

ACTION FUND LOAN PROGRAM

SUMMARY

1. There are two parts of this application: 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: Loans, equity investments, or other type investments may be made to a **private company** for buildings, equipment, working, capital, land and other facilities or improvements in order to cause a project to occur which will result in the creation or retention of full-time permanent employment.

AUTHORIZATION: Public Law 93-383, Title I of the Housing & Community Development Act of 1972, 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: The Department of Economic Development (DED) will provide funds in the form of a loan to an approved company. The loan may be in a subordinate collateral position to the lead / primary lender at the sole discretion of DED. Selection shall be determined by the need for assistance through a financial analysis of the company, and the documentation of the public benefit to be derived from the project. This determination is based on cash flow, collateral, credit history, character and other credit / collateral considerations of the business and owner.

TIMING: The Company may submit their portion of the application to DED at any time. DED will review this information and recommend other public programs that may be applicable for the project. The Action Fund would be recommended if bank financing, other public programs and equity from Active Owners have been exhausted. Once DED has determined that the Action Fund Loan is appropriate, a Sponsor (city / county) should proceed with a public hearing and environmental review.

CONTACT MO Department of Economic Development
Business & Community Finance Management
301 West High Street, Suite 770
PO Box 118
Jefferson City, MO 65102
Phone (573) 751-4539 Fax (573) 522-4322
Email: dedfin@ded.mo.gov

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

AFFILIATE means any person which (1) directly or indirectly controls, or is controlled by, or is under common control with the Borrower; (2) directly or indirectly beneficially owns or holds five percent (5%) or more of any class of voting stock of the Borrower; or (3) five percent (5%) or more of the voting stock of which is directly or indirectly beneficially owned or held by the Borrower. The term “control” means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether through the ownership of voting securities, by contract, or otherwise.

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 information and documents submitted by the Sponsor and the Borrower to DED regarding the proposed use of funds from the Action Fund program.

BORROWER means a Company that has been approved for a loan from the Action Fund program.

BUSINESS ‘or’ COMPANY means the entity which is requesting the Action Fund loan, and who will employ the ‘New Jobs’ for the project.

BUSINESS OPERATIONS means activities of the Company to produce their product or provide the services to be sold to another party.

CDBG means the Community Development Block Grant program, as provided from the US Department of Housing and Urban Development to DED, then from DED to the Sponsor, then to the Borrower. CDBG is the source of funds for the Action Fund Loan program.

COLLATERAL means all property, which is subject to the lien granted by a Security Agreement and Deed of Trust to a lender.

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.

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).

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.

GUARANTOR(S) means any individual(s), companies or corporations who own majority stock in the Borrower must provide a personal guaranty to DED as additional collateral for the Action Fund Loan.

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

LAST RESORT GAP means all other sources of financing (including bank loans, equity by an owner, and other government programs) have been maximized, and a gap exists in the project investment. The Action Fund loan would then be considered for the amount of the gap **IF** the company demonstrates good management, adequate cash flow potential, and market growth, and the economic impact potential of the project outweighs the risks.

LOAN AGREEMENT means an official financial agreement between the Borrower, city / county Sponsor, and the Department of Economic Development (DED) which defines the terms and conditions of the Action Fund loan.

LOAN DOCUMENTS means a Loan Agreement, Note, Security Agreement, Deed of Trust, Guaranty, and supporting documents.

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 hired by the Borrower 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.

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

PRIORITY COMPANIES generally refers to for-profit manufacturing, processing, and assembly companies, which have demonstrated growth potential, pay above-average wages, and have excellent management. Certain higher technology service businesses would also qualify if a high percentage of their sales were likely to be derived from outside the state.

PRIVATE INVESTMENT refers to a subordinated officer loan or equity injection to the company by the owner(s) which can be used toward "matching funds" as it relates to the project.

PROJECT means the proposed project investment as specified in the application and subsequent amendments submitted by the Borrower and Sponsor to DED. The project must be located within the jurisdiction of the Sponsor (city / county).

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.

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 Action Fund loan on behalf of the Borrower.

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

WORKING CAPITAL means recurring expenses incurred by the Borrower for inventory, advertising, salaries, utilities, insurance, legal, accounting, rent, telephone, postage, and other such costs of business operations.

GENERAL

APPLICATION / APPROVAL PROCEDURE: Two copies of all documents must be submitted to:

Department of Economic Development
Finance Section – Suite 770
301 West High Street
PO Box 118
Jefferson City, MO 65102

There is no deadline for submission of a request. Approval of a loan 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.

TERMS AND CONDITIONS

- **INTEREST RATE:** Determined by the Department of Economic Development
- **TERM:** Three to ten years (maximum), relative to depreciation and / or collateral.
- **COLLATERAL:** Depends on the predictability of the cash flow and DED's collateral position
- **PERSONAL GUARANTEE:** Required by one or more of the owners.
- **CREDIT CHECKS:** Active owners & company will have credit checks completed.

FUNDING METHOD: A Loan Agreement is executed between the company, DED and the city / county sponsor.

- No disbursement of funds will be provided until evidence is provided to DED that all private investment has been expended.
- Proceeds would be provided upon the submission of invoices for approved items, or other approved documentation. Such documents must be dated after the date of DED's approval of the loan.
 - Disbursements will occur based on the following being the determining criteria:
 - ❖ Number of jobs created
 - ❖ Timely payments
 - ❖ Provide a timeline on creating the remaining jobs
 - ❖ Submission of monthly report
 - ❖ Other factors as DED may deem necessary based on factors unique to each loan recipient
- Typical turn-around time from the submission of the RFF (request for funds) to the receipt of proceeds is approximately 10 days.

FUNDING LIMITS: DED must determine that the borrower has exhausted other funding sources and only the least amount needed to complete the project may be provided.

- For existing businesses, an Action Fund Loan would be limited to the LOWER of: \$400,000 per project; 50% of the total project cost; or \$35,000 per new full-time year-round job.
- For Start-up companies (defined as those companies that have a financial history of less than 3 years), the maximum allowable loan funds is the LOWER of : \$100,000 per project; 30%; \$25,000 per new full-time job.

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.
- **Lack of other funds:** The Company must demonstrate that bank financing and owner equity resources have been maximized, and that a “gap” of funding (not to exceed 30%) for the project remains.

LOAN / ADMINISTRATION FEES: The Borrower may be responsible for any DED’s costs for fees associated with the loan. These include, but are not limited to UCC Filing fee, Credit Checks, Background Investigations (if applicable), Deed filing fees (if applicable), and any other legal or filing fees that are associated with securing the loan. Typically, these costs are negligible.

In the event the Sponsor elects to contract with a firm to perform the administrative requirements of the CDBG program, the Borrower (and / or Sponsor, if they so desire) must pay such fees. If the Borrower pays the administrative fees, this amount may be included in the Action Fund loan.

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 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 Loan 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 loan, plus penalties of 10% annual interest accrued from the date of the Loan Agreement, **OTHER LOAN PROGRAMS:** Other loan programs available to assist in the completion of a business project include:

- Rural Missouri Inc - <http://www.rmiinc.org/>
Intermediary Relending Program (IRP)
Small Business Investment Fund Program (SBIF)
- Small Business Administration - <http://www.sba.gov/>
SBA 7a Loan Guarantee
Certified Development Company (CDC) / 504 Loan Program
Micro-Loan Program
- EDA revolving loans (through various regional planning commissions)
- USDA Loans & loan guarantees
- Tax-exempt industrial revenue bonds;
- Development Tax Credit (DED);
- Tax Increment Financing;
- EIARA (Environmental Improvement & Energy Resources Authority)
Market Development Program (for recycling projects) <http://www.dnr.mo.gov/eiera/mo-market-dev-program.htm>
- MO First Linked Deposit
<http://www.treasurer.mo.gov/LinkedDeposit.aspx>

PARTICIPATION WITH OTHER PUBLIC PROGRAMS: The Action Fund program may co-invest in a Project with other public programs, such as the Small Business Administration (SBA), Missouri Development Finance Board (MDFB), Economic Development Administration, Industrial revenue bonds, Missouri First Linked Deposit, CDBG Industrial Infrastructure and others provided that certain conditions are met as determined on a case-by-case basis.

For further information about these and other business financing programs, contact the Department of Economic Development, Finance Section at (573) 751-4539.

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 Action Fund 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 not 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 to 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 determining 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.

LOAN CONDITIONS

ELIGIBILITY DETERMINATION: DED must first make a determination that ----

1. Other sources have been maximized;
2. The loan has an acceptable risk level compared to the potential economic impact;
3. 70% of project costs have been secured by the company.
4. Nothing adverse shows on the credit reports of the company, owners & principals.
5. Management is well qualified and has a successful record.

LAST RESORT GAP: The program is based on providing last resort gap financing, which means other possible sources of financing the Project (including bank loans, equity from Active Owners, SBA, and other programs) have been feasibly maximized, and a gap exists in the project investment needs. The risk level of the Action Fund Loan program is designed to be greater than the banks and other public programs; however, the probable economic benefit of the Project and potential growth of the Company must offset the risk. Position on collateral, the quality of management, validity of the cash flow projections, and the market potential of the Company must be well documented.

MAXIMUM FUNDING: An Action Fund loan is limited to the least amount needed by the Company to complete the Project (last resort gap). The amount of funding is further limited to the **LOWER** of \$400,000 per Project, 50% of the Project Investment, or \$35,000 per New Job. The maximum funding available to Start-up companies is the LOWER of \$100,000 per Project; 30% of the Project Investment or \$25,000 per new full time job.

TERMS: The term of the loan will be based on cash flow projections that will allow for the fastest repayment of principal and interest, but not more than 10 years. The loan terms will also consider the depreciation schedule and position on collateral.

RATE: The interest rate on the loan will be determined by the Department of Economic Development. Interest will accrue on the outstanding balance of principal until payments begin; then interest would be based on principal plus accrued interest.

DISBURSEMENT: No disbursement of funds will be provided until evidence is provided to DED that all private investment has been expended. Funds for working capital should be dispersed only after the company is ready to open for business. Dispersed funds will follow the "last resort gap" requirement. Release of disbursements will be tied to meeting milestones reported in the monthly report.

- Applicants for a Working Capital loan must show:
 - 70% of the total capital investment has been secured
 - The timeline of project activities has been completed.
 - If approved, the company cannot begin drawdown until the business proves it is ready for business (e.g. construction / equipment purchases completed, etc.)
- Once the above requirements have been met – the company may access up to 50% of the requested (& approved) funds, as supported by the achievement of specified milestones (e.g. all private investment spent; # of new jobs at \$35,000/\$25,000 per job has been created, etc.)
- The company may request disbursement of the remaining amounts relative to the milestones completed.
- Drawdown will cease if the company fails to meet a milestone
- Requirement for release of funds is based on achievement of all specified milestones, including satisfying monthly reporting requirements.

PAYMENTS: A payment schedule will be developed by DED based on the projected cash flow of the Company. Any deferment request will only consider deferment on principal payments only; interest only payments will still be required

during the deferment period. Deferments will be granted for six (6) months with one (1) option to have an additional six (6) months of the principal portion of the payments deferred IF the interest only payments have been timely. Prepayment of principal and accrued interest is typically required if cash flow exceeds certain benchmarks, as detailed in the Loan Agreement.

The business must send in a monthly report with its payment describing the previous month's activity. The report should include with it monthly financial statements and employment numbers (new jobs / LMI jobs) at the beginning of draw-downs until loan is paid in full. The report will require information regarding level of business activity – number of sales / contracts for the month, production levels, etc.

Monthly Invoice for payment will be mailed approximately 30 days before due date. If payment is not received by the end of the 5 day grace period granted after the due date:

- DED will send a Notice of Default stating payment must be received within 5 business days or loan will be referred to the Attorney General.
- Copy of default will also be sent to the Manager of DED Compliance and DED legal department.

COLLATERAL: DED will require a lien position on all Company assets which may or may not be subordinate to private lending institutions and other public programs, and will not be subordinate to owners or unsecured creditors. Personal guarantees are required for all owners (including spouses) with those that hold the highest percentage of the company and those with lesser percentages holding subordinate positions of the guarantee. Immediate family members owning stock in the Company would be combined to determine applicability under the personal guarantee requirement. Life insurance and employment agreements are required for any Active Owner that is determined to be essential for the continuation of the business. In most cases, DED will require those Active Owners of the Company's stock to also pledge specific personal assets such as investments, real estate, etc.

USE OF LOAN PROCEEDS: Action Fund Loan proceeds may be used only for expenses related to the Project Investment. Be aware that if Action Fund Loan proceeds are used for construction or installation costs, the payment of prevailing wages to the employees of the contractors is triggered.

Ineligible uses of loan proceeds would include contributions, officer (or other) loans, purchase of the Company's stock, moving expenses of employees or officers, severance pay, refinancing of existing debt, political or religious activities, lobbying any governmental entity, or non-business related expenses.

PROJECTIONS: One of the most important factors in an evaluation of an Action Fund loan is the quality of the projections, particularly the basis for the revenue projections. The following are general guidelines:

- Start-ups:** The best scenario is if the Company has contracts or other firm commitments to sell its products. In all cases, an **Independent Feasibility Study** completed by a reputable firm with relevant technical expertise will be required. DED and other lenders should be consulted PRIOR TO the study to agree on the use of a firm. Generally, the greater the risk due to undocumented projections, a greater amount of equity will be required.
- Existing Companies:** Any significant increase in the Company's projections from past revenue growth must be substantiated with either a feasibility study, firm contracts, or other documented data. Any significant variation from the trends in the past expenses should be documented.

EQUITY INJECTION: Generally, any Active Owner should invest as much of their personal liquid assets as possible. Additional outside equity may be necessary depending on the risk of the Project. In any event, new equity injection should be at least 70% of the Action Fund Loan.

APPROVAL: The decision to provide the Action Fund loan will be based on:

- a. Compliance with the last resort “gap” criteria;
- b. The quality of management. (Experience / education related to the type of business; success of the owners / management in the past businesses; good credit history and clear criminal background check)
- c. The financial commitment to the Company by Active Owners, based on the amount of personal resources invested in the Company as a percentage of available resources;
- d. The potential growth of the Company, based on the growth rate of the industry, the projected development of new products, and past history of the Company (Active Owners and management) to be successful in growing the Company.
- e. Validity of the Company’s revenue and cost projections. The better the projections are documented, the higher the level of risk that would be acceptable. This would reflect the Company’s ability to generate sufficient cash flow to pay off the loan and interest within 10 or less years.
- f. The projected Economic Impact of the Project (the number of high paying jobs created, growth potential of the Company, etc.) relative to the probability of the success of the Project.

DENIAL FACTORS: The decision to deny the Action Fund loan may be due to the Company or an Active owner:

- a. Has a poor credit history, or has filed for voluntary or involuntary bankruptcy in a prior business or personally;
- b. Has been convicted of a felony; presently under indictment, or parole or probation;
- c. Has overdue state, local or federal taxes (business or personal);
- d. Did not fulfill obligations on a prior DED or other state program;
- e. Is delinquent on any child custody payments;
- f. Has pending or threatened liens, judgments, or material litigation which is likely to affect the viability of the Borrower;
- g. The Project did not meet one of the eligibility criteria of the program;
- h. The Company is not a Priority Company;
- i. The projections are inadequately documented;
- j. The risk of failure of the Company is at an unacceptable level in relation to the projected Economic Impact; or,
- k. Management is not adequately qualified, or was not identified in the Application.

RESTRICTIONS: The loan agreement will include certain restrictions, including, but not limited to:

- a. In the event the Project is moved to another location, sold, merged, consolidated, or otherwise acquired by another entity, the loan is due and payable;
- b. Limitation on officer’s compensation. Generally, the compensation is limited to the current level, plus increases for inflation, or 3% of sales, whichever is less.
- c. Restriction on selling assets, incurring new debt, or leasing any Company property;
- d. Restriction on dividends, or purchase any capital stock;
- e. Prohibition of loans made to an officer or any other person or entity; and
- f. Restriction on transactions with Affiliates.

REPORTING REQUIREMENTS: The Borrower must provide DED with quarterly financial reports and complete the Annual Data Reporting for Economic Development Report. An audit may be required in some instances. The Borrower also must have each person applying for employment after the date the loan is approved complete the **Employment Status Statement**. Once Full Employment is achieved (or 2 years, whichever is first), the Borrower must tabulate all the persons hired to comply with the 51% LMI requirement.

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 Administrative 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 Action Fund program. For most Action Fund Projects, those procedures typically include:

- a. Conduct 1st public hearing;
- b. Environmental review;
- c. Submit request for loan 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 so, the Borrower (or the Sponsor, if they so choose) should pay for such fees. Action Fund loans typically do not involve a significant amount of administrative actions, and such fees should be minimal. In rare cases, DED may provide a subsidy to the Sponsor for administrative costs. If, in this case, an outside firm will be procured, the Sponsor must complete a competitive procurement process, as described in the CDBG Administrative Manual.

LIABILITY FOR DEFAULT: The Sponsor will not be held responsible for any losses on the Action Fund loan due to a default by a Borrower, unless the Sponsor (or any agent employed by the Sponsor for the purpose of obtaining the Action Fund loan) intentionally omitted or provided false or misleading information regarding the viability of the Borrower.

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 Loan Agreement. Additionally, they must be maintained for a period of at least 5 years from the date of the Loan Agreement. The Borrower may not reduce Business Operations at another Missouri facility to fulfill the New Job commitment.

PENALTIES: In the even the New Jobs are not created within the 2 year period, or maintained for the entire 5 year period, the loan 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 10% per annum (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. The Company may be required by DED to submit evidence of the Current Employment until the end of the 5-year period.

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.

**ACTION FUND LOAN PROGRAM
SPONSOR APPLICATION CHECKLIST**

_____ **City / County Sponsor Application**

_____ **Statement of Assurances – Form J**

_____ **Public Participation – Form I**

_____ **Needs Assessment – Form I(a)**

_____ **Lobbying Restrictions – Form L**

_____ **Civil rights Compliance – Form H**

_____ **Residential Anti-Displacement & Relocation Assistance Plan – Form N**

_____ **Affidavit of Publication of Public Hearing Notice**

_____ **Resolution of Sponsor – Form K**

_____ **Annual Data Reporting for ECONOMIC DEVELOPMENT ACTIVITIES**

_____ **Environmental Review**

(Please call 573-751-3600 for an environmental packet)

Other Information as required:

Intergovernmental Agreement (for 2 or more units of government)

Feasibility Study (Independent review of Start-up (only) company)

Letter of Recommendation (Summary of Sponsor's due diligence)

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 FUNDING COMMITMENT

- DIRECTOR'S LETTER
- LOAN DOCUMENTS DRAFTED

STEP 9: FORMAL LOAN / GRANT AWARD & AGREEMENT

STEP 10: TRANSITION MEETING

STEP 11: PUBLIC HEARING #2

STEP 12: CLOSE OUT MONITORING

STEP 1 – DETERMINE ELIGIBILITY

ELIGIBLE SPONSORS: Cities and counties in CDBG “non-entitlement areas” of Missouri are the only entities eligible to sponsor a loan request on behalf of a Company. The company must be in the Sponsor’s jurisdiction.

ELIGIBLE AREAS: The loan must be made in cooperation with a city or county sponsor in a “non-entitlement” area where the project will be located.

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, Hillside, 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: For-profit manufacturing, processing and assembly which have demonstrated growth potential, pay wages above the county average, have a low turnover rate, provide medical benefits, and excellent management are prioritized in the program. Retail, wholesale, and most service businesses are not a priority for the program. Other types of companies will be considered if they do not negatively impact other area businesses.

ELIGIBLE USE OF FUNDS: The purchase of buildings, equipment, working capital, land, and other facilities or improvements in order to cause a project to occur which will result in the creation or retention of full-time permanent employment is eligible. Refinancing, pay out of stockholders, buyouts or lines of credit is not eligible.

INELIGIBLE COMPANIES / PROJECTS: Ineligible borrowers would include public entities; speculative development; leasing, financing or investment companies; companies owned by non-US citizens; franchises; intra-state relocations; farm production or fishing operations; clubs, tax-supported non-profit corporations; real property held primarily for sale or investment; forward commitments; monopolies; illegal activities; pure research; or political or religious activities. In general, the size standards applied by the US Small Business Administration are applicable for the Action Fund.

START-UP COMPANIES: Defined as having a financial history of less than 3 years. All companies meeting this definition must provide the following additional documentation –

- Pro forma statements through three years of activity including the basis for the projections
- Financial statements from owners.
- Company’s Business Plan
- A 3rd party independent review (SBDTC or other type of feasibility study) will have to provide an opinion of the viability of the technology / product and of the proposed revenue projections.

The maximum amount of loan funds allowable for a start-up is \$100,000.

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 eligible non-governmental agency, a grantee / sub-grantee agreement must be executed prior to application submittal.

DETERMINE JURISDICTION: Once your need is identified and the proposed project begins to form, the community must look at jurisdictional boundaries appropriate to the project. If the project extends beyond a city's boundary, then an application may have to be multi-jurisdictional.

There are specific up-front requirements for multi-jurisdictional applicants. In determining the eligible sponsor of an "on behalf of" application, the applicant must be addressing its own community development needs. Otherwise, the application is ineligible. An **Intergovernmental Agreement or Grantee / Sub-grantee agreement**, which specifies decision-making authority, administration, contract compliance, reports, etc., must be executed prior to the submission of an application. In all instances, the city or county, as the State's grantee, has final responsibility for the project implementation and compliance. The city or county must retain financial responsibility, and the required audit will be of the grantee (city or county). Article VI, Section 16 of the Missouri Constitution and RSMo 70.210 – 70.320 should be reviewed in such cases.

Multi-jurisdictional applications are necessary when a project benefits persons outside one jurisdiction. All of the jurisdictions benefiting must participate in the application process.

1. Selecting the **lead applicant** may either occur by choosing the location where the majority of beneficiaries lie, or by choosing the location where the construction or majority of construction is taking place.
2. The **public hearing(s)** must be advertised either in a manner to reach all of the potential beneficiaries and scheduled in a location that is central and easy to access, or must take place in each jurisdiction using separate notices and sites. If only one hearing is convened, then a public official from each jurisdiction must be in attendance in order to respond to questions from their constituents.
3. The **needs assessment** (Form I(a)) document may be reported as one regional document or separate documents according to the desires of the jurisdictions.
4. All applications received that are multi-jurisdictional must contain the following originally signed forms from **each jurisdiction**: Civil Rights Compliance (Form H), Statement of Assurances (Form J), Resolution for Sponsor (Form K), Certification Regarding Section 3 Utilization (Form M), Disclosure Reports (Form Q), and Anti-Lobbying (Form L).
5. All multi-jurisdictional applications must include **intergovernmental agreements**.

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 Principles

- 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 floor plans: Complete scaled floor plans of the proposed structure. 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 type 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 program depends upon the type of project, but cannot exceed \$2,000,000 for Industrial Infrastructure Grant, \$1,000,000 for Action Fund Loan, and \$300,000 for Action Fund Loan 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 _____ (Action Fund Loan / 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 loan 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 loans, a written assessment of the financial commitment to the company by its active owners, based on the amount of personal resources invested in the company as a percentage of available resources;
- For loans, a written assessment of the validity and reasonableness of the company's revenue and cost projections to determine their ability to pay off the loan plus interest within ten years or less.
- For loans to 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 / LOAN AWARD / AGREEMENT

- Loan documents drafted and approved by DED Legal unit
- Loan documents mailed to project for Signature & returned to DED
- UCC Liens perfected
- Funding Approval Drafted

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 Action Fund Loan 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 \$10,000/ 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 Pubic 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 CDBF 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.

The CDBG Action Fund loan has two components, the grant component and a loan component. Because of this, the closeout process differs from that of other types of CDBG projects in some aspects. CDBG funds begin as a grant to a local municipality sponsoring the CDBG application on behalf of a company. The grant funds are run through the sponsor and converted as a loan to the company. 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.



ACTION FUND LOAN APPLICATION City / County Sponsor Application

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			Contact Person Address (if different than project location)			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.

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, an updated form must be submitted to DED at or before Action Fund Loan 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 owners, 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, an updated form must be submitted to DED at or before Action Fund Loan closeout.

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

List ALL incentives the company is receiving from the County / City Sponsor.

Provide copies of any contracts and / or agreements

Local Incentives Offered

DUE DILIGENCE / UNDERWRITING COMPLETED BY COUNTY/CITY SPONSOR

Underwriting must be completed by the Local Sponsor. Underwriting includes, but is not limited to; verifying all information provided to the Local Sponsor by the borrower and is served as the basis for qualification.

The following is **required** due diligence that must be performed by the Local Sponsor – at a minimum, due diligence performed by the Local Sponsor shall include, but not be limited to, a criminal background check, verification of local taxes paid, review of detailed financial statements, review of business plan and review of management team qualifications.

The findings need to be summarized in a **Letter of Recommendation** that include the general opinion of the company's ability to repay and signed by the governing authority. A copy of all information that was considered in the recommendation must be submitted with the Sponsor's application. **(Provide copies of all documents to backup recommendation).**

LETTER OF RECOMMENDATION

On a separate sheet of paper – provide a summary of the findings during the local due diligence process and why this company should be considered for a loan through the CDBG Action Fund Loan Program. Be specific outlining management qualification, benefit to the community, ability to repay, etc.

CERTIFICATION

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

1. The information submitted to the Missouri Department of Economic Development regarding a request for an Action Fund loan is true and correct;
2. Such information requested by the County / City necessary to perform the local underwriting requirements for the Project recommendation is consistent with documents provided to lenders, other government programs, or investors who may provide funding for the Project;
3. The requested Action Fund loan or other funding for the Project would not violate any existing agreement;
4. The Company has obtained or is capable of obtaining all necessary federal, state and local permits and licenses for the Project.
5. The Company has not yet received in its possession funding from the other sources identified in the loan request submitted to DED, and will not receive such funding until DED approves the Action Fund loan request;
6. I have verified all documents reviewed are true and accurate; and my recommendation is based on said documents to the extent I am able to do so.
7. To the best of my knowledge and belief - neither the Company nor, for a private-held company, any individual with an ownership interest or who is engaged in the management of the Company:
 - a. Has committed a felony, under indictment for a felony, or on parole or probation;
 - b. Is delinquent with respect to any non-protested federal, state or local taxes or fees or child support payments;
 - c. Has filed (or is about to file) for bankruptcy, unless otherwise disclosed to DED;
 - d. Has failed to fulfill any obligation under any other state or federal program.

I certify that I have the proper authority to execute this document on behalf of the County / City of _____ and that I am authorized to make the statement of affirmation contained therein.

I also realize that failure to disclose material information regarding the viability of all parties or other facts related to the loan request may result in criminal prosecution to the extent of Missouri law.

PRINTED NAME	SIGNATURE	TITLE	DATE
--------------	-----------	-------	------

Appeared before me this _____ day of _____, 20____, _____ personally known to be the person who executed the above certification, and acknowledged and states on his / her oath to me that s/he executed the same for the purpose therein stated.

State of	County (or City of St. Louis)	Use Rubber Stamp or Embosser Seal below
Notary Public Printed Name	My Commission Expires	
Notary Public Signature		



ANNUAL DATA REPORTING for ECONOMIC DEVELOPMENT ACTIVITIES

TO BE COMPLETED BY THE CITY / COUNTY SPONSOR

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.

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.

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			



FORM E – PROFESSIONAL SERVICES

Optional PRESELECTION of Professional Services (if any of the following professional services to be paid with CDBG funds, have been pre-selected, please complete)

NOTE: Pre-selection of administrative services requires notification of the area regional planning commission as well as ALL grant administrators as stated on the published CDBG administrator list (available by request at 573.751.3600) in addition to all other proper procurement procedures. Failure to follow required procurement procedures will require the process to be repeated if the project is funded.

TYPE OF SERVICE	FIRM NAME	PROPOSED COST	SOURCE OF FUNDS	DATE OF SELECTION	
Engineering Design					
Construction Inspection					
Administration					
Demolition Inspection					
Asbestos Inspection					
Other: _____					
NUMBER OF PROPOSALS RECEIVED FOR...					
A. Engineering Design					
B. Construction Inspection					
C. Administration					
D. Demolition Inspection					
E. Asbestos Inspection					
F. Other (Please list)					
Was the basis of selection documented?				YES	NO
Were the non-selected firms notified in writing?				YES	NO
If fewer than 3 proposals were received on any of the above, has DED been notified and / or approved? <i>(Please submit supporting documentation)</i>				YES	NO



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: _____				
Note: When completing the following section; “NOT APPLICABLE” is not a sufficient response.				
“Minority Group” refers to African American (Black); Asian or Pacific Islander; American Indian or Alaskan Native; not Hispanic Origin. (Hispanic refers to a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture, regardless of race)				
Identify the minority group(s) population, or portion thereof, residing in the Sponsor’s jurisdiction that will not be serviced by one or more of the proposed activities.				
Explain whether the minority group populations, or portion thereof, not serviced by the proposed activity(ies) have already received such service. If so, define the extent of each of these existing services and indicate whether they are equal to, greater than or less than the proposed activity(ies), indicate the approximate time such service(s) will be provided to such residents.				
If the minority group population, or portion thereof, does not receive the benefit of the proposed activity, indicate the approximate time such service(s) will be provided to such residents.				
In the event no future service(s) is planned for the minority group population, or portion thereof, provide a statement of the reasons why .				



FORM I – PUBLIC PARTICIPATION & NEEDS ASSESSMENT

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)	CHIEF ELECTED OFFICIAL (PRINT NAME)	DATE
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 I (a) - COMMUNITY NEEDS ASSESSMENT (Page 1 of 4)

TO BE COMPLETED BY THE CITY / COUNTY SPONSOR					
APPLICANT NAME					
PERCENT OF LOW & MODERATE INCOME (LMI) IN THE APPLICANT'S JURISDICTION (City / County)					
Please complete all sections of this document except D, E, and part of H (which may be completed using census data) at the time of pre-application required public hearing and any subsequent meetings the community feels necessary to compile a representative response for the community. The responses should best reflect the consensus of the hearing participants as a whole. There is no right or wrong response. The assessment should honestly reflect the public's opinion and perception. If the elected officials disagree with any majority answer, an explanation should be offered.					
		QUALITY OF FACILITIES AFFECTING ENTIRE JURISDICTION (Check one)			
A. PUBLIC WORKS INFRASTRUCTURE (Address & Complete at public hearing)		DOESN'T EXIST	GOOD	FAIR	POOR
1. Water Source					
2. Water Treatment					
3. Water Distribution					
4. Sanitary Sewer Treatment					
5. Sanitary Sewer Collection					
6. Storm Sewer Collection					
7. Other Drainage					
8. Streets / Drainage					
9. Bridges					
10. Sidewalks					
11. Park / Recreation Facilities					
12. Landfill					
13. Electrical Generation or Distribution					
14. Natural Gas Distribution					
15. Other (List) _____					
B. PUBLIC SERVICES (Address & Complete at public hearing)					
1. Fire Protection					
2. Police Services					
3. Code Enforcement / Planning / Zoning					
4. Energy conservation					
5. Health Care					
6. Recreational / Cultural Activities					
7. Snow Removal					
8. Street Cleaning					
9. Park Maintenance					
10. Emergency Medical Services					
11. Trash Removal					
12. Street Lighting					
13. Sidewalks					
14. Parking					
15. Other (List) _____					
Continued on next page					

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

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 (Required by all applicants – may be completed using census data rather than public hearing) the following website is a good source for this information: http://mcdc2.missouri.edu/	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 (Required by all applicants – may be completed using census or local housing data rather than at public hearing)	AVAILABILITY (Check 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 (a) - COMMUNITY NEEDS ASSESSMENT (Page 3 of 4)

F. COMMUNITY HEALTH ENVIRONMENT (Address & Complete at public hearing)		AVAILABILITY (Check 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 (Check 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 (v 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 (a) - 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 (Check 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.						
<p><i>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.</i></p>						
CHIEF ELECTED OFFICIAL (PRINT NAME)		SIGNATURE OF CHIEF ELECTED OFFICIAL		DATE		

CONFLICT OF INTEREST POLICY

Conflict of Interest – Persons Covered: The conflict of interest provisions of this policy shall apply to any person who is an employee, elected or appointed official, agent, consultant, or officer of the Applicant, or any immediate family member or business partner of the above, or any designated public agencies, or sub-recipients which are receiving funds from the grant.

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 not 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 function 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 program or 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 to 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.



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.C. 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 Las 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 changed 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

(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)

If matching funds are pledged from a sub-applicant (non-profit or district), a statement from the sub-applicant pledging those funds to this project must accompany this resolution. Pledged matching funds from a sub-applicant must still appear on this resolution.



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.



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:

- checkbox 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)
checkbox 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)
checkbox 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



FORM P – EXCESSIVE FORCE RESOLUTION

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.

INTERGOVERNMENTAL AGREEMENT

SAMPLE AGREEMENT BETWEEN 2 (or more) UNITS OF GOVERNMENT

This Agreement made and entered into this _____ day of _____, 20____, by and between local jurisdictions of _____, _____, and _____.

WHEREAS, the proposed project construction or majority of beneficiaries lies within the legal jurisdiction of _____ the lead applicant shall be so named;

WHEREAS, all parties to this Agreement share in common the community development need of _____ and such need, when met, shall offer a higher quality of life for all citizens in each party’s jurisdiction;

WHEREAS, all parties understand and comply with the CDBG application requirements as they relate to the lead applicant and as parties to a multijurisdictional project, including, but not limited to:

Now, therefore, the parties hereto agree as follows:

The lead applicant, _____, shall assume all grant responsibilities listed on the Grantee’s Grant Agreement;

The lead applicant shall retain all financial responsibilities of the grant program, with the understanding that all invoices(financial, indebtedness) must be paid through the Grantee’s established method;

Responsibilities that parties agree to carry out on behalf of the lead applicant are as follows:

Jurisdiction	Duties

The lead applicant also acknowledges, as part of this Agreement, that liability for the grant is wholly within its realm and the additional parties (jurisdictions) hereby assume responsibility for all terms listed herein, with any exceptions listed above. This Agreement shall be valid until successful completion and grant close-out.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, as of the day and year indicated above.

Lead applicant jurisdiction

Additional jurisdiction

Additional jurisdiction

Additional Jurisdiction



FORM Q – APPLICANT (or Sub-applicant) DISCLOSURE REPORT

Note: An individual Form Q is required for each jurisdiction in a multi-jurisdictional application.					
TO BE COMPLETED BY THE CITY / COUNTY SPONSOR					
PART I – APPLICANT (or Sub-Applicant) / GRANTEE INFORMATION					
APPLICANT / GRANTEE NAME		FEIN	PHONE		
ADDRESS		CITY	STATE	ZIP CODE	
IS THIS AN: (Check one) <input type="checkbox"/> INITIAL REPORT <input type="checkbox"/> UPDATED REPORT		TYPE OF PROJECT: (Check one) <input type="checkbox"/> COMPETITIVE GRANT <input type="checkbox"/> NON-COMPETITIVE GRANT / LOAN		FISCAL YEAR of PROJECT	
AMOUNT REQUESTED	\$	(PLUS) PROGRAM INCOME TO BE INCLUDED (if any)	\$	TOTAL	\$
<p>“Program Income” defined as proceeds from previous grant project derived from the sale of such project that can be used toward an eligible project of which funds are being requested. Call 573.751.3600 to discuss this option with your CDBG representative.</p>					
PART II – THRESHOLD DETERMINATION (See Attachment A for details)					
IS THE TOTAL (above) more than \$200,000?	YES	NO	HAVE YOU APPLIED FOR / RECEIVED OTHER HUD ASSISTANCE	YES	NO
<p>If EITHER question above is answered “YES”, then continue completing the remaining parts of this document. If BOTH answers to the question above is “NO”; then check (v) N/A. Ensure to CERTIFY at the end of this document</p>					
PART III – OTHER GOVERNMENT ASSISTANCE PROVIDED / APPLIED FOR					<input type="checkbox"/> N / A
Provide the requested government assistance, existing or applied for, that will be used in conjunction with the CDBG funding					
NAME & ADDRESS OF AGENCY PROVIDING OR TO PROVIDE ASSISTANCE		PROGRAM	TYPE OF ASSISTANCE	AMOUNT REQUESTED OR PROVIDED	
PART IV – INTERESTED PARTIES					<input type="checkbox"/> N / A
LIST ALL PERSONS WITH A 10% OR GREATER FINANCIAL INTEREST IN THE PROJECT	SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER	TYPE OF PARTICIPATION IN THE PROJECT	FINANCIAL INTEREST IN PROJECT DOLLARS AND PERCENT		
PART V – EXPECTED SOURCES AND USES OF FUNDS					<input type="checkbox"/> N / A
Identify the sources and uses of all assistance, including CDBG, that have been or may be used for this project					
SOURCE			USE		
PART VI - CERTIFICATION					
I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IN THIS DISCLOSURE IS TRUE AND CORRECT, AND I AM AWARE THAT ANY FALSE INFORMATION OR LACK OF INFORMATION KNOWINGLY MADE OR OMITTED MAY SUBJECT ME TO CIVIL OR CRIMINAL PENALTIES UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE. IN ADDITION, I AM AWARE THAT IF I KNOWINGLY AND MATERIALLY VIOLATE ANY REQUIRED DISCLOSURE OF INFORMATION, INCLUDING INTENTIONAL NONDISCLOSURE, I AM SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$10,000 FOR EACH VIOLATION.					
TYPED NAME (CHIEF ELECTED OFFICIAL)		SIGNATURE (CHIEF ELECTED OFFICIAL)		DATE	

FORM Q

ATTACHMENT A – DISCLOSURE REQUIREMENTS

This attachment contains a list of all the HUD programs that are subject to the disclosure requirements of 24 CFR Part 12 Subpart C. All applicants for CDBG assistance must review this list to determine if they are receiving, or expect to receive, assistance from other covered programs besides CDBG. Applicants must consider HUD funds that are received either directly from HUD or through the State. The State administered CDBG Program is listed under 3(v).

The applicant uses the total amount of funds received from all the sources to answer the second question of Part II of the Disclosure Report (Form Q).

1. Section 312 Rehabilitation Loans under 24 CFR Part 510, except loans for single family properties.
2. Home Investment Partnership Act Funds under 24 CFR Part 92.

(Excludes formula distributions to States, units of general local government, or consortium of units of general local government under Subpart D and G, within-year reallocations under Subpart D, and the HUD-administered Small Cities program under Subpart F)
3. Applications for grant amounts for a specific project or activity under Title I of the Housing and Community Development Act of 1974 made to:
 - I. HUD, for s Special Purpose Grant under Section 105 of the Department of Housing and Urban Development Reform Act of 1989 for technical assistance, the Work Study program or Historically Black Colleges;
 - II. HUD, for a loan guarantee under 24 CFR Part 470, SubpartM;
 - III. HUD, for a grant to an Indian tribe under Title I of the Housing and Community Development Act of 1974;
 - IV. HUD, for a grant under the HUD-administered Small Cities program under CFR Part 570, Subpart F; and
 - V. A State or unit of general local government under 24 CFR Part 570.
4. Applicants for grant amounts for a specific project or activity under the Emergency Shelter Grant program under 24 CFR Part 576 made to a State or to a unit of general local government, including a Territory.

(Excludes formula distributions to States and units of general local government (including Territories); reallocations to States, units of general local government (including Territories) and non-profit organizations; and applications to an entity other than HUD or a State or unit of general local government)
5. Transitional Housing under 24 CFR Part 577.
6. Permanent Housing for Handicapped Homeless Persons under 24 CFR Part 578.
7. Section 8 Housing Assistance Payments (only project-based housing under the Existing Housing and Moderate Rehabilitation programs under 24 CFR Part 882, including the Moderate Rehabilitation program for Single Room Occupancy Dwellings for the Homeless under Subpart H).
8. Section 8 Housing Assistance Payments for Housing the Elderly or Handicapped under 24 CFR Part 885.
9. Loans for Housing for the Elderly or Handicapped under Section 202 of the Housing Act of 1959 (including operating assistance for Housing the Handicapped under Section 162 of the Housing and Community Development Act of 1987 and Seed Money Loans under Section 106(b) of the Housing and Urban Development Act of 1968).
10. Section Housing Assistance Payments – Special Allocations – Assistance under 24 CFR Part 886.

FORM Q

ATTACHMENT A – DISCLOSURE REQUIREMENTS (continued)

11. Flexible Subsidy under 24 CFR Part 219 – both Operating Assistance under subpart Band Capital Improvement Loans under Subpart C.
12. Low-Rent Housing Opportunities under 24 CFR Part 904.
13. Indian Housing under 24 CFR Part 905.
14. Public Housing Development under 24 CFR Par 941.
15. Comprehensive Improvement Assistance under 24 CFR Part 968.
16. Resident Management under 24 CFR Part 964, Subpart C.
17. Neighborhood Development Demonstration under Section 123 of the Housing and Urban-Rural Recovery Act of 1983.
18. Nehemiah Grants under 24 CFR Part 280.
19. Research and Technology Grants under Title V of the Housing and Urban Development Act of 1970.
20. Congregate Services under the Congregate Housing Services Act of 1978.
21. Counseling under Section 106 of the Housing and Urban Development Act of 1968.
22. Fair Housing Initiative under 24 CFR Part 125.
23. Public Housing Drug Elimination Grants under Section 5129 of the Anti-Drug Abuse Act of 1988.
24. Fair Housing Assistance under 24 CFR Part 111.
25. Public Housing Early Childhood Development Grants under Section 222 of the Housing and Urban-Rural Recovery Act of 1983.
26. Mortgage Insurance under 24 CFR Subtitle B, Chapter II (only multi-family and non-residential).
27. Supplemental Assistance for Facilities to Assist the Homeless under 24 CFR Part 579.
28. Shelter Plus Care Assistance under Section 837 of the Cranston-Gonzales National Affordable Housing Act.
29. Planning and Implementation Grants for HOPE and Public and Indian Housing Homeownership under Title IV, Subtitle A, of the Cranston-Gonzales National Affordable Housing Act.
30. Planning and Implementation Grants for HOPE for Homeownership of Multi-family Units under Title IV, Subtitle B, of the Cranston-Gonzales National Affordable Housing Act.
31. HOPE for Elderly Independence Demonstration under Section 803 of the Cranston-Gonzales National Affordable Housing Act.

FORM Q – DISCLOSURE REPORT INSTRUCTIONS

All applicants for CDBG funding must complete and submit, with their applications, Part I and II of the Disclosure Report. At the completion of Part II of the report, some applicants will find that they must complete Parts III, IV, V and VI of the Report.

PART I requires the applicant's name, address, phone and Federal Identification number; indication as to whether this is an initial report or an update (all applicants will check the initial report box); the fiscal year CDBG funds subject to the disclosure; check as to whether the disclosure is related to a non-competitive application; the amount of CDBG funds being requested; the amount of any CDBG program income that will be used with the CDBG funding, if any; and the total amount (funding requested and program income).

PART II asks two questions. If the answer to both questions is "no", the applicant must complete the certification at the end of the page; but is not requested to complete the remainder of the report. If the answer to either question is "yes", then the applicant must complete the remainder of the report.

PART III requires information on any other Federal, State and / or local assistance that is to be used in conjunction with the CDBG project (See Attachment A).

PART IV requires the identification of interested parties. Interested parties are persons and entities with a pecuniary interest in the project. If any entity is being disclosed, the disclosure in Part IV must include an identification of each principal of the entity. All consultants, developers or contractors involved in the application for CDBG assistance, or in the planning, development or implementation of the project, must be identified as an interested party. Also, any other person or entity that has a pecuniary interest in the project that exceeds \$50,000 or 10% of the CDBG assistance, whichever is lower, must be listed as an interested party. Pecuniary interest means any financial involvement in the project, including (but not limited to) situations in which a person or entity has an equity interest in the project, shares in any profit or resale or any distribution of surplus cash or other assets of the project or receives compensation for any goods or services provided in connection with the project. (The following are not considered interested parties: local CDBG administrative staff and recipients of housing rehab assistance).

It is realized that at the time of application, applicants may not be aware of all interested parties since contracts and agreements for goods and services are not generally awarded until after notice of grant award. Subsequent to grant award, as projects are being implemented, funds will be committed to interested parties which will necessitate the submission of an updated Disclosure Report. However, if an applicant for CEBF funds identifies, under Part III of the Disclosure Report, other governmental assistance that is to be used in conjunction with projects funded with CDBG funds and, if these other funds have been committed to interested parties, then these interested parties must be identified in Part IV of the initial report.

PART V requires applicants to identify the sources and use of all funds to be used in conjunction with CDBG funded project. The sources and uses must include all the other assistance identified in Part III as well as the CDBG funds identified in Part I.

PART VI requires the certification of the Chief Elected Official.

**ACTION FUND LOAN PROGRAM
COMPANY APPLICATION CHECKLIST**

_____ **Company Application**

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

_____ **Company Certification**

_____ **Credit Analysis e-Sheet** (Financial Statements: Historical and 2-3 year Projections) Please use the following link: [http://www.ded.mo.gov/upload/CreditAnalysis\(Action%20Fund%20Loan\).xls](http://www.ded.mo.gov/upload/CreditAnalysis(Action%20Fund%20Loan).xls)
Provide copies of financial statements, documents and balance sheets, income statements and statements of cash flow.

_____ **Business Plan**

_____ **Summary of Proposed Project**

_____ **Certification of E-Verify** (Form V)

Other Information as required:

Feasibility Study from an independent third party (Start-ups only)

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

The Action Fund Loan Program is based on “last resort gap” financing; the Borrower should have previously submitted an application to one or more lending institutions and / or public programs. The Borrower shall complete the Action Fund Loan application and should include copies of any other lending applications, which may have been completed. All information provided to DED must be current, within 90 days. All items below must be addressed.

LOAN REQUEST: Provide both the Total Project Cost and the Loan Amount being requested.

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.**

COMPANY’S LEGAL COUNSEL: Name, mailing address, and contact information.

PRINCIPAL BANK(S): List the name, address and contact information of all the company’s financial / lending institutions.

COMPANY OFFICERS: Provide the full names of the company principals including their date of birth, SSN, phone number and email. All principals of the company will be subject to a criminal check via CASENET & PACER.

BOARD OF DIRECTORS: Provide the name, city, state, position on the board, and any other business affiliations that may or may not pose a conflict of interest for the project.

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.

RELEASE OF FUNDS: 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.

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

PERMITS: List any environmental or operating permits that have been or will need to be acquired for the project from the beginning to operational completion. Include any permits sought during the due diligence process and for the environmental review.

PROJECT DETAIL: Provide a detailed description of the proposed project; the specific location and the reasons the Company has decided to do the Project (ex. new contracts, growing sales, etc.); and the timing of the Project. Provide a copy of any approval letters or loan / lease agreements proposed or executed relative to this project.

SUMMARY OF EXISTING OBLIGATIONS FORM: For ALL existing loans or capital lease, provide name of the lender, what the loan/lease was for, original amount, origination date, present balance, interest rate, maturity, payment amount, the status (current or delinquent) & any collateral securing the loan. For lines of credit, indicate the maximum terms of draw-downs, such as 80% of receivables, 50% of inventory, etc. Copies of existing loan or capital lease agreements may be requested by DED.

PROPOSED USE OF FUNDS: List ALL the project costs under the TOTAL project and show how much of that total being provided by either CDBG, CASH, or from some other source.

PROPOSED SOURCES OF FUNDS: List the lender, loan amount, term, percentage rate, payment, collateral, and date approved.

FINANCIAL DETAIL

SUMMARY OF EXISTING COLLATERAL AVAILABLE FOR PROPOSED LOAN: List the present market value, present mortgage balance and the years of remaining depreciation.

AGING OF ACCOUNTS RECEIVABLE AND ACCOUNTS PAYABLE: List aging of accounts receivables and accounts payable, less than 30 days, 30-59 days, 60-89 days, 90-119 days and 120 days & over. It must be noted whether any accounts payable, leases or other obligations are under litigation for payment. NOTE – Accounts receivable and accounts payable totals must reconcile with current Balance Sheet submitted with the application.

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 Action Fund Loan 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 Action Fund Loan closeout.

PERSONAL FINANCIAL STATEMENT: Any person or business that holds a financial interest in the Project must complete this form and provide any attachments as back-up. The Department of Economic Development reserves the right to

request the personal financial statements of any other owners, regardless of percentage owned that we deem necessary.

Attach the most recent tax forms for back-up. Ensure ALL questions are answered and the statement is signed and dated by the owner or representative of the business.

COMPANY FINANCIAL STATEMENTS: Use the enclosed Credit Analysis Spreadsheet (or email for an online version for automatic calculations) Year-end financial statements (balance sheet, income statement) of the Company for the 2-3 prior fiscal years; current (less than 60 days) interim financial statements. Tax returns for the past 2-3 years (if the financial statements are un-audited) and 3 years of project financial statements, including monthly cash flow statements for the first 12 months, or whenever the company projects a positive profit (whichever is later). Include detailed justification of the projections and note any significant variation compared to past financial statements. The projections must accurately reflect the proposed sources of financing and uses of funds as identified above.

- **Ownership Compensation** – Indicate the current amount of compensation (salaries, dividends, bonuses or other withdrawals not including reimbursement of business expenses or S-corporation taxes) to owners and their immediate family members. Specify any changes proposed for the next year or as a result of this project.
- **Other Attempted Sources** – List ALL sources of financing attempted for this project, the date of the request and a copy of their written response. If the response was not written, indicate the name and telephone number of a contact person, and the reason for the rejection. Also, describe the amount of equity proposed for the Project, and the source of this equity.
- **Last Resort “Gap” Rationale** – The Company must document that all other funding sources have been maximized, including the Active Owner’s liquid assets. Based on the response of the attempted sources, indicate whether the request for an Action Fund meets the test of “last resort gap” financing.

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.

CUSTOMER & SUPPLIER REFERENCES: Provide the names and contact information of at least 4 business references AND a list of the five largest (in sales volume) current customers of the Company, with the percentage of sales in the past 12 months.

- State any significant contracts or purchase orders recently obtained (and the amount and terms), and a list of significant existing customers that will be lost in the next 12 months. Indicate an estimate of the percentage or raw materials purchased from businesses with the State of Missouri.
- Competitors – List the name and address of the 5 largest (plus all Missouri based) companies that directly compete with the company for the products the company will produce due to the project.

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 BOTH THE PERSONAL & 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.

VIOLATION OF OTHER AGREEMENTS: State whether the Action Fund loan or any other financing proposed in the Project will violate any existing agreements or loans, or if so what actions are necessary to obtain permission to execute this loan.

AFFILIATES: Names of affiliated (through common ownership or management control) or subsidiary businesses. Provide the past 2 fiscal year-end financial statements and a current (less than 90 days) financial statement for each of these firms.



ACTION FUND LOAN APPLICATION COMPANY APPLICATION

LOAN REQUEST	TOTAL PROJECT COST \$	LOAN AMOUNT OR GUARANTY REQUESTED \$			
APPLICANT INFORMATION (Proposed Borrower)					
COMPANY NAME		NAICS	FEIN #	DUNS #	
MAILING ADDRESS		CITY	STATE	ZIP CODE	
PROJECT LOCATION (If Different than Mailing Address)		CITY	STATE	ZIP CODE (9 digits)	
COUNTY / CITY SPONSOR					
COUNTY / CITY	CONTACT PERSON	TITLE	EMAIL		
MAILING ADDRESS (Street (PO Box), City, State, Zip Code)			Phone	Fax	
BUSINESS ORGANIZATIONAL DETAIL					
C- Corporation	LLC	Partnership	Sub S – Corporation	Sole Proprietor	Other _____
<p>Identify all shareholders by providing the names, social security numbers, percent (%) of ownership, birth date, and marital status ('M'- Married, 'S'-Single, 'O'-Divorced; 'L'-Legally Separated). Attach Personal Finance Statements (less than 90 days) of owners holding 10% or more. The Department reserves the right to review personal finance statements of all owners, if deemed necessary. Attach separate sheet, if needed.</p>					
NAME(S)		SOCIAL SECURITY NUMBER	% OF OWNERSHIP	BIRTH DATE	MARITAL STATUS
IS THIS A START-UP?		YES	NO	If YES, submit Feasibility Study completed by an independent firm.	
IN WHAT STATE WAS THE COMPANY INCORPORATED?			IN WHAT YEAR WAS THE COMPANY ESTABLISHED?		
IS THE CORPORATION A PARENT OR SUBSIDIARY?		PARENT	SUBSIDIARY	N/A	If it is, See additional requirements below ↓
<p>Attach on a separate sheet provide a flowchart of the organizational structure clearly identifying the relationship of the Parent to the Subsidiaries, their addresses and contact information for each. Also provide where the assets, hiring, benefits, etc. are being managed and identify the company responsible for each. Provide <u>Management & Operating Agreements</u> of all of the entities which are interrelated with the Organization requesting funds. Ensure copies of any contracts include signatures.</p>					
COMPANY'S LEGAL COUNSEL					
NAME OF FIRM		ADDRESS			
PRINCIPAL ATTORNEY		PHONE	EMAIL		
PRINCIPAL BANK(S) NAME	ADDRESS	CONTACT PERSON	PHONE NUMBER / EXT.		

COMPANY OFFICERS (Provide First, Middle, & Last Name)

PRESIDENT	DATE OF BIRTH	SSN	PHONE NUMBER	EMAIL
VICE PRESIDENT	DATE OF BIRTH	SSN	PHONE NUMBER	EMAIL
CFO	DATE OF BIRTH	SSN	PHONE NUMBER	EMAIL
COO	DATE OF BIRTH	SSN	PHONE NUMBER	EMAIL

BOARD OF DIRECTORS: Name	Home Address (City / State)	Position on Board	Other Business Affiliations

ARE THERE ANY SPECIAL ENVIRONMENTAL OR OPERATING PERMIT REQUIREMENTS THAT MUST BE MET?	YES	NO	UNK
---	------------	-----------	------------

If YES, please list all license / permits needed and provide a timeline necessary to obtain them:

PROJECT DETAIL

DESCRIBE THE PROPOSED PROJECT

SUMMARY OF EXISTING OBLIGATIONS OF THE COMPANY

NOTE: List ALL obligations of current contracts, notes and mortgages payables (Mark any Trade Accounts as such)

To Whom Payable	For What	Original Amount	Origination Date	Present Balance	Interest Rate	Term of Loan	Monthly Payment	Status	Collateral

PROPOSED USE OF FUNDS

NOTE: Fill in all columns. DO NOT use such terms as Miscellaneous or Varied in description!

DESCRIPTION OF PROJECT COSTS	TOTAL PROJECT COST	CASH EQUITY	CDBG	OTHER
Land (Number of Acres / Sq. Ft. _____)	\$	\$	\$	\$
Building (Construction / Purchase / Renovation)	\$	\$	\$	\$
Machinery & Equipment	\$	\$	\$	\$
Leasehold Improvements	\$	\$	\$	\$
Utility or Appurtenant Facilities	\$	\$	\$	\$
Furniture & Fixtures	\$	\$	\$	\$
Inventory	\$	\$	\$	\$
Working Capital	\$	\$	\$	\$
Miscellaneous Expenses (e.g. Moving Expenses)	\$	\$	\$	\$
Legal Fees	\$	\$	\$	\$
Engineering / Consultant Fees	\$	\$	\$	\$
Finance Charges	\$	\$	\$	\$
Contingency _____%	\$	\$	\$	\$
	\$	\$	\$	\$
TOTAL PROJECT COSTS	\$	↑ (Sum of these columns should equal Total Project Costs) ↑		

PROPOSED SOURCES OF FUNDS

(Include Equity Injection, if any)

LENDER	\$ AMOUNT	LOAN TERM	% RATE	Payment	APR or Fixed	COLLATERAL	Date Approved
	\$			\$			
	\$			\$			
	\$			\$			
	\$			\$			
	\$			\$			
Total Project Costs	\$	The Sources & Uses (above) Total Project Costs should equal					

FINANCIAL DETAIL

SUMMARY OF EXISTING COLLATERAL AVAILABLE FOR PROPOSED LOAN

NOTE: The collateral listed cannot already be used as collateral for other loans.

Collateral	Current Market Value	Remaining Mortgage Balance	Remaining years of depreciation
Land and Building			
Machinery & Equipment			
Furniture & Fixtures			
Accounts Receivable			
Inventory			
Other _____			
TOTAL	\$		

AGING OF ACCOUNTS RECEIVABLE AND ACCOUNTS PAYABLE

Ageing	Accounts Receivable	Accounts Payable	Comments
Under 30 days	\$	\$	
30 to 59 days	\$	\$	
60 to 89 days	\$	\$	
90 to 119 days	\$	\$	
120 days and over	\$	\$	
TOTALS	\$	\$	

NOTE: Accounts receivable and accounts payable totals must reconcile with current Balance Sheet submitted with application. In the comments section, note whether any of the accounts are under litigation, being written off, etc.

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 Action Fund Loan closeout.
- Include copies of all approval letters.**

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

- 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 Action Fund Loan 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**.

PERSONAL FINANCIAL STATEMENT

Any person or business which has a Financial Involvement in the Project that exceeds \$50,000 or 10% of the Project Investment (whichever is lower) must complete this form. DED reserves the right to request personal financial statements from any owner regardless of %.

Name		Business Phone
Residence Address		Residence Phone
City	State	Zip Code (9 digits)
Business Name of Applicant / Borrower		

ASSETS		LIABILITIES	
Cash on hand & in banks	\$	Accounts Payable	\$
Savings Accounts	\$	Notes Payable to Banks & Others	
IRA or Other Retirement Account	\$	(Describe in Section 2)	\$
Accounts & Notes Receivable	\$	Installment Account (Auto) Monthly Payment \$_____	\$
Life Insurance – Cash Surrender Value Only (Complete Section 8)	\$	Installment Account (Other) Monthly Payment \$_____	\$
Stocks & Bonds..... (Describe in Section 3)	\$	Loan on Life Insurance	\$
Real Estate (Describe in Section 4)	\$	Mortgages on Real Estate (Describe in Section 4)	\$
Automobile – Present Value (Blue Book)	\$	\$ Unpaid Taxes ... (Describe in Section 6)	\$
Other Personal Property (Describe in Section 5)	\$	Other Liabilities ... (Describe in Section 7)	\$
Other Assets ... (Describe in Section 5)	\$	Total Liabilities	\$
		Net Worth	\$
TOTAL		TOTAL	\$

Section 1.	Sources of Income	Contingent Liabilities
Salary	\$	As Endorser or Co-Maker
Net Investment Income	\$	Legal Claims & Judgments
Real Estate Income	\$	Provision for Federal Income Tax
Other Income (Describe below*)	\$	Other Special Debt

Description of Other Income in Section 1. *Alimony or child support payments need not be disclosed in "other Income" unless it is desired to have such payments counted toward total income.

Section 2.	Notes Payable to Banks and Others (Use attachments if necessary; each must be identified as part of this statement & signed).				
Name & Address of Note-holder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	Secured or Unsecured (List Collateral, if secured)

Section 3. Stocks and Bonds (Use attachments if necessary; each must be identified as part of this statement and signed).					
Number of Shares	Name of Securities	Cost	Market Value Quotation / Exchange	Date of Quotation / Exchange	Total Value
Section 4. Real Estate Owned (Use attachments if necessary; each must be identified as part of this statement and signed).					
Detail		Property A	Property B	Property C	
Type of Property					
Address					
Date Purchased					
Original Cost					
Name of Mortgage Holder					
Address of Mortgage Holder					
Mortgage Account Number					
Mortgage Balance					
Amount of Payment per Month / Year					
Status of Mortgage					
Section 5. Other Personal Property & Assets		Describe, and if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and if delinquent, describe delinquency.			
Section 6. Unpaid Taxes		Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attachment.			
Section 7. Other Liabilities		Describe in detail.			
Section 8. Life Insurance Held		Give face amount and cash surrender value of policies – name of insurance company and beneficiaries.			
I certify the above and the statements contained in the attachments are true and accurate as of the stated dates(s). These statements are made for the purpose of either obtaining a loan. 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		

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	%							
Will medical benefits be provided to all Full-time, Year-around employees	YES	NO	% Employer Paid					
ATTACHMENTS								
<p>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.</p> <p>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.</p>								
Current / New Jobs								
Job Titles	Current Employment at Project Location	New Jobs Proposed at Project Location	Likely # LMI of New Jobs	Proposed Average <u>Hourly</u> Wage – New Jobs				
Management				N/A				
Office / Clerical				\$	/hr.			
				\$	/hr.			
				\$	/hr.			
				\$	/hr.			
				\$	/hr.			
				\$	/hr.			
				\$	/hr.			
				\$	/hr.			
TOTALS				*\$	/hr.			
* Average Wages: Average hourly wage of all New Jobs, excluding Management								
REFERENCES (Provide Contact Information for five (5) largest customers & five (5) largest suppliers as a percentage of sales)								
Company Name	Contact Person	Phone Number	% of Sales	Supplier				
				Supplier				
				Supplier				
				Supplier				
				Supplier				
				Supplier				
Company Name	Contact Person	Phone Number	% of Sales	Customer				
				Customer				
				Customer				
				Customer				
				Customer				
				Customer				

CERTIFICATION

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

- 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;
- 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;
- 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;
- Neither the operations of the Project itself nor the receipt of incentives for the Project would violate any existing agreement;
- The Applicant has obtained or is capable of obtaining all necessary federal, state and local permits and licenses for the Project;
- 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;
- 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;
- 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
- 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 its 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;
- 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;
- 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;
- I attest that I have read and understand the CDBG Action Fund Loan Program guidelines;
- I will inform DED if, at any time before project completion, there is any change to any of the certifications made herein;
- 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,
- 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 an executive level representative 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 also 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.

Applicant Signature	Print Name	Title	Date
---------------------	------------	-------	------

State of _____, County (and/or City) of _____:

On this ____ day of _____ in the year ____ before me, _____, in and for said state, personally appeared

(Notary Name)

_____, _____, _____, known to me to be the person who

(Officer Name)

(Title)

Corporation Name)

executed the within Youth Opportunities Program Application, on behalf of said corporation and acknowledged to me that he or she executed the same for the purposes therein stated.

Use Rubber Stamp or Seal in Area Below

Notary Public Signature

CERTIFICATION & E-VERIFY

Per **Section 285.530 RSMo**, any business receiving **must** enroll in the E-Verify Program. The program is designed to provide employment status information to determine the applicant's eligibility for employment. Currently an employer's participation in E-Verify is **FREE**.

The **E-Verify Program**, conducted jointly by the U.S. Citizenship and Immigration Services (USCIS) Verification Division and the Social Security Administration (SSA) is designed to provide employment status information to determine the eligibility of applicants for employment.

E-Verify program requires participating commercial employers use the automated Verification Information System (VIS) to check the SSA and the USCIS databases to verify the employment authorization of **ALL** newly hired employees.

The Memorandum of Understanding Certification certifies that your organization does not employ illegal immigrants (undocumented workers) and the information contained in the application is true, correct, and complete.

To certify that your business / organization do not employ illegal immigrants, **all applicants must:**

Enroll in E-Verify. Currently an employer's participation in E-Verify is free. To access E-Verify website, go to:

<https://e-verify.uscis.gov/enroll/>

Check the box on the Certification confirming enrollment and participation in E-Verify

Provide supporting documentation by including a copy of the executed Memorandum of Understanding.

**AUTHORIZATION AND RELEASE TO OBTAIN
PERSONAL INFORMATION**

By signing below, the undersigned hereby voluntarily authorizes the Missouri Department of Economic Development (DED) / Missouri Development Finance Board (MDFB) to obtain "consumer reports" and / or "investigative consumer reports" about us from a consumer reporting agency and to consider the reports when making decisions regarding our application for the extension of credit or after we may become a borrower with respect to any evaluation of credit risk in connection with any collection activity or an extension or modification of an existing credit or the extension of new or additional credit. Prior to signing this Authorization we have read the attached document entitled "Fair Credit Reporting Act Disclosure," which defines the terms "consumer," "consumer report" and "investigative consumer report," and the summary of rights under the Fair Credit Reporting Act attached to the disclosure. We understand the information disclosed to us, had an opportunity to ask questions about the information and had our questions, if any, answered.

The undersigned hereby authorize DED / MDFB to procure an investigation, or cause an investigation to be procured, for credit evaluation purposes, whether or not subject to the Fair Credit Reporting Act. We authorize without reservation, any person or entity contacted by DED / MDFB or anyone acting on its behalf, to furnish information regarding verification of our social security number, education, military record, motor vehicle reports, credit history, financial account balance and history, professional licensures, public records, criminal record and / or employment references.

We release any such person or entity from any and all liability for furnishing such information. We also release DED / MDFB from any and all liability for conducting such an investigation. We request that a photocopy or facsimile copy of this Authorization and Release be treated as though it were the original.

_____	_____	_____
Print Name	Signature	Date
_____	_____	_____
Print Name	Signature	Date
_____	_____	_____
Print Name	Signature	Date
_____	_____	_____
Print Name	Signature	Date

Missouri Department of Economic Development
301 West High Street, Suite 770, PO Box 118
Jefferson City, MO 65102
Phone: 573.751.4539 Fax: 573.522.4322

FAIR CREDIT REPORTING ACT DISCLOSURE

The Missouri Department of Economic Development (DED) / Missouri Development Finance Board (MDFB), when considering your application for the extension of credit on whether to extend credit to you or evaluating whether to continue or modify an existing credit relationship, and when making other credit-related decisions or evaluations directly affecting you, may wish to obtain and use a “consumer report” and / or “investigative consumer report” from a “consumer reporting agency.” These terms are defined in the Fair Credit Reporting Act (“FCRA”), which applies to you. As an applicant for credit, you are a “consumer” with rights under the FCRA.

A “consumer report” is any written, oral or other communication of any information by a “consumer reporting agency” bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or collected for the purpose of serving as a factor in establishing the consumer’s eligibility for employment.

An “investigative consumer report” is a consumer report in which the information about your character, general reputation, personal characteristics and mode of living is obtained in whole or in part through personal interviews with persons who may have knowledge concerning such information.

Missouri Department of Economic Development
301 West High Street, Suite 770, PO Box 118
Jefferson City, MO 65102
Phone: 573.751.4539 Fax: 573.522.4322

Para informacion en espanol, visite www.ftc.gov/credit o escribe a la
FTC Consumer Response Center, Room 130-A 600 Pennsylvania Ave. N. W., Washington D.C. 20580

A Summary of Your Rights under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave., N.W., Washington, D.C. 20580**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

All consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state of local consumer protection agency or your state Attorney General. Federal enforcers are:

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors and others not listed below	Federal Trade Commission: Consumer Response Center – FRCA, Washington, DC 20580 1-877-382-4357
National banks, federal branches / agencies of foreign banks (word “National” or initials “N.A.” appear in or after bank’s name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches / agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 202-452-3693
Savings associations and federally chartered savings banks (word “Federal” or initials “F.S.B.” appear in federal institution’s name)	Office of Thrift Supervision Consumer Complaints Washington, DC 20552 800-842-6929
Federal credit unions (words “Federal Credit Union” appear in institution’s name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-519-4600
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Consumer Response Center, 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 1-877-275-3342
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation, Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator – GIPSA Washington, DC 20250 202-720-7051



EMPLOYMENT STATUS STATEMENT

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	FAMILY SIZE: _____ <input type="checkbox"/> Income Above Column C <input type="checkbox"/> Income between Column B & C <input type="checkbox"/> Income between Column A & B <input type="checkbox"/> Income below Column A
2		TO		TO	
3		TO		TO	
4		TO		TO	
5		TO		TO	
6		TO		TO	
7		TO		TO	
8+		TO		TO	

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?		<input type="checkbox"/>	YES	<input type="checkbox"/>	NO

ETHNICITY

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

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



EMPLOYMENT SUMMARY SHEET

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

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		