



Travis County Commissioners Court Agenda Request

Meeting Date: December 2, 2014

Prepared By/Phone Number: Christy Moffett, MSSW 854-3460

Elected/Appointed Official/Dept. Head:

Sherri E. Fleming, County Executive of Travis County Health and Human Services & Veterans Service

Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE:

Consider and take appropriate action regarding approval of the Program Year 2014 Community Development Block Grant Agreement provided by HUD.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

Under the provisions of Title 1 of the Housing and Community Development Act of 1974 (42 USC 5301), the Federal government sponsors a program that provides annual grants to cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, by expanding economic opportunities for low and moderate income persons. This grant agreement approves Travis County's PY 2014 Action Plan. Beginning in 2006, the program is operating under its third Consolidated Plan and starting its ninth year.

The grant agreement is the same document executed annually for the last seven years. The County Attorney's has reviewed and approved the agreement and the County Auditor's Office is currently reviewing.

The HUD letter and grant agreement are attached with one addition to the grant agreement: Per the County Attorney's office request, "by" was added to the signature line. HUD recognizes the County Judge as the certifying official for all transactions unless the Commissioners Court delegates the responsibility to someone else.

STAFF RECOMMENDATIONS:

Staff recommends approval.

ISSUES AND OPPORTUNITIES:

With the execution of this agreement, the County assumes HUD's responsibility for all environmental reviews with any HUD funding source within the County, but outside the City of Austin.

The County has 60 days to execute the agreement from the date of the letter or forfeit funds.

FISCAL IMPACT AND SOURCE OF FUNDING:

Executing the agreement allows the County to have access to \$997,649 in federal funding and to implement the projects approved for PY 2014.

REQUIRED AUTHORIZATIONS:

County Attorney's Office
Auditor's Office

cc:

Leroy Nellis, PBO
Aerin Pfaffenberger, PBO
Jason Walker, Purchasing Office
Kendra Tolliver, TCHHS&VS
DeDe Bell, Auditor's Office
Steven Manilla, TNR
Cynthia McDonald, TNR
Mary Etta Gerhardt, County Attorney's Office

Jessica Rio, PBO
Cyd Grimes, Purchasing Office
Kathleen Haas, TCHHS&VS
Nicki Riley, Auditor's Office
Janice Cohoon, Auditor's Office
Lee Turner, TNR

From: [Mary Etta Gerhardt](#)
To: [Christy D. Moffett](#); [Michelle Gable](#)
Cc: [Janice Cohoon](#); [Dede Bell](#); [Elena Rivera](#); [Martha Brown](#)
Subject: RE: CDBG PY14 Grant Agreement
Date: Thursday, November 20, 2014 3:43:48 PM

It looks like you have covered everything, as usual.
Please consider approved as to legal form.

From: Christy D. Moffett
Sent: Wednesday, November 19, 2014 8:44 AM
To: Mary Etta Gerhardt; Michelle Gable
Cc: Janice Cohoon; Dede Bell; Elena Rivera; Martha Brown
Subject: CDBG PY14 Grant Agreement
Importance: High

Good morning,

Attached is the response letter and grant agreement for Program Year 2014. The grant agreement is substantially the same as in previous years. A couple of notes:

- 1) As we do every year, I added the work BY: to the signature box as the County Attorney's Office has requested annually.
- 2) Boxes 12 a – c are not applicable to the County as we do not have a Section 108 loan.
- 3) No action items or questions related to the submitted plan are requested in the letter.
- 4) The addendum has changed this year to include items typically placed in the letter. We comply with all of the addendums as the referenced rules have been in existence for two or more years.

Please review the attached agreement and provide your approval/feedback via email no later than Monday, November 24th so we can put it on the agenda for December 2nd agenda.

Thanks!

Christy Copeland Moffett, MSSW

CDBG Planning Manager

Office of the County Executive for

Travis County Health and Human Services & Veterans Service

Please take note. My email address has changed: Christy.moffett@traviscountytexas.gov

P.O. Box 1748, Austin, TX 78767

P: 512.854.3460 F: 512.854-7140

www.traviscountytexas.gov/cdbg



OCT 22 2014

Ms. Sherri Fleming
Executive Manager
Travis County HHSVS
P.O. Box 1748
Austin, TX 78767

U.S. Department of Housing and Urban Development
San Antonio Field Office, Region VI
Office of Community Planning and Development
H.F Garcia Federal Bldg/U.S Courthouse
615 E. Houston Street, Suite 347
San Antonio, Texas 78205-3601
Phone (210) 475-6820 Fax: (210) 472-6825
www.hud.gov www.espanol.hud.gov

Dear Ms. Fleming:

SUBJECT: Approval of Five Year Consolidated Plan Strategy for Fiscal Years 2014 – 2018 and Fiscal Year 2014 Action Plan Submission

Thank you for your timely submission of the County's 5 Year Consolidated Plan and One -Year Annual Action Plan. This letter serves as official notification of HUD's approval of your 5-Year Consolidated Plan Strategy for Fiscal Years (FY) 2014 - 2018 and the One Year Annual Action Plan for FY 2014. The County's One Year Annual Action Plan is effective October 1, 2014.

The FY 2014 grants for the programs cited below are approved for the following amounts:

PROGRAM: CDBG

AMOUNT: \$997,649.00

The Consolidated Plan/Action Plan serves as a planning document for your jurisdiction, which builds on a participatory process among citizens, organizations, businesses, and other stakeholders; a submission for federal funds under HUD's formula grant programs for jurisdictions; a strategy to be followed in carrying out HUD programs; and a management tool for assessing performance and tracking results.

We appreciate the hard work of the County staff in producing the Consolidated Plan Strategy and Annual Action Plan, and your continued collaboration with the various cities, county, state and federal stakeholders, numerous local non-profit and public service agencies, as well as the citizens of Travis County to provide enhanced housing and community revitalization initiatives for your community.

The standards for review of the Consolidated Plan/Action Plan as outlined in 24 CFR Part 91.500 are: Consistency with the *Cranston-Gonzalez National Affordable Housing Act* and whether it is "substantially complete". Based on our review of the County's Plan, the two basic regulatory requirements for approval of the Plan have been met.

The County is reminded that annual Action Plans are evaluated for consistency with the Consolidated Plan Strategy in achieving designated high priority activities in the application for

program funding. All quantitative goals stated in both your Action Plan and Consolidated Plan Strategy will establish the basis for performance evaluation when the County submits its end of the year Consolidated Annual Performance and Evaluation Report (CAPER).

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The Action Plan has been formatted to present a concise and comprehensive description on the use of the new program year funding. Your proposed Planning and Administration activities are within the 20 Percent Administration regulatory cap. Additionally the total for Public Service activities is within the 15 percent Public Service regulatory cap.

In compliance with 24 CFR 91.220 requirements, the Action Plan showed the quantitative goals (outcome measures) for each activity. This year's Action Plan shows 100 percent of activities meeting a High Priority designation as stated in the Consolidated Planning Strategy.

OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

The County's Action Plan was reviewed by the OFHEO and the following general guidance is provided: The County is reminded of required compliance with all applicable civil rights laws, including Section 109 of the Housing and Community Development Act of 1974; Section 504 of the Rehabilitation Act of 1973; applicable provisions of title VI of the Civil Rights Act of 1964; the Fair Housing Act; and HUD regulations issued pursuant thereto. In particular, the grantee is reminded of the site and neighborhood standards required when using home funds. *See* 24 CFR 92.202 and the Fair Housing for HOME Participants guidance. The grantee is also reminded that in accordance with the Fair Housing Act, it must ensure that programs are administered in a manner to affirmatively further the policies of the Fair Housing Act in accordance with the certification at 24 CFR 91.225(a)(1) and 570.601.

OFFICE OF PUBLIC AND INDIAN HOUSING (PIH)

SAOPH is in the process of reviewing the Action Plan submission. A separate letter could be forthcoming should the results of their review determine the need to contact the County to provide or request further information. Thank you for your patience and consideration.

GENERAL TO ALL PROJECTS

Approval of your Action Plan does not give automatic eligibility approval to the specific projects identified in the Action Plan; as such approval of the specific projects cannot be made since supporting documentation is not required to be submitted.

Approval of your Action Plan does not give automatic eligibility approval to subsequent projects created by amendments. The reallocation of funds which results in amendments or substantial amendments to the action plan must be processed in accordance with 24 CFR Part 91.505 and the County's Citizen's Participation Plan. The reallocation of funds should be reviewed carefully and approved only as "an exception" to the process and should not become "the norm". The amendments resulting from these reallocations are generally time consuming to

process and could eventually affect the County's ability to meet timeliness expenditure requirements.

All program/project files should include all elements required in the regulations for "Records to be maintained", as cited in CDBG at 24 CFR 570. 506.

We remind the County that certain activities are subject to the provisions of 24 CFR Part 58 (Environmental review Procedures for Entities Assuming HUD Environmental Responsibilities). Funds for such activities may not be obligated or expended unless there is a written release of funds notification from our Field Office. To initiate this process for these activities, the County must submit to our office an executed HUD form 7015.15 - Request for Release of Funds and Certification. Only units of general local government can assume responsibility for environmental reviews under 24 CFR Part 58. Sponsors can supply the required information to the responsible entity to prepare the review.

Enclosed are two signed copies of the Grant Agreements and Funding Approvals for each program that constitutes the contracts between the Department of Housing and Urban Development and the County. Please sign each original Grant Agreement. Retain one original for your records and return the other agreement to us. Our office will send the Grant Agreement to the HUD Accounting Center to record the obligation. Failure to return the executed Grant Agreement within 60 days may be deemed to constitute rejection of the grant and cause for HUD to determine that funds are available for reallocation to other grantees.

Should there be a need to establish or change the depository account where the grant funds are being wired to, a Direct Deposit sign-up form (SF-1199A) must be completed by both the County and financial institution and mailed to our Field Office.

Please note that your upcoming Consolidated Annual Performance Report (CAPER) is due on December 29, 2014. .

We thank you for the submission of your Consolidated Plan. During the next year, we look forward to continuing our successful partnership with the County. If you have any questions concerning the grant notification set forth in this letter, please contact David Rios, Senior Community Planning and Development Representative, at (210) 475-6800, extension 2314.

Sincerely,



Elva F. Garcia
Director, Office of Community Planning
and Development

cc: The Honorable Samuel T. Biscoe, Judge, Travis County
Ms. Christy Moffett, Senior Planner

Funding Approval/Agreement

Title I of the Housing and Community Development Act (Public Law 930383)
HI-00515R of 20515R

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Community Development Block Grant Program

OMB Approval No.
2506-0193 (exp 1/31/2015)

1. Name of Grantee (as shown in item 5 of Standard Form 424) County of Travis		3a. Grantee's 9-digit Tax ID Number: 746000192	3b. Grantee's DUNS Number: 030908842	4. Date use of funds may begin (mm/dd/yyyy): 10/01/2014
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) P.O. Box 1748 Austin, Texas 78767		5a. Project/Grant No. 1 B-14-UC-48-0503		6a. Amount Approved \$997,649.00
		5b. Project/Grant No. 2		6b. Amount Approved
		5c. Project/Grant No. 3		6c. Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions/addendums, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Elva F. Garcia		Grantee Name County of Travis	
Title Director, Community Planning and Development		Title Samuel T. Biscoe, Travis County Judge	
Signature 		Signature By:	
Date (mm/dd/yyyy) OCT 22 2014		Date (mm/dd/yyyy)	

7. Category of Title I Assistance for this Funding Action (check only one) <input checked="" type="checkbox"/> a. Entitlement, Sec 106(b) <input type="checkbox"/> b. State-Administered, Sec 106(d)(1) <input type="checkbox"/> c. HUD-Administered Small Cities, Sec 106(d)(2)(B) <input type="checkbox"/> d. Indian CDBG Programs, Sec 106(a)(1) <input type="checkbox"/> e. Surplus Urban Renewal Funds, Sec 112(b) <input type="checkbox"/> f. Special Purpose Grants, Sec 107 <input type="checkbox"/> g. Loan Guarantee, Sec 108	8. Special Conditions (check one) None <input checked="" type="checkbox"/> Attached	9a. Date HUD Received Submission (mm/dd/yyyy) 8/15/2014	10. check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number	
		9b. Date Grantee Notified (mm/dd/yyyy) OCT 22 2014		
		9c. Date of Start of Program Year (mm/dd/yyyy) 10/01/2014		
11. Amount of Community Development Block Grant				
		FY (2014)	FY ()	FY ()
a. Funds Reserved for this Grantee		\$997,649.00		
b. Funds now being Approved		\$997,649.00		
c. Reservation to be Cancelled (11a minus 11b)				

12a. Amount of Loan Guarantee Commitment now being Approved	12b. Name and complete Address of Public Agency
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency
	Title
	Signature

HUD Accounting use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153											
	176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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*** Addendum to the Grant Agreement for the CDBG Program - HUD form 7082.**

- In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act as provided in 2 CFR part 25, Universal Identifier and Central Contractor Registration, and 2 CFR part 170, Reporting Subaward and Executive Compensation Information.
- The grantee shall ensure that no CDBG funds are used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.
- The Grantee or unit of general local government that that indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.