

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

INDUSTRIAL INFRASTRUCTURE GRANT APPLICATION AND GUIDELINES

**DEPARTMENT OF ECONOMIC DEVELOPMENT
BUSINESS AND COMMUNITY SERVICES DIVISION
CDBG PROGRAM
PO Box 118
JEFFERSON CITY, MO 65102**



PURPOSE: Assist local governments in the development of public infrastructure that allows industries to locate new facilities, expand existing facilities, or prevent the relocation or closing of a facility.

AUTHORIZATION: Public Law 93-383, Title I of the Housing & Community Development Act of 1974, as amended; 24 CSR Part 570; and Missouri's "Consolidated Plan" submitted to the U.S. Department of Housing and Urban Development.

HOW THE PROGRAM WORKS: Grant funds will be made available to the extent that a community lacks for the resources to completely finance the public improvements.

ELIGIBLE AREAS: The grant must be made in cooperation with a city or county sponsor in a "non-entitlement" area where the project will be located. A non-entitlement area is a city with population less than 50,000 and/or a county with population under 200,000.

ELIGIBLE APPLICANTS: Due to limited funding, for-profit manufacturing, processing, and assembly companies are prioritized. Preferred companies have proposed wages above the average for the area provide health benefits and have high value-added processes. Areas of high economic distress have more discretion on the types of businesses, which are prioritized. Intra-state relocation projects are ineligible, except where the alternative is that the business would move out of the state.

ELIGIBLE USE OF FUNDS: Grant funds may be used for public streets, water or sewer lines, engineering, and other public facilities necessary to support the project. Facilities owned by the company or a private utility are not eligible for funding.

APPLICATION PROCEDURE: The company must prove that "**But For**" the Industrial Infrastructure grant, the project could not occur. A grant would not be eligible if the company's project begins prior to the Department of Economic Development (DED) approval of the grant. An environmental review must be conducted by a city or county sponsor, and may be started at any time, even prior to submission of an application. DED will provide a decision on funding within two to three weeks after the submission of a completed application. DED approves eligible projects on an ongoing basis. There is no deadline for applications to be submitted.

APPROVAL METHOD

1. The company cannot make a public announcement of the project prior to DED's contingent approval of an application submitted by a city or county. Also, the company, developer, or city/county may not begin any construction related to the project before DED's approval and the completion of the environmental review (approximately 45 days).
2. A sponsor (city/county) inserts a public hearing notice in a local newspaper. At least five (5) days later, the sponsor holds a public hearing. The sponsor must also complete the environmental review, and have a FONSI/RFF (Finding of No Significant Impact / Request For Funds) notice published in the newspaper.
3. The sponsor (city/county) submits the application documents to DED. If DED approves the grant request, a letter will be sent to the sponsor and company.
4. A Grant Agreement is executed between DED and the city/county sponsor. Grant proceeds are typically disbursed after all other funds. Proceeds would be provided upon the submission of invoices for approved items, or other approved documentation. Costs incurred and invoiced prior to the date of DED award date and applicable environmental review are not eligible. Typical turn-around time from the submission of invoices to the receipt of proceeds is 10 days.

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FUNDING LIMITS: The use of this program is based on the local government exhausting their available resources. DED has targeted a 20% match by the community based upon the availability of unencumbered city or county funds. The grants shall be determined in accordance with the following schedule:

Grant Amount	Max. per Job	Max. % of Capital Inv.
Up to \$500,000	\$10,000	35%
Next \$250,000	\$5,000	20%
Next \$250,000	\$3,000	8%
Next \$500,000	\$2,000	2%

(Example: To receive a \$600,000 Infrastructure grant, total private capital investment must be no less than \$1,928,571 and create 70 new full-time jobs.)

SPECIAL PROGRAM REQUIREMENTS

- A public entity must own the facilities to be funded.
- More than one business must potentially benefit from the facilities to be funded.
- The local government applicant must provide as much unrestricted resources (cash, in-kind resources) as they have available.
- Industrial parks owned by a for-profit developer are not a priority, except in rare cases. In any case, if a for-profit property owner may realize a benefit from the public improvements, certain restrictions may be imposed.
- At least 51% of the new jobs to be created by the company must be taken by persons considered “low to moderate income” (LMI). The LMI standard is based on the current annualized total family income. The LMI standard for a three-person family is about \$22,000 in rural areas and \$32,000 in suburban areas.

DEFINITIONS

“APPLICANT”: The city or county that submitted an application to the Missouri Department of Economic Development (“DED”) for funding under the CDBG Industrial Infrastructure program.

“APPLICATION”: The documents, forms, certifications, engineering reports, company financial statements, and other information submitted by the Applicant to DED regarding the Project.

“CDBG”: The Community Development Block Grant program administered by DED. Funding is provided by the United States Department of Housing and Urban Development (“HUD”) to DED, which then grants CDBG funds to cities or counties.

“CAPITAL EXPENDITURES”: The funds expended by the Company (or lessor) for new real and personal property improvements related to the Project, or the book value of personal property relocated by the Company from another state for the Project.

“COMPANY”: The company specified at the heading of this agreement, which will benefit from the Project specified in the Application.

“CURRENT EMPLOYEES” OR “CURRENT EMPLOYMENT”: The number of Full-time, Permanent Employees of the Company at the Project Location at the time the agreement is signed by the Company.

“DED”: The Missouri Department of Economic Development, an agency of the State of Missouri.

“ECONOMIC IMPACT”: An analysis of the benefit of the Project to the economy based on the following factors:

1. The projected rate of growth of the industry, based on information from the U.S. Commerce Department, U.S. Industrial Outlook
2. The percentage of goods and services purchased from businesses within the state;
3. Any adverse impact to in-state competitors;
4. The proposed wages compared to the average for the area (including medical benefits), and the employee turnover rate;
5. The Company’s ability to create new products or services which will expand their market outside MO; and,
6. The amount of value-added process.

“FINANCIAL STATEMENTS”: Current and/or projected balance sheets, profit and loss, cash flow and other financial information about the Company at the Project Location. Such projections must be consistent with those submitted to lenders, stockholders, partners, or other parties having an interest in the Company.

“FULL-TIME, YEAR-ROUND EMPLOYEE”: An employee of the Company at the Project Location who works a minimum of 1,800 hours per year for the Company and receives medical benefits.

“GRANT AGREEMENT”: An Agreement between the Applicant and DED defining the conditions of the Project.

“GRANTEE”: The Applicant for the Project once approved for CDBG funding under this program.

“HUD”: The US Department of Housing and Urban Development, federal sponsor of the CDBG program.

“LOW AND MODERATE INCOME PERSON (LMI)”: Defined by HUD for the CDBG program. A person is considered LMI if total family income (prior to employment with the Company on New Job creation projects) is below the established limits.

“NEW JOBS”: The number of new Full-time, Year-Round Employees of the Company at the Project Location who will be added after DED's conditional approval of the Application due to the Project within two years of the date of DED's conditional approval of the Application. The number of "New Jobs" is the addition at the Project Location over Current Employment, and net of decreased employment at other locations of the Company or related companies in the State of Missouri.

“PROJECT”: The construction, reconstruction, purchase, and/or installation of buildings, machinery, equipment, utilities, streets, furniture, and other real estate or personal property improvements to be located at the Project Location, whether owned or leased by the Company or Applicant, as detailed in the Application.

“RETAINED JOBS”: The number of Current Full-time, Year-Round Employees of the Company who would have been terminated if the Project had not been undertaken. In the event less than 100% of the employees of the entire facility would be terminated, the specific employees who would be retained have been named, and a direct relationship has been established between their proposed termination and the Project.

“UNFORESEEN ECONOMIC EVENTS”: The Company's actual sales volume at the Project Location is significantly less than was projected by the company prior to the commencement of the Project due to factors beyond the Company's control.

GENERAL

ELIGIBLE SPONSORS: Cities and counties in CDBG "non-entitlement areas" of Missouri are the only entities eligible to sponsor a loan request on behalf of a company. The company must be within a sponsor's jurisdiction, or if not, the company must agree that at least 51% of the new jobs will be from the sponsor's jurisdiction.

CDBG "non-entitlement areas" include all of the state except Blue Springs, Kansas City, Independence, Lee's Summit, Joplin, Springfield, Columbia, Jefferson City, O'Fallon, St. Louis (City), Florissant, St. Charles, St. Peters, St. Joseph, Jefferson County (and the cities within Jefferson County who have elected to participate in the Jefferson County entitlement program), and St. Louis County, and cities within St. Louis County who participate in the St. Louis County entitlement program which include the following:

Ballwin, Bella Villa, Bellefontaine Neighbors, Bellerive, Bel-Nor, Bel-Ridge, Berkeley, Beverly Hills, Breckenridge Hills, Brentwood, Bridgeton, Calverton Park, Charlack, Cool Valley, Country Club Hills, Dellwood, Edmundson, Ellisville, Eureka, Fenton, Ferguson, Flordell Hills, Glen Echo Park, Glendale, Greendale, Hanley Hills, Hazelwood, Hillsdale, Jennings, Kinloch, Kirkwood, Mackenzie, Maplewood, Maryland Heights, Moline Acres, Normandy, Northwoods, Norwood Court, Olivette, Overland, Pacific, Pagedale, Pasadena Hills, Pasadena Park, Pine Lawn, Richmond Heights, Riverview, Rock Hill, St. Ann, St. John, Sycamore Hills, University City, Uplands Park, Valley Park, Velda Village, Velda Village Hills, Vinita Park, Vinita Terrace, Webster Groves, Winchester, and Woodson Terrace.

ELIGIBLE APPLICANTS: Due to limited funding, for-profit manufacturing, processing, and assembly companies are prioritized. Preferred companies have proposed wages above the average for the area provide health benefits and have high value-added processes. Areas of high economic distress have more discretion on the types of businesses, which are prioritized. Intra-state relocation projects are ineligible, except where the alternative is that the business would move out of the state.

ORDER OF EVENTS

If a company is considering a new location or the expansion of an industrial facility and indicates that there is a deficiency in various public infrastructure improvements at a particular site, which fits their needs, the community should evaluate the resources available to finance such facilities. Such resources would include local cash reserves, EDA grant funds, Tax Increment Financing, revenue bonds, or other resources. The company has not yet committed to initiate the project at a particular site, unless their commitment is contingent on certain infrastructure improvements. An engineer determines preliminary estimates of site development costs.

A public hearing notice is published and held. The Stage 1 portion of the application is submitted to DED regarding the need for the public improvements and information about the company. **(NOTE: the project is ineligible if a public announcement was made, or if the company has started the project before approval of the grant application by DED)**

The company or community may not begin grading or construction on the project prior to the completion of an environmental review, including the public comment period, the receipt of "Notice of Release of Environmental Requirements" and DED's preliminary approval. The environmental review process may be started at any time, even before the submission of an application.

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If the project meets all criteria of the program, DED will issue a letter of preliminary approval, conditional on any actions related to the project that have not yet been completed. **A public announcement may be made after this approval.**

After DED's preliminary approval and the environmental release, the company may start site grading and construction (Cost incurred by the company, after this time may be counted toward "leveraging" purposes). However, the company must recognize that DED is not committed to funding the project unless all contingencies identified in the preliminary approval letter are completed.

The remaining portion of the application must be completed, along with any additional information or contingencies noted by DED in the preliminary approval.

After all required documents are received and all outstanding contingencies have been addressed, DED will issue a Grant Agreement. Assuming an Environmental Release of Funds has been issued, eligible costs of the project (public improvements engineering and administration) may then be incurred by the grantee. Any costs incurred before that date cannot be reimbursed. Funds are distributed by DED based on the submission of bills or invoices (either unpaid bills or reimbursement to the grantee for paid expenses). The transfer of funds usually takes 7-10 days. The company is required to survey all applicants for race/ethnicity information and all new hires for LMI status.

The community may prepare bid documents for construction of public improvements at any time (even prior to approval). However, bid notices may not be issued before the Environmental Review, DED's Grant Agreement, the issuance of prevailing wage rates, an approval of plans and specifications by appropriate regulatory agencies (Dept. of Natural Resources, Dept. of Transportation, etc.)

After the Environmental Review and the preparation of Bid Documents have been completed and a Release of Funds notification is issued by DED, a construction contract may be executed, and work may begin on the CDBG Funded portion of the project.

After the completion of the project, DED will review the survey forms completed by all new employees of the company to document low and moderate-income benefits. All job applicants will be reviewed to record equal opportunity information. Invoices or bills of the company for the purchase of machinery and equipment, or construction/acquisition of real property will be reviewed to document the amount of private investment.

ELIGIBILITY

The approval of an application is based on conformance with all eligibility criteria, the availability of funds, and the economic impact of the project. There is no deadline for submission of an application.

An application must meet all of the following in order to be eligible for funding.

- **Public Ownership** – CDBG funds may be used only for facilities which are owned by cities, counties, water or sewer districts, road districts, and other political subdivisions, or the state or federal government. The facilities must be such that their use is not restricted to a single user, and is a typical facility that the public entity provides to industry.
- **Multiple Users** – the facilities must be considered a public use, in that more than one entity must potentially benefit from the proposed improvements. Such entities may be other companies, area residents, or commercial facilities. The intent is that grant funds will not be used exclusively by one private company. In any event, there must be at least 51% benefit to low and moderate income persons from all beneficiaries.
- **“But For” Test** - The applicant must demonstrate that the public facilities proposed for this project are necessary due to the company’s project. There must be a direct correlation of the company’s expansion and the increase in employment to the public facilities requested in the project. Only the least amount of facilities to address the needs of the company will be allowed for funding, unless an additional amount of capacity is added for anticipated industrial growth. Any additional capacity desired by the applicant for non-industrial use must be completely paid from other sources.

DED cannot use CDBG funds to replace funds committed by a city or county prior to the approval of an application. Also, if a public announcement of the project has been done prior to the approval of an application, the project is ineligible. It is not acceptable for the company to execute construction contracts for their project, which specify the award of CDBG funds as a contingency. The facilities should be designed in the most cost-effective manner possible, recognizing future use potential, maintenance considerations, and comparable facilities elsewhere in the area. Facilities for speculative development are not eligible.

Due to limited funds, DED has prioritized manufacturing, assembly, and processing companies. At least 80% of the company’s revenues must be derived from these business activities. The project must not adversely affect another existing Missouri company, unless the public benefit of the project (net new jobs and taxes) significantly outweigh the possible harm to the competing company.

FUNDING

The use of this program is based on the local government exhausting their available resources. DED has targeted a 20% match by the community based upon the availability of unencumbered city or county funds. This match may be achieved by, but not limited to; tax abatement, discounted utility fees, cash, or in kind services or any combination thereof. If the community is in a distressed area, as defined by the DED, the match requirement may be decreased or waived.

The maximum CDBG funding per project is limited to \$1,500,000. The grants shall be determined in accordance with the following schedule:

Grant Amount	Max Per Job	Max % of Capital Investment
Up to \$500,000	\$10,000	35%
Next \$250,000	\$ 5,000	20%
Next \$250,000	\$ 3,000	8%
Next \$500,000	\$ 2,000	2%

LEVERAGING RATIOS

The CDBG cost divided by the private investment of capital improvement by the company (land, building, machinery and equipment, furniture and fixtures, and site development) in a project may not exceed the Maximum percent of Capital Investment for the grant amount requested. Working capital, including inventory and other non-fixed asset costs, cannot be included in the calculation of the leveraging ratio. No cost incurred by the company prior to DED's approval and completion of the Environmental Review can be counted toward the "leveraging" calculation.

Construction of buildings or the purchase of other assets must commence at the same time or before commencement of the CDBG-funded activities, unless extenuating circumstances exist; however, they cannot start before DED's approval of the application and the environmental review procedure (usually taking 45 days).

Capital Improvements on the site owned by other parties cannot be included in the leveraging ratio unless those facilities will be leased by the company, (minimum 10 years for buildings; 5 years for machinery and equipment). It makes no difference in the calculation of the leveraging ratio whether a lease is capitalized (a lease-purchase agreement), but in order to be included in the leveraging ratio, the company must not be allowed to break the lease within the minimum period without substantial penalties. The following rules shall apply for leases:

New Construction – the construction price may be used in the private investment portion of the leveraging calculation if the lease payments are sufficient to completely finance the improvements by the lessor.

Below Market Lease - if a community is providing below market lease payments as an incentives to the company, the value of the private investment shall be based on the present value of the payments, currently prime interest rate, and the term of the lease. (Example – payment is 30,000/yr., prime rate = 6% for a 10-year lease, the value of the leveraging ratio purposes would be at \$220,802. If payment is not equal, use the average of the payments.)

Machinery & Equipment Relocated – the value shall be the lower of the current market value (if available) or book value.

The maximum amount of funds, which can be awarded per new full-time year-around job created, is \$2,000 - \$10,000, depending on the economic impact and location of the project. Seasonal employment, part-time employment, and contract employment cannot be considered. The project of new jobs should be conservative, as there are penalties imposed on the company for overstating job creation. Projections of job creation should be based on a period when full operation of the company's project is achieved, or within 24 months after execution of the Participation Agreement, whichever comes first. If the company has more than one facility in Missouri, the job creation should take into account the losses at all Missouri facilities, if other locations reduce employment as a result of this project.

In the event, multiple CDBG programs are used for the same project; jobs and private investment cannot be double counted in the order to increase the amount of funding.

ELIGIBLE USE OF FUNDS

Grant assistance may be provided only for activities, which are eligible under the Community Development Block Grant program. The listing of prioritized activities is based on those, which are considered to be the responsibilities of the local government to provide in normal circumstances and have proven to be the minimum necessary to allow a company to commence a project. Prioritized eligible activities include: water systems, sanitary sewage systems, storm sewers, street systems, street accessories, electrical distribution lines, port facilities, natural gas lines, engineering design, construction inspection administration and audit. All facilities must be owned by a public entity and potentially benefit more than one entity. Definitions of prioritized eligible activities are:

“Water Systems” – water facilities include the source and distribution of publicly owned water systems. Examples include water towers, pumps, and water lines. Ancillary facilities such as meters fireplugs and hookups are not included.

In the event water improvements are needed for insurance rate considerations and/or fire flow, the applicant should perform a cost-benefit analysis to determine if the investment is reasonable compared to the difference in the cost of premiums. In such case, the applicant should provide information regarding current and proposed insurance premiums, and other relevant information. Insurance-rate driven projects is not a priority.

“Sanitary Sewage Systems” – collection facilities (lines) of a sanitary sewer system including pump stations and force mains that are a part of a collection system, and treatment systems. Lines must be run along public land, right of way, or permanent easement in the most cost-effective manner as determined by a professional engineer, recognizing potential future use and growth. Hook-ups are not included.

“Storm Sewers” – storm sewers or drainage facilities are sewers or other conduits, open or closed, or other appurtenances, which collect, transport and dispose of storm water, surface water, street wash, other wash, and ground water drains. Improvements must be made on public land, right of way, or permanent easement. Domestic waste water and commercial and industrial waste is not eligible.

“Flood & Drainage Facilities” – flood and drainage facilities are designed to influence or affect the flow in a natural water course (such as a river, stream, lake, or intermittent stream) as they relate to storm water drainage of the proposed project site. Levies, floodwalls, and other such structures may also be applicable. Such improvements cannot be in private property or property leased by a private company.

“Street Facilities” – the reconstruction of existing surfaces, the widening of existing streets, and construction of new streets. The street width should conform to city codes for its intended use, or be comparable to other similarly used streets in the area. The applicant must document the proposed use of a street, such as the number of vehicles per day; tonnage of trucks; and other possible routes, etc.

“Street Accessories” – support facilities such as culverts, crossways, bridges, overpasses, curbs and gutters for a publicly owned street eligible for funding. DED will consider the following in determining if street accessories are eligible for funding; city code; topography; comparable facilities in other similar streets in the area; future use potential; etc. Sidewalks and street lighting are not included.

“Electrical Distribution Facilities” – Improvements to publicly owned electrical systems may be eligible for funding. Eligible activities include wires, poles, and relay stations. Designated transformers and hook-ups are not eligible.

“Port Facilities” – Infrastructure and river related activities that are located within the area designated in a port authority are eligible. River related activities may include docking facilities and dredging if such activities are not considered recurring on a regular basis. CDBG funded activities in this section must be under the ownership and control of a port authority to justify the inability for the applicant to issue new debt. Land, buildings, machinery, and equipment is not included.

“Natural Gas Lines” – lines constructed for the distribution of gas for a publicly owned utility are eligible. Lines must run along public land, right of way, or permanent easement. Hook-ups are not eligible.

“Engineering Design” - DED will only fund the percentage of engineering fees for improvements funded by CDBG monies unless other specific arrangements are approved by DED. This does not preclude a grantee from using local funds to pay a higher amount.

“Construction Inspection” – Construction inspection costs are limited to 75% of CDBG funded engineering design fees and are limited to the percentage of construction inspection fees for CDBG funded construction costs, unless other arrangements are approved by DED.

“Administration of CDBG Funds” – Applicants are encouraged to perform administrative responsibilities without additional funding. The use of CDBG funds for the replacements of salaries of existing employees of a grantee are ineligible. In the event that the grantee does not have the capacity to administer the grant, CDBG funds may be used to provide funding for the employment of an outside consultant or a part-time temporary employee. If so, such funds must relate to the actual amount of services the consultant or employee would perform. Generally, the limit is \$3,000 to \$10,000, depending on the scope of services. The preparation of an application is not an eligible cost, as this service was performed prior to the approval of the project. The maximum cost allowable by CDBG is 1% of the non-administrative CDBG costs, plus \$7,000, plus \$200 per 10 jobs up to a maximum of 50 jobs.

“Rail Spurs” – Rails spurs are only eligible in the higher distressed counties. An extension of railroad tracks (including switch connections) from the main track for industrial use may be eligible for funding. The spur must be publicly owned and potentially serve more than one company. The applicant must show documentation as to why the Rail Company will not finance the spur. A written policy and a letter from the railroad denying construction and ownership of the spur and the amount of funds generated by the use of the spur which will be rebated by the company. (Such funds will be returned to the CDBG program, unless otherwise approved by DED.)

If new user fee revenues result from the project, a cash flow projection of the water, sewer, and or electric utility operations must be provided to justify the inability for the applicant to issue new debt.

INELIGIBLE OR NON-PRIORITY ACTIVITIES: Facilities that do not have a substantial impact on the decision of a company to implement their project or remain operational at the current level are not fundable. More specifically, the following are either non-eligible or not a priority for funding in this program.

- Speculative development;
- Loans or grants directly to a company for real or personal property;
- Application preparation costs, a “bonus,” or other compensation for writing a funded application;
- Purchase of equipment;

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- General Government expenses, or replacing expenses or salaries that the grantee normally incurs.
- Operation and maintenance cost, or cost which occur on a normal basis.
- Parking lots;
- Sewage pre-treatment systems;
- Acquisition of land or site development of land to be used other than public infrastructure development;
- Street lighting;
- Sidewalks
- Preparation of preliminary engineering reports or other planning reports;
- Airports;
- Utilities or other facilities owned by private companies.
- Water, sewer or gas lines hook-ups;
- Water meters and fire plugs;
- Designated electrical transformers.

NEW JOB REQUIREMENTS

Because the new job creation estimate in the Participation Agreement is related to the maximum amount of CDBG funds that can be obtained for a project, it is critical that the job estimate be accurate, or at least not overestimated.

TIME PERIOD: New Jobs (see definition) committed by the Borrower at the Project location must be created within 2 years from the date of the contingency commitment and maintained for a period of at least 5 years from the date of the Participation Agreement. The Borrower may not reduce Business Operations at another Missouri facility to fulfill the New Job commitment.

RATIONALE OF NEW JOBS PROJECTED: New Jobs (see definition) are the increase of full-time, Year-Around Employees (see definition) over Current Employment (see definition) at the Project location. The number of New Jobs to be created by the Company must be consistent with the Company's payroll costs of their projected financial statements. The projection of New Jobs must also be directly correlated to the activities of the Project.

FULL-TIME, YEAR-AROUND EMPLOYEES: Only those persons who are projected to work at least 1800 hours in a year, have medical insurance benefits, and employed by the Borrower may count as a Full-Time, Year-Around Employee. Seasonal, construction, part time, or temporary employees, or persons that work within the Borrower's facility but that are not employees of the Borrower are not considered a Full-Time, Year-Around Employee.

DOCUMENTATION: Current Employment and the projected number of New Jobs will be stated by the Company on the **Employment Data Form**. New Jobs will be verified by DED from the **Employment Status Statement** administered by the Company. DED may also consult with the Missouri Division of Employment Security to verify such information. In the event such information has discrepancies, the Company must provide payroll records to DED. The Company may be required by DED to submit evidence of the Current Employment until the end of the 5-year period.

PENALTIES: In the event the number of new jobs are not created as stated on the Participation Agreement, within the 2 year period, or maintained for the entire 5 year period, the grant must be prepaid. The pre-paid amount is pro-rated for the actual New Jobs as a percentage of the number committed, plus an interest penalty. The interest penalty is 10% per annum (from the date funds were received) on the amount of the required prepayment. DED may waive interest penalties or the required prepayment if the Company experienced an Unforeseen Economic Event (see definitions) which affected its ability to maintain Full Employment, as defined. Transfer of Business Operations to another location would not allow a waiver of penalties, unless prior approval was granted by DED due to possible failure of the business.

LOW AND MODERATE INCOME REQUIREMENTS

51% LMI OF NEW JOBS: At least 51% of the New Jobs must be taken by persons qualifying as low and moderate income ("LMI"). Also, if Full Employment exceeds the projected New Jobs, at least 51% of all actual New Jobs must be LMI, as documented on the Employment Status Statement.

LMI DEFINITION: A person whose total current annualized family income is less than the prescribed standard, based on family size and county of residence, is considered low and moderate income ("LMI"). "Family" is considered husband, wife, and dependents. "Annual Income" is the total amount of income of the immediate family from all sources based on current rate of pay. The new wages a new employee will receive by the Company is not relevant in the determination of LMI.

JOB TITLES: On the "Employment Data Form," the Company must identify specific job titles of New Jobs in order for DED to determine the likelihood of accomplishing the 51% LMI requirement. Generally, jobs applicable for LMI persons do not require post-secondary education or specialized training as a condition for consideration of employment. However, the Employment Status Statement actually documents the 51% LMI requirement.

EMPLOYEE SURVEY: The Employment Status Statement form determines LMI status. After the date of the DED's approval, the company must survey each person hired. The surveys must be signed by the employee, and the employee must be willing to verify his/her family income upon request of DED, HUD, or the Sponsor. In addition, the company must have all persons applying for jobs complete the survey for ethnicity data. The survey is voluntary and confidential, however, all surveys not completed will be assumed to be from non-LMI persons. The company is responsible to administer the surveys and provide the completed surveys to the Sponsor and DED upon Full Employment, or 2 years from the date of the Participation Agreement, whichever is first.

RETAINED JOBS: For "retention" projects at least 51% of all Current Employees surveyed must be LMI. Any non-responses to the Employment Status Statement will be considered as non-LMI persons. If only a portion of the Company's operations is affected by the problem, only the specific employees projected to lose their jobs related to the problem would be surveyed for LMI purposes and count as "retained jobs." The Company must commit to maintaining Current Employment for at least 5 years from the date of the Participation Agreement.

COUNTY LMI LIMITS: The LMI limits vary by size of family and county of the Project. The income refers to the family's **current** total current income, annualized. For example, if someone made \$300/week, the annual income would be \$15,600. (Note: Spouse income must be included to determine LMI eligibility.) The rate of pay for someone to be hired by the Company should not be considered.

If a CDBG Industrial Infrastructure project benefits residential areas, the total beneficiaries must meet the 51% LMI requirement. The determination of LMI benefits for residential areas must be consistent with the Missouri CDBG program.

CONFLICT OF INTEREST POLICY

PERSONS APPLICABLE: The conflict of interest provisions of this policy shall apply to any person who is an employee, elected or appointed official, agent, consultant, officer, or any immediate family member or business partner of the above, of the Sponsor city/county, or of any designated public agencies, or “sub recipients” which are receiving funds from the Community Development Block Grant program.

APPLICABILITY: In the area of procurement of supplies, equipment, construction, and services by recipients, sub recipients, or designated public agencies, the conflict of interest provisions in 24 CFR 85 or A-110, as applicable, shall apply. In all cases not governed by 24 CFR 85, the provisions of this policy shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or sub recipients to individuals, businesses and their private entities in the form of grants, loans, or other assistance through eligible activities the program which authorize such assistance.

CONFLICTS PROHIBITED: Except for approved eligible administrative or personnel costs, no persons described in paragraph 1 who exercises or have exercised any functions or responsibilities with respect to CDBG activities or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. For the Action Fund program, the above restrictions shall apply to all activities that are a part of the funding approval for all projects, and shall cover any such interest or benefit during, or at any time after, such person's tenure. No elected official with any association of their entity as a CDBG recipient shall be compensated in any form for performing administration of a CDBG project, and shall not receive fees from any source, including finders fees, realtors' or brokers' fees, from a Company or other parties involved in a CDBG assisted project.

EXCEPTIONS: DED may grant an exception to a conflict, pertaining to participation with other public programs, after a determination has been made by the state that the exception will serve the purposes of the Housing and Community Development Act of 1974 and the State's adopted Final Statement for each year. Therefore only after the recipient has provided to DED written documentation detailing a disclosure of the nature of the conflict accompanied by an assurance that there has been a public disclosure of the conflict, a description of how the public disclosure was made, and an opinion of the recipient's attorney that the interest for which the exception is sought would not violate state or local law.

In determining whether to grant an exception, after the above two items have been received, DED shall consider the following factors, where applicable:

1. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the Project which would otherwise not be available;
2. Whether an opportunity was provided for open competitive bidding or negotiation;
3. Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

CDBG Industrial Infrastructure Grant
Guidelines

4. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;
5. Whether the interest or benefit was present before the affected person was in a position as described in paragraph 3;
6. Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
7. Any other relevant considerations.

DISCLOSURE AND CERTIFICATIONS: The Public Participation form requires the Mayor or Presiding Commissioner (acting on behalf of the Sponsor) to certify that, to the best of their knowledge, no conflict will occur regarding the Project. The Financial Interest Disclosure must also be completed by the Company to indicate certain contracts and assistance related to the Project.

INTRA-STATE RELOCATION

INELIGIBLE PROJECTS: Projects that propose intra-state transfer of part or all of a Company are generally ineligible for funding. Also, companies that have one or more existing facilities in Missouri that propose to transfer some Business Operations to another Missouri location are generally ineligible for funding.

EXCEPTIONS: An exception to this policy may be granted by DED if, in order to remain financially viable, the Company must consolidate with another existing facility of the Company's, or relocate to a more cost-effective site. In the event that the relocating Company is closing a unionized facility, a meeting with the affected union, Company and DED must take place to determine what, if any, negotiations have taken place before the Company's decision to relocate was finalized. Every effort possible must be made to preserve the bargaining rights of unionized employees at a new location. If DED determines the primary purpose of the Company relocation is to break a collective bargaining agreement or to operate a non-union Company, the Project is ineligible. To the extent possible, the workers whose jobs are being relocated must be offered an opportunity to transfer to the newly relocated facility in similar positions.

EXISTING COMMUNITY CONTACT: Upon the receipt of an application, DED will contact the economic developer of the community where the Company is currently located to inform him/her of the request. That community will be offered an opportunity to retain the Company prior to DED's decision regarding the Application.

NET NEW JOBS: If the intra-state relocation policy is granted an exception by DED, only the net increase of New Jobs over the Current Employment of the Borrower will be applicable for the program. Replacements jobs and/or transfer jobs will not be used to calculate New Jobs.

PUBLIC PARTICIPATION REQUIREMENTS

PROCEDURE: DED cannot formally approve a grant request until the Sponsor completes a public hearing, executes an authorizing resolution, and executes the Assurances. At least one public hearing must be held prior to the submission of the Sponsor's application. After the Project has been completed, a second public notice must be published, and another public hearing held. All hearings must be handicapped accessible, according to ADA requirements.

PUBLIC NOTICES

1ST PUBLIC HEARING NOTICE: This notice must be published at least 5 days prior to the public hearing. It should be published as a display-type ad (not in the classified section) in the newspaper with widest circulation in the community. The format for the notice is as follows:

First Public Notice:

The City of _____ will hold a public hearing on _____, 20 ____, at ____ PM, at City Hall to discuss an application to be submitted to the Missouri Department of Economic Development under the Community Development Block Grant (CDBG) program. The City is interested in obtaining citizen input on community and economic development needs within the City. The maximum amount of funds available from the CDBG program depends upon the type of project, but cannot exceed \$1,500,000 for economic development, \$300,000 for public facilities projects, or \$500,000 for neighborhood development projects.

Activities that are eligible for funding include improvements to public works, site improvements, housing rehabilitation, and others as allowed by law. At least 51% of the beneficiaries must be low and moderate-income persons. No displacement of persons will be proposed for this project.

The City proposes to request \$ _____ in CDBG funds for an Infrastructure Grant to _____ (company name) for a project located at _____ (address). The proposed project will provide new employment, of which at least 51% will be low and moderate-income persons. City staff members will be present to answer questions about the CDBG program and the proposed application. For more information, contact _____ at (____) _____.

SECOND PUBLIC HEARING: The Sponsor must hold a second hearing after the completion of the project to offer citizens an opportunity to comment on the city's performance. The hearing must be preceded by a display-type notice in a newspaper with the greatest distribution in the area, published at least five days prior to the hearing date. If the Sponsor has completed other CDBG projects, they may be included in this ad and public hearing. The format for the notice is as follows:

Second Public Notice

The City of _____ will hold a public hearing on _____, 20__ at ____ PM at City Hall to allow citizens to comment on the City's performance on the Community Development Block Grant awarded _____, 20__ for the _____ (company name) project. All interested citizens and groups are encouraged to attend. For further information, contact _____, at (____) _____.

ENVIRONMENTAL REVIEW

APPLICABILITY: Federal law requires all CDBG-assisted projects to undergo an environmental review subject to the National Environmental Policy Act.

PROCEDURE: Upon the completion of the environmental review and the DNR Section 106 Information Form, the Sponsor must insert the "Finding of No Significant Impact/Request for Release of Funds" (FONSI/RRF) notice in the local newspaper. These forms can be received by contacting CDBG at 573-751-4146.

After **15** days from the day the ad ran, the Sponsor would send the "Request for Release of Funds and Certification" to DED, certifying that there were no adverse comments from the public regarding the Project. (If there were adverse comments, see the CDBG Administrative Manual.) Once DED receives The "Request for Release of Funds," another 15 day comment period must elapse, and at that time, DED would issue a "Private Release" to the Sponsor.

Once the "Private Release" form is received, the Company may commence with the Project **IF** DED has approved the grant request. However, the Infrastructure Grant is only effective once the Participation Agreement has been executed. If the Company did not meet the contingencies of DED's approval and execute the Participation Agreement, DED is not under any obligation to release loan proceeds.

WHEN TO START ENVIRONMENTAL REVIEW: The checklist and assessment may be started, and the FONSI/RRF notice may be published at any time, even prior to the submission of an Application.

WHO MAY COMPLETE THE ENVIRONMENTAL REVIEW: The Company or Sponsor may complete the checklist and assessment; however, the Sponsor must insert and authorize the FONSI/RRF notice. It is not necessary that a licensed professional complete the environmental review, unless there is the probability of some significant effect to the environment. If so, consult the CDBG Administrative Manual.

PRIVATELY – OWNED INDUSTRIAL PARKS

Generally, the use of CDBG funds in the development of an industrial park that is not owned by a public entity devoted to local economic development is not a priority due to the potential of developer profit based upon publicly funded improvements. However, in some cases, it may be appropriate if the following factors are met:

1. There is no other suitable land available in the area for an industrial prospect;
2. A public entity does not have the capacity to own or develop an industrial park necessary for the prospect;
3. Financial projections must be developed showing the development costs and projected revenues from the sale of property, which indicate the developer has maximized other debt and equity funding. The projections must make various assumptions on the revenue generated on sales based upon comparable activity in the area; and
4. The developer has documented that all forms of additional funding have been exhausted, including equity and debt, under normal development practices.

LOCAL PARTICIPATION REQUIREMENTS

The CDBG program is not designed to replace local public or private funds, which could be used in a project; rather CDBG is designed to supplement local funds when they are insufficient. The Department has targeted a 20% match by the community based upon the availability of unencumbered city or county funds. This match may be achieved by, but not limited to tax abatement, discounted utility fees, cash, or in-kind services or any combination thereof. If the community is a distressed area, as defined by the Department of Economic Development, the match requirement may be decreased or waived. The application should provide as much of the cost of public infrastructure or perform as much in-kind services as feasibly possible.

It is also expected that the community act as a partner with DED in offering incentives to obtain the commitment of a company when competing with other states. Such incentives may include tax abatement, tax increment financing, free or reduced cost land or utility hookups, utility rate reductions, and other incentives. In most cases, it is desirable to prepare a comprehensive proposal to a company from all involved parties, city, county, state, utilities, local lenders, etc.

GRANT ADMINISTRATION

It is the responsibility of the chief elected official of the city or county grantee to insure that their grant is administered properly. There are numerous regulations and procedures that applicants must comply with if they receive funding, as required by federal law and DED's administrative requirements. These provisions are further listed in the "assurances" section of the application. For a more detailed description of these requirements, DED has a "Grantee Management Manual" available for review by potential applicants.

There are three different methods that have been used to administer CDBG programs.

1. The use of an existing staff member, who has sufficient time to devote to administering the grant. This method is preferable if those persons are adequately qualified. CDBG funds cannot be used to replace salaries or expenses, which previously have been funded by the grantee.
2. The hiring of a new staff member. Applicants proposing this method should consider that training a new staff member may cause a delay in program implementation and it may be difficult to find qualified persons for temporary, perhaps part-time positions. There is no guarantee an applicant will receive funds on an ongoing year to year basis
3. Contract with an outside firm or agency. If CDBG funds are used to pay for administrative services of a person or firm that is not a full-time employee of the city or county, the procurement procedure must be performed. The procurement procedure is discussed later in the guidelines.

An outside firm may not approve work on behalf of the grantee, which was performed by employees of the same firm. Responsibilities should be defined in a contract. Even if an outside administrator is selected, the grantee has the responsibility to see that the grant is carried out properly and retains responsibility for proper execution.

No grantee will be penalized if they do not have the capacity to properly administer the grant from existing staff members; rather, they should propose that an outside firm be contracted or new staff be hired, as appropriate to administer the grant. Every grant must be administered by a competent person who will properly oversee the requirements set forth by the federal law and state regulations.

Depending upon the scope of the project, administrative activities could include the environmental review, financial management, files management, civil rights and fair housing compliance, labor standards enforcement, procurement, property management, acquisition procedures, contract management, legal costs, public notices, closeout procedures and other activities. Such actions may be divided among existing staff members, consultants, and engineers in any manner as desired by the grantee.

PROCUREMENT OF PROFESSIONAL SERVICES

Professional services that are often used for CDBG projects and apply to the provisions of the section include administrative, relocation management, engineering, land surveying, architectural, auditing, cultural resource surveys, legal and possible others.

Missouri law defines procurement of administrative and like services utilizing a Request for Proposals process. It defines procurement of engineering services as a Request for Qualifications process.

- A Request for Qualifications (RFQ) must be published in an area daily newspaper, plus be sent to area firms or individuals involved in the desired service. Special efforts must be made to attract RFQs from minority and female-owned firms by sending them a notice by registered mail. In the event that a potential contractor carries out the procurement procedures, they could be disqualified from bidding on the project.
- A Request for Proposals (RFP) must be mailed to each Private Administrator listed on the CDBG Project Administrator list and the Regional Planning Commission/Council of Governments for the area. This list is updated quarterly, and therefore the Sponsor/Grantee must insure that the correct list is used.

If CDBG funds are used for professional services, the RFQ must be published, at a minimum, once in a general circulation newspaper at least one week before the deadline date. Copies of the RFQ should also be sent by certified mail to those minority and female-owned firms in closest proximity to your community.

Sample

Request for Qualifications

Professional Engineering Services

The City of _____ requests qualifications for engineering services to assist in a proposed CDBG project financed with federal funds. The City intends to provide improvements to their municipal water distribution system.

Information provided to the city must include:

1. The specialized experience and technical competence of the firm with respect to water system improvements or related work;
2. The capacity and capability of the firm to perform the work in question, including specialized services, within a period of twelve months beginning (date) _____, 20__.
3. The past record of performance of the firm with respect to such factors as control of costs, quality of work and ability to meet schedules;
4. The firm's proximity to and familiarity with the area in which the project is located; and
5. References from all previous clients involved within the past two years

This information should be submitted no later than (date) _____ at (time) _____ a (city name) _____ City Hall, (city hall mailing address) _____. For more information contact _____ at (phone number) _____.

The City of _____ is an Equal Opportunity Employer and invites the submission of qualifications from minority and female-owned firms.

CDBG Industrial Infrastructure Grant
Guidelines

- The RFQ should generally describe the scope of the work that the firm will be expected to perform plus all significant evaluation factors. Evaluation factors should include:
 - The specialized, experienced and technical competence of the firm with respect to the type of services required.
 - The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project.
 - The past record of performance of the firm with respect to such factors as control of costs, quality of work and ability to meet schedules;
 - The firms proximity to and familiarity with the area in which the project is located; and
 - Cost effectiveness, given the scope of the work.
- The governing body of the community should identify three highly qualified firms. The community shall then select the firm considered best qualified and capable of performing the desired work and negotiate a contract for the project with the firm selected. As a basis for negotiations, the community shall prepare a written description of the scope of the proposed services.
- If the scope of work to be performed includes work involved in the preparation of a CDBG application, it should be clear whether or not the community will pay for those services, and the amount. Application preparation services may not be financed with CDBG funds but may be considered as eligible local matching funds. Cost plus a percentage of cost and percentage of construction cost method of contracting cannot be used, according to OMB A-102. A cost plus fixed fee (with a maximum amount) or lump sum basis contract is recommended. DED has model contracts available for this purpose. Payments on administrative contracts should not be pro-rated per month. As with any contract, payments should be made based on services performed or a percentage after milestones in the grant. DED will not release more than 90% administrative costs prior to receipt of final close-out of paperwork, with the exception of the audit and clearance of final monitoring findings.
- If the community is unable to negotiate a satisfactory contract with the firm selected in terms of price, time of performance, and other conditions, negotiations with that firm shall be terminated. The community shall then undertake negotiations with another of the qualified firms selected. If there is a failing of accord with a second firm, negotiations with such firms shall be terminated. The community shall then undertake negotiations with the third qualified firm.
- If the community is unable to negotiate a contract with any of the selected firms, the community shall reevaluate the necessary services, including the scope and reasonable fee requirements, and again compile a list of qualified firms and proceed in accordance with the provisions of this policy.
- The above procedures and the basis of selection of the successful firm should be in written form for file documentation.
- A contract should be entered into (after the selection is made) which states the terms and conditions of the agreement and the scope of work.
 - DED suggest using NSPE Agreement #1910-1, Standard Form of Agreement between Owner and Engineer for Professional Services, or DED's Model Contract for Administrative Services, which are available from DED upon request. The contract may include that "In the event financing is not accomplished or for any reason the

CDBG Industrial Infrastructure Grant
Guidelines

project is abandoned, the owner (community) shall compensate the contractor the sum of \$____, and all provisions of the agreement are hereby terminated.”

A previously existing contract for professional services cannot be extended to cover a new project. (i.e. a city engineer under contract must execute a separate contract if he is the successful proposal.)

FEES

Engineering Design - ASCE Manual No. 45, pages 37-42, describes the percentage of construction cost method of compensation. The curves indicated on pages 40-41 of the ASCE Manual will be used as a guide to the maximum cost allowable. While the state may use this as a method of determining the amount of funds allowed to a city/county grantee, the grantee may not use these curves as the only basis for determining the compensation of an engineering firm. DED suggests using either a cost plus a fixed fee, with a maximum amount, or a lump sum, as described on pages 34-36 of the ASCE manual.

Column A indicates projects of an above-Average complexity, which includes water treatment plants, complex bridges, pumping stations, intercepting and relief sewers, sanitary sewer lines under 24 inches diameter and water distribution lines under 16 inches diameter. Column B indicates projects of average complexity, which includes conventional bridges, roads and streets, storm sewers and drains, sanitary sewers 24 inches or larger diameter, and water distribution lines 16 inches or larger diameter.

Net Construction Cost	Column A	Column B
\$40,000	13.67	10.27
50,000	13.22	9.99
60000	12.76	9.71
70000	12.43	9.52
80,000	12.10	9.32
90,000	11.87	9.17
100,000	11.63	9.01
150,000	10.44	8.56
200,000	10.25	8.11
250,000	9.85	7.85
300,000	9.45	7.59
350,000	9.18	7.42
400,000	8.91	7.24
450,000	8.72	7.12
500,000	8.52	7.00
550,000	8.38	6.90
600,000	8.24	6.80

CDBG Industrial Infrastructure Grant
Guidelines

- Construction Inspection cost will be limited to a maximum 75% of engineering design costs unless a higher amount is required by another agency. DED may approve a higher amount under unusual or extreme circumstances.
- The RFP should generally describe the scope of the work that the firm will be expected to perform, plus all of the significant evaluation factors. The contract must be awarded to the lowest and best-qualified bidder.
 - The specialized experience and technical competence of the firm with respect to the type of services required.
 - The capacity and capability of the firms to perform the work in question, including specialized services, within the time limitations fixed for completion of the project.
 - The past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules.
 - The firm proximity to and familiarity with the area in which the project is located.
- The governing body of the community should identify the lowest and most qualified proposal.
- A contract should be entered into (after the selection is made) which states the terms and conditions of the agreement and the scope of work. DED has a sample contract available for Administrative Services, which are available upon request.
- For the purpose of budgeting an application, applicants should use the following formula. Administrative costs are based on 1% of the non-administrative costs, plus \$7,000, plus \$200 per 10 jobs up to a maximum of 50 jobs. This amount represents the maximum amounts available for CDBG projects. The state reserves the right to apply less money to a project of lower complexity.

Sample

Request for Proposals

Professional Administration Services

The City of Anytown requests proposals for administrative services to assist in a proposed project financed with \$250,000 in Community Development Block Grant (CDBG) funds. The city's \$300,000 bond issue is financing the remainder of the project. The project consists of replacement of 4,500 lf. of 6" municipal water distribution lines and construction of a 150,000 gallon elevated storage tank.

Administrative services shall include, but are not limited to, the implementation of the project in conformance with the following CDBG compliance area: environmental review, financial management, procurement, labor standards, equal opportunity/civil rights, citizen participation, acquisition/relocation, and close-out.

Information provided to the city shall include:

1. The specialized experience and technical competence of the firm with respect to grant administration and related work;
2. The past record of performance of the firm with respect to such factors as accessibility to clients, quality of work, and ability to meet schedules;
3. The firm's proximity to and familiarity with the area in which the project is located;
4. The capability of carrying out all aspects of grant related activities;
5. Cost of services;
6. References from previous clients of related work with the firm within the past five years. (a), (b), and (d) above shall receive priority weighting in the final selection.

The above information should be submitted no later than July 31, 2001, 5:00 p.m., City Hall, 111 First Street, Anytown, MO 66000. For more information, contact City Clerk at 555-555-5555. The City of Anytown is an Equal Opportunity Employer, and invites the submission of proposals from minority and women-owned firms.

PRELIMINARY ENGINEERING REPORT & MAP REQUIREMENTS

CDBG assisted public works projects must be reviewed by a registered professional engineer or architect, as appropriate. Such review will consist of a preliminary engineering report sufficient in scope to analyze the need, determine the most appropriate solution, provide estimated costs, and recommend the required level of funds for operation and maintenance of the facility.

All projects involving water facilities must conform to the preliminary engineering report requirements as set forth in 10 CSR 60-10, and reports for sanitary sewer facilities must meet 10 CSR 20-8. Additionally, such reports must conform to publish design guidelines as set forth by the Department of Natural Resources (DNR).

One copy of the preliminary engineering report must be submitted with the application. Clearly identify the following in the report:

1. Name of the applicant or owner of the facility;
2. Name, address, telephone of the engineer;
3. Date of review;
4. If the scope of the report includes more activities than the proposed CDBG project, clearly identify the CDBG Project portion;
5. Age of the facility, if applicable;
6. Cause and documentation of the problem to be addressed in the project;
7. Analysis of operation and maintenance funding required;
8. Discussion of the options, and justification for proposed solution; and estimated costs, considering the impact of federal and state prevailing wages.

In addition, there must be a scaled map or blueprint of the project site detailing the following:

1. Land plat of the immediate area noting current owners, zoning, and acreage of each tract;
2. Location of the company's proposed facility, noting land, which is to be purchased or is currently, owned by the company;
3. Location of the proposed public improvements, noting specific distances, line sizes, and street widths.
4. Location of existing utilities and streets/roads, noting line sizes of utilities;
5. Topographic map showing elevations, drainage, etc; and
6. General description of the land use and zoning of the area around the project site.

COMPANY PARTICIPATION REQUIREMENTS

While the Industrial Infrastructure Program grants the funds to communities, it is essential that the company benefiting from the improvements meet its commitment to job creation/retention, private capital investment, and the LMI benefit. Potential applicants seeking CDBG funding are advised to discuss program requirements with the company prior to the submission of an application in order to facilitate a smooth and orderly grant closeout in the event the project is funded, and to prevent any misconceptions about the company's responsibilities.

DOCUMENTATION: Current employment and the projected number of new jobs will be stated by the company on the **Employment Data Form**. New jobs will be verified by DED from the **Employment Status Statement** administered by the company. DED may also consult with the Missouri Division of Employment Security to verify such information. In the event such information has discrepancies, the company must provide payroll records to DED. The company may be required by DED to submit evidence of the Current Employment until the end of the five-year period.

Because CDBG funds are leveraged by private investment, the company will be expected to document expenditure of private funds. Investment is typically documented through paid invoices. The grant administrator will assist the company in making the documentation available to a CDBG field representative at grant closeout or monitoring.

PARTICIPATION AGREEMENT: The company must enter into a "Participation Agreement" stating that the company agrees to:

1. survey new employees and applicants
2. provide documentation of capital expenditures, job creation/retention, LMI benefit and equal opportunity upon request of officials of the grantee, state, or HUD;
3. that the information provided in the application is true and correct;
4. agrees to penalty provisions for intentional misrepresentations of fact, which may include repayment of a portion or all of the grant, plus penalties.

CDBG INDUSTRIAL INFRASTRUCTURE GRANT STAGE 1 CHECKLIST

- A public hearing must be held and a resolution adopted prior to submission of these documents.
- After review, DED will issue a letter of preliminary approval if all eligibility criteria have been met.
- After receipt of a letter of preliminary (contingent) approval, completion of the environmental review and receipt of the “Notice of Release of Environmental Requirements” from DED, the company may begin construction of their project. Funds expended by the company prior to this date cannot be included in the private “leveraging” calculation. New employees hired prior to the contingent approval by DED may not be counted as new employees for the program.

No public notification of a grant award or the company’s project may be made prior to approval.

CITY/COUNTY SPONSOR APPLICATION FORMS

- City/County Sponsor Application (Form A)
- Eligibility Criteria Checklist (Form B)
- Public Property Improvements (Form C)
- Land Ownership and Development (Form D)
- Local Matching Funds (Form E)
- Public Participation (Form F)
- Grant Administration (Form G)
- Civil Rights Compliance (Form H)
- Needs Assessment (Form I)
- Statement of Assurances (Form J)
- County/Sponsor Financial Interest Disclosure (Form K)
- Newspaper Notices of Public Hearing
- Resolution of Applicants (Form L)
- Preliminary Engineering Report of Final Engineering Report (if applicable)
- Map of Project Site with proposed Public improvements
- Fair Housing Ordinance (Form M)
- Excessive Force Ordinance (Form N)

CDBG Industrial Infrastructure Grant
Application



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
CDBG INDUSTRIAL INFRASTRUCTURE PROGRAM
CITY/COUNTY SPONSOR APPLICATION
FORM A: SPONSOR IDENTIFICATION

1. SPONSOR	
CITY OR COUNTY	DATE
CHIEF OFFICER	TITLE
CONTACT PERSON	TITLE
ADDRESS, CITY, ZIP CODE	
TELEPHONE NUMBER OF CONTACT	
STATE SENATOR DIST #	STATE REPRESENTATIVE DIST #
FISCAL YEAR END OF SPONSOR	
2. APPLICATION PREPARER (if different than contact person above)	
NAME OF FIRM	TELEPHONE #
CONTACT PERSON	TITLE
ADDRESS	CITY, ZIP CODE
3. PARTICIPATING COMPANY	
NAME	TELEPHONE #
CONTACT PERSON	TITLE
ADDRESS, CITY, STATE, ZIP CODE	
FEIN	NAICS

CDBG Industrial Infrastructure Grant
Application



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
CDBG INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM B: ELIGIBILITY CRITERIA CHECKLIST
TO BE COMPLETED BY THE CITY/COUNTY SPONSOR

Directions: See Application and Guidelines.

Checklist: The project must conform to **all** the criteria herein in order to be eligible for funding. Each criteria must be documented in the application in the section indicated in the column to the right.

	RESPONSE YES/NO	DOCUMENTED IN APPLICATION
<p>1. Publicly Owned Facility – The improvements to be financed with CDBG funds will be owned by a public entity.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Form D, #10
<p>2. Multiple Users – The CDBG financed facilities are not restricted to one user, and other users may benefit, either now or in the future.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Form D, #11
<p>3. Decision to Initiate Project – The company has not yet made a public announcement of the project, and has not executed contracts for construction or purchases related to the project.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Form D, #3
<p>4. Essential Activities and Least Amount – All the CDBG-financed public improvements are essential, and are the least amount in order for the company to initiate their project.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Form D, #4
<p>5. Priority Project – The company is either manufacturing, assembly, processing or distribution (if not, conforms to the criteria of); creates new state and local taxes; and is financially stable.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>6. Competition with Existing Business – The company's project will not significantly affect another business in the State of Missouri. (Some exceptions may apply; check with DED).</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>7. Maximum CDBG Funding – The CDBG funding is less than all of these criteria:</p> <p style="margin-left: 20px;">a. \$1.5 million per project</p> <p style="margin-left: 20px;">b. CDBG cost (\$ _____) divided by company's project (real and person property) (\$ _____) equals _____ %.</p> <p style="margin-left: 20px;">c. CDBG cost (\$ _____) divided by the number of jobs created or retained due to the project (_____ jobs) equals \$ _____.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Participation Agreement
<p>8. Low and Moderate Income Benefit – Of all the employees the company will hire due to this project, at least 51% will be low and moderate income persons. (If this is a retention project, at least 51% of all current employees are low and moderate income persons.)</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Form H, #1,2
<p>9. Intra-State Relocation – The project does not involve the relocation of a facility within Missouri, or will not result in the reduction of employment in another Missouri facility by the same company. (Some exceptions may apply – check with DED.)</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Form D, #2
<p>10. Local Match – The applicant (City/County) will provide as much as possible of the cost of the public improvements proposed for the project.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Form C
<p>11. No Other Suitable Sites – There is no other site in the area which is suitable to the company, or which would cost substantially less to develop.</p> <p style="margin-left: 20px;">If this is an existing company that proposes an expansion at the same site, the proposed public improvements are commonly provided to any industry by the community.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Form D, #6
<p>12. Private Industrial Parks (if applicable) – The developer has provided documentation that shows that other debt and equity funding has been maximized.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Form E, #3(c)

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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
CDBG INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM C: PUBLIC PROPERTY IMPROVEMENTS
TO BE COMPLETED BY THE CITY/COUNTY SPONSOR

Directions: Specify in as much detail as possible the **public** improvements (regardless of funding source) proposed which directly support the company's project. Sources of funds may be CDBG, private funds, city, county, company, or other state or federal programs. Distinguish between activities, which are in different locations, such as Main Street, Oak Street, etc. The activities and unit costs **must** correspond to the preliminary engineering report and map/blueprint submitted in this application. Public Property Improvements are defined as those owned by a Public Entity that will benefit more than one entity.

(a) Activity	(b) Unit Cost	(c) Unit Name	(d) No. of Units	(e) (bxd) Cost	(f) Source of Funds*
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10. Sub-Total					
11. Engineering Design					
12. Construction Inspection					
13. Other Professional Services					
14. CDBG Administration					
15.					
16. Total					

***Source of Funds:** For sources other than CDBG, attach a commitment letter from the source noting the status of the funding, the amount, and any contingencies or deadlines imposed on the funding commitment. For city/county funded activities, indication "ik" in this column for non-cash in-kind items.

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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM D: LAND OWNERSHIP AND DEVELOPMENT
TO BE COMPLETED BY THE CITY/COUNTY SPONSOR

Directions: On an attached sheet marked "Form E," address the following:

1. OWNERSHIP:

- a. Specify the current owner of the subject property which the company's project will be located.
- b. If the current owner is **not** the company, indicate the sale or lease price, number of acres sold, transaction date, and name of the new owner.
- c. Indicate what infrastructure improvements, if any, the current or new owners will perform as a result of this project.
- d. Indicate other parties that will be compensated as a result of the land transaction, such as realtors, consultants, the city or county, or others. (This is to prevent a possible conflict of interest.)

2. INDUSTRIAL PARK:

- a. Indicate whether this site is part of an industrial or commercial park.
- b. If so, indicate the owners and/or developers of the park, other occupants of the park, date the park originated, total acreage, acreage remaining for sale, price (per acre or square feet) the property is being offered, and any arrangements made between the seller, buyer, city, or other parties regarding requirements for improvements made to the property prior to sale.
- c. Indicate the remaining acreage in the park that will benefit from the improvements proposed in this project. (Reference the attached map, if necessary.)

3. PRIVATE OWNERSHIP (Applicable if the industry/business park is owned by a for-profit developer.)

- a. Indicate the name of lenders and amount, term, rate, payment schedule and collateralization of existing and proposed debt on the subject property.
- b. Indicate the current tax "basis" of the industrial park, as specified in federal income tax records. (Attach copy of such documentation.)
- c. Indicate specifically why the developer cannot provide funding for the proposed infrastructure requested herein. (Documentation must be provided to indicate the developer has exhausted all other sources of funds, including personal equity, bank loans, etc.)
- d. Include a legal description of the subject property.

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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM E: LOCAL MATCHING FUNDS
TO BE COMPLETED BY THE CITY/COUNTY SPONSOR

Policy: The Department has targeted a 20% match by the community based upon the availability of unencumbered city and county funds. This match may be achieved by, but not limited to, tax abatement, discounted utility fees, cash, or in-kind or any combination thereof. If the community is a distressed area, as defined by the Department, the match requirement may be decreased or waived. The applicant should provide as much of the cost of public infrastructure or perform as much in-kind as feasibly possible.

Directions: On an attached sheet marked "Form F", address the following items.

1. Current Budget:

Indicate the following from the Applicant or special district's **current** budget, or new budget (if formally adopted). Do **not** include restricted funds unless the fund is involved in any of the project activities.

BUDGET PERIOD: _____ TO _____

FUND	STARTING BALANCE	REVENUES (transfers in)	EXPENSES (transfers out)	ENDING BALANCE
General				
Water				
Sewer				
Street				
Electric				
Gas				
Misc. Unrestricted Funds				
Other:				
Other:				
TOTAL				

2. Revenue Producing Facilities:

Indicate the annual projected amount of new revenue and expenses related to facilities by grant funds.

3. Local Fund Commitment:

Given the total fund balance available in #1 above (less a reserve allowance of 10% of revenues), discuss the Applicant's commitment of funding for the project. (Note: If the response for a large balance is to accumulate funds for another capital improvement project, there should be documentation of a formal action by the governing body to set aside such funds, the time that such project is planned and a reason why that project merits a priority over the project proposed for grant funds.)

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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM

FORM F: PUBLIC PARTICIPATION

TO BE COMPLETED BY THE CITY/COUNTY SPONSOR

Directions: At least one local public hearing is required prior to formal submission of the grant application. A specific format is required for the public hearing notice.

1. a. Date of public hearing notice published in newspaper: _____
- b. Date of public hearing: _____
- c. Date of resolution/ordinance authorizing submission of application: _____

1. CONFLICT OF INTEREST – See Section H of guidelines concerning conflict of interest.

Check one of the following, and sign below.

- I have read the conflict of interest policy in the document “Guidelines, CDBG Industrial Infrastructure Program” (latest revision), and hereby certify that I have no knowledge of conflicts, real or apparent, regarding the parties involved in the project as herein described.
- A potential conflict of interest exists in this project, and is fully described on an attached sheet.

CHIEF ELECTED OFFICER

DATE

NOTE: Any repaid CDBG funds must be used for this project before new funds are awarded.

NOTE: Grantees that have outstanding audit findings are ineligible for funding.

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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM G: GRANT ADMINISTRATION
TO BE COMPLETED BY THE CITY/COUNTY SPONSOR

1. CDBG ADMINISTRATIVE REQUIREMENTS

Indicate the person assigned to complete the following administrative items. (If the specific person is not yet known, answer with a "?".) The grantee may use City/County or CDBG funds to employ a consultant for some or all of these items, if the staffing capacity does not currently exist.

ADMINISTRATIVE FUNCTION	PERSON RESPONSIBLE
Environmental Review	
Labor Standards Enforcement (Wage Rates)	
Bidding/Contract Documents	
Accounting/Request for Funds	
Private Investment Documentation	
Closeout Documents	
Property Acquisition	
Other:	
Other:	

2. CDBG ADMINISTRATIVE FEES

If a consultant will be employed to perform CDBG administrative services, indicate the proposed cost, source (CDBG, local funds), and rationale for the cost. The cost should be based on the scope of the responsibilities and the complexity of the project.



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
CDBG INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM H – CIVIL RIGHTS COMPLIANCE

TO DOCUMENT COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 PROVIDE THE INFORMATION IN THE SPACE BELOW

REPORT TOTAL POPULATION AS FOUND IN CENSUS OR SURVEY SHOULD MATCH FORM A BLOCK 4

	TOTAL APPLICANT POPULATION	HISPANIC APPLICANT POPULATION
White:		
Black/African American:		
Asian:		
American Indian/Alaskan Native:		
Native Hawaiian/Other Pacific Islander:		
American Indian/Alaskan Native & White:		
Asian & White:		
Black/African American & White:		
Am. Indian/Alaskan Native & Black/African Am.:		
Asian & Native Hawaiian/Other Pacific Islander:		
All Others:		
TOTAL		
Female Head of Household:		
Handicapped (Disabled):		
Elderly:		

PROVIDE INFORMATION IN THE SPACE BELOW FOR THE PERSONS TO BE SERVED BY THE PROJECT

REPORT TOTAL PERSONS TO BE SERVED BY PROJECT IF DIFFERENT THAN QUESTION 1 SHOULD MATCH FORM A BLOCK 6

	Total Project Beneficiaries	Hispanic Project Beneficiaries
White:		
Black/African American:		
Asian:		
American Indian/Alaskan Native:		
Native Hawaiian/Other Pacific Islander:		
American Indian/Alaskan Native & White:		
Asian & White:		
Black/African American & White:		
Am. Indian/Alaskan Native & Black/African Am.:		
Asian & Native Hawaiian/Other Pacific Islander:		
All Others:		
TOTAL		
Female Head of Household:		
Handicapped (Disabled):		
Elderly:		

IDENTIFY THE MINORITY GROUP(S) POPULATIONS, OR PORTION THEREOF, RESIDING IN THE APPLICANTS JURISDICTION THAT WILL NOT BE SERVED BY ONE OR MORE OF THE PROPOSED ACTIVITIES AND EXPLAIN WHY. NOTE: "NOT APPLICABLE" IS NOT A SUFFICIENT RESPONSE.

Please note: An individual Form H is required for **each jurisdiction** in a multi-jurisdictional application.

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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM I: NEEDS ASSESSMENT
TO BE COMPLETED BY THE SPONSOR

1. SPONSOR (CITY/COUNTY):	DATE:
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2. Quality of Public Facilities or Services: This section is divided into three areas: public works, public services, and community facilities. The items specified within these areas are typically considered to be the responsibility of most local governments. The Sponsor should indicate whether the quality of the facility or service is generally good, fair, poor, or non-existent as it would affect everyone in the Sponsor's jurisdiction. Also, the same evaluation should be made as to the quality of the item as it affects only low and moderate income persons (LMI) in the Sponsor's jurisdiction. The determination of the item's quality (good, fair, or poor) may be performed in any way the Sponsor determines is appropriate, such as engineering, reports, discussions with city/county staff members, field surveys, etc. This is not to be confused with a formal evaluation or capital improvements plan. The analysis of the quality of facilities or services should be based on current conditions.

	QUALITY OF FACILITIES AFFECTING							
	ENTIRE				LMI ONLY			
	GOOD	FAIR	POOR	NON-EXIST	GOOD	FAIR	POOR	NON-EXIST
a. PUBLIC WORKS								
1. Water Source	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Water Treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Water Distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Sanitary Sewer Treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Sanitary Sewer Collection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Storm Sewer Collection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Streets/Roads	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Parks/Recreation Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Other (list):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other (list):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Other (list):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. PUBLIC SERVICES								
1. Fire Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Police Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Code	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Recreation/Cultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Other (list):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Other (list):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. COMMUNITY FACILITIES								
1. Community Center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Senior Center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Other (list):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Other (list):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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3. HOUSING		
A. NUMBER OF OCCUPIED HOUSING UNITS	B. NUMBER OF HOUSING UNITS OCCUPIED BY LMI	C. NUMBER OF OCCUPIED SUBSTANDARD HOUSING UNITS
D. NUMBER OF SUBSTANDARD HOUSING UNITS OCCUPIED BY LMI PERSONS		
E. NUMBER OF NEW OR REHABILITATED HOUSING UNITS NEEDED FOR GROWTH OR REPLACEMENT OF SUBSTANDARD UNITS (ALL PERSONS)		
F. NUMBER OF NEW OR REHABILITATED HOUSING UNITS NEEDED FOR GROWTH OR REPLACEMENT OF SUBSTANDARD UNITS FOR LMI HOUSEHOLDS		
G. NUMBER OF DILAPIDATED HOUSING UNITS REQUIRING DEMOLITION		
H. DESCRIBE ACTIONS PROPOSED FOR THE NEAR FUTURE (3-5 YEARS) TO ADDRESS THE IDENTIFIED HOUSING NEEDS		
4. ECONOMIC DEVELOPMENT: Describe the actions proposed to stimulate employment and private investment:		
5. ACTIVITIES TO BE UNDERTAKEN: For each item identified in areas a, b, and c (Public Works, Public Services, and Community Facilities) as “poor” (or “non-existent” if the facility or services is considered a significant need), describe activities to be undertaken to address these needs. Identify each item by the letter and number assigned (i.e. – Sheltered Workshop is 2(c)(4)).		

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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM J: STATEMENT OF ASSURANCES
TO BE COMPLETED BY THE SPONSOR

The applicant hereby assures and certifies that:

- (a) It possesses legal authority to apply for the grant, and execute the proposed program.
- (b) Its governing body has duly adopted or passed, as an official act, a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and direction, and authorizing the applicant's chief executive officer to act in connection with the application and to provide such additional information as may be required.
- (c) It has facilitated or will facilitate citizen participation by:
 - (1) Providing citizens with an opportunity to participate in the determination of priorities in community development and housing needs;
 - (2) Providing adequate notices for one or more public hearings;
 - (3) Holding one or more hearings on the proposed application before adoption of a resolution or similar action by the local governing body authorizing the filing of the application;
 - (4) Providing for citizen participation when considering amendments to community development program;
 - (5) Providing for citizen participation in the planning and assessment of the community development program including the development of a performance report and the submission of views to the state; and
 - (6) Actions comparable to Section 104(a)(2) of the Act, as described by the State.
- (d) Its chief executive officer or other officer of applicant approved by the State:
 - (1) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of Federal law, as specified in 24 CFR Part 58, which furthers the purposes of NEPA insofar as the provisions of such Federal law apply to the Missouri Community Development Block Grant Program;
 - (2) is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.
- (e) The Community Development Block Grant program has been developed so as to give maximum feasible priority to activities which will benefit low and moderate income families, or aid in the prevention or elimination of slums or blight; or includes activities which the grantee certifies are designed to meet other community development needs having a particular urgency as specifically explained in the application.
- (f) It will comply with the regulations, policies, guidelines, and requirements of 24 CFR 85, as modified by 24 CFR 570, Subpart J, as they relate to the application, acceptance, and use of Federal funds under this document.
- (g) It will comply with:
 - (1) Section 110 of the Housing and Community Development Act of 1974, as amended, 24 CFR 570.603, and State regulations regarding the administration and enforcement of labor standards;
 - (2) Davis-Bacon Act (46 U.S.C. 2786a) with respect to prevailing wage rates (except where exempted under the law);
 - (3) Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327-332, requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basis wage rates for all hours worked in excess of eight in a calendar day or forty in a work-week, whichever is greater; and
 - (4) Federal Fair Labor Standards Act, 29 U.S.C. Sec. 201 et seq. requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week.
- (h) It will comply with all requirements imposed by the State concerning special requirements of law, program requirements, and other administrative requirements, including, but not limited to, the requirement that a grant recipient must repay to the State, upon sale of the CDBG-funded real property to a non-eligible entity, a pro-rata portion of the proceeds of the sale, as set forth in the CDBG Administrative Manual.
- (i) It will comply with:
 - (1) Title VI of the Civil Rights Act of 1964 (Pub. Law 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and immediately take any measure necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;
 - (2) Title VIII of the Civil Rights Act of 1968 (Pub. Law 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing; the financing of housing, and the provisions of brokerage services;
 - (3) Executive Order 12259, Leadership and Coordinator of Fair Housing in Federal Programs, requiring that programs and activities relating to housing and urban development be administered in a manner affirmatively to further the goals of Title VIII of the Civil Rights Act of 1968;

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- (4) Section 109 of the Housing and Community Development Act of 1974 (ACT) as amended, and the regulations issued pursuant thereto (24 CFR 570.602), which provides that no person in the United States shall, on the grounds of race, color, religion, 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 funds provided under the act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to otherwise qualified handicapped individuals as provided in Section 504 of the Rehabilitation Act of 1973 as amended shall also apply to any such program activity.
 - (5) Titles I through V of the Americans with Disabilities Act of 1990;
 - (6) Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with Federal Assistance;
 - (7) Executive Order 11246 as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto (24CFR Part 130 and 41 CFR Chapter 60), which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of federal or federally assisted construction contracts; shall take affirmative actions to insure fair treatment in employment, upgrading, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training and apprenticeship; and
 - (8) Policies required by the State to affirmatively further fair housing, derived from section 808(e)(5) of the Fair Housing Act (Title VIII of the Civil rights Act of 1968 (Pub. Law 90-284), as amended, and subsequent legislation.
- (j) It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended which provides that, to the greatest extent feasible, opportunities for training and employment shall be given to recipients of public housing and lower-income residents of the unit of local government or the metropolitan area (or non-metropolitan county) in which the project is located. Contract work in connection with such projects shall be awarded to business concerns which are owned in substantial part by persons residing in the same metropolitan area (or non-metropolitan county) as the project, employ Section 3 residents in full-time positions, or subcontract with businesses which provide economic opportunities to low income persons.
- (k) It will:
- (1) To the greatest practical extent under State law, comply with Sections 301 and 302 of Title III (Uniform Real Property Acquisition Policy) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will comply with Sections 303 and 304 of Title III, and HUD implementing instructions at 49 CFR Part 24; and
 - (2) Inform affected persons of their rights and of the acquisition policies and procedures set forth in the regulations at 49 CFR Part 24 and 24 CFR 570.488
- (l) It will:
- (1) Comply with Title II, of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and HUD implementing regulations at 49 CFR Part 24 and 24 CFR Part 570.488;
 - (2) Provide relocation payments and offer relocation assistance as described in Section 205 of the Uniform Relocation Act or Section 104(d) of Title I of the Housing and Community Development Act of 1974, as amended, and HUD implementing regulations at 24 CFR 570.488 to all persons displaced as a result of acquisition of real property for an activity assisted under the Community Development Block Grant program. Such payments and assistance shall be provided in a fair, consistent and equitable manner that insures that the relocation process does not result in different or separate treatment of such persons on account of race, color, religion, national origin, sex, handicap, familial status or source of income.
 - (3) Assure that, within a reasonable period of time prior to displacement, comparable decent, safe and sanitary replacement dwellings will be available to all displaced families and individuals and that the range of choices available to such persons will not vary on account of their race, color, religion, handicap, familial status, or source of income.
 - (4) Inform affected persons of the relocation assistance, policies and procedures set forth in the regulations at 49 CFR Part 24 and 24 CFR 570.488.
- (m) It will abide by the terms and conditions of the Department of Economic Development's Conflict of Interest Program Policy as adopted March 1, 1987, and any additions thereto for all activities paid for or assisted by Community Development Block Grant funds.
- (n) It will comply with the Anti-kickback Copeland Act of 1934, 18 U.S.C. Sec. 874 and 40 U.S.C. Sec. 276(a), which outlaws and prescribes penalties for "kickbacks" of wages in federally financed or assisted construction activities.
- (o) It will comply with the provisions of the Hatch Act which limits the political activity of employees.
- (p) It will give the State, HUD and Comptroller General, through any authorized representatives, access to and the right to examine all records, books, papers, or documents relating to the grant.
- (q) It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the Environmental Protection Agency (EPA) list of Violating Facilities and that it will notify the State of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing with the EPA.
- (r) It will comply with the flood insurance purchase of the Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. Law 903-234, 87 Part 975, approved December 31, 1973, Section 102(a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase

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“Federal financial assistance” includes any form of loan, grant guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

- (s) It will, in connection with its performance of environmental assessment under the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and Preservation of Archeological and Historical Preservation Act of 1966 (16 U.S. C. 469-1, 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 36CFR Part 800.8) by proposed activity; and
 - (2) Complying with all requirements established by the State to avoid or mitigate adverse effects upon such properties.
- (t) It will comply with:
 - (1) The National Environmental Policy Act of 1969 (42 U.S. C. Sec. 4321 et seq.) and 24 CFR Part 58;
 - (2) Executive Order 11988, Floodplain Management;
 - (3) Executive Order 11990, Protection of Wetland;
 - (4) The Endangered Species Act of 1973, as amended, (16 U.S.C. Sec. 1531 et seq.);
 - (5) The Fish and Wildlife Coordination Act of 1958, as amended, (16 U.S.C. Sec. 661 et seq.);
 - (6) The Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. Sec. 1271);
 - (7) The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. Sec. 30(f) et seq.);
 - (8) Section 401 (f) of the Lead-Based Paint Poisoning Prevention Act, as amended (42 U.S.C.S. 4831 (b) and Title X of the Housing and Community Development Act of 1992;
 - (9) Sections 700.300 – 324 of RSMo concerning lead paint hazards;
 - (10) The Clean Air Act of 1970, as amended (42 U.S.C.S. 7401 et seq.);
 - (11) The Federal Water Pollution Control Act of 1972, as amended, (33 U.S.C.S. 1251 et. seq.);
 - (12) The Clean Water Act of 1977 (Public Law 95-217);
 - (13) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sec. 6901 et seq.);
 - (14) Section 519 of Public Law 101-144, the 1990 HUD Appropriations Act, prohibiting use of excessive force by jurisdictional law enforcement in response to nonviolent civil rights demonstrations, and prohibiting physical barring of entrance or exit to a facility subject to the nonviolent civil rights demonstrations;
 - (15) Section 1352, Title 31, U.S.C. if awarded funds in excess of \$100,000;
 - (16) The Single Audit Act of 1984, amended 1996, Public Law 98-502, and OMB Circular A-133;
 - (17) Cranston-Gonzales National Affordable Housing Act (Section 906 and 912);
 - (18) Subpart C of 24 CFR, Part 12 regarding disclosure requirements.
- (u) It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.
- (v) It will minimize displacement of persons as a result of activities assisted with federal assistance.
- (w) It will not attempt to recover any capital costs of public improvements assisted in whole or in part under section 106 or with amounts resulting from a guarantee under section 108 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 public improvements, unless (i) funds received under section 106 are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (ii) for purposes of assessing any amount against properties owned and occupied by persons of low or moderate income who are not persons of very low income, the grantee certified to the Secretary of such State, as the case may be, that it lacks sufficient funds received under section 106 to comply with the requirements of clause (i).
- (x) Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this Title and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).

SIGNATURE, CHIEF ELECTED OFFICIAL

TITLE

TYPED NAME

DATE

Note: This document must be executed AFTER the public hearing.

CDBG Industrial Infrastructure Grant
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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM K: FINANCIAL INTEREST DISCLOSURE
TO BE COMPLETED BY THE SPONSOR

COMPANY	SPONSOR
ORIGINAL (DATE)	AMENDMENT (DATE)

1. Assistance From Other Government Sources: Indicate in the space below the source (agency and program name), type of assistance (loan, grant, or other direct or indirect assistance), and the amount from each program provided or requested as a part of the public improvements portion of this Project. This includes assistance provided from any public source, including state, federal, or a local public entity other than the Sponsor. Please note that if any line item below changes 20% or if new programs need to be added, an updated form must be submitted to DED at or before grant closeout. (**Note:** This does not include programs related to public improvements which support the project..)

PROGRAM NAME/AGENCY	TYPE OF ASSISTANCE	AMOUNT	STATUS (REQUESTED/APPROVED)

2. Disclosure of Financial Involvement: Any person or business which has a Financial Involvement with the Sponsor or other public entities in the Project that exceeds \$50,000, or 10% of the Project Investment (whichever is lower) must be identified. "Project Investment" is the total of the Company's costs associated with this Project (as specified in the Applicant). "Financial Involvement" which must be identified would include building contractors, developers, realtors, administration, legal, engineering, or any other party that receives compensation for any goods or services provided in connection with the **public improvement** portion of this Project. If new items need to be added, or if any line item changes 20% or more, an updated form must be submitted to DED at or before grant closeout.

NAME (ALPHA LISTING)	SSN#/EMPLOYER ID#	TYPE OF PARTICIPATION	FINANCIAL INTEREST IN PROJECT	
			DOLLARS	PERCENT

I hereby certify that the information included in this form is true and correct.

CHIEF OFFICER OF CITY/COUNTY SPONSOR	DATE
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Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the US Code. In addition, any person who knowingly and materially violates any required disclosure of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for all violations.

CDBG Industrial Infrastructure Grant
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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM

FORM L: RESOLUTION

TO BE COMPLETED BY THE SPONSOR

A RESOLUTION OF THE CITY/COUNTY OF _____, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR/PRESIDING COMMISSIONER TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING.

WHEREAS, Title I of the Housing and Community Development Act of 1974 does state as its primary objective "the development of viable urban communities, by providing decent housing, suitable living environment and expanding economic opportunities principally for persons of low and moderate income";

WHEREAS, Title I does offer to communities the opportunity of monetary assistance in accomplishing its stated primary objectives;

WHEREAS, The Missouri Department of Economic Development is designated to award Community Development Block Grant funding under Title I; and,

WHEREAS, The city/county does have areas of need which may be addressed through the Community Development Block Grant program.

NOW, THEREFORE, BE IT RESOLVED by the City/County of _____, Missouri, that it desires to participate with the Missouri Department of Economic Development in the improvement of our community under the activities authorized pursuant to the Housing and Community Development Act of 1974.

THEREFORE, BE IT FURTHER RESOLVED, that the Mayor/Presiding Commissioner of _____, Missouri hereby is authorized to prepare and submit documents which are necessary in applying for funding and establishing an administrative organization to implement activities pursuant to the aforementioned act.

THEREFORE, BE IT FURTHER RESOLVED, that the applicant/sub-applicant will dedicate \$_____ of local cash funds and \$_____ of in-kind materials or labor to be used in this project.

SIGNATURE, CHIEF ELECTED OFFICIAL

DATE

ATTESTED BY

DATE

(AFFIX SEAL HERE)

****INSTRUCTIONS: Amount dedicated on resolution must match Form B, Total Column B and C. Resolution cannot predate public hearing.**



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM M (a): FAIR HOUSING ORDINANCE FOR CITIES
TO BE COMPLETED BY THE SPONSOR

BILL NO. _____ ORDINANCE NO. _____

AN ORDINANCE PROVIDING "FAIR HOUSING" FOR THE CITY OF _____, MISSOURI. DEFINES DISCRIMINATORY HOUSING PRACTICES, AND CREATES A FAIR HOUSING COMMITTEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF _____, MISSOURI, AS FOLLOWS:

SECTION 1. - Declaration of Policy

The City Council of the City of _____ hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent, or obtain real property without regard to race, color, religion, sex, handicap, familial status, or national origin. This ordinance shall be deemed an exercise of the police powers of the City of _____ for the protection of the public welfare, prosperity, health, and peace of the people of _____, Missouri.

SECTION 2. - Definitions

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein unless the context otherwise indicates.

- a. Person shall include any individual, firm, partnership, or corporation.
- b. Aggrieved Person shall include any person who is attempting to provide housing for himself and/or his family in the City of _____, Missouri.
- c. Discriminate shall mean distinctions in treatment because of race, color, religion, sex, handicap, familial status, or national origin of any person.

SECTION 3. - Discriminatory Practices

It shall be a discriminatory practice and a violation of the ordinance for any person to:

- a. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status, or national origin of any person.
- b. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status, or national origin.
- c. Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- d. Represent to any person because of race, color, religion, sex, handicap, familial status, or national origin, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- e. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood or a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.
- f. Discriminate in the sale or rental of housing on the basis of a handicap of that buyer or renter; a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that buyer or renter. The design and construction of new multi-family dwellings containing four (4) or more units is required to meet certain adaptability and accessibility requirements in accordance with Section 804 of the 1988 Fair Housing Amendments Act.
- g. Discriminate in the sale or rental of housing on the basis of familial status or because a family has children, exempting certain types of buildings that house older persons (e.g. Section 202 housing) in accordance with Section 807 of the 1988 Fair Housing Amendments Act.

SECTION 4. - Discrimination in the Financing of a House

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing,

CDBG Industrial Infrastructure Grant
Application

repairing, or maintaining a dwelling, or to discriminate against any person in the fixing of the amount or conditions of such loan, because of the race, color, religion, sex, handicap, familial status, or national origin of such person, or of any person therein associated in connection with such financing.

SECTION 5. - Administration

- a. There is hereby created a Fair Housing Committee whose membership shall consist of five members, who shall be appointed by the Mayor of the City with the approval of the City Council.
- b. Every complaint of a violation of this ordinance shall be referred to a Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- c. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by conference and conciliation, then and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether to prosecute in Municipal Court on said complaint shall be left to the City Attorney.
- d. Nothing in this ordinance shall be construed in such manner as to limit administrative enforcement mechanisms and recourse against alleged discriminatory housing practices through the U.S. Department of Housing and Urban Development, as specified under Section 810 of the Fair Housing Act as amended effective March 12, 1989, or through the Missouri Commission on Human Rights, as specified in applicable state statutes.

SECTION 6. - Enforcement

- a. Any person convicted in Municipal Court of a violation of this ordinance shall be punished by a fine of (not more than) \$_____, or by confinement in the City jail for (not more than) _____days, or both such fine and imprisonment.
- b. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

SECTION 7. - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of these standards shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 8. - Savings Clause

This ordinance shall not affect violations of any other ordinance, code, or regulation of the City of _____ existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

Read the third time and passed, approved, and adopted by the City Council of the City of _____, Missouri, this day of (*month/year*).

MAYOR

SEAL

ATTEST

CITY CLERK

CDBG Industrial Infrastructure Grant
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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM M (b): FAIR HOUSING RESOLUTION FOR COUNTIES
TO BE COMPLETED BY THE SPONSOR

CDBG Model Fair Housing Resolution for Counties

PUBLIC NOTICE

The Commissioners of _____ County as recipient of a Community Development Block Grant, have on the _____ day of _____, 20____, adopted this "Fair Housing Resolution" in compliance with the 1988 Fair Housing Amendments Act:

FAIR HOUSING RESOLUTION

The County of _____, being aware of the manner in which the public welfare is promoted through fair housing, which provides for accommodations irrespective of race, color, religion, sex, handicap, familial status, or national origin, does hereby resolve to support fair housing within its jurisdiction by:

- A. Appointing or recruiting an executive official of the County as Fair Housing Officer to coordinate the implementation of this Fair Housing Resolution;
- B. Acquiring and disseminating information concerning citizen and individual rights under Missouri State and Federal statutes in the area of fair housing;
- C. Responding to allegations, complaints, or evidence of discriminatory practices in housing by accumulating information, cooperating with citizens who wish to exercise their rights under any law which enforces fair housing through conference and conciliation if possible, and by making referral to the appropriate authorities for legal proceedings if efforts fail to resolve said complaints;
- D. Maintaining records including copies of correspondence, memoranda, etc., which pertain to alleged violation of fair housing laws, and document that all of the above steps have been taken.

APPROVED BY THE GOVERNING BODY OF THE COUNTY OF _____, STATE OF MISSOURI, THIS DAY OF _____, 20 _____.

COUNTY COMMISSIONER

ATTEST

COUNTY CLERK



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM N: EXCESSIVE FORCE RESOLUTION
TO BE COMPLETED BY THE SPONSOR

EXCESSIVE FORCE RESOLUTION

A resolution establishing rules and regulations regarding the use of excessive force during non-violent civil rights demonstrations, including physically barring access to a facility or location which is the subject of such demonstration, and providing penalties for violations thereof. In the *City/County* of _____, Missouri, as follows:

ARTICLE I

Section 1: The *City/County* hereby adopts and will enforce this policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. The *City/County* also prohibits the physical barring of any entrance or exit to such a facility and will enforce all applicable State laws in this regard.

ARTICLE II

Section 1: Any person charged with a violation of any provision of this resolution will be served by the *City/County* with written notice stating the nature of the violation.

Section 2: Any person convicted of this violation shall be guilty of a misdemeanor, and shall be fined an amount not to exceed one hundred (100) dollars for each violation. Each day on which such violation occurs shall be deemed to be a separate offense.

Section 3: Any person violating any of the provisions of this resolution shall become liable to the *City/County* for any expense, loss, or damage occasioned the *City/County* by reason of such violation.

ARTICLE III

Passed and adopted by the *City Council/County Commission* of the *City/County* of _____, State of Missouri, on (*month/day/year*).

Mayor/Presiding Commissioner

Attest:

City/County Clerk

Note: This is intended for use as a sample. Articles I and III are the only required sections of the resolution. Article II is provided exclusively for example purposes.

**CDBG INDUSTRIAL INFRASTRUCTURE GRANT
STAGE 1 CHECKLIST**

COMPANY APPLICATION FORMS

- Project Narratives (Form O)
- Company's Financial Interest Disclosure (Form P)
- Employment Data (Form Q)
- Company's Project – Sources & Uses (Form R)
- Company Participation Agreement (Form S)
- Company Resolution (Form T)

CDBG Industrial Infrastructure Grant
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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM O: PROJECT NARRATIVES
TO BE COMPLETED BY THE COMPANY

Directions: On an attached sheet marked “Form O” discuss the following:

- 1. Company History**
 - a. History of the company and number of years in operation.
 - b. Discussion of the products made and particularly the products to be made at the site specified herein.
 - c. Annual sales volume for the past three years.
 - d. Future potential of the product/market.
- 2. Company Information**
 - a. Identification of other company sites, subsidiaries, and parent company.
 - b. Indicate whether this project may result in a reduction of jobs at any Missouri sites of this company or a related company.
- 3. Company’s Project**
 - a. Discuss the factors that caused the company to initiate the project at this time.
 - b. Discuss the status of the company’s decision whether to initiate the project at the site specified herein.
- 4. Company’s Need for Public Infrastructure**
 - a. Discuss the rationale for the company’s need of the proposed public infrastructure for the project. Each infrastructure activity should be separately addressed.
 - b. Indicate the proposed dates of construction (start, finish) for each activity, including the company’s project.
- 5. Retention Projects (if applicable)**
 - a. Describe actions that have been taken by the company to definitely indicate plans to relocate or close the existing facility due to the deficiency of public infrastructure. Such actions may include internal company memos, newspaper reports, letters from the company to public officials, enforcement actions by regulatory agencies, etc.
- 6. Other Sites**
 - a. Identify other possible sites (developed sites which are for sale, both publicly and privately-owned) within the area that are suitable for this project.
 - b. Describe why this site has been selected by the company instead of the other sites identified in (a).
- 7. Missouri Competitors**
 - a. Indicate other companies located in Missouri that directly compete with the company for the products the company will produce at this site, and the likely impact this project may have on these companies.
- 8. Land Use**
 - a. Describe the land use immediately surrounding the project (residential, commercial, industrial, undeveloped) and its applicability for the proposed use given noise, dust, traffic, unsightliness, odor, or any other related concern of interest to residents of the area.
 - b. Indicate current zoning status, or steps proposed to re-zone the area, if needed.
 - c. Generally, describe the topography of the project area, noting any possible concerns with storm drainage, utilities, truck traffic, etc.

CDBG Industrial Infrastructure Grant
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9. Surrounding Land Value

- a. Indicate any property (and the ownership of such) adjacent to the project site that may realize a substantial increase in value due to the proposed public improvements. (This is to prevent potential conflicts of interest and to disclose other parties who may realize a substantial gain in land value.)

10. Operation and Maintenance

- a. Identify the public entity(s) who will own and be responsible for the operation and maintenance of the proposed public improvements. If public entities other than the applicant are involved, a written commitment to own and maintain the facilities must be provided.
- b. Describe any significant detrimental effects this project may have to the city's utility (water/sewer) capacity, and how the city plans to alleviate these problems.

11. Other Possible Beneficiaries

- a. Describe other potential users of the proposed public improvements other than the company identified in this application, such as residents, other existing businesses, or commercial operations which are likely to locate in the area.

CDBG Industrial Infrastructure Grant
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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM P: FINANCIAL INTEREST DISCLOSURE
TO BE COMPLETED BY THE COMPANY

COMPANY	SPONSOR
ORIGINAL (DATE)	AMENDMENT (DATE)

1. Assistance From Other Government Sources: Indicate in the space below the source (agency and program name), type of assistance (loan, grant, or other direct or indirect assistance), and the amount from each program provided or requested as a part of the public improvements portion of this Project. This includes assistance provided from any public source, including state, federal, or a local public entity other than the Sponsor. Please note that if any line item below changes 20% or if new programs need to be added, an updated form must be submitted to DED at or before grant closeout. (**Note:** This does not include programs related to public improvements which support the project)

PROGRAM NAME/AGENCY	TYPE OF ASSISTANCE	AMOUNT	STATUS (REQUESTED/APPROVED)

2. Disclosure of Financial Involvement: Any person or business which has a Financial Involvement with the Sponsor or other public entities in the Project that exceeds \$50,000, or 10% of the Project Investment (whichever is lower) must be identified. "Project Investment" is the total of the Company's costs associated with this Project (as specified in the Applicant). "Financial Involvement" which must be identified would include building contractors, developers, realtors, administration, legal, engineering, or any other party that receives compensation for any goods or services provided in connection with the **public improvement** portion of this Project. If new items need to be added, or if any line item changes 20% or more, an updated form must be submitted to DED at or before grant closeout.

NAME (ALPHA LISTING)	SSN#/EMPLOYER ID#	TYPE OF PARTICIPATION	FINANCIAL INTEREST IN PROJECT	
			DOLLARS	PERCENT

I hereby certify that the information included in this form is true and correct.

CHIEF OFFICER OF CITY/COUNTY SPONSOR	DATE
--------------------------------------	------

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the US Code. In addition, any person who knowingly and materially violates any required disclosure of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for all violations.

CDBG Industrial Infrastructure Grant
Application



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM

FORM Q: EMPLOYMENT DATA
TO BE COMPLETED BY THE COMPANY

COMPANY NAME: _____ **DATE:** _____

“Current Employment” means the number of full-time, year-round employees of the Company at the location of the Project on the date this form is completed.

“New Job” means new, full-time, year-round employees to be hired by the Company at the Project location within two years of the date of the Loan Agreement and maintained for at least five years. “Full-time, year-round employees” are projected to work at least 1,800 hours in a year, and have medical benefits. New jobs are in excess of Current Employment, and are not a result of reductions of Business Operations at any of the Company’s other facilities in Missouri (or Affiliates of the Company). New jobs would not include part-time, temporary, seasonal, or construction jobs.

“LMI” (Low and Moderate Income): Persons included in the “New Jobs” column with a total current annualized family income below the limits established by the United States Department of Housing and Urban Development. The projection of new LMI employees for the table below should be based on jobs which do not require post-secondary education or specialized training as a precondition of employment selection; however, 51% of actual new jobs must be taken by LMI, as documented by Form U.

Job Titles	Current Employment at Project Location	New Jobs Proposed at Project Location	Likely # LMI of New Jobs	Proposed Average Hourly Wage – New Jobs
1. Management			0	N/A
2. Clerical/Office				\$ /hr
3.				\$ /hr
4.				\$ /hr
5.				\$ /hr
6.				\$ /hr
7.				\$ /hr
8.				\$ /hr
TOTALS				*Average \$ /hr

*Average Wages: Average wage of all New Jobs, not including Management

1) **Percent LMI of New Jobs:** # LMI Projected: _____ / # New Jobs Projected: _____ = _____ %LMI

Note: Although the projected LMI above should be at least 51%, the company will be obligated in the Participation Agreement to ACTUALLY hire at least 51% LMI persons of the New Jobs (or Full Employment due to the Project, whichever is more), as documented in a survey (FORM U).

2) **Turnover Rate** of Current Employment for past 12 months (at Project Location): _____%

3) **Medical Benefits:** Will medical benefits be provided to all Full-Time, Year-Round Employees? Yes No

4) **New Job Estimate Documentation:** Provide documentation that will justify the projected number of New Jobs created on an attached sheet, and identify as “Form Q, #4.” Such documentation would include an employment plan based upon the new machinery or equipment to be purchased, financial projections that can be related to the projected New Jobs, or other as acceptable by DED.

5) **Retention Projects:** If this is a Retention Project, indicate the number of retained jobs in the column for “New Jobs.” If the number of retained jobs is not with the number of Current Employment, provide a detailed description of the rationale.

CDBG Industrial Infrastructure Grant
Application



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM R: COMPANY'S PROJECT – SOURCES & USES
TO BE COMPLETED BY THE COMPANY

COMPANY NAME _____

1. Company's Project – Indicate the costs to be incurred by the company regarding their proposed project, and the sources and status of their financing. (Only one company should be included; duplicate this page if more than one company is involved in this project.) Leases must be at least five years for land and buildings and five years for machinery and equipment to be included. (See guidelines on the method to value leases.)

Include **only** Fixed Assets or capital expenditures in this section. See Section C(1)(f)(2) of the guidelines for more information.

ACTIVITIES	PROJECTED COST	FINANCING SOURCE* & DATE APPROVED
a. Building Construction or Acquisition and Improvements	\$	
b. Land Purchase	\$	
c. Machinery/Equipment Purchase	\$	
d. Furniture/Fixtures Purchase	\$	
e. Value of Leased Building and Land	\$	
f. Value of Leased Equipment (Present Value: Use term of lease and current prime interest rate.)	\$	
g. Site Development	\$	
h. Value of existing machinery/equipment, furniture/fixtures, transferred from other sites outside of MO (Use book value).	\$	
TOTAL:	\$	

*Source - Specify name of lender, if debt financing is proposed.

2. Commencement of Project - Indicate the date when the company will start (or has started):

- (a) Site grading _____
- (b) Construction of buildings _____
- (c) Installation of machinery or equipment _____
- (d) Execution of building lease _____
- (e) Completion of project _____

Required attachments:

- Lease Agreements (if applicable)
- Sales contract for purchase of land or buildings (if applicable)
- Lender's approval of loan (if applicable)

CDBG Industrial Infrastructure Grant
Application



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM S: COMPANY PARTICIPATION AGREEMENT

COMPANY: _____

APPLICANT: _____

In consideration of the benefits to be derived by _____ (“Company Name”) from the CDBG-assisted project as proposed in the above-named city or county’s application for the CDBG Industrial Infrastructure Program (“Application”), Company hereby certifies and agrees to the following:

1. DEFINITIONS:

- a. Applicant – the city or county that submitted an application to the Missouri Department of Economic Development (“DED”) for funding under the CDBG Industrial Infrastructure program.
- b. Application – The documents, forms, certifications, engineering reports, company financial statements, and other information submitted by the Applicant to DED regarding the Project.
- c. CDBG – Community Development Block Grant program, administered by DED. Funding is provided by the United States Department of Housing and Urban Development (“HUD”) to DED, which then grants CDBG funds to cities or counties.
- d. Capital Expenditures – The funds expended by the Company (or lessor) for new real and personal property improvements related to the Project, or the book value of personal property relocated by the Company from another state for the Project.
- e. Company – The company specified at the heading of this agreement, which will benefit from the Project specified in the Application.
- f. Current Employees or Current Employment – The number of full-time, permanent employees of the Company at the Project Location at the time this agreement is signed by the Company.
- g. DED – Missouri Department of Economic Development, an agency of the State of Missouri.
- h. Financial Statements – Current and/or projected balance sheets, profit and loss, cash flow and other financial information about the Company at the Project Location. Such projections must be consistent with those submitted to lenders, stockholders, partners, or other parties having an interest in the Company.
- i. Full Time Year Round Employee – An employee of the Company at the Project Location who works a minimum of 1,800 hours per year for the Company and receives medical benefits.
- j. Grant Agreement – An agreement between the Applicant and DED defining the conditions of the Project.
- k. Grantee – The Applicant for the Project once approved for CDBG funding under this program.
- l. HUD – The US Department of Housing and Urban Development, federal sponsor of the CDBG program.
- m. LMI – “Low and Moderate Income” persons, as defined by HUD for the CDBG program. A person is considered LMI if the total family income (prior to employment with the Company on New Job creation projects) is below the established limits.
- n. New Jobs – The number of new, full-time, year-round employees of the Company at the Project Location who will be added after DED’s conditional approval of the Application due to the Project within two years of the date of DED’s conditional approval of the Application. The number of “New Jobs” is the addition at the Project Location over Current Employment, and net of decreased employment at the other locations of the Company or related companies in the State of Missouri.
- o. Project – The construction, reconstruction, purchase, and/or installation of buildings, machinery, equipment, utilities, streets, furniture, and other real estate or personal property improvements to be located at the Project Location, whether owned or leased by the Company or Applicant, as detailed in the application.
- p. Project Location –
- q. Retained Jobs – The number of Current full-time, year-round employees of the Company who would have been terminated if the Project had not been undertaken. In the event less than 100% of the employees of the entire facility would be terminated, the specific employees who would be retained have been named, and a direct relationship has been established between their proposed termination and the Project.

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- r. Unforeseen Economic Events – The Company’s actual sales volume at the Project Location is significantly less than was projected by the company prior to the commencement of the Project due to factors beyond the Company’s control.

2. ACCURACY:

The Company has reviewed the entire contents of the Application, including all attachments, except for information that pertains to other companies that may be included, and hereby certifies that all information that relates to the Company is true and accurate, and will be verified upon request from officials of DED or the Applicant.

3. ACCESS TO RECORDS:

The Company agrees to provide reasonable access to company records by proper officials of DED, HUD, and/or the Applicant to verify information submitted in this Application and compliance with the requirements of this Agreement. “Reasonable access” shall be considered access during the Company’s normal business hours with at least three days notice by DED, HUD, or the Applicant.

4. LOW AND MODERATE INCOME BENEFIT:

The Company agrees that at least 51% of all New or Retained Jobs (as applicable) as a result of the Project will be from families classified as “low and moderate income” (LMI) as defined by HUD for the CDBG program.

The Company also agrees to survey new (or retained employees, as applicable) using the **Employee Status Statement** and provide adequate documentation of Capital Expenditures to the Grantee and DED in the manner prescribed in the program guidelines.

The Company also agrees to survey all applicants for employment due to the Project for race/ethnicity information, using the **Employee Status Statement**.

5. NEW JOB CREATION AND MAINTENANCE:

The Company will create, at a minimum, _____ New Jobs in addition to the Current Employment at the Project Location. These jobs must be created within two (2) years of the date of DED’s conditional approval of the Application.

The Company will maintain, at a minimum, _____ Full-Time, Year-Round Employees at this location for a period of at least five (5) years from the date of DED’s conditional approval of the Application.

6. PROPOSED CAPITAL EXPENDITURES:

The Company certifies that the proposed Capital Expenditures for the Company’s Project, as identified in the Application, have not yet begun, and will not begin until DED has conditionally approved the Application.

The Company also certifies that it will expend, at a minimum, \$ _____ in Capital Expenditures for the Project, and provide paid invoices and other allowable documentation dated after DED’s conditional approval of the Application substantiating said expenditures to the Grantee and DED.

7. COMPLIANCE WITH STATE AND FEDERAL LAWS:

The Company agrees to comply with all federal and state civil rights, labor and worker safety laws at the Project Location, including, but not limited to the following, as applicable:

- Fair Labor Standards Act of 1938, as amended (29 USC §201 *et seq.*)
- Occupational Safety and Health Act of 1970, as amended (29 USC §651 *et seq.*)
- Immigration Reform and Control Act of 1986, as amended (8 USC §1324a *et seq.*)
- Civil Rights Act of 1964, as amended, “Title VII” 42 USC §2000e *et seq.*)

The Company agrees to comply with all applicable federal and state environmental laws, including, but not limited to:

- Clean Air Act of 1970 (42 USC §7401 *et seq.*)
- Clean Water Act of 1977 (33 USC §1251 *et seq.*)
- Comprehensive Environmental Response, Compensation, and Liability Act, “CERCLA” or “Superfund” (42 USC §9601 *et seq.*)
- Resource Conservation and Recovery Act, “RCRA” (42 USC §6901 *et seq.*)
- Toxic Substance Control Act (15 USC §2601 *et seq.*)

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8. PENALTIES FOR NONCOMPLIANCE:

The penalties for non-compliance with this Agreement are as follows:

- a. New Job Creation: For each New Job less than the number stated in **Section 5** of this Agreement which is not created within two (2) years of the date of DED's conditional approval, the Company agrees to pay DED, upon 60 days written notice by DED, an amount equal to the grant divided by the number of new jobs specified in **Section 5**, 10% interest compounded annually accruing from the date CDBG funds were first received by the Grantee and any expenses associated with the collection of funds from the Company due to this penalty.
- b. New Job Maintenance: For each Full-Time, Year-Round Employee less than the number stated in **Section 5** that is not maintained for a period of five (5) years from the date of DED's conditional approval, the Company agrees to pay DED, upon 60 days written notice by DED, an amount equal to the grant divided by the number of new jobs specified in **Section 5**, 10% interest compounded annually accruing from the date CDBG funds were first received by the Grantee and any expenses associated with the collection of funds from the Company due to this penalty.
- c. Job Retention: For each Full-Time, Year-Round Employee less than the number stated in **Section 5** that is not retained and maintained for a period of five (5) years from the date of DED's conditional approval, the Company agrees to pay to DED, upon 60 days written notice by DED, an amount equal to the grant divided by the number of maintained jobs specified in **Section 5**, 10% interest compounded annually accruing from the date CDBG funds were first received by the Grantee and any expenses associated with the collection of funds from the Company due to this penalty.
- d. LMI Benefit: If the Company fails to meet the LMI requirements set forth in **Section 4** of this Agreement, the Company agrees to pay to DED, upon 60 days written notice by DED, an amount equal to 100% of the CDBG funds provided by DED for the Project, 10% interest compounded annually accruing from the date CDBG funds were first received by the Grantee and any expenses associated with the collection of funds from the Company due to this penalty.
- e. Other Non-compliance: In the event the Company fails to comply with any other provisions of this Agreement, the Company agrees to pay to DED, upon 60 days written notice by DED, an amount equal to 100% of the CDBG funds provided by DED for the Project, 10% interest accruing from the time CDBG funds were first received by the Grantee, and any expenses associated with the collection of funds from the Company due to this penalty. At the sole discretion of DED, a lesser penalty may be imposed, based upon the severity of the non-compliance, as determined by DED.
- f. Reduction of Penalties: DED, in its sole discretion, may waive or reduce the penalties specified herein, to the extent authorized by the federal CDBG law, in the event the company experiences unforeseen economic events, as determined by DED. In order for the Company to be considered for such a reduction, it must submit current and projected financial information regarding the activity only at the facility at the Project Location, and not to include other sites, subsidiaries, or a parent company. In the event the company elects not to submit the current and projected financial information in the Application, DED is not obligated to determine if a reduction in penalties would be warranted. Check one:

The company elects to submit financial information as described in this section.

The company elects not to submit financial information, and hereby acknowledges that the possible waiver of penalties by DED as described herein may not be possible.

9. CERTIFICATION:

The Company certifies that but for the proposed CDBG assistance described in the Application, the Company's Project will not be done at the Project Location and the New Jobs would not be created at the Project Location.

The Company further states that it will materially benefit from the CDBG-funded activities of this Project.

10. PROPER AUTHORIZATION:

The Company, by and through the officers or representatives who sign below on the Company's behalf, have entered into this Agreement with the full knowledge and authorization of the Company under proper procedures prescribed by articles of incorporation, bylaws, partnership agreements or other applicable documents. The Company agrees to each and every term and statement of this Agreement.

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AGREED TO ON BEHALF OF _____, **BY:** _____

Under penalty of perjury, I hereby state that I am a qualified representative of the company named herein and in that capacity can and do bind the company to the terms of this Agreement.

Name (signed)

Name (typed or printed legibly)

Title (typed or printed legibly)

STATE OF _____)

ss.

COUNTY OF _____)

On this _____ day of _____, 20____, before me, _____,
a Notary Public, personally appeared _____, known to me to be
the person who executed this Agreement, and who did solemnly swear to the statement above-written.

Notary Public

My commission expires _____

ATTACH A CORPORATE RESOLUTION AUTHORIZING APPROVAL OF THIS AGREEMENT AND AUTHORIZING THE ABOVE-NAMED PERSON TO SIGN ON BEHALF OF THE COMPANY.

¹If more than one representative signs use a copy of this page for each signatory.

CDBG Industrial Infrastructure Grant
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MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT
INDUSTRIAL INFRASTRUCTURE PROGRAM
FORM T: SAMPLE CORPORATE RESOLUTION

RESOLUTION

Date: _____

The _____ (*name of corporation*), _____ (*“corporation”*) hereby authorizes _____ (*name of person, title*), to execute the “Participation Agreement” with the Missouri Department of Economic Development’s “CDBG Industrial Infrastructure Grant Program” for a project to be located in _____ (*name of city*). This grant for public infrastructure improvements is deemed necessary for the corporation’s project. The corporation hereby recognizes that the agreement includes obligations of the corporation, and financial penalties for non-compliance of such obligations.

CDBG INDUSTRIAL INFRASTRUCTURE GRANT STAGE 2 CHECKLIST

- Employment Status Statement (Form U)
- Employment Summary Sheet (Form V)
- Applicant Summary Sheet (Form W)

EVEN THOUGH THIS FORM IS VOLUNTARY, IT SHOULD BE NOTED THAT ALL JOBS CREATED AS A RESULT OF THIS PROJECT MUST BE DOCUMENTED TO BENEFIT 51% LOW AND MODERATE INCOME PERSONS. MAKING THIS FORM A PART OF THE JOB APPLICATION PROCESS WILL AID IN THE REQUIRED DOCUMENTATION.

INSTRUCTIONS FOR COMPLETING EMPLOYMENT FORMS

1) Employment Status Statement:

Refer to the listing of family income ranges for the applicable county or Metropolitan Statistical Area (MSA) and enter in the spaces provided.

2) Employment Summary Sheet:

Use same family income ranges as used on Statement of Employment Status for the appropriate county. Please note that employees who do not complete the form are considered non-LMI and must be figured in the LMI % benefit.

3) Applicant Summary Sheet:

This form became effective with FY-93 funds and, as stated, requires the racial/ethnic characteristics of all applicants for jobs, including hires.

NOTES:

Documentation for retained employees must be obtained at the time of application based on current household income. The applicant for a new job should indicate his/her household income prior to employment with the firm.

To determine if an employee is an LMI beneficiary, compare family size and family income to the income ranges. In Example A, the employee's family size is three and family income is between \$14,650 and \$23,450. Referring to the income ranges on the LMI Summary Sheet (Example B) the employee is below the \$23,450 limit for a family of three. Therefore, the employee is considered LMI. Again, all employees not completing form must be considered non-LMI. **Please note the addition of an income for 30% of median income.**

Tabulate the Employment Status Statements and record the results on the Employment Summary Sheet.



FORM U: DATA COLLECTION FOR CDBG ACTIVITIES

Applicant:			
Category		Corresponding Activity Data Required	
Community Facility		A	
Downtown Revitalization		C, possibly F(2)	
Microenterprise Program		D, E and/or F	
Other Public Needs:			
Rural Affordable Housing		(see RAH application)	
ADA		A	
BSD		A	
Demolition		B	
Water/Sewer (Engineering Plans-Specs)		A	
Activity		Outcome Indicators	
A. Public facility or infrastructure activities	Number of persons with:		
	a. new access to benefit, or		
	b. improved access to benefit		
B. Demolition Only	Number of demolitions:		
C. Downtown Revitalization (with Demolition)	1. Select One: a) comprehensive, b) commercial, c) housing d) other_____		
	2. Choose at least 3 if comprehensive:		
	a. # of new businesses assisted		
	b. # of businesses retained		
	c. # of jobs created or retained in area		
	d. \$ leveraged		
	e. # of LMI persons		
	f. SB demolition		
	g. # LMI households assisted		
	h. # sq ft of remediated brownfields		
	i. # of HH with improved access		
	j. # of commercial facade/building rehabs		
	k. Optional indicators:		
D. Jobs Created	Total number of Jobs:		
	a. Of those, # emp-sponsored healthcare		
	b. type of jobs created		
E. Jobs Retained	Total number of jobs:		
	a. Of those, # emp-sponsored healthcare		
	b. type of jobs created		

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F. Businesses Assisted	1. Total businesses assisted:		
	a. # new businesses		
	b. # existing businesses		
	Of those, # expansions		
	# relocations		
	c. DUNS # of business(es)		
	d. 2-digit NAICS industry class.		
	2. Type of Assistance: Working Capital (WC); New Construction (NC); Rehab (R); Machinery/Equipment (ME); Infrastructure (IF)		
	3. Does the business help meet needs of community?		

(EXAMPLE A)
STATE OF MISSOURI
DEPARTMENT OF ECONOMIC DEVELOPMENT
EMPLOYMENT STATUS STATEMENT

Name of Company: <u>Freedom Campers</u>						
<p>The above company has participated in a federal program that requires that certain employment standards be met. Completion of this form is VOLUNTARY, and this information will be kept confidential, with access only to the company's personnel official, representative of the city/county who is administering the program, and the State of Missouri who oversees the program.</p>						
<p><u>Family</u> – husband, wife, and all dependents as defined by the IRS for income tax purposes.</p> <p><u>Family Income</u> – Total yearly income from all family members over the age of 18. If you are an applicant, this would be prior to employment with the company. If you are a current employee, this will include present salary.</p>						
FAMILY SIZE	INCOME LIMITS					<p>FAMILY SIZE: <u>3</u></p> <p><input type="checkbox"/> Income Above Column C</p> <p><input checked="" type="checkbox"/> Income between Column B & C</p> <p><input type="checkbox"/> Income between Column A & B</p> <p><input type="checkbox"/> Income below Column A</p>
	A (30%)		B (50%)		C (80%)	
1	\$9,900	TO	\$16,500	TO	\$26,400	
2	\$11,300	TO	\$18,850	TO	\$30,150	
3	\$12,700	TO	\$21,200	TO	\$33,900	
4	\$13,950	TO	\$23,250	TO	\$37,200	
5	\$15,050	TO	\$25,100	TO	\$40,200	
6	\$16,200	TO	\$26,950	TO	\$43,150	
7	\$17,300	TO	\$28,850	TO	\$46,150	
8+	\$18,400	TO	\$30,700	TO	\$49,100	
Please check all of the following that apply to you:						
<input type="checkbox"/> Over the Age of 62		<input type="checkbox"/> Handicapped/Disabled		<input checked="" type="checkbox"/> Female Head of Household		
ETHNICITY:						
<input type="checkbox"/> Hispanic			<input checked="" type="checkbox"/> Non-Hispanic			
RACE:						
<input type="checkbox"/> White			<input type="checkbox"/> Asian & White			
<input checked="" type="checkbox"/> Black/African American			<input type="checkbox"/> Black/African American & White			
<input type="checkbox"/> Asian			<input type="checkbox"/> Am. Indian/Alaskan Native & Black/African Am.			
<input type="checkbox"/> American Indian/Alaskan Native			<input type="checkbox"/> Asian & Native Hawaiian/Other Pacific Islander			
<input type="checkbox"/> Native Hawaiian/Other Pacific Islander			<input type="checkbox"/> All Others			
<input type="checkbox"/> American Indian/Alaskan Native & White						
<p>To the best of my knowledge, the above information is true and can be verified if requested by proper officials of the city/county of the State of Missouri. I also certify that I am authorized to work in the United States and can produce evidence of work authorization.</p>						
NAME PRINTED: Sally Jones			SIGNATURE [Required]			
JOB TITLE: Press Operator			DATE: June 23, 2004			

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

EMPLOYMENT SUMMARY SHEET

FORM V

SECTION I

Company: _____ Date: _____

Grantee: _____ Project No: _____

County: _____

LMI SUMMARY

NUMBER PERSONS IN FAMILY	1	2	3	4	5	6	7	8+
COUNTY LMI LEVEL (insert income limits appropriate to family size.)								
# of EMPLOYEES @ LMI LEVEL* (all persons below the Moderate income limit)								

*As noted on the Employment Status Statement, if an employee's income is between Moderate and Low, Low and 30% of Median, or below 30% of Median, the employee is considered LMI.

SECTION II

1. Total Current Employees:
2. Total Employees (New or Retained) Applicable to This Project: _____
3. Total Employees Filling Out Salary Sheet: _____

(Employees not completing form are considered non-LMI)

4. Total # Employees @ LMI Level _____ Or _____ %
5. Total Minorities _____ Total Handicap (Disabled) _____
Total Female Head of Household _____ Total Elderly _____

SIGNATURE OF ADMINISTRATOR: _____

- Attachments:
1. Current company employee listing, including date of hire.
 2. Employment Status Statements for #3 above.

(EXAMPLE B)

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

EMPLOYMENT SUMMARY SHEET

SECTION I

Company: Freedom Camper Date: 8/3/01

Grantee: Clark Project No: 01-ED-022

County: Adair

LMI SUMMARY

NUMBER PERSONS IN FAMILY	1	2	3	4	5	6	7	8+
COUNTY LMI LEVEL (insert income limits appropriate to family size.)	9,900 to 26,400	11,300 to 30,150	12,700 to 33,900	14,150 to 37,700	15,250 to 40,700	16,400 to 43,700	17,500 to 46,700	18,650 to 49,750
# of EMPLOYEES @ LMI LEVEL* (all persons below the Moderate income limit)	3	8	9	5	4	1	0	0

*As noted on the Employment Status Statement, if an employee's income is between Moderate and Low, Low and 30% of Median, or below 30% of Median, the employee is considered LMI.

SECTION II

1. Total Current Employees: 50

2. Total Employees (New or Retained) Applicable to This Project: 42

3. Total Employees Filling Out Salary Sheet: 39

(Employees not completing form are considered non-LMI)

4. Total # Employees @ LMI Level 30 Or 77 %

5. Total Minorities 2 Total Handicap (Disabled) 0

Total Female Head of Household 14 Total Elderly 0

SIGNATURE OF ADMINISTRATOR: _____

Attachments: 1. Current company employee listing, including date of hire.

2. Employment Status Statements for #3 above.

APPLICANT SUMMARY SHEET

FORM W

Name of Company: _____ Project No.: _____

Grantee: _____ Date: _____

Including the hires on the EMPLOYMENT SUMMARY SHEET, please complete the following for all **applicants** for the jobs involved in this project:

	Total Applicants	Hispanic Applicants
White:		
Black/African American:		
Asian:		
American Indian/Alaskan Native:		
Native Hawaiian/Other Pacific Islander:		
American Indian/Alaskan Native & White:		
Asian & White:		
Black/African American & White:		
Am. Indian/Alaskan Native & Black/African Am.:		
Asian & Native Hawaiian/Other Pacific Islander:		
All Others:		
TOTAL		
Female Head of Household:		
Handicapped (Disabled):		
Elderly:		