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County of Del Norte County  
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## BOARD REPORT

**AGENDA DATE:** March 23, 2021

**TO:** Board of Supervisors

**CONTACT PERSON:** Jay Sarina, County Administrative Officer

### RECOMMENDATION:

Conduct a Public Hearing to approve and authorize the submission of a 2021 Community Development Block Grant Application; approve and adopt a Resolution of the Del Norte County Board of Supervisors approving an application for funding and the execution of all necessary State Issued Standard Agreement(s) and any Amendment(s) thereto from the State CDBG Program; and authorize County Administrative Officer to sign the Housing and Community Development threshold required Application Certifications and Statement of Assurances, as requested by County Administrative Officer.

### DISCUSSION/SUMMARY:

The Community Development Block Grant (CDBG) program is a federally funded program through the Department of Housing and Urban Development (HUD). The principle objective of CDBG is the development of viable urban communities by providing decent housing, a suitable living environment and expanding economic opportunities, principally for persons who are low to moderate income. Another critical priority for this funding is to ensure all eligible persons receive equitable access to services, and are served with dignity, respect and compassion regardless of circumstance, ability, or identity.

As a non-entitlement jurisdiction (counties with populations less than 200,000), Del Norte County applies for CDBG program funding through the State Department of Housing and Community Development (HCD). HCD receives funding from the federal government and releases a Notice of Funding Availability (NOFA) annually to invite applications from jurisdictions within California. This NOFA offers approximately \$30 million in funding.

The changes identified in this NOFA are as follows:

1. All applications will be submitted and programs operated through the newly re-configured Grants Management Network.
2. The Department will not be accepting any new Community Development Over the Counter "OTC" Capital Improvement (Project) applications for this funding round. As part of the CDBG redesign, the Department implemented "OTC" applications for shovel ready capital improvement projects for multi-family housing, infrastructure, and public facilities in the previous year's NOFA. The OTC program

was oversubscribed during the 19/20 NOFA and all applications received in excess of funds available have been put on a waitlist to be funded through disencumbered funds from prior year programs and the Department will continue to fund down the existing waitlist of these shovel-ready projects with the funding set aside in the 2021 program NOFA.

After proper public notification, a public meeting was held on February 25, 2021 to solicit public input into the project design phase of the 2021 Community Development Block Grant (CDBG) program and potential application. Based on the Design Phase public meeting and the program proposals received, County staff has developed an application that identifies the programs and projects as recommended today.

Under this NOFA, Del Norte County is eligible to apply for public service programs which are part of HCD's competitive application process. If an application is approved today, the completed applications are due April 30, 2021.

Therefore, today we request that the Board approve and authorize the County application as follows:

Public Services – Court Appointed Special Advocates (CASA)	Not to Exceed \$250,000.00
Public Services – Del Norte Senior Center -Senior Nutrition Program	Not to Exceed \$250,000.00

**ALTERNATIVES:**

An alternative would be to not approve this request and not submit the application in the 2021 round of funding.

**FINANCING:**

If the competitive application is successful, the proposed programs would be fully funded through the CDBG program. CDBG program funds are available on a reimbursement type basis.

If the grant is awarded, the programs must be completed and the funding expended during a 36 month period beginning on the date the Standard Agreement is approved by the California Department of Housing and Community Development.

**OTHER AGENCY INVOLVEMENT:**

State Department of Housing and Community Development, CASA of Del Norte and the Del Norte Senior Center.

**This section meets 4 of the following outcome measures for children in Del Norte County:**

- Children ready for and succeeding in school.
- Children and youth are healthy and preparing for adulthood.
- Families are economically self-sufficient.
- Families are safe, stable and nurturing.
- Communities are safe and provide a high quality of life.
- No impact to Children as a result of this action.

**SIGNATURES REQUIRED:** Chairman of the Board

**ADMINISTRATIVE SIGN-OFF:**

Auditor: NA

County Counsel: NA

County Administrative Officer: Yes

Personnel: NA

Other Department(s): NA

RESOLUTION NO. \_\_

**A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2021 FUNDING YEAR OF THE STATE CDBG PROGRAM**

BE IT RESOLVED by the County Board of Supervisors of the County of Del Norte as follows:

**SECTION 1:**

The County Board of Supervisors has reviewed and hereby approves the submission to the State of California of one or more application(s) in the aggregate amount, not to exceed \$500,000 for the following CDBG activities, pursuant to the January 2021 CDBG NOFA:

**Activities and Amounts**

Public Services – Senior Nutrition Program	NOT TO EXCEED <u>\$250,000</u>
Public Services – CASA of Del Norte	NOT TO EXCEED <u>\$250,000</u>

**SECTION 2:**

The County of Del Norte hereby approves the use of Program Income in an amount not to exceed \$ 0.00 for the CDBG activities described in Section 1.

**SECTION 3:**

The County of Del Norte acknowledges compliance with all state and federal public participation requirements in the development of its application(s).

**SECTION 4:**

The County of Del Norte hereby authorizes and directs the County Administrative Officer or designee, to execute and deliver all applications and act on the County's behalf in all matters pertaining to all such applications.

**SECTION 5:**

If an application is approved, the County Administrative Officer, or designee, is authorized to enter into, execute and deliver the grant agreement (*i.e.*, Standard Agreement) and any and all subsequent amendments thereto with the State of California for the purposes of the grant.

**SECTION 6:**

If an application is approved, the County Administrative Officer, or designee, is authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the grant.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Del Norte held on March 23, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chris Howard, Chair  
Del Norte County Board of Supervisors

Attest:

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Kylie Goughnour, Clerk  
Board of Supervisors  
County of Del Norte, State of California

STATE OF CALIFORNIA  
County of Del Norte

I, Kylie Goughnour, Clerk of the Board of Supervisors, County of Del Norte, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said Board of Supervisors on this 23<sup>rd</sup> day of March 2021.

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Kylie Goughnour, Clerk  
Board of Supervisors  
County of Del Norte, State of California



## APPENDIX J

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### Appendix J: 2021 CDBG Application Certifications and Statement of Assurances

Complete and fully execute the attached 2021 CDBG Application Certifications and Statement of Assurances. The executed statement must be uploaded as a threshold document in the application. The document **may not** be modified.

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DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 200  
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www.hcd.ca.gov



**2021 CDBG Application Certifications and Statement of Assurances**

The \_\_\_\_\_ Jurisdiction Name \_\_\_\_\_ hereby certifies the following:

**1. Legal Authority:**

It possesses the legal authority to apply for and execute the proposed activity(s) in the application.

**2. Application Authorization:**

Its governing body has duly adopted or passes as an official act or resolution, motion, or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer or other designee to act in connection with the application and to provide such additional information as may be required.

**3. Citizen Participation:**

It has or will comply with all citizen participation requirements, which include, at a minimum, the following components:

- A. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which CDBG funds are proposed to be used, and provides for participation of residents in low- and moderate-income neighborhoods as defined by the local jurisdiction – and
- B. Provides citizens with reasonable ADA compliant and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by CDBG regulations, and relating to the actual use of funds under this title – and

Department of Housing and Community Development  
Revised 11/03/2020

2021 CDBG NOFA  
Authorized Signatory Initials:

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- C. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee – and
- D. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program. These include at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries and with accommodation for the handicapped. This shall include one public meeting during the program design, annual performance report preparation, and formal amendments. A public hearing shall be conducted prior to application submittal – and
- E. Solicits and provides for a timely written answer to written complaints and grievances, within 15 working days where practicable – and
- F. Identifies needs of limited-English speaking residents will be met in the case of public hearings where limited-English speaking residents can reasonably be expected to participate.

**4. National Objective:**

It has developed its CDBG Program so as to primarily benefit targeted income person and households and each activity in the program meets one of the three national objectives: benefit to low-and moderate-income persons, elimination of slums and blight, or meets an urgent community need (with prior Department approval) certified by the grantee as such.

**5. NEPA Environmental Review:**

It consents to assume, and hereby assumes the responsibilities for environmental review and decision-making in order to ensure timely compliance with NEPA by following the procedures for recipients of block grant funds as set forth in 24 CFR Part 58, titled "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities." Also included in this requirement is compliance with Executive Order 11988 relating to the evaluation of flood hazards, Section 102(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) regarding purchase of flood insurance, and the National

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Historic Preservation Act of 1966 (16 USC 470) and implementing regulations (36 CFR §800.8).

**6. Audit/Performance Findings:**

It certifies that the State Controller's Office (SCO) was in receipt of its complete Single Audit Package by the NOFA application due date or certifies that it is exempt from the Single Audit requirements set forth in 2 CFR Part 200.

**7. Growth Control:**

It certifies that there is no plan, ordinance, or other measure in effect which directly limits, by number, the building permits that may be issued for residential construction or the buildable lots which may be developed for residential purposes; or if such a plan, ordinance, or measure is in effect, it will either be rescinded before receiving funds, or it need not be rescinded because it:

- A. Imposes a moratorium on residential construction, to protect health and safety, for a specified period of time which will end when health and safety is no longer jeopardized; or,
- B. Creates agricultural preserves under Chapter 7 (commencing with Section 51200) of Part 2 of Division 1 of Title 5 of the Government Code; or,
- C. Was adopted pursuant to a specific requirement of a State or multi-State board, agency, department, or commission; or,
- D. The applicant has an adopted housing element which the Department has found to be in compliance, unless a final order has been used by a court in which the court determined that it is not in compliance with Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code, commencing with section 65580.

**8. Uniform Administrative Requirements:**

It will comply with the regulations, policies, guidelines and requirements of 2 CFR Part 200 and 24 CFR Part 85 and the CDBG Program Guidelines.

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**9. Nondiscrimination:**

It shall comply with the following regarding nondiscrimination laws and practices as may be amended from time to time:

- A. Title VI of the Civil Rights Act of 1964 (Public Law 88-352).
- B. Title VIII of the Civil Rights Act of 1968 (Public Law 90-284) as amended; and will administer all programs and activities related to housing and community development in a manner affirmatively furthering fair housing.
- C. Section 109 of the Housing and Community Development Act of 1974, as amended.
- D. Section 3 of the Housing and Urban Development Act of 1968, as amended.
- E. Executive Order 11246, as amended by Executive Orders 11375 and 12086.
- F. Executive Order 11063, as amended by Executive Order 12259.
- G. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended, and implementing regulations.
- H. The Age Discrimination Act of 1975 (Public Law 94-135).

**10. Anti-Displacement/Relocation:**

It will comply with the Federal Relocation Act (42 U.S.C. 4601 et seq.).

**11. Labor Standards:**

It will comply with the following regarding labor standards as may be amended from time to time:

- A. Section 110 of the Housing and Community Development Act of 1974, as amended.

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- B. Section 1720, et seq. of the California Labor Code regarding public works labor standards.
- C. Davis-Bacon and Related Acts as amended (40 U.S.C. §276(a)) regarding the payment of prevailing wage rates.
- D. Contract Work Hours and Safety Standards Act (40 U.S.C. §3702) regarding overtime compensation.
- E. Anti-Kickback Act of 1934 (41 U.S.C. §51-58) prohibiting "kickbacks" of wages in federally assisted construction activities.

**12. Architectural Barriers:**

It will comply with the Architectural Barriers Act of 1968 (42 U.S.C. §4151 et seq.) and implementing regulations (24 CFR Parts 40-41)

**13. Conflict of Interest:**

It will enforce standards for conflicts of interest which govern the performance of their officers, employees, or agents engaged in the award and administration, in whole or in part, of State CDBG grant funds (24 CFR §570.611).

**14. Limitations on Political Activities:**

It will comply with the Hatch Act (5 U.S.C. §1501, et seq.) regarding political activity of employees.

**15. Lead Based Paint:**

It will comply with the Lead-Based Paint Regulations (24 CFR Part 35) which prohibit the use of lead-based paint on projects funded by the program.

**16. Debarred Contractors:**

It certifies that neither the applicant or its staff are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal assistance programs, in any proposal submitted in connection with the CDBG program, per the Excluded Party List System located at <https://www.sam.gov/SAM/>. In addition, the applicant will not award contracts

Department of Housing and Community Development  
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to or otherwise engage the services of any contractor while that contractor (or its principals) is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the covered transaction, in any

proposal submitted in connection with the CDBG program under the provisions of 24 CFR Part 24.

**17. Inspection of Grant Activities:**

It will give HUD, the Comptroller General, the State Department of Housing and Community Development, or any of their authorized representatives access

to and the right to examine all records, books, papers, or documents related to the grant.

**18. Cost Recovery:**

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:

- A. 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
- B. 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, that it lacks sufficient funds received from CDBG Program to comply with the requirements of this clause.

**19. Procurement:**

It will follow the federal procurement policies per 24 CFR §200.317 et seq.

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**20. Excessive Force:**

It will adopt and enforce policies:

- A. Prohibiting the use of excessive force by its law enforcement agencies against individuals engaged in non-violent civil rights demonstrations; and
- B. Enforcing applicable State and local law against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.

**21. Anti-Lobbying:**

- A. It certifies and agrees that no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any federal contract, the making 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 of employee of any agency, a Member of Congress in connection with the federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

**22. Compliance with Laws:**

The jurisdiction will comply with all applicable laws, rules, and regulations governing the activities being applied for herein.

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**I hereby certify under penalty of perjury that all information contained in this Statement of Assurances (including all supporting documentation) is true and correct. I understand and acknowledge that making false statements on this certification, including any documents submitted in support of it, is a crime under federal and California state laws, which may result in criminal prosecution and fines.**

\_\_\_\_\_  
Printed Name of Authorized Representative (*per the Resolution*)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_