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DODGE COUNTY, NEBRASKA
FRED MYTTY, COUNTY CLERK

Appendix Item # 20
Date 11-6-2019

October 28, 2019

Bob Missel, Chairperson
Dodge County
Board of Supervisors
435 N Park
Fremont, NE 68025

RE: Community Development Block Grant (CDBG) Application #19EM001 / Dodge County
Notice of Approval: CDBG RLF Emergent Threat (EM) Category
[Federal Agency: US Dept of Housing and Urban Development/ CFDA#: 14.228]
[CFDA Title: Community Development Block Grant (CDBG)] Dodge County DUNS # 782196059
State of Nebraska CDBG Revolving Loan Program Fund

Dear Chairperson Missel:

On behalf of Anthony L. Goins, Director of the Nebraska Department of Economic Development, it is a pleasure to inform you that Dodge County awarded a Community Development Block Grant (CDBG) grant up to the amount of \$485,000. The awarded amount used for drainage and flood control activities that include the reconstruction of Platte River Ames Dike breached by the March 2019 Midwest Floods.

The project will fulfill a National Objective by alleviating existing conditions that pose a serious and immediate threat to the health or welfare of the community. Breaches to the Platte River levee system resulted in flooding along the State Lakes area and east into Inglewood and Fremont. The flooding damaged several homes, State highways, and Union Pacific Railroad corridor. The residents remain at risk based on existing damage to the levee systems and the inability to serve as a flood protection system. Dodge County Emergency Management and local governments coordinating the funding and project development with FEMA, NEMA, and the US Corps of Engineers. The March 2019 disaster of recent origin and critical need for resolution, which includes multiple financing sources for project implementation. The County unable to fund the gap or secure other funding sources that meet implementation costs.

At this time, only a very limited number of costs may be incurred prior to receiving a Notice of Release of Funds. Only costs associated with the general administration of the grant are allowable such as contracting for administrative services or hiring staff to administer the grant. Administrative costs include those necessary for completing the Special Conditions requirements including the environmental review. The Department may reimburse these costs if all costs are incurred in full conformity and compliance with the terms and conditions of the Contract, Code of Federal Regulations 2 CFR Part 200, and all applicable federal and state laws, regulations and requirements. All subcontracts must be for services to undertake approved administrative activities and conform to procurement procedures outlined in 2 CFR 200.317.

Do not proceed with your project. CDBG requirements cover a number of start-up activities, such as procurement, acquisition and construction standards. Under no circumstances will you be reimbursed for non-administrative costs incurred prior to receiving the Notice of Release of Funds and Environmental Clearance.

To assist you in satisfying the Special Conditions of the Contract, forms, instructions, and the CDBG Administration Manual are available on our website: <https://opportunity.nebraska.gov/program/community-development-block-grant/#administrators>. Prior to implementation of the funded project, it is necessary to satisfy the Special Conditions for Release of Funds. Included under Special Conditions is the completion of an environmental review record; instructions for completing the statutory checklist can be found on the Department's website. **Please note: documentation sources and/or correspondence are required for each field within the statutory checklist, including those determined "not applicable" to the project and project activities.**

The environmental review documents for the project are located on the Department's website. In order to complete the environmental review for your project activities you must submit the Determination of Level of Review Form, and all other applicable forms and source documentation, which serve as the Environmental Review Record (ERR). All forms must be dated and completed with original signatures by the Responsible Entity Certifying Officer, which is the Chief-Elected Official, and the Preparer when required. See also Chapter 6 of the CDBG Administrative Manual for more information.

In the event you withdraw from this Award prior to receiving a written Notice of Release of Funds Letter, the Department reserves the right to determine the amount of funds that may require reimbursement to your community or that require recapture from the community for any incurred eligible administrative costs.

If you have any questions regarding this information contact your Program Representative, Steve Charleston at (402) 471-3757, (800) 426-6505, or by email at steve.charleston@nebraska.gov. The principal contact for all grant related matters is your Program Representative. Individuals who are hearing and/or speech impaired and have a TTY, may contact the Department through the Statewide Relay System by calling (711) INSTATE (800) 833-7352 (TTY) or (800) 833-0920 (voice). The relay operator should be asked to call DED at (800) 426-6505 or (402) 471-3111. Additional information is at the Nebraska Relay website <http://www.nebraskarelay.com/>. Nebraska Relay offers Spanish relay service for our Spanish-speaking customers. Spanish-to-Spanish (711) or 1-888-272-5528/ Spanish-to-English (711) or 1-877-564-3503. Nebraska le ofrece el servicio de relevo a nuestros clientes en español. Los consumidores de TTY pueden escribir por máquina en español y las conversaciones serán retransmitidas en español y inglés.

We congratulate the community on successfully obtaining CDBG funds. We look forward to actively working with you in carrying out your CDBG development program.

Sincerely,



Steve Charleston
CDBG Program Manager
Housing and Community Development Division

Copies (as an email attachment): Fred Mytty, Local Contact; Lowell Schroeder, NENEDD
@DED→ file(s)

The actual federal grant number serving as the source of funding for this CDBG award will be dependent upon whether funding from previous grant years is available for distribution. As an example, if the Department continues to have funding available from prior federal fiscal years, it may be distributed prior to the Department distributing funding from the State of Nebraska CDBG RLF Program.

From: "Charleston, Steve" <Steve.Charleston@nebraska.gov>
To: "Dodge County Clerk" <clerk@dodge.nacone.org>
Cc: "Lowell Schroeder" <lowell@NENEDD.ORG>, "Boucher, Aaron" <Aaron.Boucher@nebraska.gov>, "Schademann, Rebecca" <rebecca.schademann@nebraska.gov>, "Mason, Jenny" <jenny.mason@nebraska.gov>, "Mack, Aaron" <Aaron.Mack@nebraska.gov>, "Ellingson, Kate" <kate.ellingson@nebraska.gov>
Subject: RE: Dodge County CDBG 19EM001 approval letter
Date: 10/29/2019 7:04:43 AM

Greetings,

Snow and cooler morning.

DED drafting the contract and datelines for completion special conditions and contract expiration.

The dateline for special conditions met 90 days out from contract begin date.

The following example contract language.

PART II: SPECIAL CONDITIONS FOR RELEASE OF FUNDS.

Funding of the amount stipulated in §1.01 will not be released until the following special conditions for release of funds are met. These special conditions must be satisfactorily completed no later than **May 25, 2019**. The Department reserves the right to cancel the contract if these special conditions are not met by this date.

The May 25, 2019 date included within the common listed special conditions for compliance with execution release of funds determined month January 2021 day not known yet.

Let me know if other questions.

Thank you.

Steve Charleston, CLSSYB

CDBG Program Manager

Nebraska Department of Economic Development
(402) 471-3757 or 800-426-6505 or fax (402) 471-8405
steve.charleston@nebraska.gov
www.opportunity.nebraska.gov

From: Charleston, Steve
Sent: Monday, October 28, 2019 5:03 PM
To: Dodge County Clerk <clerk@dodge.nacone.org>
Cc: Lowell Schroeder <lowell@NENEDD.ORG>; Boucher, Aaron <Aaron.Boucher@nebraska.gov>;
Rebecca Schademann <rebecca.schademann@nebraska.gov>; Jenny B. Mason
<jenny.mason@nebraska.gov>; Mack, Aaron <Aaron.Mack@nebraska.gov>; Ellingson, Kate
<kate.ellingson@nebraska.gov>
Subject: Dodge County CDBG 19EM001 approval letter

Greetings,

Attached DED approval letter award \$485,000 CDBG Revolving Loan Funds (RLF) to Dodge County for drainage and flood control activities that include reconstruction Platte River Ames Dike.

Please read carefully because only general admin costs contracting allowed prior to a release of funds. Greeley may begin the environmental review process and other special conditions for the grant. These are reimbursable costs.

PART II: SPECIAL CONDITIONS FOR RELEASE OF FUNDS.

Funding of the amount stipulated in §1.01 will not be released until the following special conditions for release of funds are met. These special conditions must be satisfactorily completed no later than **May 25, 2019**. The Department reserves the right to cancel the contract if these special conditions are not met by this date.

§2.01 Grantee Information Sheet.

The Grantee must submit a completed Program Grantee Information Sheet to the Department as prescribed.

§2.02 Authorization to Request Funds Form.

The Grantee must complete and return an Authorization to Request Funds form as prescribed by the Department.

§2.03 Financial Management.

The Grantee must submit documentation evidencing completion of all financial management system requirements and execution of the financial management certification form prescribed by the Department.

§2.04 Environmental Review.

The Grantee must submit documentation to the Department evidencing the completion of its responsibilities for environmental review and decision making pertaining to the Project and its compliance with the National Environmental Policy Act of 1969 (NEPA) and other provisions of federal law, as specified in 24 C.F.R. Part 58, which further the purposes of NEPA.

§2.05 Procurement Standards.

The Grantee must submit documentation to the Department evidencing adoption of appropriate procurement standards in compliance with provisions of federal law including, but not limited to, 24 C.F.R. Part 85, 24 C.F.R. §570.489, and 2 C.F.R. §§200.318 through 200.326 (with emphasis on the provisions in 2 C.F.R. §200.322 regarding procurement of recovered materials). Such procurement standards must include written standards of conduct covering conflicts of interest and governing the actions of the Grantee's employees engaged in the selection, award, and administration of contracts.

§2.06 Implementation Schedule.

The Grantee must complete and submit the Nebraska CDBG Grantee Implementation Schedule Form. The Implementation Schedule will serve as the schedule for completion of the Project and may be used by the Department to assess Project progress.

§2.07 CDBG Certified Administrator Required.

The Grantee must submit documentation identifying the CDBG Certified Administrator that will be used for the Project. The Department's Administration Manual contains details about the certification process. Reimbursement of Project expenses will not be paid by the Department unless a CDBG Certified Administrator is identified and administering the Project at the time of the request for reimbursement.

§2.08 Fair Housing.

The Grantee must submit documentation identifying its fair housing representative, and it must include the representative's name and contact information. The Grantee must submit a description of the actions it will take during the course of the Project to fulfill any requirements to affirmatively further fair housing and must also submit documentation demonstrating the actions that were actually taken, including the details of such actions (e.g. when the actions occurred, who participated, who benefitted, etc.). The requirement to submit documentation demonstrating the actions that were actually taken need not be submitted within the time frame for completion of the special conditions, but such documentation must be submitted prior to closeout of the grant. The Administration Manual contains additional details about affirmatively furthering fair housing.

§2.09 Excessive Force Certification.

The Grantee must provide documentation that it has adopted a policy to prohibit the use of excessive force by local law enforcement agencies against any individual engaged in nonviolent civil rights demonstrations.

§2.10 Limited English Proficiency.

The Grantee must submit documentation evidencing completion of its responsibilities to ensuring meaningful access to the Project activities and services for persons with Limited English Proficiency ("LEP") as required by Title VI of the Civil Rights Act of 1964; Executive Order 13166; and HUD's final "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons", which was published in the Federal Register on January 22, 2007 and which became effective on March 7, 2007 ("HUD LEP Guidance").

Such documentation must include all of the following: (1) information identifying the LEP representative for the Grantee, including the representative's name and contact information; (2) a Four Factor Analysis that is consistent with the HUD LEP Guidance; and (3) a description of the actions the Grantee will take during the course of the Project to fulfill the requirements to provide meaningful access to LEP persons. If deemed necessary as a result of the Four Factor analysis, the Grantee will also prepare and submit to the Department a Language Access Plan ("LAP") that includes all elements of an effective LAP as defined by HUD.

The Grantee must also submit documentation demonstrating LEP services provided and keep records of all requests for LEP services and all LEP services actually provided. The requirement to submit documentation demonstrating the LEP services provided need not be submitted within the time frame for completion of the special conditions, but such documentation must be submitted prior to closeout of the grant.

Contract provided separately following the State's award and grant agreement execution with State for 2019 CDBG RLF funds.

If questions, please ask.

Thank you.

Steve Charleston, CLSSYB

CDBG Program Manager

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