

RESOLUTION NO. 2001-4

RESOLUTION OF THE WARRICK COUNTY COMMISSIONERS, WARRICK COUNTY, INDIANA
[HEREAFTER REFERRED TO AS "APPLICANT"]
AUTHORING THE SUBMITTAL OF THE
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
TO THE INDIANA HOUSING FINANCE AUTHORITY
AND ADDRESSING RELATED MATTERS

WHEREAS, the Applicant recognizes the need to stimulate growth and to maintain affordable housing to benefit its citizens;

WHEREAS, the Housing and Community Development Act of 1974, as amended, allows the Indiana Housing Finance Authority to award grants to local units of government to meet the affordable housing and community development needs of low and moderate income persons; and

WHEREAS, the Applicant has conducted or will conduct a public hearing prior to the submission of an application to the Indiana Housing Finance Authority, to assess the housing, public facilities, and economic needs of low and moderate income residents.

NOW THEREFORE, BE IT RESOLVED by the Applicant that:

1. The Chief Elected Official (CEO) is authorized to prepare and submit an application on March 1st, 2001 (due date) for up to \$30,000 in Community Development Block Grant funding to address conditions relating to a housing needs assessment in Warrick County, Indiana, and to execute and administer resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Housing Finance Authority and the United States Department of Housing and Urban Development.
2. Funds in the amount of Three Thousand Three Hundred Dollars (\$3,300) shall be and are set aside for this project. Such commitment fulfills the minimum leverage requirement for the CDBG request and is to be contingent upon receipt of CDBG funding from the Indiana Housing Finance Authority. The anticipated source of this leverage is Warrick County General Funding.

Adopted this 14 day of Feb., 2001 at 4 a.m./p.m.

Warrick County, Indiana

Jack Pike
Chief Elected Official

Paul Curran
Member

Don Williams
Member

Attest Richard J. Kixmiller

Title: Auditor

EXHIBIT 11A: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**INDIANA HOUSING FINANCE AUTHORITY
ASSURANCES AND CERTIFICATION**

The Applicant hereby represents and warrants that:

1. The information in this application is complete and accurate.
2. It possesses legal authority to apply for the grant, and to execute the proposed program.
3. 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 directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
4. It has complied with all requirements of Executive Order 12372, and that either:
 - a. Any comments or recommendations made by or through clearinghouses are attached and have been considered prior to submission of the application; or
 - b. The required procedures have been followed and no comments or recommendations have been received prior to submission of the application.
5. It has facilitated or will facilitate citizen participation by:
 - a. Publishing a statement of proposed activities so that affected citizens have an opportunity to submit comments on the proposed activities and community development performance of the applicant;
 - b. Providing adequate notices for two or more public hearings, specifically to persons of low and moderate income;
 - c. Holding two or more public hearings on the proposed application at times and locations convenient to potential beneficiaries, convenient to the physically disabled, and meeting needs of non-English speaking residents, if appropriate, to obtain citizens' views before adoption of a resolution or similar action by the local governing body authorizing the filing of the application;
 - d. Providing citizens information concerning the amount of funds available for proposed community development activities and the range of those activities;
 - e. Providing citizens with information concerning the amount of funds that will benefit persons of low and moderate income;
 - f. Furnishing citizens with the plans made to minimize the displacement of persons and to assist persons actually displaced as a result of grant activities;
 - g. Providing technical assistance to groups representing persons of low and moderate income requesting such assistance in developing proposals;
 - h. Providing citizens with reasonable notice of substantial changes proposed in the use of grant funds and providing opportunity for public comment;
 - i. Providing citizens with reasonable access to records regarding the past use of CDBG funds received; and
 - j. Ensuring that any modifications or amendments of the program that are made from time to time will be made in accordance with the same procedures required in (d) for the preparation and submission of a statement of proposed activities.
6. It has developed a community development plan, which at a minimum,
 - a. identifies the applicant's community development needs and housing needs; and
 - b. specifies both the short-term and long-term community development objectives that have been developed in accordance with the primary objectives of 24 CFR Part 570.
7. The Community Development program has been developed 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.

2/14/01 AGENDA

COPY BONAR GROUP

Date: Feb. 13, 2001 Number of pages 7
(Including this page)

To: Becky Edwards

Company: Warrick County

Fax Number: (812) 897-6128 89

From: Susan Borries

Indianapolis Fax (317)575.6936
Fort Wayne Fax (219)424.0410
Valparaiso Fax (219)462.0329

Becky -

I am faxing to you a copy of a resolution and Assurances and Certifications that will need to be passed prior to the submittal of the grant application.

It would probably be easiest if the Commissioners could sign these at tomorrow's meeting, so that they can be included with the Grant

Application due March 1st. Leo Rumschlag will be attending the public hearing instead of Josh Lantz. I will call you later to check to see if you have any questions. We will need a copy of the minutes from the public hearing. Leo will provide a written copy of what he is discussing so that it can be incorporated. These documents should be passed after the public hearing is closed. As always, thank you.

Susan

If you have any questions or problems, please call the originator at 317.575.6939
3021 E. 98th Street - Suite 110 - Indianapolis, Indiana 46280

[The requirement for this certification will not preclude the Indiana Housing Finance Authority from approving an application where the applicant certifies, and the Indiana Housing Finance Authority determines, that all or part of the Community Development Program activities are designed to meet other community development needs having a particular urgency as specifically explained in the application.]

8. It will minimize displacement of persons and provide for reasonable benefits to any person involuntarily and permanently displaced as a result of activities associated with program funds.
9. It will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low and moderate income including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (i) CDBG funds received are used to pay the proportion of such fee or assessment that relates to the capital costs of public improvements that are financed from revenue sources other than CDBG funds; or (ii) for purposes of assisting any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, the grantee certified to the Secretary or such State, as the case may be, that it lacks sufficient funds received from the CDBG Program to comply with the requirements of clause.
10. It will comply with all requirements imposed by the State concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular No. A-102, Revised, which includes a provision that program or project completion be no later than eighteen (18) months from project startup, inclusive of the bid process for professional and engineering services and program close-out.
11. The Applicant assures that both local and private project matching funds described in the application are available upon execution of the grant.
12. It will comply with:
 - a. Section 110 of the Housing and Community Development Act of 1974, as amended, by the Housing and Urban-Rural Recovery Act of 1983 and the Housing and Community Development Act of 1987, 24 CFR 570.603, and State regulation regarding the administration and enforcement of labor standards;
 - b. The provisions of the Davis-Bacon Act (46 U.S.C. 276a-5) which prescribe prevailing wage rates for construction trades for all projects except residential structures of less than 8 units;
 - 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 basic wage rates for all hours worked in excess of forty in a work-week;
 - d. Federal Fair Labor Standards Act, 29 U.S.C. 102, 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; and
 - e. Anti-kickback (Copeland) Act of 1934, 18 U.S.C. 874 and 40 U.S.C. 276c, which outlaws and prescribes penalties for "kickbacks" of wages in federally financed or assisted construction activities.
13. It will comply with:
 - a. Title VI of the Civil Rights Act of 1964 (Public Law 88-352. 42 UCS 2000d), 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 received Federal financial assistance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance 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 federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;

- b. The Fair Housing Act (Public Law 90-284, 42 USC 3601-20) administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services;
 - c. Section 109 of Title I of the Housing and Community Development Act of 1987, as amended, and the regulations issued pursuant thereto (24 CFR 570.602), which prohibits any person from discrimination in the sale or rental of housing, the financing of housing, or the provision of brokerage services on the grounds of race, color, religion, sex, national origin, handicap or familial status.
 - d. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to otherwise qualified physically disabled individuals as provided in Section 504 of the Rehabilitation Act of 1973 shall also apply to any such program activity;
 - e. Executive Order 11063, as amended by Executive Order 12259 on equal opportunity in housing and non-discrimination in the sale or rental of housing built with Federal assistance, and 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; and
 - f. Executive Order 11246 as amended by Executive Order 11375 and 12086, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 Chapter 60 and the Indiana Code (I.C. 22-9-10), which provides 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. Contractors and subcontractors on Federal and federally assisted construction contract shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training and apprenticeship.
14. It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing within the unit of local government.
 15. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Federal implementing regulation at 49 CFR Part 24, and the requirements of Section 570.496a and it is following a residential anti-displacement and relocation assistance plan under section 104(d) of Title I of the Housing & Community Development Act of 1974, as amended.
 16. It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.
 17. It will abide by the provision that no member, officer, or employee of the grantee or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during the tenure or for one year thereafter shall have any direct or indirect interest in any contractor, subcontractor, or the proceeds thereof, financed in whole or in part with Title I grants.
 18. It will comply with the provisions of the Hatch Act which limits the political activity of employees.
 19. It will give the State, IHFA, HUD and the Comptroller General, through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant.
 20. Its chief executive officer or other officer of applicant approved by the Indiana Housing Finance Authority:
 - a. Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and other provisions of Federal law, as specified at 24 CFR 58.1 (a) (3) and (a) (4); and
 - b. Is authorized and consents on behalf of the applicant to accept the jurisdiction of the Federal courts for the purpose of enforcement of responsibilities as such an official.

21. It will comply with:

- a. The National Environmental Policy Act of 1969 (42 U.S.C. 4321) and 24 CFR 58, and in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Preservation of Archaeological and Historical Data Act of 1966 (U.S.C. 469a-1) by:
 - i. Consulting with the State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse affects (see 36 CFR 800.8) by the proposed activity; and
 - ii. Complying with all requirements established by the State and to avoid or mitigate adverse effects upon such properties.
- b. Executive Order 11988, Floodplain Management;
- c. Executive Order 11990, Protection of Wetlands;
- d. The Endangered Species Act of 1973, as amended, (16 U.S.C. 1531);
- e. The Fish and Wildlife Coordination Act of 1958, as amended, (16 U.S.C. 661);
- f. The Wild and Scenic Rivers Act of 1968, as amended, (16 U.S.C. 300f);
- g. The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. 7401);
- h. Section 401 (f) of the Lead-Based Paint Poisoning Prevention Act, as amended, (42 U.S.C. 4831 (b));
- i. The Clean Air Act of 1970, as amended, (42 U.S.C. 7401);
- j. The Federal Water Pollution Control Act of 1972, as amended, (33 U.S.C. 1251);
- k. The Clean Water Act of 1977 (Public Law 95-217);
- l. The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901); and
- m. Section 202(a) if the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) as it relates to the mandatory purchase of Flood insurance for special flood hazard areas.

22. It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended.

23. It will comply with the provisions of the Indiana Code (I.C.) 35-44-1-3 and 4.

24. It agrees to repay to the State of Indiana any funds under this program that, as the result of a HUD or State of Indiana authorized audit, are found to have been spent in an unauthorized manner or for unauthorized activities.

25. It certifies that none of the funds being applied for will be used to substitute for any local, state, federal or private dollars that have been committed to the project as proposed in this application.

26. It certifies that it has adopted and will enforce a policy of prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction (section 104(1) of the Housing & Community Development Act of 1974, as amended).

27. It certifies that pursuant to 31 U.S.C. 1352, and any regulations promulgated thereunder:

- a. No federal appropriated funds have been paid or will be paid, by or on behalf of the applicant, 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 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.
- b. 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 the proposed Federal contract, grant, loan, or cooperative agreement, the applicant shall complete and submit Standard Form-L.L.L., "Disclosure Form to Report Lobbying," in accordance with its instructions.

c. The applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

28. Applicant hereby authorizes IHFA and its successors, affiliates, agents and assigns to utilize in any manner and at any time, any photograph, picture or other medium (collectively "photographs") of the property covered by this Application, without limitation, in any and all matters, publications or endeavors, commercial or noncommercial, undertaken directly or indirectly by IHFA at any time on or after the date of this Application without any limitation whatsoever. Applicant understands that: (i) it is relinquishing any and all ownership rights in any such photograph, picture or medium to IHFA; and, (ii) it is relinquishing any and all legal rights that it may now or hereafter have to, directly or indirectly, challenge, question or otherwise terminate the use of the photograph by IHFA.

Legal Applicant: _____

by

Jack Pike
Signature, Authorized Official

JACK PIKE
Name (typed or printed)

President, Warrick County Commissioners
Title

Feb. 14, 2001
Date

ATTESTED TO:

Signature

Name (typed or printed)

Title

Date