

RESOLUTION NO. A-_____

1 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the
2 Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen
3 participation with reference thereto and in full compliance with the U.S. Department of Housing and
4 Urban Development requirements, has prepared the City of Lincoln FY 2005 first Program Year
5 Action Plan outlining the activities and initiatives of Urban Development for CDBG, HOME, and
6 ADDI entitlement funds from HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91,
7 et al.; and

8 WHEREAS, such plan includes the proposed community development activities and
9 community development objectives, all prepared in full compliance with the requirements,
10 instructions, and recommendations contained in the Community Development Block Grant
11 Regulations, HOME Investment Partnerships Act Regulations, and American Dream Downpayment
12 Initiative; and

13 WHEREAS, such plan and the items contained therein and each of them appear to
14 be in the best interest of the City of Lincoln, Nebraska; and

15 WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY
16 2005 Action Plan, as prescribed in the Community Development Block Grant Regulations, HOME
17 Investment Partnerships Act Regulations, and American Dream Downpayment Initiative and 24
18 C.F.R., Part 91.

19 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
20 Nebraska:

21 That the FY 2005 Action Plan, a copy of which is attached hereto, is hereby
22 approved and the Mayor is authorized to submit the FY 2005 Action Plan to the Department of
23 Housing and Urban Development for total grants for Fiscal Year 2005 in the amount of \$3,262,853

1 (\$2,018,381 CDBG; \$1,184,797 HOME; and \$59,675 ADDI) under the provisions of Title I of the
2 Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez
3 National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B.
4 McKinney Homeless Assistance Act of 1988, as amended, and each and every item included
5 therein is hereby approved. The Mayor and other City officials charged with responsibilities
6 pertinent to the proposed certifications are hereby authorized to execute said certifications for and
7 on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to
8 execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the
9 Secretary of Housing and Urban Development, or his designate, in the form and substance as
10 required by the Community Development Block Grant Regulations, HOME Investment Partnerships
11 Act Regulations, and the American Dream Downpayment Initiative, and to supplement such Action
12 Plan in any way reasonably required by the Department of Housing and Urban Development to
13 expedite approval of the same.

14 BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and
15 certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal
16 Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations,
17 Part 85, as they relate to the Action Plan, acceptance and use of Federal funds for the City's
18 federally-assisted programs.

19 BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and
20 certifies with respect to the FY 2005 Action Plan that:

- 21 1. The City will affirmatively further fair housing.
- 22 2. The City has in effect and is following a residential anti-displacement and relocation
23 assistance plan.
- 24 3. The City will continue to provide a drug-free workplace by:

1 a. Publishing a statement notifying employees that the unlawful manufacture,
2 distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's
3 workplace and specifying the actions that will be taken against employees for violation of such
4 prohibition;

5 b. Establishing an ongoing drug-free awareness program to inform employees
6 about -

7 i. The dangers of drug abuse in the workplace;

8 ii. The grantee's policy of maintaining a drug-free work-place;

9 iii. Any available drug counseling, rehabilitation, and employee
10 assistance programs; and

11 iv. The penalties that may be imposed upon employees for drug abuse
12 violations occurring in the workplace;

13 c. Making it a requirement that each employee to be engaged in the
14 performance of the grant be given a copy of the statement required by subparagraph (1);

15 d. Notifying the employee in the statement required by sub-paragraph (a) that,
16 as a condition of employment under the grant, the employee will:

17 i. Abide by the terms of the statement; and

18 ii. Notify the employer in writing of his or her conviction for a violation
19 of a criminal drug statute occurring in the workplace no later than five
20 calendar days after such conviction;

21 e. Notifying the agency in writing, within ten calendar days after receiving notice
22 under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction.
23 Employers of convicted employees must provide notice, including position title, to every grant officer
24 or other designated on whose grant activity the convicted employee was working, unless the Federal
25 agency has designated a central point for the receipt of such notices. Notice shall include the
26 identification number(s) of each affected grant;

1 f. Taking one of the following actions, within 30 calendar days of receiving
2 notice under subparagraph d.ii., with respect to any employee who is so convicted -

3 i. Taking appropriate personnel action against such an employee, up
4 to and including termination, consistent with the requirements of the
5 Rehabilitation Act of 1973, as amended; or

6 ii. Requiring such employee to participate satisfactorily in a drug abuse
7 assistance or rehabilitation program approved for such purposes by
8 a federal, state, or local health, law enforcement, or other
9 appropriate agency;

10 g. Making a good faith effort to continue to maintain a drug-free workplace
11 through implementation of subparagraphs a, b, c, d, e, and f.

12 4. The City will comply with restrictions on lobbying required by 24 CFR part 87,
13 together with disclosure forms if required by that part. The City further certifies that to the best of
14 the City's knowledge and belief:

15 a. No federal appropriated funds have been paid or will be paid, by or on behalf
16 of the City, to any person for influencing or attempting to influence any officer or employee of an
17 agency, a member of Congress, an officer or employee of Congress, or an employee of a member
18 of Congress in connection with the awarding of any federal contract, the making of any federal
19 grant, the making of any federal loan, the entering into of any cooperative agreement, and the
20 extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan,
21 or cooperative agreement;

22 b. If any funds other than federal appropriated funds have been paid or will be
23 paid to any person for influencing or attempting to influence an officer or employee of any agency,
24 a member of congress, an officer or employee of Congress, or an employee of a member of
25 Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will

1 complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance
2 with its instructions; and

3 c. The City will require that the language of paragraph 4 of this certification be
4 included in the award documents for all subawards at all tiers (including subcontracts, subgrants,
5 and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall
6 certify and disclose accordingly.

7 5. The City possesses legal authority under state and local law to make a grant
8 submission and to carry out the proposed community development and housing program for which
9 it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution,
10 the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the
11 Action Plan, including all the understandings and assurances contained therein. Further the Mayor
12 is hereby directed and authorized to act in connection with the submission of the Action Plan and
13 to provide such additional information as may be required.

14 6. The housing activities to be undertaken with CDBG, HOME, and ADDI funds are
15 consistent with the City's strategic plan.

16 7. The City will comply with the acquisition and relocation requirements of the Uniform
17 Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required
18 under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24
19 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan
20 under Section 104(d) of the Act (including a certification that the grantee is following such a plan);
21 and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance
22 under Section 105(a)(11) of the Act.

23 8. The City will comply with Section 3 of the Housing and Urban Development Act of
24 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

1 BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with
2 respect to the Community Development Block Grant program portion of the FY 2005 Action Plan
3 that:

4 1. The City is in full compliance and following a detailed citizen participation plan that
5 satisfies the requirement of 24 CFR § 91.105 and which:

6 a. Provides for and encourages citizen participation, with particular emphasis
7 on participation by persons of low and moderate income who are residents of slum and blighted
8 areas and of areas in which funds are proposed to be used, and provides for participation of
9 residents in low and moderate income neighborhoods as defined by the City;

10 b. Provides citizens with reasonable and timely access to local meetings,
11 information, and records relating to the City's proposed use of funds, as required by the regulations
12 of the Secretary, and relating to the actual use of funds under the Act;

13 c. Provides for technical assistance to groups representative of persons of low
14 and moderate income that request such assistance in developing proposals with the level and type
15 of assistance to be determined by the grantee;

16 d. Provides for public hearings to obtain citizen views and to respond to
17 proposals and questions at all stages of the community development program, including at least
18 the development of needs, the review of proposed activities, and review of program performance,
19 which hearings shall be held after adequate notice, at times and locations convenient to potential
20 or actual beneficiaries, and with accommodation for the handicapped;

21 e. Provides for a timely written answer to written complaints and grievances,
22 within 15 working days where practicable; and

23 f. Identifies how the needs of non-English speaking residents will be met in the
24 case of public hearings where a significant number of non-English speaking residents can be
25 reasonably expected to participate;

1 2. The City's strategic housing and community development plan identifies community
2 development and housing needs and specifies both short-term and long-term community
3 development objectives that have been in accordance with the primary objective of the statute
4 authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR
5 Part 91 Subpart C and 24 CFR Part 570.

6 3. The City is following a current HUD approved consolidated plan.

7 4. The City has developed its final statement of projected use of funds so as to give
8 maximum feasible priority to activities which benefit low and moderate income families or aid in the
9 prevention or elimination of slums or blight; (the final statement of projected use of funds may also
10 include activities which the grantee certifies are designed to meet other community development
11 needs having a particular urgency because existing conditions pose a serious and immediate threat
12 to the health or welfare of the community, and other financial resources are not available); except
13 that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable,
14 under Section 108 of the Act, during program year 2005 shall principally benefit persons of low and
15 moderate income in a manner that ensures that not less than 70 percent of such funds are used
16 for activities that benefit such persons during such period.

17 The City will not attempt to recover any capital costs of public improvements assisted in
18 whole or in part with funds provided under Section 106 of the Act or with amounts resulting from
19 a guarantee under Section 108 of the Act by assessing any amount against properties owned and
20 occupied by persons of low and moderate income, including any fee charged or assessment made
21 as a condition of obtaining access to such public improvements, unless:

22 a. Funds received under Section 106 of the Act are used to pay the proportion
23 of such fee or assessment that relates to the capital costs of such public improvements that are
24 financed from revenue sources other than under Title I of the Act; or

25 b. For purposes of assessing any amount against properties owned and
26 occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient

1 funds received under Section 106 of the Act to comply with the requirements of subparagraph (1)
2 above.

3 5. The City has adopted and is enforcing:

4 a. A policy prohibiting the use of excessive force by law enforcement agencies
5 within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

6 b. A policy of enforcing applicable state and local laws against physically barring
7 entrance to or exit from a facility or location which is the subject of such non-violent civil rights
8 demonstrations within its jurisdiction.

9 6. The City will conduct and administer the grant in compliance with Title VI of the Civil
10 Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C.
11 3601-19), and implementing regulations.

12 7. The City's notification, inspection, testing and abatement procedures concerning
13 lead-based paint will comply with 24 C.F.R. § 570.608.

14 8. The City will comply with all applicable law.

15 BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with
16 respect to the HOME program portion of the FY 2004 Action Plan that:

17 1. The tenant-based assistance is an essential element of its strategic plan;

18 2. The City is using and will use HOME funds for eligible activities and costs, as
19 described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not
20 use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;

21 3. Before committing funds to a project, the City will evaluate the project in accordance
22 with guidelines that it adopts for this purpose and will not invest any more HOME funds in
23 combination with other federal assistance than is necessary to provide affordable housing.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005:

Mayor