

City of Scottsbluff, Nebraska

Tuesday, September 6, 2016

Regular Meeting

Item Pub. Hear.2

Council to approve the Resolution authorizing the Mayor to execute the Community Development Block Grant Application and all related documents.

Staff Contact: Annie Folck, City Planner

Agenda Statement

Item No.

For meeting of: September 6, 2016

AGENDA TITLE: Council to adopt resolution authorizing Mayor to sign application for CDBG Funds

SUBMITTED BY DEPARTMENT/ORGANIZATION: Planning and Zoning

PRESENTATION BY:

SUMMARY EXPLANATION: See attached grant application and exhibits. This resolution will authorize the mayor to sign the application for a Community Development Block Grant. This grant is for Phase I (Pre-development) funds for a Comprehensive Development grant. The grant amount is \$30,000, with a 25% match and 25% leverage required. The match must be at least half cash, with the other half in-kind contributions. After Phase I is complete, participating communities are eligible to apply for \$700,000 of Phase II (Implementation) funds. The target area for this grant is the southeast neighborhood of Scottsbluff.

BOARD/COMMISSION RECOMMENDATION:

STAFF RECOMMENDATION: Staff recommends approval of resolution

EXHIBITS

Resolution Ordinance Contract Minutes Plan/Map

Other (specify) X Grant application w/exhibits

NOTIFICATION LIST: Yes No Further Instructions

APPROVAL FOR SUBMITTAL: _____
City Manager

Rev 3/1/99CClerk



2525 Circle Drive

Scottsbluff, NE 69361

308-632-4136

**RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN
APPLICATION FOR CDBG FUNDS**

Whereas, the City of Scottsbluff, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program; and,

Whereas, the City of Scottsbluff, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of **\$30,000** to complete a Comprehensive Development Phase I pre-development plan for improvements to southeast Scottsbluff.

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of the City of Scottsbluff, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Scottsbluff, Nebraska and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Signed

Title

Date

EXHIBIT B



2525 Circle Drive

Scottsbluff, NE 69361

308-632-4136

APPLICANT'S STATEMENT OF ASSURANCES AND CERTIFICATIONS

The City of Scottsbluff, Nebraska (Applicant) hereby assures and certifies to the Nebraska Department of Economic Development (Department) regarding and application for Community Development Block Grant (CDBG) funds, the following:

THRESHOLD CERTIFICATIONS.

1. There are no significant unresolved audit findings relating to any prior grant award from the federal and/or state government which would adversely affect the administration of this grant.
2. No legal actions are underway or being contemplated that would significantly impact the Applicant's capacity to effectively administer the program, and to fulfill the CDBG program; and
3. No project costs have been incurred which have not been approved in writing by the Department.

FEDERAL COMPLIANCE CERTIFICATIONS.

4. It will adopt and follow a residential anti-displacement and relocation assistance plan which will minimize displacement as a result of activities assisted with CDBG funds.
5. It will conduct and administer its programs in conformance with:
 - a. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and the regulations issued pursuant thereto (24 CFR Part 1).
 - b. Title VIII of the Civil Rights Act of 1968 (Pub. L. 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 provision of brokerage services.
 - c. The Fair Housing Act of 1988 (42 USC 3601-20) and will affirmatively further fair housing.
6. It will not attempt to recover any capital costs of public improvements assisted in whole or part by assessing any amount against properties owned and occupied by persons of low-and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (1) grant funds 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 grant funds, or (2) for purposes of assessing any amount against properties owned and occupied by persons of LMI who are not persons of very-low income, the recipient certifies to the State that it lacks sufficient grant funds to comply with the requirements of clause (1).

EXHIBIT C-1

7. It will comply with all provisions 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.

CITIZEN PARTICIPATION PLAN CERTIFICATION.

8. It certifies that a detailed citizen participation plan is on file which includes:
 - a. Providing and encouraging citizen participation with particular emphasis on participation by lower income persons who are residents of slum or blight areas in which funds are proposed to be used to include target areas as identified in the application.
 - b. Providing citizens with reasonable and timely access to local meetings, information, and records relating to the Applicant's proposed and actual use of funds.
 - c. Furnish citizens with information, including but not limited to, the amount of CDBG funds expected to be made available for the current fiscal year, including CDBG funds and anticipated program income; the range of activities that may be undertaken with CDBG funds; the estimated amount of CDBG funds to be used for activities that will meet national objective of benefit to low-and moderate-income people, and the proposed CDBG activities likely to result in displacement and the grantee's anti-displacement and relocation plans.
 - d. Providing technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing groups. The level and type of assistance is to be identified with the plan.
 - e. Provide for public hearings, for the purpose of obtaining citizen's views and responding to proposals and questions. The hearings must cover community development and housing needs, development of proposed activities and a review of program performance. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicap. Public hearings are to be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can be expected to participate.
 - f. Provide citizens with reasonable advance notice of, and opportunity to comment on proposed activities in the application to the state and for grants already made, activities which are added to, deleted or substantially changed from the application to the state.
 - g. Provide citizens the address, phone number and times for submitting complaints and grievances and provide timely written responses to written complaints and grievances within 15 working days where practicable.

SPECIAL REQUIREMENTS AND ASSURANCES.

9. The Applicant will comply with the Administrative Requirements of the program, those applicable items in the 1995 Consolidated Plan, Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, and 24 CFR Part 570 including parts not specifically cited below and the following laws, regulations and requirements, both federal and state, as they pertain to the design, implementation and administration of the local project, if approved:

EXHIBIT C-1

CIVIL RIGHTS AND EQUAL OPPORTUNITY PROVISIONS.

- * Public Law 88-352, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et. seq.) (24 CFR Part 1)
- * Section 109 of the Housing and Community Development Act of 1974, As Amended
- * Age-Discrimination Act of 1975. As Amended (42 U.S.C. 6101, et. seq.)
- * Section 504 of the Rehabilitation Act of 1973, As Amended (29 U.S.C. 794) and the Americans with Disability Act
- * Executive Order 11246, As Amended
- * Executive Order 11063, As Amended by Executive Order 12259 (24 CFR Part 107)

ENVIRONMENTAL STANDARDS AND PROVISIONS.

- * Section 104(f) of the Housing and Community Development Act of 1974, As Amended
- * Title IV of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831) and the Implementing Regulations found at 24 CFR Part 35
- * The National Environmental Policy Act of 1969 (42 U.S.C. Section 4321, et. seq., and 24 CFR Part 58)
- * The Clean Air Act, As Amended (42 U.S.C. 7401, et. seq.)
- * Farmland Protection Policy Act of 1981, (U.S.C. 4201, et. seq.)
- * The Endangered Species Act of 1973 (16 U.S.C. 1531, et. seq.)
- * The Reservoir Salvage Act of 1960 (16 U.S.C. 469, et. seq.), Section 3 (16 U.S.C. 469 a-1). As Amended by the Archaeological and Historic Preservation Act of 1974
- * The Safe Drinking Water Act of 1974 [42 U.S.C. Section 201, 300(f), et. seq., and U.S.C. Section 349 as Amended, particularly Section 1424(e) (42 U.S.C. Section 300H-303(e)]
- * The Federal Water Pollution Control Act of 1972, As Amended, including the Clean Water Act of 1977. Public Law 92-212 (33 U.S.C. Section 1251, et. seq.)
- * The Solid Waste Disposal Act. As Amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et. seq.)
- * The Fish and Wildlife Coordination Act of 1958, As Amended, (16 U.S.C. Section 661, et. seq.)
- * EPA List of Violating Facilities
- * HUD Environmental Standards (24 CFR. Part 51, Environmental Criteria and Standards and 44 F.R. 40860-40866, July 12, 1979)
- * The Wild and Scenic Rivers Act of 1968, As Amended (16 U.S.C 1271, et. seq.)
- * Flood Insurance
- * Executive Order 11988, May 24, 1978: Floodplain Management (42 F.R. 26951, et. seq.)
- * Executive Order 11990, May 24, 1977: Protection of Wetlands (42 F.R. 26961, et. seq.)
- * Environmental Protection n Act. NEB. REV. STAT. 81-1501 to 81-1532 (R.R.S. 1943)
- * Historic Preservation

LABOR STANDARDS AND PROVISIONS.

- * Section 110 of the Housing and Community Development Act of 1974, As Amended
- * Fair Labor Standards Act of 1938. As Amended, (29 U.S.C. 102, et. seq.).
- * Davis-Bacon Act, As Amended (40 U.S.C. 276-a - 276a-5); and Section n2; of the June 13, 1934 Act., As Amended (48 State. 948.40 U.S.C. 276(c), Popularly known as The Copland Act
- * Contract Work Hours and Safety Standards Act (40 U.S.C. 327, et. seq.)
- * Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701(u)]

EXHIBIT C-1

FAIR HOUSING STANDARDS AND PROVISIONS.

- * Section 104(a)(2) of the Housing and Community Development Act of 1974, As Amended
- * Public Law 90-284, title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601, et. seq.). As Amended by the Fair Housing Amendments Act of 1988
- * Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended (42 U.S.C. 4630) and the Implementing Regulations Found at 49 CFR Part 24
- * Relocation Assistance Act, NEB. REV. STAT. 76-1214 to 76-1242 (R.S. Supp. 1989)
- * Nebraska Civil Rights Act of 1969 20-105 to 20-125, 48-1102 and 48-1116
- * Uniform Procedures for Acquiring Private Property for Public Use, NEB. REV. STAT. 25-2501 to 25-2506 (R.R.S. 1943)

ADMINISTRATIVE AND FINANCIAL PROVISIONS.

- * U.S. Office of Management and Budget Circular A-87 "Cost Principles for State and Local Governments"
- * U.S. Office of Management and Budget Circular A-102 "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments"
- * 24 CFR 570.503 - Grant Administration Requirements for Use of Escrow Accounts for Property Rehabilitation Loans and Grants
- * 24 CFR 570.488 to 570.499a - States Program: State Administration of CDBG Nonentitlement Funds
- * Community Development Law. NEB. REV. STAT. 18-2101 to 18-2144 (R.R. S. Supp. 1982)
- * Public Meetings Law. NEB. REV. STAT. 18-1401 to 18-1407 (R.R.S. 1943)

MISCELLANEOUS.

- * Hatch Act of 1938, As Amended (5 U.S.C. 1501, et. seq.)

The Applicant hereby certifies that it will comply with the above stated assurances.

Signed

Title

Date

EXHIBIT C-1

Citizen Participation Plan City of Scottsbluff, Nebraska

A. Participation by Citizens

All citizens, including low and moderate income citizens, shall be requested and encouraged to participate in the assessment of community issues, problems and needs, the identification of potential solutions, and priority to such issues, problems and needs, as follows:

1. All citizens shall be periodically requested to complete a community needs survey to identify community and neighborhood issues, problems and needs.
2. All citizens shall be notified by publication and posting of all meetings to discuss the identified needs, potential solutions and solution priorities.
3. All citizens, particularly low and moderate income citizens, shall be afforded the opportunity to serve on the various community improvement task forces established by the City Council

B. Access to Meetings, Information and Records

Notice of public meetings conducted by the City Council shall be published and posted not less than six (6) days prior to such meetings.

Agendas of all such meetings shall be available at the City Clerk's Office for public inspection.

All meetings where CDBG projects or applications are to be discussed shall be published and posted at least six (6) days prior to such meetings and all information and records concerning such CDBG projects or applications shall be available for public inspection at the Office of the City Clerk.

All meetings will be held at a location that is accessible to the handicapped.

C. Specific CDBG Projects Information

All citizens shall be provided with information regarding specific CDBG projects through public meetings and publication of notices which provide all pertinent information regarding any CDBG projects including, but not limited to, the following:

1. The amount of CDBG funds expected to be made available to the local government for the current fiscal year, including CDBG funds and anticipated program income;
2. The specific range of activities that may be undertaken with CDBG funds;
3. The estimated amount of CDBG funds to be used for activities that will meet the national objective of benefit to low and moderate income persons and;
4. A description of any proposed CDBG funded activities, which are likely to result in displacement of persons along with the local government's anti-displacement and relocation plans.

D. Provisions for Technical Assistance to Citizens

The City Clerk shall maintain current information of available resources for community improvement efforts and CDBG programs available and provide information upon request by any citizen or group representing any citizen or group of citizens and the City Clerk shall provide assistance in developing proposals to address issues, problems and needs identified by such citizen or citizens.

E. Public Hearing on CDBG Activities

The local government shall cause a minimum of two (2) public hearings to be conducted with regard to any CDBG application. One such hearing shall be conducted at the initiation of any such application and a second public hearing shall be held near the completion of any CDBG funded activity to obtain citizen input comments or opinions with regard to such application(s) and with regard to program or project performance.

The City Clerk shall act as the contact person for all questions, comments or concerns expressed by any citizens with regard to any CDBG program or project and shall forward any such questions or concerns to the City Council at the next regular meeting of the City Council immediately following expression of such questions, comments or concerns. The City Clerk shall also be responsible for transmitting the City Council's response to any such question, comment or concerns to the citizen or citizen's expressing the same.

EXHIBIT C-2

F. Needs of Non-English Speaking Citizens

Although it is not anticipated that non-English speaking persons will participate in the citizen participation process, the City Clerk shall make arrangements for oral or written translation of information regarding any CDBG programs, application or project upon request by such non-English speaking persons or representatives of such persons.

G. Compliance/Grievance Procedures

The City Clerk shall post a notice at the local government office which provides name, telephone number, address and office hours of the City Clerk for citizens who wish to file a complaint or grievance regarding any CDBG program, project or application.

Individuals wishing to submit a complaint or file a grievance concerning activities of or application for CDBG funds may submit a written complaint or grievance to the City Clerk.

The City Clerk shall present such complaint or grievance for the City Council at the next regular meeting of the City Council, where it shall be reviewed by the City Council members. The individual submitting such complaint or grievance shall be notified of such meeting and shall be given the opportunity to make further comments at such meeting. The City Council shall issue a written response to any complaint or grievance within five (5) working days following the meeting at which a response is formulated. Such response shall be mailed to the individual citizen(s) that submitted the complaint or grievance by the City Clerk to the last known address of said citizen(s).

In the event the nature of the complaint or grievance is determined to be a matter of immediate action, a special meeting of the City Council shall be called to review the matter within ten (10) working days of receipt of such complaint or grievance.

H. Adoption

This Citizen Participation Plan is hereby adopted by action of the City Council of the City of Scottsbluff

Mayor

Attest

Date

EXHIBIT C-2



**RESIDENTIAL ANTIDISPLACEMENT AND
RELOCATION ASSISTANCE PLAN**

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

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Scottsbluff will make public and submit to DED 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 as 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 replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

The City of Scottsbluff, Nebraska, will provide relocation assistance, according to either the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24) or 24 CFR 570.496a(c) to each low/moderate-income family 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 CDBG program, the City of Scottsbluff, Nebraska will take the following steps to minimize the displacement of persons from their homes:

1. Maintain current data on the occupancy of houses in areas targeted for CDBG assistance.
2. Review all activities prior to implementation to determine the effect, if any, on occupied residential properties.
3. Include consideration of alternate solutions when it appears an assisted project will cause displacement, if implemented.
4. Require private individuals and businesses to consider other alternatives to displacement causing activities, if they are requesting CDBG assistance.

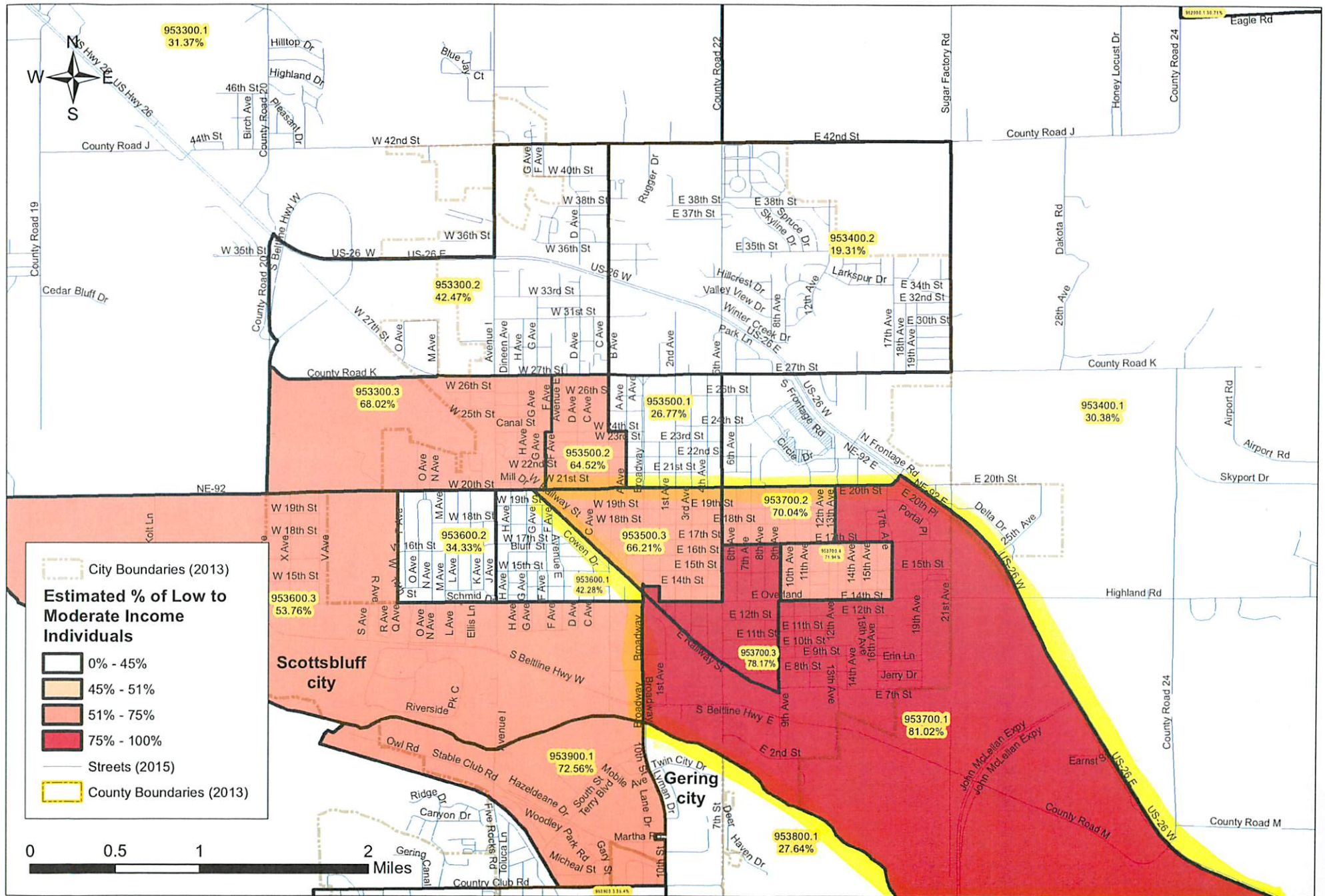
Signed

Title

Date: _____

EXHIBIT D

Estimated Percentage of Low to Moderate Income Individuals in Scottsbluff city



Sources: U.S. Department of Housing and Urban Development FY 2015 LMISD by State - All Block Groups, Based on 2006-2010 American Community Survey
 ESRI Business Analyst 2013-15 | Navteq 2015 Q1

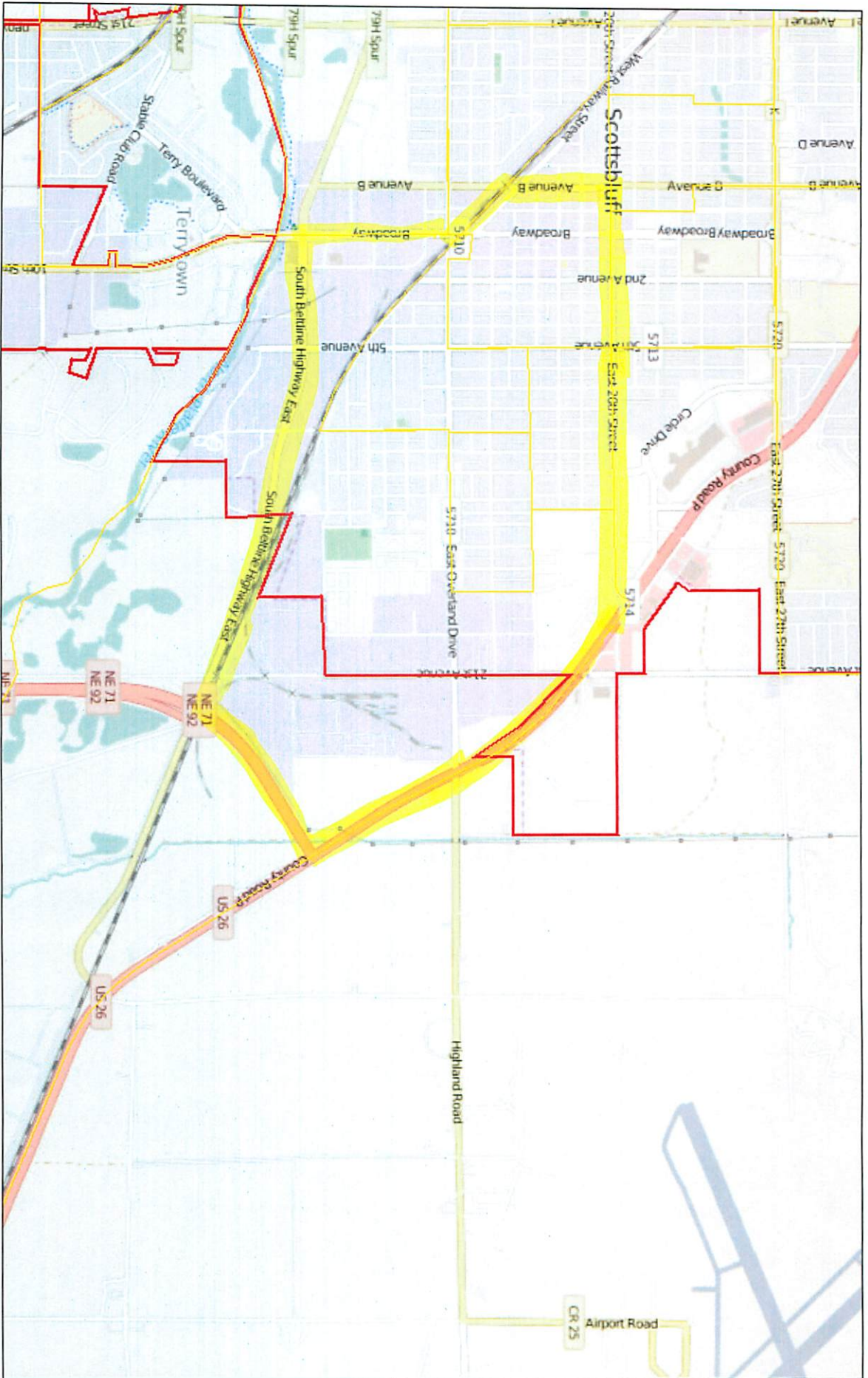
EXHIBIT L

FFATA REPORTING FORM/CERTIFICATION – CDBG & CDBG HOUSING

The Federal Funding Accountability and Transparency Act (FFATA) seeks to provide the public with greater access to Federal spending information. Due to FFATA requirements, units of general local government are required to provide the following information, which may be used by the Department of Economic Development (“Department”) to comply with federal reporting requirements. Please fill out the following form accurately and completely, have it signed by an authorized official, and submit to the Department along with your application for funding.

Name of Applicant: City of Scottsbluff			
Applicant Address: 2525 Circle Drive			
City: Scottsbluff	State: NE	Zip: 69361-	Congressional District: 3rd
Applicant DUNS number: 040601601			
Principal Place of Performance of Proposed Project: City of Scottsbluff			
City: Scottsbluff	State: NE	Zip: 69361-	Congressional District: 3rd
Brief Project Description: The City of Scottsbluff is requesting funds for Phase I (Pre-Development) funds for a community development plan for the <u>southeast section of Scottsbluff</u> .			
If certain conditions are met, Applicant must provide names and total compensation of Applicant’s top five highly compensated Executives to the Department. Please answer question number 1, and follow the instructions. If directed to answer question 2, please answer question 2 and follow instructions.			
<p>1. In Applicant’s previous fiscal year, did Applicant receive (a) 80 percent or more of Applicant’s annual gross revenues in U.S. federal contracts and subcontracts and other federal financial assistance subject to the Transparency Act, as defined in 2 C.F.R. 170.320; AND (b) \$25,000,000 or more in annual gross revenues from contracts and subcontracts and other federal financial assistance subject to the Transparency Act, as defined in 2 C.F.R. 170.320?</p> <p>Yes <input type="checkbox"/> If yes, answer question 2 below. No <input checked="" type="checkbox"/> If no, stop, you are not required to report names and compensation. Please sign and submit form to the Department.</p>			
<p>2. Does the public have access to information about the compensation of Applicant’s senior executives through periodic reports filed under section 13(a) or 15(d) of the Security Exchange Act of 1934 (15 U.S.C. 78(m)(a), 78o(d)), or section 6104 of the Internal Revenue Code of 1986?</p> <p>Yes <input type="checkbox"/> If yes, stop, you are not required to report names and compensation. Please sign and submit form to the Department. No <input type="checkbox"/> If no, you are required to report names and compensation. Please fill out the remainder of this form.</p>			
<p>Please provide the names and Total Compensation of the top five most highly compensated Executives in the space below.</p> <p>(NOTE: Executive means officers, managing partners, or any other employees in management positions. Total Compensation means the cash and noncash dollar value earned by the Executive during the Applicant’s preceding fiscal year and includes salary and bonus, awards of stock, stock options, and stock appreciation rights; earnings for services under non-equity incentive plans, change in pension value, above market earnings on deferred compensation which is not tax-qualified; and other compensation exceeding \$10,000 as defined in Appendix A to 2 C.F.R. Part 170.)</p>			
Name:		Total Compensation:	
Name:		Total Compensation:	
Name:		Total Compensation:	
Name:		Total Compensation:	
Name:		Total Compensation:	
The Applicant certifies that the information contained on this form is true and accurate.		DED USE	
Signed: _____			
Title: Mayor			
Date: _____			

Map of Project Area



August 16, 2016

Exhibit M

Charles Karpf
[LOGOUT](#)

Search Results

Quick Search Results

Your search returned the following results...

Notice: This printed document represents only the first page of your SAM search results. More results may be available. To print your complete search results, you can download the PDF and print it.

Entity	SCOTTSBLUFF, CITY OF	Status: Active	View Details
DUNS: 040601601	CAGE Code: 5EQ01		
Has Active Exclusion?: No	DoDAAC:		
Expiration Date: 11/09/2016	Delinquent Federal Debt? No		
Purpose of Registration: Federal Assistance Awards Only			

Glossary

- [Search Results](#)
- Entity
- Exclusion
- [Search Filters](#)
- By Record Status
- By Record Type

SAM | System for Award Management 1.0

IBM v1.P.48.20160624-1124

WWW9

Note to all Users: This is a Federal Government computer system. Use of this system constitutes consent to monitoring at all times.



Exhibit N

https://www.sam.gov/portal/SAM/?navigationalstate=JBPNS_rO0ABXdcACJqYXZheC5... 8/19/2016

**FOUR FACTOR ANALYSIS
ASSESSING
LIMITED ENGLISH PROFICIENCY
AND
LANGUAGE ASSISTANCE PLAN**

**PREPARED BY
CITY OF SCOTTSBLUFF, NEBRASKA**

**FOR
THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

EXHIBIT O-1

A. POLICY STATEMENT

It is the policy of the City of Scottsbluff to take reasonable steps to provide meaningful access to its programs and activities for persons with Limited English Proficiency (LEP). The City of Scottsbluff's policy is to ensure that staff will communicate effectively with LEP individuals, and LEP individuals will have access to important programs and information. The City of Scottsbluff is committed to complying with federal requirements in providing free meaningful access to its programs and activities for LEP persons.

B. HISTORY

Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have Limited English Proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

On August 11, 2000, Executive Order 13166, titled, "Improving Access to Services by Persons with Limited English Proficiency," was issued. Executive Order 13166 requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP cannot fully and equally participate in or benefit from those programs and activities. Section 2 of the Executive Order 13166 directs each federal department or agency "to prepare a plan to improve access to...federally conducted programs and activities by eligible LEP persons...."

C. DEFINITIONS

Beneficiary: The ultimate consumer of HUD programs and receives benefits from a HUD Recipient or Sub-recipient.

Limited English Proficient Person (LEP): Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English because of national origin.

Language Assistance Plan (LAP): A written implementation plan that addresses identified needs of the LEP persons served.

Recipient: Any political subdivision of the State of Nebraska, or an eligible nonprofit organization, to whom Federal financial assistance is extended for any program or activity, or who otherwise participates in carrying out such program or activity, including any successor, assign or transferee thereof, but such term does not include any Beneficiary under any such program.

Sub-recipient: Any public or private agency, institution, organization, or other entity to whom Federal financial assistance is extended, through another Recipient, for any program or activity, or who otherwise participates in carrying out such program or activity but such term does not include any Beneficiary under any such program.

Vital Document: Any document that is critical for ensuring meaningful access to the Recipient's major activities and programs by Beneficiaries generally and LEP persons specifically.

EXHIBIT O-1

D. FRAMEWORK & METHODOLOGY

This Four Factor Analysis is the first step in providing meaningful access to federally funded programs for LEP persons. The Four Factor Analysis completed by the City of Scottsbluff addresses the following:

1. The number or proportion of LEP persons eligible to be serviced or likely to be encountered by the City of Scottsbluff;
2. The frequency with which LEP persons using a particular language come in contact with the City of Scottsbluff;
3. The nature and importance of the City of Scottsbluff program or activity provided to the individual's life; and
4. The resources available to the City of Scottsbluff, and costs associated with providing LEP services.

E. FOUR FACTOR ANALYSIS

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the City of Scottsbluff.

According to U.S. census data, in the proposed study area, different census blocks have between 0 and 5.5% of households with limited English speaking status. This is fairly consistent with the experiences of City Hall employees.

2. The frequency with which LEP persons using a particular language come in contact with the City of Scottsbluff;

Typically, non-English speaking residents that come in contact with the City are fluent in Spanish. In City Hall, staff typically encounters non-English speaking residents about twice a week.

3. The nature and importance of the City of Scottsbluff program or activity provided to the individual's life.

City planning efforts included a focus group with Spanish translators for the first time in 2015. This focus group meeting underscored the importance of the City including non-English speakers in the City's planning processes in the future. Attendees of the focus group were very excited about the possibility of providing input to the City in the future and seemed eager for projects that would continue planning and implementing improvements in their area of town.

4. The resources available to the City of Scottsbluff and costs associated providing LEP services.

In City Hall, the City has a staff member who is fluent in English and Spanish who provides translation services when necessary. Additionally, in past focus group meetings, volunteers have provided translation services. These volunteers are residents of the proposed project area and have indicated their willingness to continue providing translation services as needed for future planning projects and informational meetings. In this manner, the City will be able to facilitate translation services for non-English speaking residents at no extra cost to the City.

As a result of the Four Factor Analysis, the **City of Scottsbluff** has determined a Language Assistance Plan is needed: YES NO

EXHIBIT O-1

EXHIBIT K

WAIVER OF PROCUREMENT PROCESS DUE TO OFFICIALS OF THE GRANTEE ACTING IN THEIR OFFICIAL CAPACITY

The City of Scottsbluff (Applicant) hereby assures and certifies to the Nebraska Department of Economic Development (the Department) regarding an application for Community Development Block Grant (CDBG) funds, the following:

1. The City of Scottsbluff has reviewed 24 CFR Part 85 Chapter 36 which sets forth the standards that are applicable to procurement for Federal grants and cooperative agreements and sub-awards to the State, local and Indian tribal governments.
2. In each of the last three consecutive years, the City of Scottsbluff, has appointed the Panhandle Area Development District, to act in the official capacity of planning services.
3. The City of Scottsbluff can document three consecutive years of annual appointment with minutes of annual reorganization meeting. Documentation attached.
4. The project activity directly relates to the official capacity of the appointee as described below and providing any related supplementary documentation to capacity (e.g. Development District will provide planning services, statement of capacity to compete services attached):

The Panhandle Area Development District will provide planning services with regards to the Phase I pre development of the Comprehensive Development program for the City of Scottsbluff when the funds are awarded to the City. The Panhandle Area Development District employs one full time employee who is a certified planner and provides planning services to the communities in the 11 counties of the Nebraska panhandle.

The Applicant hereby certifies that it will comply with the above stated assurances.

Signed _____

(Chief Elected Official)

Date _____

EXHIBIT K-1