Application, the Company's Project will not be done at the Project Location and the New Jobs would not be created at the Project Location. The Company further states that it will materially benefit from the CDBG-funded activities of this Project.

9. FURTHER GUARANTIES AND REQUIREMENTS:

DED reserves the right to require further guaranties from the Applicant, the Company, or both before authorizing this Agreement.

10. PROPER AUTHORIZATION:

The Company, by and through the officers or executive representatives who sign below on the Company's behalf, have entered into this Agreement with the full knowledge and authorization of the Company under proper procedures prescribed by articles of incorporation, bylaws, partnership agreements or other applicable documents. The Company agrees to each and every term and statement of this Agreement.

AGREED TO ON BEHALF OF _____,

BY: _____

Under penalty of perjury, I hereby state that I am a corporate officer and representative of the company named herein and in that capacity can and do bind the company to the terms of this Agreement.

Name (signed)

Name (typed or printed legibly)

Corporate Officer (typed or printed legibly)

STATE OF _____) ss.
COUNTY OF _____)

On this ___ day of ___ in the year 20__ before me, _____, a Notary Public in and for said state, personally appeared _____ (name of corporate officer), _____ (title of person, president, vice president, etc.), _____ (name of corporation), known to me to be the person who executed the within Agreement in behalf of said corporation and acknowledged to me that he or she executed the same for the purposes therein stated.

Notary Public

My commission expires _____

ATTACH A CORPORATE RESOLUTION AUTHORIZING APPROVAL OF THIS AGREEMENT AND AUTHORIZING THE ABOVE-NAMED PERSON TO SIGN ON BEHALF OF THE COMPANY.

¹If more than one representative signs use a copy of this page for each signatory.

UNCONDITIONAL PERSONAL GUARANTY
To State of Missouri- Department Of Economic Development.

The undersigned Guarantors, willingly make this unconditional personal guaranty (“personal guaranty”) in return for valid consideration by DED in the form of the grant award, or advance of funds, or other financial accommodations to Applicant and the Company. The undersigned unconditionally and absolutely guaranties to DED the due performance and prompt payment of any penalties for non-compliance amounts assessed to the Applicant and/or the Company. Guarantors agree with DED as follows:

- i. Guarantors acknowledge that the award by DED to Applicant would not have been made but for this personal guaranty and this personal guaranty is an essential part of the grant issued by DED to Applicant and Company.
- ii. The personal guaranty is an absolute, unconditional, and continuing guaranty of payment of any and all penalty for non-compliance amounts and not merely of collection, is enforceable against Guarantors as a principal as well as against the Company.
- iii. Until all the obligations of Guarantors under this Guaranty are fully paid and performed, none shall be released in whole or in part by any act or event whatsoever which might, but for this paragraph, be deemed to cause a legal or equitable discharge of Guarantors, including but not limited to any act or event which varies or may vary the risk or affect the obligations of Guarantors under this Guaranty.
- iv. Guarantors waives any defense to Guarantors' obligations under this personal guaranty based upon any act or event and acknowledges that it is the purpose and intent of Guarantors and DED that the obligations of Guarantors under this personal guaranty shall be absolute and unconditional under all circumstances.
- v. Guarantors' obligations under this personal guaranty shall be unaffected by any change in the provisions of any Agreement, instrument, or document evidencing or affecting any of the Applicant or Company's obligations, by failure of DED to perfect any security for payment, or performance of any of the obligations.
- vi. In order to proceed against Guarantors under this Guaranty, DED shall not be obligated first to resort to any security for the payment or performance of any and all penalty for non-compliance amounts or to any other remedy to enforce payment or performance of any of the penalty for non-compliance amounts. DED may at their option do any one or more of the following at the same or different times without discharging the obligations of Guarantors under this Guaranty:
 - a. proceed against Guarantors;
 - b. proceed against Debtor;
 - c. proceed against security for payment or performance of any of the obligations;
 - d. proceed against any one or more of any sureties and other guarantors with respect to the obligations (if any); or
 - e. pursue any other remedies whatsoever available to DED.
- vii. The release of Applicant or Company from any of the obligations in this agreement as a result of any court judgment or decree (in bankruptcy, reorganization, or otherwise) shall not relieve Guarantors or Guarantors' obligations to pay any penalties for non-compliance amounts under this personal guaranty.
- viii. Until all penalty for non-compliance amounts have been fully paid and performed, Guarantors shall have no right of subrogation for any reason against Company.
- ix. Guarantors waive any right to presentment, demand for performance or payment notice of non-performance or nonpayment, protest, notice of dishonor, or notice of acceptance of this Guaranty, and waives notice of the existence, creation, or incurring of any of the Obligations, and waives any right to any other notice whatsoever.
- x. Guarantors waive the benefit of any statute of limitations affecting Guarantors' obligations under this personal guaranty or the enforcement thereof.
- xi. Guarantors shall indemnify DED and hold it harmless from any loss, damage, cost, claim, or expense resulting from or arising out of any unsuccessful assertion by Guarantors of any defense to Guarantors' obligations under this personal guaranty.
- xii. No payment to DED by Guarantors with respect to the obligations of Applicant or Company shall operate to reduce the Guarantors' obligations under this Guaranty unless DED receives accompanying written notice from Guarantors that Guarantors intend the payment to reduce Guarantors' obligations.
- xiii. Guarantors shall pay or reimburse DED for all reasonable attorneys' fees, court costs, and other costs and expenses paid or incurred by DED in the enforcement of the Applicant or Company's obligations and Guarantors' obligations under this personal guaranty.
- xiv. DED may assign this personal guaranty and all its rights, powers, and remedies to another without notice to Guarantors and without affecting in any manner whatsoever the obligations of Guarantors under this personal guaranty.
- xv. Any written notice or other written communication given by DED to Guarantors shall be deemed to have been given and received 48 hours after being deposited in the United States Mail addressed to Guarantors at Guarantors' address shown at the end of this Guaranty, or to such replacement address of which notice from Guarantors has been received by DED which is sent certified or registered with a return receipt requested.



FORM T: SAMPLE CORPORATE RESOLUTION

RESOLUTION

Date: _____

The _____ [*Name of Corporation*], _____ [*Entity Type*] hereby authorizes
_____ [*Name of Person*], _____ [*Executive Title*], to
execute the "Participation Agreement" with the Missouri Department of Economic Development's "CDBG Industrial
Infrastructure Grant Program" for a project to be located in _____ [*Name of city*]. This grant for
public infrastructure improvements is deemed necessary for the corporation's project. The corporation hereby
recognizes that the agreement includes obligations of the corporation, and financial penalties for non-compliance of
such obligations.

DIRECTIONS: On an attached sheet of paper marked 'FORM Z', discuss the following points.

1. Company History

- a. History of the company and number of years in operation.
- b. Discussion of the products made and particularly the products to be made at the site specified herein.
- c. Annual sales volume for the past three years.
- d. Future potential of the product/market.

2. Company Information

- a. Identification of other company sites, subsidiaries, and parent company.
- b. Indicate whether this project may result in a reduction of jobs at any Missouri sites of this company or a related company.
- c. Most Current Financial Statements in the form of Balance Sheet, Income Statement and Statement of Cash Flow

3. Company's Project

- a. Discuss the factors that caused the company to initiate the project at this time.
- b. Discuss the status of the company's decision whether to initiate the project at the site specified herein.

4. Company's Need for Public Infrastructure

- a. Discuss the rationale for the company's need of the proposed public infrastructure for the project. Each infrastructure activity should be separately addressed.
- b. Indicate the proposed dates of construction (start, finish) for each activity, including the company's project.

5. Retention Projects (if applicable)

- a. Describe actions that have been taken by the company to definitely indicate plans to relocate or close the existing facility due to the deficiency of public infrastructure. Such actions may include internal company memos, newspaper reports, letters from the company to public officials, enforcement actions by regulatory agencies, etc.

6. Other Sites

- a. Identify other possible sites (developed sites which are for sale, both publicly and privately-owned) within the area that are suitable for this project.
- b. Describe why this site has been selected by the company instead of the other sites identified in (a).

7. Missouri Competitors

- a. Indicate other companies located in Missouri that directly compete with the company for the products the company will produce at this site, and the likely impact this project may have on these companies.

8. Land Use

- a. Describe the land use immediately surrounding the project (residential, commercial, industrial, undeveloped) and its applicability for the proposed use given noise, dust, traffic, unsightliness, odor, or any other related concern of interest to residents of the area.
- b. Indicate current zoning status, or steps proposed to re-zone the area, if needed.
- c. Generally, describe the topography of the project area, noting any possible concerns with storm drainage, utilities, truck traffic, etc.

9. Surrounding Land Value

- a. Indicate any property (and the ownership of such) adjacent to the project site that may realize a substantial increase in value due to the proposed public improvements. (This is to prevent potential conflicts of interest and to disclose other parties who may realize a substantial gain in land value.)

10. Operation and Maintenance

- a. Identify the public entity(s) who will own and be responsible for the operation and maintenance of the proposed public improvements. If public entities other than the applicant are involved, a written commitment to own and maintain the facilities must be provided.
- b. Describe any significant detrimental effects this project may have to the city's utility (water/sewer) capacity, and how the city plans to alleviate these problems.

11. Other Possible Beneficiaries

- a. Describe other potential users of the proposed public improvements other than the company identified in this application, such as residents, other existing businesses, or commercial operations which are likely to locate in the area.



EMPLOYMENT STATUS STATEMENT

Department of Economic Development

TO BE COMPLETED BY EMPLOYEE

NAME OF COMPANY

The above company has participated in a federal program that requires that certain employment standards be met. Completion of this form is VOLUNTARY, and this information will be kept confidential, with access only to the company's personnel official, representative of the city / county who is administering the program, and the State of Missouri who oversees the program.

Family – husband, wife, and all dependents as defined by the IRS for income tax purposes.

Family Income – Total yearly income from all family members over the age of 18.

- If you are an applicant, this would be prior to employment with the company
- If you are a current employee, this will include present salary

Family Size	Income Limits				* If an employee's income is between Moderate and Low, Low and 30% of Median, or below 30% of Median, the employee is considered LMI.
	A (30%)	TO	B (50%)	TO	
1		TO		TO	
2		TO		TO	
3		TO		TO	
4		TO		TO	
5		TO		TO	
6		TO		TO	
7		TO		TO	
8+		TO		TO	

FAMILY SIZE: _____

Income Above Column C

Income between Column B & C

Income between Column A & B

Income below Column A

Please check all of the following that apply to you

<input type="checkbox"/>	OVER THE AGE OF 62	<input type="checkbox"/>	HANDICAPPED / DISABLED	<input type="checkbox"/>	FEMALE HEAD OF HOUSEHOLD
WERE YOU UNEMPLOYED PRIOR TO ACCEPTING THIS POSITION?		YES	NO		

ETHNICITY

<input type="checkbox"/>	HISPANIC	<input type="checkbox"/>	NON-HISPANIC
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RACE

<input type="checkbox"/>	WHITE	<input type="checkbox"/>	BLACK / AFRICAN AMERICAN & WHITE
<input type="checkbox"/>	BLACK / AFRICAN-AMERICAN	<input type="checkbox"/>	AMERICAN INDIAN / ALASKAN NATIVE & BLACK / AFRICAN AMERICAN
<input type="checkbox"/>	ASIAN	<input type="checkbox"/>	ASIAN & WHITE
<input type="checkbox"/>	AMERICAN INDIAN / ALASKAN NATIVE	<input type="checkbox"/>	AMERICAN INDIAN / ALASKAN NATIVE & WHITE
<input type="checkbox"/>	NATIVE HAWAIIAN / OTHER PACIFIC ISLANDER	<input type="checkbox"/>	NATIVE HAWAIIAN / OTHER PACIFIC ISLANDER & ASIAN
<input type="checkbox"/>	ALL OTHERS:		

To the best of my knowledge, the above information is true and can be verified if requested by proper officials of the city / county of the State of Missouri. I also certify that I am authorized to work in the United States and can produce evidence of work authorization.

DATE	PRINT NAME
JOB TITLE	SIGNATURE

TO BE COMPLETED BY COMPANY

SECTION I

COMPANY	DATE
GRANTEE	PROJECT NUMBER
COUNTY	

LMI SUMMARY

Number Persons in Family	1	2	3	4	5	6	7	8+
County LMI Level (insert income limits appropriate to family size)								
Number of Employees at LMI Level * (all persons below the Moderate income limit)								

- As noted on the Employment Status Statement, if an employee's income is between Moderate and Low, Low and 30% of Median, or below 30% of Median, the employee is considered LMI.

SECTION II

1. Total number of current employees	
2. Total employees (new or retained) applicable to this project	
3. Total employees filling out the Employee Status Statement (Employees not completing form are considered non-LMI)	
4. Total number of employees @ LMI Level (# or %)	
5. Total number of minorities	
6. Total Handicapped / Disabled	
7. Total Female Head of Household	
8. Total Elderly	

ADMINISTRATOR

DATE	PRINT NAME
JOB TITLE	SIGNATURE

ATTACHMENTS

- Current company employee listing, including Date of Hire
- Employment Status Statements from #3 above



APPLICANT SUMMARY SHEET

Department of Economic Development

TO BE COMPLETED BY COMPANY		
SECTION I		
COMPANY	DATE	
GRANTEE	PROJECT NUMBER	
SECTION II		
Including the hires listed on the EMPLOYMENT SUMMARY SHEET, please complete the following for all applicants for the jobs involved in this project.		
	Total Applicants	Hispanic Applicants
White		
Black / African-American		
Asian		
American Indian / Alaskan Native		
Native Hawaiian / Other Pacific Islander		
American Indian / Alaskan Native & White		
Asian & White		
Black / African-American & White		
American Indian / Alaskan Native & Black / African-American		
Asian & Native Hawaiian / Other Pacific Islander		
All Others		
	TOTAL	
Female Head of Household		
Handicapped / Disabled		
Elderly		
Immediate prior Unemployment		