



**CITY OF FOUNTAIN VALLEY
SUBSTANTIAL AMENDMENT TO THE
FY2008-09
COMMUNITY DEVELOPMENT BLOCK GRANT
ANNUAL ACTION PLAN**

**City of Fountain Valley
Planning Department
Housing and Community Development Division
10200 Slater Avenue
Fountain Valley, CA 92708
June 2, 2009
(Revised July 23, 2009)**

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FY 2008-09 ACTION PLAN AMENDMENT

INTRODUCTION

This is an amendment to the City of Fountain Valley's FY2008-09 Community Development Block Grant (CDBG) Annual Action Plan, which was submitted in May of 2008 to the U.S. Department of Housing and Urban Development (HUD). This amendment is required to allow the City to receive and allocate the new funds made available under the American Recovery and Reinvestment Act (ARRA) of 2009.

The ARRA was signed into law on February 17, 2009 and appropriates \$1 billion in Community Development Block Grant Recovery (CDBG-R) funds to support "shovel ready" community development projects.

The City has been allocated \$94,964 in new CDBG-R funds that constitute a special allocation of CDBG funding for FY2008-09.

CITIZEN PARTICIPATION AND PUBLIC COMMENTS

HUD has shortened the minimum time for citizen comments to 7 calendar days and requires the substantial amendment materials to be placed on the City's website. The City is also placing copies in City Hall, the Library and The Recreation Center.

The City is publishing a Public Notice in the local newspaper (Fountain Valley View) announcing the request for public comments and noticing a public hearing to be held by the City Council on June 2, 2009 (see Appendix A).

USE OF CDBG-R FUNDS

The City of Fountain Valley intends to use the CDBG-R funds on the following activities:

The City will utilize the allowable 10% of the grant allocation for administration of the funds and the remainder will be used for park equipment replacement in parks located in the designated low-moderate income census tract approved by HUD.

Proposed CDBG-R Funding	
Administration	\$9,496.00
Public Facilities –ADA Improvements	\$85,468.00
Total	\$94,964.00

Appendix "A"

PUBLIC NOTICE CITY OF FOUNTAIN VALLEY

NOTICE OF PUBLIC HEARING

The American Recovery and Reinvestment Act (ARRA) of 2009 was signed into law on February 17, 2009. The City of Fountain Valley expects to receive \$94,964 in additional Community Development Block Grant (CDBG) funds. The receipt of those funds will require a Substantial Amendment to the City's Consolidated Plan 2008-09 Action Plan to outline the proposed use of the additional; funds.

Under the ARRA the allocation of the requires the City to give priority to projects that the City can award contracts based on bids within 120 days of receipt of the grant agreement. The table below details the proposed expenditure of the CDBG-R funds:

Proposed CDBG-R Funding	
Administration	\$9,496.00
Public Facilities –ADA Improvements	\$85,468.00
Total	\$94,964.00

All proposed programs/activities will take place within the city limits of the City of Fountain Valley or will directly assist residents of the City of Fountain Valley. Copies of the FY 2008-09 Action Plan Amendment will be available for review and comment on May 21, 2009, and may be obtained at the City of Fountain Valley City Clerk's Office located at 10200 Slater Avenue, Fountain Valley, CA 92708. Office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. For further information, please call (714) 593-4511. The Action Plan Amendment will also be posted on the City's website @ www.fountainvalley.org.

Citizen input is greatly encouraged. All written comments regarding the FY 2008-2009 Action Plan Amendment must be received on or before Friday May 29, 2009 at 5:00 p.m. All comments should be addressed as follows:

City of Fountain Valley
Housing and Community Development Division
Attn: Mr. Brent Hoff, Housing Coordinator
10200 Slater Avenue
Fountain Valley, CA 92708

In addition to the opportunity provided for the submission of written comments, a public hearing to discuss the FY 2008-09 Action Plan Amendment will be held on June 2, 2009, at 7:00 p.m. before the City Council. The public hearing will take place in the City Council Chambers located at 10200 Slater Avenue, Fountain Valley, CA 92708.

Publish: Thursday, May 21, 2009

CDBG-R Spreadsheet

Jurisdiction/Grantee Name: City of Fountain Valley, CA		CDBG-R Formula Grant Amount: \$94,964				Date: Revised 07/23/09	
<i>Activity Name</i>	<i>Activity Description</i>	<i>Eligibility (Regulatory or HCDA Citation)</i>	<i>National Objective Citation</i>	<i>CDBG-R Project Budget (\$)</i>	<i>Additional Recovery Funds (\$)</i>	<i>Other Leveraged Funding (\$)</i>	<i>Total Activity Budget</i>
-ADA Improvement	Installation of ADA compliant equipment and ground surfaces in park located in low mod census tract.	570.201 (c)	LMC	\$ 85,468.00			\$ 85,468.00
Administration	Administration of CDBG-R funds	570.206		\$ 9,496.00			\$ 9,496.00
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CDBG-R Matrix

A. General Information

Grantee Name	City of Fountain Valley	
CDBG-R Contact Person	Brent Hoff	
Title	Housing Coordinator	
Address Line 1	10200 Slater Avenue	
Address Line 2		
City, State, Zip Code	Fountain Valley, CA 92708	
Telephone	714-593-4511	
Fax	714-593-4525	
Email Address	brent.hoff@fountainvalley.org	
Authorized Official (if different from Contact Person)	Raymond H. Kromer	
Title	City Manager	
Address Line 1	10200 Slater Avenue	
Address Line 2		
City, State, Zip Code	Fountain Valley, CA 92708	
Telephone	714-593-4201	
Fax	714-593-4494	
Email Address	Ray.Kromer@fountainvalley.org	
Web Address where this Form is Posted	www.fountainvalley.org	
CDBG-R Amount		\$94,964

B. Citizen Participation and Public Comment

1. Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment (limit 250 words).

A notice in the Fountain Valley View was published on May 21, 2009. A public hearing was held at the June 2, 2009 City Council meeting. The CDBG-R information was placed on the City website on May 19, 2009. Public Comment ended on May 29, 2009.

2. Provide the appropriate response regarding this substantial amendment by checking one of the following options:

- Grantee did not receive public comments.
- Grantee received and accepted all public comments.
- Grantee received public comments and did not accept one or more of the comments.

3. Provide a summary of the public comments regarding this substantial amendment. Include a summary of any comments or views not accepted and the reasons for non-acceptance.

No comments received to date.

C. Use of CDBG-R Funds

1. Description of Activities to be undertaken with CDBG-R funds:

The City of Fountain Valley believes that everyone should have access to the benefits of a playground or park. The proposed project will allow disabled youth the ability to participate in playground activities that currently are not available. The new ADA compliant playground equipment allows disabled youth to interact and participate with other children on the ground level activity centers of the new equipment. The new ADA compliant ground surfaces made from recycled tires allow wheelchairs to access the new park equipment. The CDBG-R funds will be utilized at La Colonia Park, which is located in a low-mod census tract area.

2. Description of how the distribution and uses of CDBG-R funds will meet the requirement of Title XXII of Division A and Section 1602 of the Recovery Act:

The activity was chosen based on the ability of preserving and creating jobs and promoting economic recovery by being able to contract this project within 120 days of receipt of the grant agreement.

3. Description of how the use of CDBG-R funds for the activities will maximize job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act by: preserving and creating jobs and promoting economic recovery; assisting those most impacted by the recession; providing investment needed to increase economic efficiency; investing in transportation, environmental protection or other infrastructure that will provide long-term economic benefits; or fostering energy independence.

The City of Fountain Valley is an exception community the overall low income percentage is 28.3%. The La Colonia Park is located in one of the lowest income census tracts (53.3% low-mod) in the City of Fountain Valley. This park provides recreation activities to a low –moderate income population that has been impacted by the economic downturn.

Outside contractors will complete the proposed activities. This trade has been hit hard by the economic recession and resulting decline in construction and public works projects. An estimated _____ full-time and 6 part-time jobs will be created or retained by the CDBG-R activities.

4. Description of the activities that will be carried out with CDBG-R funds that promote energy conservation, smart growth, green building technologies or reduced pollution emissions:

The ADA play surfaces are made from recycled tires. Employing these types of products in the design of the park as well as recycling the metal from the existing park equipment will reduce the waste stream in the local landfills.

Certifications

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

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

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

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

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

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

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

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

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

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

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

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

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

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

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

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

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

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs

It has complied with the following criteria:

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

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

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

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

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

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

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

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

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

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

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

Signature/Authorized Official

Date

Title

Application for Federal Assistance SF-424