CDBG-R SUBMISSION TEMPLATE & CHECKLIST

The American Recovery and Reinvestment Act of 2009 ("Recovery Act") was signed into law by President Obama on February 17, 2009. The Recovery Act awards $1 billion in CDBG Recovery (CDBG-R) funds to be distributed to cities, counties, insular areas and states, of which $10 million has been reserved by HUD for its administrative costs and $10 million of which will be awarded to Indian tribes. Recipients of the remaining $980 million of CDBG-R funds will be the approximately 1,200 jurisdictions that received CDBG funding in Fiscal Year 2008. This template sets forth the suggested format for grantees receiving funds from CDBG-R. A complete submission contains the information requested below, including:

(1) The CDBG-R Substantial Amendment (template attached below)
(2) Spreadsheet for Reporting Proposed CDBG-R Activities (see http://www.hud.gov/recovery)
(3) Signed and Dated Certifications (see http://www.hud.gov/recovery)
(4) Signed and Dated SF-424.

Grantees should also attach a completed CDBG-R Substantial Amendment Checklist to ensure completeness and efficiency of review (attached below).
THE CDBG-R SUBSTANTIAL AMENDMENT

Jurisdiction(s): City of Escondido

Jurisdiction Web Address:
- www.escondido.org/depts/cs/neighborhood/overview
  (URL where CDBG-R Substantial Amendment materials are posted)

CDBG-R Contact Person: Rich Buquet,
Neighborhood Services Manager
Address: 201 N. Broadway, Escondido CA 92025
Telephone: (760) 839-4579
Fax: (760) 739-7049
Email: rbuquet@escondido.org

ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD’s recovery website at http://www.hud.gov/recovery.
B. **CDBG-R Information by Activity (Complete for each activity)**

(1) **Activity Name:** South Elm/Hickory Street Lighting Project

(2) **Activity Narrative:**
At a public hearing on May 20, 2009, Escondido City Council approved a substantial amendment to the FY 2008-09 One-Year Action Plan to allocate funds in the amount of $464,210, which were received as a result of the American Recovery and Reinvestment Act (ARRA), to the South Elm/Hickory neighborhood street lighting and minor sidewalk/ramp installation project.

This item relates to the Council's Action Plan regarding Community Outreach and Image and Appearance.

In keeping with the intent of the American Recovery and Reinvestment Act, staff is recommending an amendment to the FY 2008-09 Action Plan allocating the $464,210 in CDBG-R funds to the next phase of the South Elm/Hickory street lighting project, including ADA ramps and sidewalks.

Funding this project will result in providing much needed street lights in a low-income neighborhood, enhancing security for residents and public safety officers. The project will create approximately 15 full and part-time construction jobs. In addition, residents of the area will see an increase in property values and the individuals living there will gain an improved sense of pride and ownership in their neighborhood.

(3) **Jobs Created:** 15 full and part-time construction-related jobs

(4) **Additional Activity Information:** (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.) N/A

(5) **Responsible Organization:**
City of Escondido  
Neighborhood Services Division  
201 N. Broadway  
Escondido, CA 92025  
Rich Buquet, Neighborhood Services Manager  
Phone: (760) 839-4579; E-mail: rbuquet@escondido.org
C. Public Comment

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

Note: A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

Response:
Public notices were placed in the North County Times (English) and Hispanos Unidos (Spanish) newspapers seven days prior to the public hearing presenting the substantial amendment to city council. The notices announced that the CDBG-R Substantial Amendment was available for review at Escondido City Hall and asked for public review and comment. The public hearing was held on May 20, 2009 in Escondido City Council Chambers. No public comments were given during the seven day review period or during the public hearing.
CDBG-R Substantial Amendment
Grantee Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.

<table>
<thead>
<tr>
<th>Contents of a CDBG-R Action Plan Substantial Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction(s): City of Escondido</td>
</tr>
<tr>
<td>Lead Agency</td>
</tr>
<tr>
<td>Jurisdiction Web Address:</td>
</tr>
<tr>
<td><a href="http://www.escondido.org/depts/cs/neighborhood/overview">www.escondido.org/depts/cs/neighborhood/overview</a></td>
</tr>
<tr>
<td>(URL where CDBG-R Substantial Amendment materials are posted)</td>
</tr>
<tr>
<td>CDBG-R Contact Person: Rich Buquet, Neighborhood Services Manager</td>
</tr>
<tr>
<td>Address: 201 N. Broadway, Escondido</td>
</tr>
<tr>
<td>CA 92025</td>
</tr>
<tr>
<td>Telephone: (760) 839-4579</td>
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<td>Fax: (760) 739-7049</td>
</tr>
<tr>
<td>Email: <a href="mailto:rbuquet@escondido.org">rbuquet@escondido.org</a></td>
</tr>
</tbody>
</table>

The elements in the substantial amendment required for the CDBG recovery funds are:

A. Spreadsheet for Reporting Proposed CDBG-R Activities

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes ☑  No ☐  Verification found on page ________

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes ☑  No ☐  Date Spreadsheet was emailed: 5/26/09

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,
  Yes ☑  No ☐  Verification found on page(s) ________

- the Eligibility citation (eligibility regulatory cite or HCDA cite),
  Yes ☑  No ☐  Verification found on page(s) ________

- the CDBG national objective citation,
  Yes ☑  No ☐  Verification found on page(s) ________
B. CDBG-R Information by Activity

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,
  Yes ☒ No ☐ Verification found on page(s) _______

- projected number of jobs created for each activity,
  Yes ☒ No ☐ Verification found on page(s) _______

- whether an activity will promote energy efficiency and conservation,
  Yes ☐ No ☒ Verification found on page(s) _______

- the name, location, and contact information for the entity that will carry out the activity,
  Yes ☒ No ☐ Verification found on page(s) _______

- evidence that no more than 10% of the grant amount will be spent on administration and planning,
  Yes ☒ No ☐ Verification found on page(s) _______

- evidence that no more than 15% of the grant amount will be spent on public services,
  Yes ☒ No ☐ Verification found on page(s) _______

- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,
  Yes ☒ No ☐ Verification found on page(s) _______

C. Public Comment Period

Was the proposed action plan amendment published via the jurisdiction’s usual methods and on the Internet for no less than 7 calendar days of public comment?

  Yes ☒ No ☐. Verification found on page(s) _______

Is there a summary of citizen comments included in the final amendment?

  Yes ☒ No ☐. Verification found on page(s) _______

D. Certifications

The following certifications are complete and accurate:

(1) Affirmatively furthering fair housing    Yes ☒ No ☐
(2) Anti-displacement and relocation plan   Yes ☒ No ☐
(3) Drug-free Workplace                    Yes ☒ No ☐
(4) Anti-lobbying                          Yes ☒ No ☐
(6) Consistency with plan  Yes    No
(7) Section 3  Yes    No
(8) Community development plan  Yes    No
(9) Following a plan  Yes    No
(10) Use of Funds  Yes    No
(11) Excessive Force  Yes    No
(12) Compliance with anti-discrimination laws  Yes    No
(13) Lead-based paint procedures  Yes    No
(14) Compliance with laws  Yes    No
(15) Compliance with ARRA  Yes    No
(16) Project selection  Yes    No
(17) Timeliness of infrastructure investments  Yes    No
(18) Buy American provision  Yes    No
(19) Appropriate use of funds for infrastructure investments  Yes    No
(20) 70% of CDBG-R for LMI  Yes    No

Optional Certification
(21) Urgent Need  Yes    No

D. STATE CERTIFICATIONS – N/A
The following certifications are complete and accurate:

(1) Affirmatively furthering fair housing  Yes    No
(2) Anti-displacement and relocation plan  Yes    No
(3) Drug-free Workplace  Yes    No
(4) Anti-lobbying  Yes    No
(5) Authority of State  Yes    No
(6) Consistency with plan  Yes    No
(7) Section 3  Yes    No
(8) Community development plan  Yes    No
(9) Consultation with Local Governments  Yes    No
(10) Use of Funds  Yes    No
(11) Excessive Force  Yes    No
(12) Compliance with anti-discrimination laws  Yes    No
(13) Compliance with laws  Yes    No
(14) Compliance with ARRA  Yes    No
(15) Project selection  Yes    No
(16) Timeliness of infrastructure investments  Yes    No
(17) Buy American provision  Yes    No
(18) Appropriate use of funds for infrastructure investments  Yes    No
(19) 70% of CDBG-R for LMI  Yes    No

Optional Certification
(20) Urgent Need  Yes    No
TO: Honorable Mayor and Members of the City Council

FROM: Rich Buquet, Neighborhood Services Manager

SUBJECT: Substantial Amendment to FY 2008-2009 One-Year Action Plan to allocate funds received as a result of the American Recovery and Reinvestment Act

RECOMMENDATION:

It is requested that Council amend the FY 2008-09 One-Year Action Plan to allocate funds in the amount of $464,210, which were received as a result of the American Recovery and Reinvestment Act (ARRA), to the South Elm/Hickory neighborhood street lighting and minor sidewalk/ramp installation project.

FISCAL ANALYSIS:

The City of Escondido receives annual formula allocations of CDBG Program funding from the U.S. Department of Housing and Urban Development (HUD). All program and program administration expenses are paid with CDBG funds and do not impact the General Fund, unless Council directs otherwise.

Similarly, the additional ARRA allocation of $464,210 (referred to by HUD as CDBG-R funds) will be used to fund all expenses relating to the street lighting project and the general fund will not be impacted.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Community Outreach and Image and Appearance.

PREVIOUS ACTION:

On April 23, 2008, the Escondido City Council approved allocations of FY 2008-09 CDBG funds and adopted the FY 2008-09 One-Year Action Plan.

On November 19, 2008, Escondido City Council approved an amendment to the FY 2008-09 One-Year Action Plan for a new allocation of $400,000.
On April 23, 2009, Council approved an amendment to the FY 2008-09 One-Year Action Plan reallocating $50,000 from the Tulip Street project design phase to the South Elm/Hickory neighborhood street lighting project for design work.

BACKGROUND:

In February of this year, the City of Escondido was informed that it would be receiving an allocation of special CDBG funding in the amount of $464,210 as a result of the American Recovery and Reinvestment Act (ARRA). The ARRA appropriated $1 billion in CDBG funds to states and local governments to carry out eligible activities under the CDBG program. At the time the allocations were announced, rules governing the use of those funds had not been released.

On May 6, 2009, HUD released its program requirements for the special allocation (known as CDBG-R). HUD's requirements include submitting a substantial amendment to the FY 2008-09 One-Year Action Plan to HUD offices by June 5, 2009, outlining the planned use of the CDBG-R funds.

As stated in the CDBG-R program requirements: "HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings." In addition, the program requirements state: "...in selecting projects to be funded, recipients shall give priority to projects that can award contracts based on bids within 120 calendar days from the date the funds are made available to recipients; and that for CDBG-R funds being used for infrastructure investments, recipients shall give preference for activities that can be started and completed expeditiously."

In keeping with the intent of the American Recovery and Reinvestment Act, staff is recommending an amendment to the FY 2008-09 Action Plan allocating the $464,210 in CDBG-R funds to the next phase of the South Elm/Hickory street lighting project, including ADA ramps and sidewalks.

Funding this project will result in providing much needed street lights in a low-income neighborhood, enhancing security for residents and public safety officers. The project will create approximately 15 full and part-time construction jobs. In addition, residents of the area will see an increase in property values and the individuals living there will gain an improved sense of pride and ownership in their neighborhood.

Respectfully submitted,

Rich Buquet
Neighborhood Services Manager
(760) 839-4579; rbuquet@escondido.org
<table>
<thead>
<tr>
<th>Jurisdiction/Grantee Name: City of Escondido</th>
<th>CDBG-R Formula Grant Amount: $464,210</th>
<th>Date: 5/20/09</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Activity Name</strong></td>
<td><strong>Activity Description</strong></td>
<td><strong>Eligibility (Regulatory or HCDA Citation)</strong></td>
</tr>
<tr>
<td>S. Elm/Hickory Streetlighting Project</td>
<td>Construction and materials providing street lights and ADA ramps &amp; sidewalks in the S. Elm/Hickory neighborhood which has been identified as a low-income area</td>
<td>570.201 (c) - Public Facilities and Improvements</td>
</tr>
</tbody>
</table>
In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

**Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

**Drug Free Workplace** -- It will or will continue to provide a drug-free workplace by:
1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about:
   a. The dangers of drug abuse in the workplace;
   b. The grantee's policy of maintaining a drug-free workplace;
   c. Any available drug counseling, rehabilitation, and employee assistance programs; and
   d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will:
   a. Abide by the terms of the statement; and
   b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
   a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
   b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

**Anti-Lobbying** -- To the best of the jurisdiction's knowledge and belief:
8. 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, or an employee of Congress, or an employee of 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;

9. 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 or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this 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; and

10. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Clay Phillips
Name
City Manager
Title
201 N. Broadway
Address
Escondido, CA 92025
City/State/Zip
(760) 839-4577
Telephone Number

Date
4/30/09
Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

11. Maximum Feasible Priority - With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

12. Overall Benefit - The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2009-2010, shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

13. Special Assessments - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed 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.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

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

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

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.
Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.

Clay Phillips
Name
City Manager
Title
201 N. Broadway
Address
Escondido, CA 92025
City/State/Zip
(760) 839-4577
Telephone Number

Signature/Authorized Official

Date 4/30/07
CERTIFICATIONS

(1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

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

2. Establishing an ongoing drug-free awareness program to inform employees about –
   (a) The dangers of drug abuse in the workplace;
   (b) The grantee's policy of maintaining a drug-free workplace;
   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
   (a) Abide by the terms of the statement; and
   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:

   (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

1. 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, an officer or employee of Congress, or an employee of 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;

2. 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 or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this 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; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. It has complied with the following criteria:
1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available;

2. **Special Assessments.** The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R 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. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

11. **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

12. **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

13. **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

14. **Compliance with laws.** The jurisdiction will comply with applicable laws.

15. **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

16. **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

17. **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.
(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee’s chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

Signature/Authorized Official

Date

City Manager

Title
**Application for Federal Assistance SF-424**

*1. Type of Submission:*
- □ Preapplication
- ☒ Application
- □ Changed/Corrected Application

*2. Type of Application*
- ☒ New
- □ Continuation
- □ Revision
- *Other (Specify)*

*3. Date Received:*

*4. Applicant Identifier:*
B07MC06552

*5a. Federal Entity Identifier:*

*5b. Federal Award Identifier:*

**State Use Only:**

*6. Date Received by State:*

*7. State Application Identifier:*

**8. APPLICANT INFORMATION:**

*a. Legal Name: City of Escondido*

*b. Employer/Taxpayer Identification Number (EIN/TIN):*
95-6000708

*c. Organizational DUNS:*
078727211

*d. Address:*

- Street 1: 201 N. Broadway
- Street 2: 
- City: Escondido
- County: San Diego
- *State: California*
- Province: 
- *Country: U.S.A.*
- *Zip / Postal Code: 92025*

*e. Organizational Unit:*

- Department Name: Community Services
- Division Name: Neighborhood Services

*f. Name and contact information of person to be contacted on matters involving this application:*

- Prefix: 
- *First Name: Rich*
- Middle Name: 
- *Last Name: Buquet*
- Suffix: 

- Title: Neighborhood Services Manager

- Organizational Affiliation: City of Escondido

- *Telephone Number: (760) 839-4579*
- Fax Number: (760) 739-7049

- *Email: rbuquet@escondido.org*
**Application for Federal Assistance SF-424**

*9. Type of Applicant 1: Select Applicant Type:*
   C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)*

**10 Name of Federal Agency:**
U.S. Department of Housing & Urban Development

**11. Catalog of Federal Domestic Assistance Number:**
14-253

CFDA Title:
CDBG-R Program - Entitlements

*12 Funding Opportunity Number:

____________

*Title:

____________

13. Competition Identification Number:

____________

Title:

____________

14. Areas Affected by Project (Cities, Counties, States, etc.):
Census tract

*15. Descriptive Title of Applicant's Project:
S. Elm/Hickory Street Lighting/Sidewalk Project
Application for Federal Assistance SF-424

16. Congressional Districts Of:
   *a. Applicant: 50th
   *b. Program/Project: 50th

17. Proposed Project:
   *a. Start Date: 8/1/09
   *b. End Date: 12/31/09

18. Estimated Funding ($):
   *a. Federal
   *b. Applicant
   *c. State
   *d. Local
   *e. Other
   *f. Program Income
   *g. TOTAL

   $464,210

19. Is Application Subject to Review By State Under Executive Order 12372 Process?
   □ a. This application was made available to the State under the Executive Order 12372 Process for review on _____
   ☑ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
   □ c. Program is not covered by E. O. 12372

20. Is the Applicant Delinquent On Any Federal Debt? (If “Yes”, provide explanation.)
   □ Yes    ☑ No

   *21. By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements
   herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply
   with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject
   me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)
   ☑ ** I AGREE

   ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or
   agency specific instructions

   Authorized Representative: Clay Phillips 7/21/09

   Prefix:  *First Name: Clay
   Middle Name:  
   Last Name:  Phillips
   Suffix:  

   *Title: City Manager

   *Telephone Number: (760) 839-4577
   Fax Number: (760) 839-4578

   * Email: cphillips@escondido.org

   *Signature of Authorized Representative:  *Date Signed:
*Applicant Federal Debt Delinquency Explanation

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

N/A.