

Idaho Community Development Block Grant

Application

# Water System Improvements



## City of Priest River

James L. Martin, Mayor

November 20, 2020

# CITY OF PRIEST RIVER

P.O. Box 415  
552 High Street Priest River, ID 83856  
(208) 448-2123  
Fax (208) 448-2232



November 16, 2020

Director Tom Kealey  
Idaho Department of Commerce  
PO Box 83720  
Boise, ID 83720-0093

Dear Director Kealey:

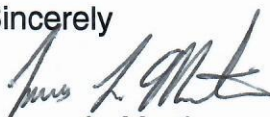
The City of Priest River respectfully submits this application for an Idaho Community Development Block Grant. The City currently has two Compliance Agreement Schedules (CAS) with the Idaho Department of Environmental Quality because of non-compliance with IDAPA codes 58.01.08 and 58.01.25.

The City must eliminate backwash from the Water Treatment Plant that is currently discharging into an adjacent wetland. Additionally, the City needs to address structural deficiencies with its 1-Million-Gallon Reservoir, such as compromised roof beams and a total failing of the tank's interior coating. The proposed project's scope of work will not only address these issues by the imposed CAS deadlines but will also focus on system reliability in the event of power outages and meet fire flows as required by the local fire authority.

On November 3, 2020, the community voted in favor of bond to help finance these improvements. In addition, the City has agreed to increase water rates from \$30.35 per month up to \$54.80 per month after project completion. This application for a \$500,000 grant will leverage \$1,550,000 in USDA RD grant and loan funds and \$700 in City funds. This project will enable the City to comply with IDEQ's Compliance Agreement Schedules and eliminate the threat of fines that might be passed down to the system's users which are 61.6% low- and moderate-income.

We appreciate your concern and attention to our CDBG request.

Sincerely

  
James L. Martin  
Mayor

Cc: Steve Meyer, Region I EAC Member  
Sandy Patano, EAC At-Large Member

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# PART A

## ICDBG GRANT APPLICATION INFORMATION FORM

Applicant: City of Priest River Chief Elected Official: James L. Martin, Mayor  
 Address: PO Box 415, 552 High Street, Priest River, Idaho 83856 Phone: (208) 448-2123  
 Email: jmartin@priestriver-id.gov  
 DUNS#: 0284777750 CAGE Code: 0H725

Application Prepared By: Dorian Komberec, Community Development Specialist  
 Phone: (208) 772-0584, ext. 3010  
 Address: Panhandle Area Council, Inc., 11100 N. Airport Dr, Hayden, Idaho 83835

Engineer: Ashley Williams, P.E., Welch Comer Engineers Phone: (208) 416-4878  
 Address: 330 E. Lakeside Ave., Suite 101, Coeur d'Alene, Idaho 83814

### National Objective

- LMI Area  LMI Clientele  Post Disaster  
 LMI Jobs  Slum & Blight  LMI Housing

### Project Type

- Public Facility  Post Disaster  
 Infrastructure for Jobs  Senior Center  
 Downtown Revitalization  Public Park  
 Community Center

### Project Population to Benefit (Persons): (Census) Survey/Jobs

Total # to Benefit: 1,655\* Total # LMI to Benefit: 1,020  
 % LMI to Benefit: 61.6 %

*\*Estimated 38 additional persons to benefit based off 16 households connected to the water system that are outside of Priest River City Limits. Additional persons based off 2018 Bonner County average household size. See Documentation in Appendix A.*

**Project Description:** The proposed project includes: demolition of a 1-million gallon water reservoir and construction of a new 440,000-gallon reservoir, replacement of leaking reducer couplings and addition of variable frequency drives at the booster station, rehabilitation of the existing backwash basin to include clean-up and discharge improvements, installation of a new standby generator, replacement of about 500 feet of waterline at the intersection of Wisconsin and Highway 2, and installation of isolation valves at the existing Industrial Park reservoir.

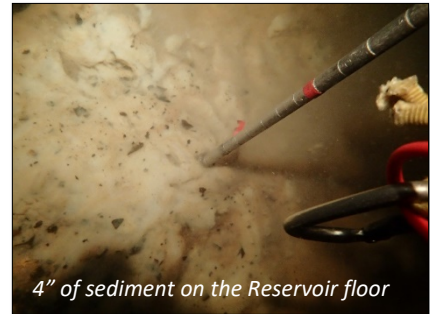
SOURCE	AMOUNT	FUNDS COMMITTED/ CONTRACT AWARD DATE	DOCUMENTS IN APPENDIX **
<b>ICDBG</b>	<b>\$500,000</b>		
Local Cash	\$700	11/16/2020	D
Local Loan*	\$1,200,000	2021	D
Local In-Kind**			
UDSA-RD Grant	\$350,000	2021	D
State Grant			
Foundation Grant			
Private Investment			
Other (identify)			
<b>TOTAL PROJECT FINANCING</b>	<b>\$2,050,700</b>		

\* Identify Loan Source(s): UDSA-RD Date Bond or Necessary & Ordinary Passed: 11/03/2020

\*\* Identify which appendix corresponding documentation is in. Documentation should be a letter from the appropriate source.

## ECONOMIC ADVISORY COUNCIL

The City of Priest River has two Compliance Agreement Schedules (CAS) with the Idaho Department of Environmental Quality (IDEQ) for non-compliance with the Idaho Administrative Procedures Act (IDAPA). Nearly 57 years old, the 1-Million-Gallon reservoir has total failure of the tank's interior coating, roof beams that are structurally compromised, severe corrosion, and a lack of a foundation. These structural issues placed the City in a CAS with IDEQ as the Reservoir does not meet IDEQ's rules for water storage. The second CAS is for unpermitted discharge from the City's Water Treatment Plant (WTP) backwash basin to the adjacent wetland. When the treatment plant backwashes every 80 hours, it results in the discharge of 40,000 gallons into the wetland and subsequently the Pend Oreille River. There is also approximately 2,000 additional gallons of discharge during facility startup each day.



To achieve full compliance with IDEQ rules (IDAPA 58.01.08 §544.15) by December 31, 2022, the City's 1-Million-Gallon Reservoir must be replaced. Currently, treated water from the WTP is pumped to the Reservoir to provide storage for the system's users in the lower pressure zone. The water is then pumped from the Reservoir to the system's Industrial Park Standpipe for water supply to the upper pressure zone. If the 1-Million-Gallon Reservoir were to fail or go offline, water would have to be manually pumped at the WTP and the upper zone booster pumps simultaneously in order to fill the Standpipe. City operators would need to be available 24 hours a day to maintain water service. This method of supplying water to the system's users would be too labor-intensive to maintain for any significant amount of time. Additionally, the Standpipe does not have the capacity that is required to maintain the current or projected needs of all the system's users, and the required fire flows for the system will be inadequate to properly suppress fires within the City.

IDEQ is requiring the City to eliminate the unpermitted discharge that is washing into the adjacent wetland. If the City does not come into compliance with IDEQ's rules (IDAPA 58.01.25) by December 31, 2021, the City risks incurring significant fines that will be passed on to the system's users. The WTP's backwash used to flow into the basin and allow for settling and infiltration. However, run-off of stored soils onsite and unplanned backwash cycles ended up overwhelming the backwash basin. This causes the unpermitted overflow of backwash into the adjacent wetland.

This project will eliminate the critical health and safety needs of the water system and bring the City back into compliance with IDEQ rules. If the City can complete the proposed project components required by the stated deadlines in the IDEQ Compliance Agreement Schedules, then they will avoid costly fines that could potentially be passed down as higher rates to the water users. With the passing of the Water Revenue Bond on November 3, 2020, the water system users have already agreed that the avoidance of potential fines and compliance with IDEQ is a necessity.

Although a \$1,200,000 USDA-RD loan will necessitate a water rate increase, it is hoped that a \$500,000 Idaho Community Development Block Grant and a \$350,000 USDA-RD grant will keep this increase to a minimum. This will be a boon to the City's 61.6% low- and moderate income (LMI) population that could be negatively impacted by a steeper increase in water rates. More importantly, with the completion of the proposed project, the entire community will know that their water service will be safe, reliable, and able to serve them for years to come.

## THRESHOLD FACTORS

### Eligible Applicant

The applicant is a city  The applicant is a county

### Eligible Activities

This project for water system improvements is an eligible activity under “Public Facility Grant” in Chapter 2 of the Idaho Community Development Block Grant (ICDBG) 2019 Application Handbook. Also stated in this chapter as eligible activities are grant administration services.

### National Objective

#### Low and Moderate-Income Area Benefit

Total number of households\* in project benefit area 949

\*Note: For water and sewer projects, this is the number of households hooked onto the system and any households that will hook onto the system once the project is complete.

LMI Percentage Determined by: (Check one and complete requested information)

- Census Data – provide supporting documentation\*  
 Income Survey – provide Survey Report in Appendix  
 Census and Survey – provide supporting documentation/report in appendix

*\*There are an estimated 38 additional persons to benefit based off of 16 households connected to the water system that are outside of Priest River City Limits. The number of additional persons is based off of the current (2018) Bonner County average household size. Calculating the additional persons at non-LMI status does not lower the City's percentage of LMI persons below the 51% threshold. See Documentation of Census Data in Appendix A.*

### Citizen Participation *(Respond to questions and provide documentation in Appendix)*

ICDBG Citizen Participation Plan adopted?  Yes  No

Did you hold a public hearing prior to application?  Yes  No

Date of Notice November 6, 2020

Date of Hearing November 16, 2020

The Citizen Participation Plan, public hearing documentation, letters of support, bond election outreach, sample ballot and certified election results are in Appendix B. The public hearing minutes will be provided to Commerce under a separate cover.

### Statewide Goals and Strategies

To be completed by the Idaho Department of Commerce.

## Administrative Capacity

### Applicant Capacity

- A. *The experience of the clerk and public works director,*

**Laurel Thomas, City Clerk/Treasurer** has been employed with the City since August 2005 and has been the City Clerk since 2006. Laurel has vast experience working with CDBG, IDEQ, and USDA Rural Development grant loans and programs. She is a State of Idaho Certified Clerk/Treasurer and is a member of the International Institute of Municipal Clerks and the Finance Officers Association.

**Rex Rolichcheck, Public Works Director** has been the City's Public Works Director since July 2017. Before coming to work for the City, Rex worked in Washington for Public Works for eight years.

- B. *The most recent audited financial statements and if there were any material weaknesses, deficiencies, or findings,*

The City's 2019 audited financial report does not identify any material weaknesses, deficiencies, or findings. The full financial report was emailed to the Idaho Department of Commerce on May 12, 2020.

- C. *The most recent ICDBG grant the applicant managed,*

The most recent ICDBG that the City of Priest River has managed is the existing 2017 Wastewater Collection System Improvements Project Phase II.

- D. *For sub-recipients, identify the governing structure and if and when last audited. Also, explain the status of the sub-recipient agreement,*

Not applicable.

### Grant Administration

Using the procedures outlined in the ICDBG Administration Manual, the City solicited for services to assist with planning, development, grant writing and administration for a period of three (3) years. The City received one proposal by the due date of September 2, 2020. The procurement committee scored the proposal and selected Panhandle Area Council to perform grant administration services for the project. The procurement documentation is in Appendix C.

## Fair Housing

The City of Priest River adopted the updated Fair Housing Resolution on October 5, 2020, and it will be provided with the Addendum.



## Anti-Displacement Policy

The City will follow the Idaho Department of Commerce Anti-Displacement and Relocation Assistance Plan, verified by signature on the Certifications Page of this application.

## PROGRAM INCOME

The proposed project will not generate any program income.

## PROJECT DESCRIPTION AND PROPERTY

### Project Description

#### Existing Situation

The City is currently in a CAS with IDEQ for unpermitted discharge from the City's WTP backwash basin to the adjacent wetland. Due to the backwash basin's inability to properly drain and infiltrate, when the facility backwashes every 80 hours, it results in the discharge of 40,000 gallons into the wetland and subsequently the Pend Oreille River. There is approximately 2,000 additional gallons of discharge during facility startup each day. IDEQ requires an Idaho Pollutant Discharge Elimination System (IPDES) Permit for discharge into wetlands and other waterways. According to the City's Notice of Intent to the Environmental Protection Agency (EPA), each time there is an overflow event, suspended solids and chlorine residuals within the discharge are being deposited in the wetland.

The City of Priest River is also currently under a Compliance Agreement Schedule with IDEQ due to structural issues with the existing 1-Million-Gallon Reservoir (Reservoir) that is almost 57 years old. IDEQ's August 2017 Sanitary Survey of the City's water system determined that the reservoir had severe corrosion, total failure of the tank's interior coating, roof beams that are structurally compromised, and a lack of a foundation. These structural issues mean that the Reservoir does not currently meet IDEQ's rules for water storage (IDAPA 58.01.08, Section 544.09).



#### Necessary Project

The City is being required by IDEQ to eliminate the unpermitted discharge that is washing into the adjacent wetland. If the City does not come into compliance with IDEQ's rules by December 31, 2021, the City risks incurring significant fines that will be passed on to the system's users. The WTP's backwash used to flow into the basin and allow for settling and infiltration. However, run-off of stored soils onsite and unplanned backwash cycles ended up overwhelming the backwash basin. This causes the unpermitted overflow of backwash into the adjacent wetland.

Additionally, the City's Reservoir must be replaced and achieve full compliance with IDEQ rules by December 31, 2022. Currently, treated water from the WTP is pumped to the reservoir to provide storage for the system's users in the lower pressure zone. The water is then pumped from the Reservoir to the system's Industrial Park Standpipe for water supply to the system's users in the upper pressure zone. If the 1-Million-Gallon Reservoir were to fail or go offline, water would have to be manually pumped at the WTP *and* the upper zone booster pumps simultaneously in order to fill the Standpipe. City operators would need to be available 24 hours a day to maintain water service. Additionally, the Standpipe alone does not have the capacity required to maintain the current or projected needs of the system's users, and the required fire flows for the system will be inadequate to properly suppress fires within the City.



## Scope of Work

The proposed project includes construction of a new 440,000-gallon reservoir to replace the 1-million-gallon reservoir. Booster station improvements will include replacement of leaking reducer couplings and the addition of variable frequency drives. Rehabilitation of the existing backwash basin will include clean-up and discharge improvements. Additional improvements include installation of a new standby generator, replacement of about 500 feet of waterline at the intersection of Wisconsin and Highway 2, and installation of isolation valves at the existing Industrial Park reservoir.

## Expected Outcomes

The proposed improvements will ensure that the City is properly discharging backwash so it can be treated at the wastewater treatment plant, thereby complying with IDEQ's rules. Rehabilitation of the backwash basin will allow for more infiltration in the backwash basin as originally designed. In addition, any backwash overflow will be diverted to the wastewater treatment plant, allowing for the discharge to be properly treated. This will protect the adjacent wetland and the Pend Oreille River from any contaminants in the discharge, eliminating any possible environmental and health threats.

The proposed scope of work will provide functional water storage that will prevent water service interruptions, offer enough water storage for current and future water users, and will secure the fire flows set by the local Fire District. It will eliminate the critical health and safety needs of the water system and bring the City back into compliance with IDEQ rules. If the City completes the proposed project components required by the stated deadlines in the IDEQ Compliance Agreement Schedules, then they will avoid costly fines that could potentially be passed down as increased water rates to the City's 61.6% low- and moderate income (LMI) water users.

## Funding Components

The ICDBG funds will be used for construction and grant administration activities. The USDA-RD Loan and Grant funds will be used for engineering, construction, and legal expenses. City funds will be used for construction.

## Site Plan

Site maps, photos, the 2017 Sanitary Survey, and the certified cost estimate are in Appendix D.

## Property and Permits

1. Does the applicant have current ownership or title to property applicable to the project?  Yes  No  
Property ownership information is in Appendix E.
  
2. Will any property be needed for this project?  Yes  No  
Status of the purchase: \_\_\_\_\_  
Estimated date of final purchase: \_\_\_\_\_  
What funds will be used to make the purchase? \_\_\_\_\_
  
3. Will any easements or rights-of-way be needed for this project?  Yes  No  
Status of the purchase: \_\_\_\_\_  
Estimated date of final purchase: \_\_\_\_\_  
What funds will be used to make the purchase? \_\_\_\_\_
  
4. Will any lease be needed for this project?  Yes  No  
Status of the lease: \_\_\_\_\_  
Estimated date of lease execution: \_\_\_\_\_
  
5. Is anyone living on the land or in the structures at the proposed site?  Yes  No
  
6. Is any business being conducted on the land or in the structures at the proposed site?  Yes  No
  
7. Are there any businesses, individuals, or farms being displaced as a result of this project?  Yes  No
  
8. Are there permits that will be needed for the project, i.e.,
  - Well permit  Yes  No
  - Water rights  Yes  No
  - Land application  Yes  No
  - Demolition permits  Yes  No
  - Zoning permit  Yes  No
  - Air quality permit  Yes  No
  - Building permit  Yes  No
  - Other: Encroachment Permit – ITD Waterline  Yes  No

Status of the permits (has application for the permit been submitted; if so, what is the projected date of issue?) Permits will be prepared during design and are anticipated for the Summer of 2021.

9. Describe the ownership or lease arrangements for the property involved in the project: The City owns the land for the Reservoir, Water Treatment Plant (WTP), and Industrial Standpipe. An ITD

Encroachment permit will be needed for public right-of-way for the Wisconsin waterline work. Property ownership documentation is in Appendix E.

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## **BUDGET NARRATIVE**

The following describes the funding sources by category, in order as stated on the following budget form, and the commitment status of each source. Match documentation is in Appendix D.

**CDBG - \$500,000 – Pending:** The CDBG funds will be used for construction and grant administration activities.

**USDA-RD Loan – \$1,200,000 – Pending:** These funds will be used for design professional, construction activities, and financing and legal expenses.

**USDA-RD Grant – \$350,000 – Pending:** The USDA-RD grant funds can be used only for construction activities.

**Cash Match – \$700 – Committed:** The City funds will be used first under construction activities.

If applicable, will the City/County/District allow Commerce staff to access RD apply?

Yes  No  N/A

## IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FORM

**Applicant or Grantee:** City of Priest River **Project Name:** Water System Improvements Project

Line Items	ICDBG	CITY CASH	USDA RD GRANT	USDA RD LOAN	Total
Planning					\$0
Facilities Plan					\$0
Administration	\$50,000				\$50,000
Design Professional				\$261,500	\$261,500
Acquisition					\$0
Soft Cost					\$0
Construction	\$450,000	\$700	\$350,000	\$852,300	\$1,653,000
Materials/Equipment					\$0
Financing Expenses				\$47,900	\$47,900
Legal				\$38,300	\$38,300
Property Value					\$0
<b>TOTAL COSTS</b>	<b>\$500,000</b>	<b>\$700</b>	<b>\$350,000</b>	<b>\$1,200,000</b>	<b>\$2,050,700</b>



## DETAILED COST ANALYSIS

1. Have preliminary plans and specs been submitted to regulatory agencies for review?  
 If yes, list date submitted: \_\_\_\_\_  Yes  No  
 If no, list expected date to be submitted: April 2021 \_\_\_\_\_
  
2. Has final design (for bidding) begun?  Yes  No  
 If yes, % complete: \_\_\_\_\_%  
 If no, what is expected start date: April 2021
  
3. Will project include bid alternatives to meet project budget if necessary?  Yes  No
  
4. Are Davis Bacon wage rates applicable to the project?  Yes  No  
 If yes, are they included in the project costs?  Yes  No
  
5. Have known environmental measures been included in project costs? (e.g., dust mitigation, archaeological survey, storm water drainage, wetland mitigation etc.)  Yes  No
  
6. List the last date the owner and design professional discussed project design and details.  
 Date: October 23, 2020
  
7. Design Professional Cost Estimate may be found in Appendix D.

## PROJECT SCHEDULE

Project Activity	Date (to be) Completed	Documentation in Appendix
Design Professional Contract Executed	March 2021	
Grant Administration Contract Executed	December 2020	
Environmental Release	May 2021	
Bid Document Approval	May 2021	
Bid Opening	June 2021	
Construction Contract Executed	June 2021	
Start Construction	June 2021	
Construction 50% complete	October 2021	
Second Public Hearing	June 2022	
Certificate of Substantial Completion	August 2022	
Update Fair Housing Plan	August 2021	
Update 504 Review and Transition Plan	September 2021	
LEP Four Factor Analysis	October 2021	
Construction 100% Complete	September 2022	
Final Closeout	October 2022	

## GRANTEE FINANCIAL PROFILE

Is the Grantee a (circle one) City County

**Section I. Water System (only)** – Input information for the water system (entity) that is expected to utilize the Idaho Community Development Block Grant funds.

Water Source(s):  Wells  River  Lake  Springs  Purchase  Other

Water Treatment Method: Filtration and Disinfection

Number of people served by the system	1,655*
Number of hook-ups on the system	949
Number of equivalent dwelling units (EDUs) on the system	999.14
Number of residential EDUs	820
Number of commercial EDUs	168.14
Number of industrial EDUs	11
Are all system users on meters?	No

For residential users, what is the average monthly water rate for 10,000 gallons \$ 48.61

What will be the new monthly rate after the project is completed based on 10,000 gallons \$ 53.41 – 54.80

When was the last rate increase 10/01/2020

How much were the rates increased \$ 0.60

**Annual Water System Revenue** \$ 483,150

Current reserve amount \$ 54,586 (Non-restricted)

Total dollar amount owed by customers in arrears \$ 7,728

**Annual Water System Expenses** \$ 406,795

Residential Hook-Up Fee \$ ER x \$3,000\*\*

Commercial Hook-Up Fee \$ ER x \$3,000\*\*

Industrial Hook-Up Fee \$ ER x \$3,000\*\*

\*\*OR by water meter size, whichever is greater. See page 2 of Resolution No. 20-032 in Appendix F.

**Identify outstanding indebtedness:**

Years Remaining	Annual Payment	Lender
<u>22</u>	<u>\$181,756.00</u>	<u>USDA-RD</u>

\*There are an estimated 38 additional persons beyond the 1,020 stated above that are served by the system based on 16 households connected to the water system that are outside of Priest River City Limits. The number of additional persons is based on the current (2018) Bonner County average household size. See Documentation in Appendix A.

Explain Water Conservation Methods Implemented: Meters on individual accounts and overage charges.

If the project is a water source improvement, has a source water protection plan been conducted?  
 Yes  No

**For this proposed project:**

Has the replacement cost of short-lived assets (SLA) been determined?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What is the amount?	\$ <u>185,450</u>
How much annually needs to be reserved for the SLA replacement cost?	\$ <u>15,130</u>
Will the replacement of the SLA be funded by the most current rates?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, what percentage of revenue is being budgeted for replacement of the SLA?	%
If No, explain when and how replacement of SLA will be implemented:	
The City plans to incorporate the annual reserve amount in their rates, in concert with the increase to fund debt service.	

**Section IV. All Applicants**

As part of the CDBG program, cities and counties are required to further fair housing within your community. In 2016, Commerce and Idaho Housing and Finance Association conducted an assessment to fair housing. The assessment examined policies and practices among Idaho’s cities, counties, and housing industry to determine fair housing issues and contributing factors.

For some of these contributing factors there are steps cities and counties can take to achieve the goal of reducing or mitigating the factors, thereby furthering fair housing.

**Contributing Factor #1** - There is the lack of cities and counties providing for the allowance of group homes in designated residential zones or their narrow definitions of the types of group homes allowed (e.g., nursing and rest homes) Why is this a contributing factor? The regulation may treat residents who are disabled, differently. Therefore;

Has the City /County reviewed its zoning codes specific to group homes to ensure that they are in compliance with the Fair Housing Act? (group homes are allowed in residential zones and that the City /County definition of a group home is not too restrictive)  Yes  No

If No, what steps are you taking to address the issue? \_\_\_\_\_

**Contributing Factor #2** - Idaho’s fair housing law does not provide protection based on familial status. Familial status is the presence of one or more children under the age of 18, pregnant woman, or someone in the process of acquiring legal custody of a child. Why is this a contributing factor? Residents who are unfamiliar with fair housing law may believe that they are not protected from housing discrimination based on familial status because Idaho’s law does not cover familial status.

Does the City / County have an ordinance, resolution, or proclamation that prohibits discrimination against individuals based on their familial status? Note: this is not the same as the Fair Housing Resolution.  
 Yes  No

If No, has the council or commission discussed the issue and/or are willing to pass such an ordinance, resolution, or proclamation? Explain.

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**Contributing Factor #3** – Lack of public transportation in rural areas. Also, insufficient transportation services to support independent and integrated community living for seniors and persons with disabilities.

In accordance with Idaho’s Local Land Use Planning Act, has the City or County completed their Comprehensive Plan?  Yes  No

If Yes, when was the Plan last updated? January 6, 2014

---

Under the transportation component of the Plan has the City / County evaluated:

- Existing (or feasibility of) public transportation options such as – bus or van?  Yes  No
- Bicycle paths?  Yes  No

**Contributing Factor #4** – Low wages in economically disadvantaged rural areas due to limited economic growth and growth in low wage industries (e.g. service jobs)

Does the City or County belong to an economic development organization whose objective is to advance job growth or training opportunities in the area? If yes, identify the organization(s)

The City administers the Priest River Urban Renewal Agency, and they also work closely with the Priest River Development Corporation of North Idaho. They are also currently members of Panhandle Area Council.

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**Contributing Factor #5** – Housing in rural areas developed without visitable / accessible features due to limited development in some rural areas and when housing was developed.

What is the most current edition of the International Building Code the City / County has adopted?

The City first adopted the 2000 International Building Code in 2004 with language that automatically updates the City to the most current version of the International Building Code. Idaho mandated that it was effective January 2, 2014.

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What is the most current edition of the International Residential Code the City / County has adopted?

The City is using the residential building codes as adopted by the State of Idaho under Idaho Statute Title 39, Chapter 41.

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In addition to the International Residential Code, has the City / County adopted a building standard or ordinance that requires or encourages visitability in single family housing? (basic requirement: one zero-step entrance, doors with 32 inches of clear passage space, and one bathroom on the main floor you can get into in a wheelchair)

Yes  No

If Yes, identify when the ordinance or resolution was adopted. The City adopted building and zoning codes in August 2018 that encourage newly constructed homes to meet certain accessibility requirements.

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## PROJECT SITE – FIELD NOTES REVIEW

The purpose of this review is to identify potential environmental related issues that could delay, hamper or derail the proposed project. The information will assist in understanding what studies, documentation, and mitigation measures could be applicable in order to commence project construction.

### 1. Limitations on Activities

Is the Grantee planning or in the process of acquiring property for this proposed project?  Yes  No

If yes, is the Applicant aware that land acquired or site work after submission of the ICDBG application is subject to 24 CFR 58.22 Limitation on Activities Requiring Clearance? Meaning once an application for ICDBG funds is submitted, neither Applicant or sub recipient, may commit Non-HUD funds to a project for land acquisition or site work (except for minor testing) before the environmental review is complete, unless the land acquisition or contract is conditioned on completion of the ICDBG environmental review.

### 2. Historic Preservation

Has the SHPO or THPO been notified of the project?  Yes  No

Have tribes with possible cultural and religious sites been notified of the project?  Yes  No

### 3. Floodplain

Is the project located within a floodway or floodplain designated on a current FEMA map? Check Web site [www.store.msc.fema.gov](http://www.store.msc.fema.gov)  Yes  No  Not Sure

If yes what is the floodplain map number? \_\_\_\_\_

If the project is located in a floodway or floodplain, is the community where the project is taking place a participant in the National Flood Insurance Program. Check Web site [www.idwr.idaho.gov/water/flood](http://www.idwr.idaho.gov/water/flood)  
 Yes  No

### 4. Wetlands

Are there ponds, marshes, bogs, swamps, drainage ways, streams, rivers, or other wetlands on or near the site?  Yes  No

If yes, has the Army Corps of Engineers (Corps) been notified?  Yes  No

Has the Corps indicated what permit level will be required?  Yes  No  N/A

### 5. Asbestos and/or Lead Based Paint

For building renovations, remodeling or demolition, has an asbestos analysis been planned for or conducted?  Yes  No  N/A

For housing rehabilitation, has a lead-based paint assessment been planned for or conducted?  
 Yes  No  N/A



**6. Noise Sensitive Use**

Is the project new construction or rehabilitation of noise sensitive use (i.e., housing, mobile home parks, nursing homes, hospitals, and other uses where quiet is integral to the project functions)?

Yes  No

If yes, is the project located within 5 miles of an airport, 1000 feet of a major highway or busy road, or 3,000 feet of a railroad?  Yes  No

**7. Explosive and Flammable Operations**

Is the physical structure (not necessarily infrastructure) intended for residential, institutional, recreational, commercial or industrial use?  Yes  No  Unknown at this time

If yes, are there any above ground explosives, flammable fuels or chemical containers within one mile of the physical structure?  Yes  No

If yes, have you been able to identify what the container is holding and the container's size?

Yes  No

**8. Site or Soil Contamination**

Are there any known hazardous materials, contamination, chemicals, gases, and radioactive substance on or near the site?  Yes  No  Unknown at this time

If yes, explain \_\_\_\_\_

\_\_\_\_\_

During the visual inspection of the site, are there signs of distressed vegetation, vents or fill pipes, storage/oil tanks, stained soil, dumped material, questionable containers, foul or noxious odors, etc.

Yes  No

If yes, explain \_\_\_\_\_

\_\_\_\_\_

At this time, are the site's previous uses known to have been gasoline stations, train depots, dry cleaners, agricultural operations, repair shops, landfill, etc.?  Yes  No

Are other funding agencies requiring the Grantee to perform an American Society for Testing Materials (ASTM) environmental assessment? ASTM assessment involves analysis of site uses and ownership, inspection of site, and possible testing.  Yes  No

**9. Other Agency Environmental Reviews**

Have facilities studies or other environmentally related site reviews been conducted or in the process of being conducted?  Yes  No

If yes, identify who is conducting the review. Idaho Department of Environmental Quality (IDEQ) completed an initial technical review of the City’s Master Plan Addendum No. 5 on June 18, 2020. It was sent for a final review to IDEQ on September 30, 2020. An initial environmental scoping meeting was held with DEQ, USDA-RD and Panhandle Area Council on June 6, 2020, and potential mitigation measures were discussed. Welch-Comer Engineering is currently in the process of conducting an environmental review for the proposed project.

**10. Information Letters**

The advanced mailing of environmental information letters is sought in an effort to minimize the project’s timeline in waiting for necessary documentation or information. It will assist in earlier responses to required mitigation measures should the proposed project receive grant funding.

Check the agencies that have been mailed an environmental information letter.

**Note:** If other funding agencies have sought comment, in writing, from the agencies listed below for the same project, you may not need to send an information letter. Contact your Specialist if other environmental information or scoping letters have been sent.

- Idaho State Historic Preservation Officer
- Tribal Historic Preservation Officer or Tribal Office
- Idaho Department of Water Resources – Local Regional Office
- Army Corps of Engineers (if wetlands are applicable)
- U.S. Fish and Wildlife
- NOAA Fisheries (if salmon and/or steelhead are applicable)
- Idaho Fish and Game
- USDA Natural Resource Conservation Service (if farmlands are applicable)
- Idaho Department of Environmental Quality
- Local Government – Planning Department
- Others Panhandle Health District

## PART B

### PUBLIC FACILITIES REVIEW AND RANKING NARRATIVE

**Program Impact** - to be calculated by Commerce staff based on the budget form.

1. Percentage of ICDBG in total project: \_\_\_\_\_
2. Percentage of Local Matching Funds compared to ICDBG funds: \_\_\_\_\_
3. Grant dollars per person: \_\_\_\_\_
4. Local matching funds per person: \_\_\_\_\_
5. Eligible Activity Priority Ranking: \_\_\_\_\_

Eligible Activity	Points Possible	Check if ICDBG will be spent on this activity	Percentage of ICDBG Budget Spent on Activity
Acquisition of Real Property	75		
Acquisition of Real Property for Housing Projects	50		
Public Facilities and Infrastructure Improvement	100	✓	
Engineering-Architectural	100		
Code Enforcement	50		
Clearance and Demolition	50		
Removal of Architectural Barriers	100		
Rental Income Payments	0		
Disposition of Property	10		
Public Services	0		
Completion of Urban Renewal Projects	0		
Relocation Payments	25		
Planning Activities	0		
Administration Activities	100	✓	
Grants to Nonprofit Community Organizations	0		
Grants to Nonprofit Community Organizations for Housing Projects	75		
Energy Planning	0		
Housing Rehabilitation	75		

## LMI NEED AND IMPACT

### Low and Moderate-Income Percentage Points

The City is 61.6% LMI by Census. Please see documentation in Appendix A.

### Need

The Compliance Agreement Schedule (CAS) from Idaho Department of Environmental Quality (IDEQ) dated March 13, 2020 states that the City is out of compliance with two rules from the Idaho Administrative Procedures Act (IDAPA), which are critical safety and health needs:

- **IDAPA 58.01.25, “Rules Regulating the Idaho Pollutant Discharge Elimination System”**<sup>1</sup> for its unpermitted discharge of backwash into the adjacent wetland and subsequently the Pend Oreille River. The City’s backwash basin has not been able to fully drain since it became overwhelmed with soils that inadvertently entered due to runoff on the Water Treatment Plant (WTP) site. The City has attempted to remove the soils, but to no avail. Every 80 hours, the WTP goes through a backwash cycle, allowing 40,000 gallons of untreated backwash to flow into the wetland. Additionally, approximately 2,000 gallons is discharged during facility startup each day. The untreated backwash contains suspended solids and chlorine residuals that are being deposited into the wetland and river.



This discharge of untreated backwash a direct violation of the Idaho Pollutant Discharge Elimination System (IPDES) Program which requires a permit in order to discharge into wetlands and other waterways. According to the EPA, unpermitted discharge can damage water quality and can possibly lead to health hazards.<sup>2</sup> The scope of work includes improvements to the backwash basin that will allow the backwash to drain more efficiently and allow the discharge overflow to be directed to the City’s sewer system for proper treatment at the WTP, thereby eliminating the unpermitted discharge. The CAS requires that the City comply with IDAPA 58.01.25 by December 31, 2021.

- **IDAPA 58.01.08 “Idaho Rules for Public Drinking Water Systems”**<sup>3</sup>:



The City is out of compliance with **Section 544.15** of the above IDAPA code which is related to storage tank interior coatings. The CAS from IDEQ dated April 9, 2020 states that the interior of the current 1-Million-Gallon Reservoir is in poor condition due to a complete failure of the interior tank coating and severe corrosion of the tank walls. The failing of the interior coating has caused rusting of the tank and its drains, thereby allowing rust to enter the drinking water supply.

<sup>1</sup> Idaho Office of the Administrative Rules Coordinator, *IDAPA 58.01.25 – Rules Regulating the Idaho Pollutant Discharge Elimination System Program*, <https://adminrules.idaho.gov/rules/current/58/580125.pdf>

<sup>2</sup> United States Environmental Protection Agency, National Pollutant Discharge Elimination System (NPDES), *NPDES Permit Basics*, <https://www.epa.gov/npdes/npdes-permit-basics>

<sup>3</sup> Idaho Office of the Administrative Rules Coordinator, *IDAPA 58.01.08 – Rules for Public Drinking Water Systems*, <https://adminrules.idaho.gov/rules/current/58/580108.pdf>

Another serious problem with the Reservoir is the lack of foundation. **Section 002.01** of IDAPA 58.01.08 incorporates the American Water Works Association (AWWA) Standards for construction into the rules and requires water storage facilities to have a foundation. Due to the Reservoir's age and condition, the lack of foundation could cause settling, which can lead to cracking and water leaking. If cracking reaches a certain point, the Reservoir could catastrophically fail.



Last but not least, the roof of the Reservoir is structurally unsound and is failing. **Section 544.09** of the rules details the specific requirements for roofs and side walls for water storage structures. The beams that support the roof are structurally compromised. If the roof of the structure should fail or collapse, contaminants, animals, or insects could enter the water supply which could result in contamination that would exceed water quality standards. A collapse would render the Reservoir unusable. The water operators would have to pump water manually at the WTP and at the upper zone booster station simultaneously in order to fill the Industrial Park Standpipe that would supply water to the system's users. This would have to be done 24 hours a day, 7 days a week, in order to keep the water supply from depleting. Additionally, with the Reservoir offline, the fire suppression standard of 3,500 gallons per minute for 3 hours set by the local Fire Department cannot be met. And last, but not least, if there were to be a power outage at this time, the Industrial Park Standpipe would not be able to provide sufficient water storage for the system users, thereby causing loss of water supply.



The City must achieve compliance with all three of the above described sections of IDAPA 58.01.08 by December 31, 2022 as set forth in the City's Compliance Agreement Schedule with IDEQ.

If the City does not achieve compliance with the above IDAPA rules by their corresponding deadlines, the City risks incurring fines that may be passed on to the water system users, of which 61.6% are of LMI status. Further, if the proposed project activities are not completed, the City will continue to see unpermitted discharge from the WTP to the adjacent wetland. There will be continued risk that the City's 1-Million-Gallon Reservoir will fail, causing significant burden for the City and risk to the system's water users.

Please see documentation of the IDEQ Compliance Agreement Schedules in Appendix G.

## Impact

The proposed project scope of work will allow the City to meet their CAS due dates and avoid unnecessary fines imposed by IDEQ due to the aforementioned IDAPA code violations. The critical health and safety needs of the water system will be eliminated, and the City can avoid fines that would be passed down to the system's water users.

Upgrades and restoration at the WTP and backwash basin will ensure that the unpermitted discharge will be legally and cleanly disposed of. Rehabilitation of the backwash basin will allow for more infiltration onsite as originally designed, and the remaining backwash overflow will be diverted to the wastewater



treatment plant where it can be properly treated. This will protect the wetland and river from contaminants and eliminate any possible health and safety threats.

According to the project engineer's Water Master Plan Addendum No. 5, October 2019, current storage calculations for the water system show that with the installation of a generator at the WTP, the proposed new reservoir will not need to have capacity for standby storage, which is the amount of water that would normally be required should one of the water system sources fail and standby power is not available. Installation of a generator at the WTP will help maintain water operation and service to users during a long-term power outage. This means that the City only needs to construct a new 440,000-gallon reservoir, rather than another 1-million-gallon reservoir. If a new generator were not installed, it would require an additional 121,920 gallons in standby storage in order to meet the projected future demand on the system.

The completion of the new 440,000-gallon reservoir, improvements to the upper zone booster station and industrial standpipe, and installation of a standby generator at the WTP will see that the City's water system infrastructure will not only provide safe and reliable water service to the system's users, but will also ensure sufficient water service for the projected population growth in Priest River. It will also allow the City to meet fire suppression standards set by the local Fire Department.

The water bond that was passed on November 3, 2020 will necessitate a rate increase for the City's water users, but with a CDBG and USDA-RD grant, it is hoped that this increase will be kept to a minimum. This will be a boon to the City's 61.6% LMI population. More importantly, with the completion of the proposed project, the entire community will know that their drinking water is being provided in a healthy, dependable manner.

## **PROJECT CATEGORIES**

### **Planning, Previous Actions, and Schedule**

#### **Design Professional**

The City has chosen Welch Comer Engineers for engineering services on this project. Welch Comer Engineers has been contracted by the City since September 2009. All costs will be paid for with USDA-RD Loan and Grant funds.

#### **Grant Administration**

The City selected Panhandle Area Council for certified grant administration. The procurement documentation is in Appendix C.

#### **Plans or Studies**

- A. The Table of Contents and Introduction of the Master Plan Addendum No. 5 is in Appendix H along with preliminary approval by DEQ.

1. Identify the review status of the facilities plan or study by the applicable regulatory agency and applicable funding agency (such as DEQ, USDA-RD or ITD). *Check one*

- Currently Underway (Technical approval 6/18/20; Submitted to DEQ 9/30/20 for final approval)
- Completed but not approved
- Completed and approved

2. If an environmental review is required what is the status of the Environmental Information Document or Review? *Check one*

- Currently Underway
- Completed but not approved
- Completed and approved

### **Project Site – Field Notes Review**

The Field Notes Checklist has been completed and begins on page 14 of this application.

### **Agency Viability**

#### **A. Utility Rate Review**

Idaho Rural Water Association completed a rate analysis of the City's water system on November 4, 2020. The documentation is in Appendix F.

#### **B. Financial Profile Worksheet**

The Financial Profile Worksheet has been completed and begins on page 11 of this application.

### **Property Acquisition**

To be calculated by Idaho Department of Commerce staff based on information provided under Property and Permits (page 7).

### **Funding Commitments**

To be calculated by Idaho Department of Commerce staff based on funding commitment letters in Appendix D.

### **Schedule**

To be calculated by Idaho Department of Commerce staff based on the Project Schedule on page 10.

## **Administrative Capacity**

### A. Capacity to manage.

To be calculated by Idaho Department of Commerce staff based on information provided under the Threshold Criteria, Administrative Capacity on page 4.

### B. Has the applicant completed a Section 504 Americans with Disabilities Act Self-Assessment and Transition Plan (5 points)? Yes No

### C. Affirmatively Furthering Fair Housing (15 points):

To be calculated by Idaho Department of Commerce staff based on information provided under the Section IV of the Financial Profile (page 11).

## **Cost Analysis**

To be calculated by Idaho Department of Commerce staff based on the Detailed Cost Analysis on page 10 and the Design Professional Opinion of Probable Cost in Appendix D.

## CERTIFICATIONS

### CERTIFICATIONS

I certify the data in this application is true and correct, that this document has been duly authorized by the governing body of the City of Priest River and we will comply with the following laws and regulations if this application is approved and selected for funding.

#### **Specific CDBG Provisions:**

Section 110 of the Housing and Community Development Act of 1974, as amended, by the Housing and Urban-Rural Recovery Act of 1983 and the Housing and Community Development Act of 1987, 24 CFR 570.603, and State regulations regarding the administration and enforcement of labor standards;

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;

Conduct and administer its program in conformance with Title VI and Title VIII, and affirmatively further fair housing;

Provide opportunities for citizen participation comparable to the state's requirements (those described in Section 104(a) of the Act, as amended);

Not use assessments or fees to recover the capital costs of CDBG funded public improvements from low and moderate-income owner occupants;

Adopt and implement an Excessive Force Policy;

Minimize displacement as a result of activities assisted with CDBG funds by following the Idaho Department of Commerce's anti-displacement and relocation assistance plan; Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (49 CFR Part 24);

#### **Civil Rights and Equal Opportunity Provisions:**

Title VI of the Civil Rights Act of 1964 (Public Law 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures 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 Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;

The Fair Housing Act (previously known as Title VIII of the Civil Rights Act of 1968) (Public Law 90-284), as amended, administering all programs and activities relating to housing and community development

in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services;

Section 109 of Title I of the Housing and Community Development Act of 1987, 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, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to 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 shall also apply to any such program activity;

Executive Order 11063, as amended by Executive Order 12259 on equal opportunity in housing and non-discrimination in the sale or rental of housing built with Federal assistance, and 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;

Executive Order 11246 as amended by Executive Order 11375 and 12086, and the regulations issued pursuant hereto (24 CFR Chapter 60), which provides 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. Contractors and subcontracts on Federal and federally assisted construction contracts shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training and apprenticeship;

It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing within the unit of local government;

**Property Acquisition Provision:**

It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Federal implementing regulation at 49 CFR Part 24, and the requirements of section 570.496a and it is following a residential anti-displacement and relocation assistance plan under section 104(d) of Title I of the Housing & Community Development Act of 1974, as amended;

**Environmental Standards and Provisions:**

Its chief executive officer or other officer of applicant approved by the Idaho Department of Commerce:

- 1) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. S 4321 et seq.) and other provisions of Federal law, as specified at 24 CFR 58.1 (a) (3) and (a) (4), which further the purposes of NEPA insofar as the provisions of such Federal law apply to the Idaho Community Development Block Grant Program; and

- 2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.

It will comply with:

- 1) The National Environmental Policy Act of 1969 (42 U.S.C. S 4321 et seq.) and 24 CFR Part 58, and in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Preservation of Archaeological and Historical Data Act of 1966 (U.S.C. 469a-1, et seq.) by:
  - a) Consulting with the State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the proposed activity; and
  - b) Complying with all requirements established by the State and to avoid or mitigate adverse effects upon such properties.
- 2) Executive Order 11988, Floodplain Management;
- 3) Executive Order 11990, Protection of Wetlands;
- 4) Endangered Species Act of 1973, as amended, (16 U.S.C. Section 1531 et seq.);
- 5) The Fish and Wildlife Coordination Act of 1958, as amended, (16 U.S.C. Section 661 et seq.);
- 6) The Wild and Scenic Rivers Act of 1968, as amended, (16 U.S.C. Section 1271);
- 7) The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. Section 300f et seq.);
- 8) Section 401(f) of the Lead-Based Paint Poisoning Prevention Act, as amended, (42 U.S.C. Section 4831 (b));
- 9) The Clean Air Act of 1970, as amended, (42 U.S.C. Section 7401 et seq.);
- 10) The Federal Water Pollution Control Act of 1972, as amended, (33 U.S.C. Section 1251 et seq.);
- 11) The Clean Water Act of 1977 (Public Law 95-217); and
- 12) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et. seq.);
- 13) Section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) as it relates to the mandatory purchase of flood insurance for special flood hazard areas.

#### **Labor Standards and Provisions:**

The provisions of the Davis-Bacon Act (46 U.S.C. S 276a-5) with respect to prevailing wage rates (except for projects for rehabilitation of residential properties of fewer than eight units);

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 basic wage rates for all hours worked in excess of forty in a work-week;

Federal Fair Labor Standards Act, 29 U.S.C. S 102 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;

Anti-kickback (Copeland) Act of 1934, 18 U.S.C. S 874 and 40 U.S.C. S 276c, which outlaws and prescribes penalties for “kickbacks” of wages in federally financed or assisted construction activities;

**Anti-Lobbying Certification:**

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

If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of, employee of a member of, officer of or employee of Congress in connection with this federal grant, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was place when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, US Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**Administrative and Financial Provisions:**

2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

**Miscellaneous:**

It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties;

It will comply with the provisions of the Hatch Act, which limits the political activity of employees;

It will give State, HUD and the Comptroller General through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant; and

The local government hereby certifies that it will comply with the above stated assurances.

  
\_\_\_\_\_  
Signed by Chief Elected Official

11-16-2020  
\_\_\_\_\_  
Date

James L. Martin  
\_\_\_\_\_  
Printed Name