

**CITY OF SCRIBNER
DOWNTOWN REVITALIZATION PROGRAM**

The City of Scribner, Nebraska, a municipal corporation, has been receiving Community Development Block Grants from the State of Nebraska, Department of Economic Development (DED), which has received Community Development Block Grants (CDBG) from the United States Department of Housing and Urban Development (HUD) as authorized under the Housing and Community Development Act of 1974, and as thereafter amended.

I. STRATEGY FOR USE OF THE DOWNTOWN REVITALIZATION PROGRAM

Section 1.1. Statement of Purpose. The purpose of the Downtown Revitalization Program is to distribute CDBG funds which the City of Scribner has received from the State of Nebraska Department of Economic Development as funded by HUD, and to support businesses which expand the city's economic base and create quality jobs for persons in the low and moderate income levels. All project activities must meet national objectives:

1. benefiting low- and moderate-income persons; or
2. aiding in the prevention or elimination of slums and blight

It is the further purpose of the Downtown Revitalization Program to comply with all CDBG regulations, federal, state, and City of Scribner objectives and priorities. Every business within the City of Scribner Redevelopment District is eligible. If the business is not the property owner, and the project is a fixture or building modification, than the application must include a letter of consent from the property owner and the property owner must sign the application.

Section 1.2. Eligible Activities. The following economic development activities are eligible for assistance:

1. Downtown Revitalization façade improvement projects such as building preservation, awnings, painting, and window/door replacements.
2. ADA accessibility

Section 1.3. Types of Assistance. The program shall provide assistance to businesses or industries in the form of grants to businesses or industries for those eligible activities outlined in Section 1.2. Program grants can't be more than 75% of the total project cost. Owner equity requirements will be a minimum of 25%. No business or industry shall receive assistance, if the City determines that such assistance will unduly enrich such business or industry.

Maximum Amount: The maximum grant amount will be \$25,000 per project for aiding in the prevention or elimination of slums and blight. The City reserves the right to award additional funds to a single project.

Section 1.4. Time of Performance. The City will have a limited amount of time to complete all projects. If no activity has proceeded and the City has not received any correspondence regarding a need for additional time within 4 months, funds may be pulled and reallocated to the next project or allocated to infrastructure costs.

II. DISTRIBUTION AND MANAGEMENT SYSTEM

Section 2.1. Submission of Applications. Applications will be accepted beginning December 13, 2010. Applications must be received by the City of Scribner on or before 4:00 PM on January 13, 2011. If funds are not completely allocated, the City may announce a second round.

To apply for DTR funding, an eligible applicant must complete the application form of the City. All parts must be completed before application will be considered for funding.

Required Information from all Applicants.

- Application form
- Submit Cost Estimates from an engineer or contractor
- Submit preliminary designs and/or detailed project description
- Submit photographs of building's current condition
- If not property owner, business owner must attach a letter of consent from owner

Section 2.1. Selection of Applicants. All applications shall be submitted to the City of Scribner A designated committee appointed by the City of Scribner shall then review and make an initial decision regarding approval or denial of the application. The same shall then be submitted to the City Council for final approval.

Section 2.2. Compliance with all CDBG Regulations. All applicants and ultimate assistance recipients must comply with all federal statutes and regulations, state statutes and regulations, and city ordinances and regulations, with special assurances to comply with all parts of Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended. All applicants and applicant's contractors utilizing Scribner Downtown Revitalization Commercial Rehabilitation program funding shall be required to comply with the special requirements and assurances, which are attached hereto as Exhibit "B".

- **Of special note:** improvements funded must be made with an effort to maintain, preserve or restore historic integrity. The City is required to contact the Nebraska State Historical Society for design approval, and will not be able to fund a project without their approval. If desired, applicant may contact Jill Dolberg at 402.471.4773 or jill.dolberg@nebraska.gov prior to application for guidance.

Section 2.3. Required Application Conditions. All applicants and ultimate assistance recipients shall comply with the following:

1. All records pertinent to the application and ultimate contract and work undertaken as part of the project shall be retained by the applicant/grantee for a period of three years after the final audit of the program, unless otherwise required by laws and regulations.

2. The City, including the City Administrator and City Attorney, and all designated agents thereof shall have full access and the right to examine, audit, excerpt, or transcribe any of the applicant's/grantee's records pertaining to all matters covered by the application or ultimate contract.

III. FINANCIAL MANAGEMENT

Section 3.1. Maintenance of Records. The administrative system of the funds shall consist of the following:

1. All projects approved for financial assistance by the City shall be administered by the City or its designated agent. Payment shall be made by warrants issued by the City to the applicant/grantee and made upon requisition for payment to the City by the applicant/grantee. All grant payments to the applicant shall be paid once supporting invoices are provided during the City's regular payment cycle. The City will reimburse based

upon the percentages of grant to owner cash injection. For example 75% grant / 25% owner equity as stated in the approved application. The requisition shall be made in accordance with the format specified by the City. The City shall review and approve the requisition before issuing warrants to the applicant/grantee. **Invoices will not be processed until contractors are in compliance with Federal Labor Standards according to the Davis Bacon Act.**

IV. CHANGES AND MODIFICATIONS

Section 4.1. Amendment Procedures. Any amendment to an approved application and the ultimate contract shall be made by the individuals as specified in Sections 2.1, 2.2, and 2.5. Further, if the amendment is deemed to be a material change, then the same shall be submitted to the City Council of the City at a public or special hearing regarding the amendment which shall approve or deny the same.

V. SCORING APPLICATIONS

(1) **Building Preservation** – 0 – 50

(2) **Historic Restoration** – 0 – 25

(3) **Leverage / Financial Support**- 0-50

Applicant is required to provide a 25% match of total budget. For every additional percentage, applicant will receive one point, not to exceed 50 points.

(4) **Project Readiness** – 0 – 10

(5) **ADA improvements** – 0-10

VI. APPLICATION DUE DATES

Applications will be accepted beginning December 13, 2010, but must be received by January 13, 2011 at 4:00 p.m. If a second round of applications is needed the due date will determined or applications may be accepted on a first come, first ready, first served.

EXHIBIT "A"

ADMINISTRATIVE REGULATION NO. 84-2 CODE OF CONDUCT

The following code of conduct regulations are hereby outlined for the guidance of and standards of conduct which shall govern the performance of all officers, employees, agents, or personnel engaged in the award and administration of contracts with the City.

1. Definition. For the purposes of this regulation, officer shall mean any elected or appointed official or member of any board or commission of the City or any employee of the City.
2. Conflict of Interest. No officer of the City shall be permitted to benefit from any contract to which the City is a party. No officer shall be interested in any contract to perform any work for, or furnish any material to, any contractor or subcontractor in conjunction with a contract between such contractor or subcontractor and the City without prior disclosure. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict.
3. Federal Funds. No officer, employee, or agent of the City shall participate in selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - (a) the officer, employee, or agent, or
 - (b) any member of his immediate family, or
 - (c) his or her partner, or
 - (d) an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for the award.
4. Gratuities. The officers of the City or the agents thereof shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts.
5. Ledger. The City shall maintain, separately from other records, a ledger containing information listed in these regulations about every contract entered into by the City in which an officer of the City has a direct or indirect interest as specified therein, and for which a disclosure is made as provided in the Scribner Municipal Code. The information supplied relative to any contract shall be provided to the Clerk not later than ten days after the officer has knowledge of any conflict of interest, direct or indirect, real or apparent.
6. Charges. Any person may make a charge of misconduct in office of any City official or officer as provided by the Scribner Municipal Code, and further to the extent permitted by laws of the State of Nebraska.
7. Filing. This Administrative Regulation No. 84-2 was filed on November 13, 1984.

EXHIBIT "B"

SPECIAL REQUIREMENTS AND ASSURANCES

Public Law 88-352, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et. seq.) (24 CFR Part 1)

The Grantee shall comply with the provisions of "Public Law 88-352," which refers to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et. seq.). The law provides that no person in the United States shall, on the grounds of race, color, or national origin, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Section 109 of the Housing and Community Development Act of 1974, As Amended

The Grantee shall comply with the provisions of Section 109 of the Housing and Community Development Act of 1974, as amended, which requires that no person in the United States shall on the grounds of race, color, 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 community development funds made available pursuant to Title I of the Act.

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 Grantee shall comply with the provisions of Title IV of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831), which prohibits the use of lead-based paint in residential structures constructed or rehabilitated with federal assistance of any kind.

The National Environmental Policy Act of 1969 and 24 CFR Part 58

Environmental review procedures, including completing a checklist and determining and publishing a Finding of Significance or of No Significant Impact for a project, are a necessary part of this process Pursuant to these provisions, the Grantee must also submit environmental clarifications to the Department when requesting that funds be released for the project.

The Grantee must certify that the proposed project will not significantly impact the environment and that the Grantee has complied with environmental regulations and fulfilled its obligations to give public notice of the funding request, environmental findings and compliance performance.

Davis-Bacon Act, As Amended (40 U.S.C. 276-1 - 276a-5); and Section 2; of the June 13, 1934 Act, As Amended (48 Stat. 948.40 U.S.C. 276(c), Popularly Known as the Copeland Act

The Grantee shall comply with the provisions of the Davis Bacon Act, as amended. This Act mandates that all laborers and mechanics be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account except "permissible" salary deductions, the full amounts due at the time of payments, computed at wage rates not less than those contained in the wage determination issued by the U.S. Department of Labor. Weekly compliance statements and payrolls are required to be submitted to the federally funded recipient by the contractor.

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u)

The Grantee shall comply with the provisions of Section 3 of the Housing and Urban Development Act of 1968 which require, in connection with the planning and carrying out of any project assisted under the Act, to the greatest extent feasible, opportunities for training and employment be given to lower-income persons residing within the unit of local government or the nonmetropolitan county in which the project is located, 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 in the project area. The Grantee must assure good faith efforts toward compliance with the statutory directive of Section 3.

Historic Preservation

The Grantee shall, 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 (16 U.S.C. 469a-1, et. seq.) by:

1. Consulting with the state Historical Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.0) by the proposed activity; and
2. Complying with all requirements established by the state to avoid or mitigate adverse effects upon such properties.

The Architectural Barriers Act (ABA)

The ABA requires access to facilities designed, built or altered with Federal dollars or leased by Federal agencies. The law covers a wide range of facilities, including post offices, social security offices, prisons, and national parks. It also applies to non-government facilities that have received Federal funding, such as certain schools, public housing, and mass transit systems. Passed in 1968, the ABA stands as the first measure by Congress to ensure access to the built environment. Facilities that predate the law generally are not covered, but alterations or leases undertaken after the law took effect can trigger coverage.