



EL DORADO

THE FINE ART OF LIVING WELL

City of El Dorado, KS  
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[www.eldoks.com](http://www.eldoks.com)

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TO: City Commission  
FROM: Kristina Traina, Administrative Assistant  
SUBJ: Work Session Meeting Agenda  
DATE: May 27, 2020

A Work Session is scheduled for May 27, 2020 at 5:00 pm in the Commission Chambers at City Hall, 220 E. First Avenue. The following items will be presented:

**I. ITEMS FOR PRESENTATION AND DISCUSSION**

- a. Public Hearing for CDBG COVID Application
- b. El Dorado Lake Master Plan – Eugene Goff
- c. 2021 Budget Process

**II. June 1, 2020 REGULAR AGENDA REVIEW**

- a. Consent Agenda
  - i. City Commission Minutes
- b. Old Business
  - i. None
- c. New Business
  - i. Douglas Road Contract
  - ii. Orscheln TIF District Hearing and Ordinance
  - iii. Orscheln Development Agreement
  - iv. El Dorado Inc Annual Report
  - v. Airport Lighting & Temporary Financing

**III. REPORTS**

- a. City Commission Reports
- b. City Manager's Report

City Manager’s Office  
David B. Dillner  
City Manager  
220 E. First Avenue  
El Dorado, KS 67042



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TO: City Commission  
FROM: David Dillner, City Manager  
SUBJ: CDBG COVID-19 Application  
DATE: May 22, 2020

**Background:** The Kansas Department of Commerce has made \$9 million available to local governments for Community Development Block Grants to assist small businesses with working capital and wages and to provide funding for meal programs that may not have sufficient resources as a result of the COVID-19 pandemic. The funding is available on a first-come, first-served basis to cities throughout Kansas.

Economic development grants provide communities with funding to help local businesses retain jobs for low-to-moderate income people. Grant funds of up to \$300,000 may be used for expenses such as working capital (e.g., wages, utilities, rent) or to purchase up to sixty days of inventory needed to reopen, once allowed to reopen. The Department of Commerce has established minimum criteria for business eligibility. In addition, the City, in collaboration with local partners, may need to establish local requirements as funding will be limited and need will likely exceed the amount of funds available.

Meal program grants of up to \$100,000 provide communities with funds for various programs that provide access to nutritious foods during the COVID-19 crisis. Grant funds can be directed toward organizations such as Meals on Wheels, local food banks or to support organizations providing meals for children affected by the loss of school meal programs. The City has not yet identified a partner to work with in administering this program, although there are several that would be eligible and that would likely be willing to utilize the program should funds be awarded.

The City Commission is required to conduct a public hearing to receive comments from the public on the advisability of making application for these funds.

**Policy Issue:** Should the City pursue a CDBG application for economic development and the meals program?

**Strategic Priority:** Economic Development

**Fiscal Impact:** The City will have no cost for this program if awarded funds. The grant requires no local match, and all administrative expenses (estimated at \$15,000) will be taken out of any grant funding awarded to the City.

**Legal Review:** The city attorney has not reviewed this item as a legal review was not required or necessary.

**Trade-offs:** Not applying for funding means that some local businesses may not have access to funds that may help them remain solvent through the implementation of Governor Kelly’s “Ad Aspera” plan to re-open the state’s economy. The Chamber of Commerce, El Dorado Inc., and Main Street have been making contact with small businesses throughout the community, and many businesses are struggling with needed working capital to keep their businesses operating. Some businesses do not have adequate inventory to operate as the economy re-opens.

In addition, the meals program is also important to ensure that citizens that rely on meals programs continue to have access to meals during the summer months.

**Staff Recommendation:** The city manager recommends moving forward with an application for the CDBG funds from the Kansas Department of Commerce as quickly as possible to ensure the best chance of obtaining funding to assist these two critical elements of the community manage through the COVID-19 situation. The city manager also recommends designation of a grant administrator for any grant funds received from a grant award. Bids were sent out to several such administrators and the results will be reported to the City Commission at Wednesday’s meeting.

**Commission Actions:**

There are two actions associated with this item:

1. Commissioner \_\_\_\_\_ moved approve Resolution \_\_\_\_\_ certifying legal authority and authorization to apply for the CDBG-CV from the Kansas Department of Commerce.  
Commissioner \_\_\_\_\_ seconded the motion.
  
2. Commissioner \_\_\_\_\_ moved to designate \_\_\_\_\_ as the City’s grant administrator for CDBG-CV funds received from the Kansas Department of Commerce.  
Commissioner \_\_\_\_\_ seconded the motion.



## **CDBG-CV Frequently Asked Questions**

### **GENERAL QUESTIONS & PROGRAM ELIGIBILITY**

#### **Can I apply for both Economic Development and Meal Assistance grants?**

Yes. You can apply for both types of grants. If you are applying for both economic development and meal program grants, only one application is necessary.

#### **Who is eligible to apply?**

Non-entitlement cities and counties in the state of Kansas, which are defined as “general purpose units of government,” are eligible to apply for CDBG-CV funding.

#### **Are entitlement cities or counties eligible?**

No. Entitlement communities include Kansas City, Wichita, Topeka, Lawrence, Leavenworth, Manhattan, Overland Park and all cities within Johnson County. They are not eligible to apply for state of Kansas CDBG funds since they get funds directly from HUD.

#### **Could a county apply on behalf of multiple small cities? For example, several of our Counties have several small cities that may only have 1 to 5 businesses and it might be easier to have the County Economic Development person put together a joint application and administer the funds on their behalf.**

Yes. A county can apply on behalf of multiple cities / the entire county. However, if one of those cities also obtains funds independently of the county, the county funds cannot be used in that city. This is possible without an inter-local agreement.

#### **What is the difference between the Micro-Grants and Economic Development Grants?**

Micro grants are for those companies with five or fewer employees (with one being the owner). Economic development is for those businesses with between six-50 employees (the owner is not counted).

#### **Are companies with more than 50 employees eligible for CDBG-CV?**

No. Companies with more than 50 employees are not eligible to apply for CDBG-CV. The city or county can, however, apply for regular CDBG economic development grants. More information on these grants can be found online at [www.kansascommerce.gov/cdbg](http://www.kansascommerce.gov/cdbg).

#### **Where do I go to apply?**

Applications, as well as all necessary information on applying, can be found at [www.kansascommerce.gov/cdbg-cv](http://www.kansascommerce.gov/cdbg-cv). On this site, you can review the guidelines, register a user account and complete the application.



**Can I complete a paper application, or do I have to apply online?**

The entire application process is submitted online with the supporting documents uploaded as requested. Paper applications will not be accepted.

If you have issues applying, including problems accessing the application or not receiving a verification email, please contact [debbie.beck@ks.gov](mailto:debbie.beck@ks.gov).

**On the application, there is a place to add/edit sources. What does that mean?**

This is only necessary for those applicants supplying matching funds, which is not a requirement. In that case, you should list sources of funding and their corresponding dollar amounts.

**What is the anticipated time frame for city/county applications to be processed and money dispersed?**

The Department of Commerce will notify the community as quickly as possible if they have been awarded CDBG-CV funds, with the goal of notification within 15 days of application submission/completion.

**How quickly will businesses have access to funds?**

If the business is awarded funds from its city and/or county, funds will have to be drawn from the Department of Commerce. Once the draw request is submitted to Commerce, the city and/or county will have funds in 10-14 days.

**Do you anticipate the application being easy enough for communities to handle, or would the applications be better handled by contract grant administrator?**

That depends on the capacity of the city or county.

**What does “working capital” mean?**

Working capital can cover inventory, wages, utilities and everyday expenses except for paying existing debt off. Businesses must provide invoices to the city/county when drawing down funds.

**Matching funds are not required, but will matching funds increase a community’s score when these are rated?**

There is no scoring. Awards are granted on a first-come, first-served basis.

**Does a city need to know exactly which businesses are applying before submitting their application, or can that be determined after funding is awarded?**

You don’t have to know exactly what businesses will apply and benefit from funding, but you should be prepared to provide some basic, high-level information on recipients in your application.

**If there is a city that has a split school district between two towns that wanted to utilize the grant dollars to do a summer food program and BOTH cities are LMI, who would apply and would a local agreement be sufficient ,or would each town have to do their own?** The applicant would be the city and/or county where the physical building is located. The population served would need to be described in the Project Narrative.



### **Can businesses apply for CDBG-CV funds through the Department of Commerce?**

No. Only non-entitlement Kansas cities and counties can apply for CDBG-CV funding through the Department of Commerce.

Businesses must make their applications for funding directly with the city or county where they are located.

### **How will cities and/or counties distribute Economic Development grants to businesses?**

Each city and/or county determines how to allocate the funds awarded to them on a local level. The amount of funds able to be granted to businesses is dependent on the number of jobs retained per business.

For businesses with 1-5 employees, up to \$25,000 per FTE can be awarded, with a maximum funding of \$30,000 per company.

For businesses with 6-50 employees, up to \$35,000 per FTE can be awarded, with a maximum funding of \$50,000 per company.

### **Can an applicant apply for an Economic Development grant and a Meal Program grant?**

Yes, so long as the community is LMI and the business receiving those funds proves national objective by retained LMI jobs.

### **When applying for Meal Program grants, is the amount you apply for tied to a maximum per person (\$2K) in the community?**

There is no per-person maximum for Meal Program grants; only a maximum total award of \$100,000.

### **Can meal programs be funded as Urgent Need?**

According to our HUD field office, no, meal programs cannot be funded as Urgent Need.

### **Which organizations can be tasked with distributing food?**

A non-profit, or it can be directly from the city or county itself.

### **Is PPE still available for nonprofit hospitals?**

No. PPE was initially being considered as an eligible expense; however, it removed due to additional funding being available through other sources. If your community is in need of PPE, work with your local county health commissioner. If you have difficulty accessing PPE, contact [amy.selm@ks.gov](mailto:amy.selm@ks.gov).

## **BUSINESS AND/OR PROJECT ELIGIBILITY**

### **How do I know if my city or county has CDBG-CV funds available for businesses?**

Cities and counties are responsible for notifying businesses if/when they receive CDBG-CV grant funding. If you have questions about whether or not your city and/or county has CDBG-CV grant funds available, you should contact your city clerk or county clerk offices directly.

### **What types of businesses are eligible to receive CDBG-CV funding from their city and/or county?**

Businesses and organizations that suffered losses due to COVID-19, and who have not received funding from other resources, are eligible to receive CDBG-CV funding from their city and/or county. Businesses must have been in existence as of March 1, 2020.



**Are businesses owned by public officials eligible to receive CDBG-CV grants?**

No. Companies with a conflict-of-interest (for example, a business owned by a city councilor) are ineligible for grant funds.

**If the local government provided small stipends in the beginning of the pandemic, are the businesses that received them now ineligible?**

You will not need information from businesses until after funding. If you used revolving funds before, you can still give them additional money, as long as they do not pay off the loans made previous with the new money.

**Do agricultural businesses (farming, ranching, dairy, etc.) impacted by the coronavirus pandemic qualify for the CDBG-CV opportunity?**

So long as the business meets the national objective of jobs being retained, agricultural business are eligible for CDBG-CV funding.

**A farmer's cooperative has several branch locations in multiple cities and multiple counties. Does each location stand on its own, or is funding available only under the whole cooperative in whatever city or county it is located?**

Grants are awarded by location.

**Are home-based businesses eligible for CDBG-CV funding from their city and/or county?**

Yes. Home-based businesses are eligible to receive funding.

**If a business participated in the Paycheck Protection Program (PPP), are they eligible to receive CDBG-CV funds?**

Yes, but the CDBG-CV funds may not be used for employee salaries.

**If a business participated in the Economic Injury Disaster Loan program (EIDL), are they eligible to receive CDBG-CV funds?**

Yes, so long as it is not a duplication of benefits.

**If a business participated in the Hospitality Industry Relief Emergency (HIRE) Fund loan program, are they eligible to receive CDBG-CV funds?**

Yes. Because the HIRE Fund was funded with state dollars, there is no impact on a company's ability to apply for and receive a CDBG-CV grant, as they are funded with federal dollars.

**Is the purchase and installation of hand sanitizer stations or physical dividers/barriers in a business is eligible?**

Yes. These items are considered working capital.

**Are the Economic Development grants eligible for paying off existing debt from other sources including local revolving loan funds?**

No.

**Generally, a church or school isn't eligible for CDBG funds. If either has a food program or pantry, would they qualify?**

Yes. Churches and schools with food programs and pantries are eligible to apply through their city and/or county.



**Is refilling a low or empty food pantry eligible under Meal Programs?**

Yes. Replenishing a food pantry is an eligible CDBG-CV project.

**Can a community create a new food pantry with the CDBG-CV funds?**

Yes. Communities can create new food pantries with the funding.

**Would the purchase of freezers be eligible for a food pantry?**

No.

**For Meal Program grants, must the funding be used directly for food cost, or could it be used to rent for a building for an emergency food pantry during COVID-19 period?**

Both are acceptable expenses/uses. Purchasing equipment, however, is not an acceptable expense.

**A local 501(c)3 runs the Meals on Wheels program, and they were not able to hold their major fundraiser because of the COVID-19 pandemic. Would they be able to apply?**

Yes. They would be an eligible recipient of CDBG-CV funds. The city and/or county would have to apply for those funds.

**REQUIREMENTS & PREREQUISITES**

**Can a city administer their grants, themselves, or is a grant administrator required?**

The city may administer their own grant. However, CDBG funds cannot pay the salary for the individual administering the grant.

**What is the benefit of using a grant administrator?**

Grant administrators have experience with how the CDBG regulations work, so it may be advantageous for a city or county to look into procuring one to assist with administration after funding is awarded, but it is not required.

**Can CDBG-CV grant funds be used to pay for a grant administrator?**

The CDBG-CV program can pay for a grant administrator as part of the funding at a 10% maximum of the total application. You can find guidelines for how to procure a grant administrator within the 2019 General Application Guidelines on the Commerce [website](#). If the city chooses to pay for an administrator themselves, that should be noted on the local budget.

**If a community does not have a planning commission, does the community still have to use the procurement process for the grant to pay for administrative services?**

The procurement process is required in this case.

**If only one bid is received, will we need a single-source waiver?**

Yes. A single-source waiver is required.



### **Can public meetings be conducted virtually?**

Yes. Public meetings may be conducting virtually using a video streaming service. A link to the website where the public meeting will be shown must be placed prominently on the grantee's website.

A public hearing notice, including a web address where the public meeting will be streamed (if conducted virtually) must be published/printed in a local newspaper having general circulation in the community applying for the funds. Posting the public hearing notice online only is not allowed.

You will need to upload a notarized copy of affidavit. This will be required and listed on the attachment list to check. Publications and hearings must be completed and documented before the application can be submitted.

### **Can we conduct formal bid openings virtually?**

Yes. Like public meetings, the video streaming service must provide closed caption functionality and be able to collect and respond to comments and questions from the public. A link to website where the bid opening will be shown must be placed prominently on the grantee's website. Lastly, the newspaper advertisement must still run the required number days prior to the bid opening and web address to the grantee's website or the web address where public meeting will be streamed must be included.

### **What year of LMI survey will be eligible?**

An LMI survey is only required if you are applying for Meal Program grants.

Surveys conducted since the 2012 application rounds are eligible to use. Survey or HUD 2015 Census Data is required to verify LMI % for cities or counties applying for meal programs. Job certifications after funding for businesses verifies the LMI % requirement. There are details on the LMI survey requirements in the [2019 General Application Guidelines](#).

### **What are specific LMI requirements for applying?**

This grant is for existing businesses to retain employees or bring back employees they have had to let go due to COVID-19. The LMI is based on the employee and the size of their family, as well as family income for the previous 12 months from date they are certifying. Income qualification will be based on adjusted gross income.

### **The 2019 application guidelines states, "Each prospective applicant must hold one public hearing a minimum of 15 days prior to application due date for any application submitted for CDBG funding. Does this apply to CDBG-CV?"**

No. Because there is no deadline for CDBG-CV applications, you only need to publish a minimum of five full days before the hearing (starting one day after publication date and not counting the date of the hearing, i.e., a total of seven days)

### **For a county applying for Meal Program grants, on the application where it says survey or census, would they answer this for the LMI cities that would benefit? Should they list each one?**

You would mark survey, add them all up together and use that total number. Then, you will need to upload the survey method and how it was done, listing who was added to make the total numbers. This must match the benefit number indicated on your application.



**Will the environmental review be per “project” or will it have to be per individual business?**

Micro Grants and Economic Development projects are granted to each business receiving funds, but as working capital it's categorically excluded not subject to (CENST). The Meals Program falls under Exempt §58.34(4).

**(Minimum required by all applicants for funding – must be submitted with application)**

**RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN  
UNDER SECTION 104(D) OF THE  
HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED**

The jurisdiction will replace all occupied and vacant occupiable low- and moderate-income dwelling units demolished or converted to a use other than as low- moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR Part 570.488.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the [jurisdiction] will make public and submit to the Kansas Department of Commerce the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low- and moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as Section 104(d) replacement dwelling units;
5. The source of funding and a time schedule for the provision of Section 104(d) replacement dwelling units; and
6. The basis for concluding that each Section 104 (d) replacement dwelling unit will remain a low- and moderate-income dwelling unit for at least ten years from the date of initial occupancy.

The jurisdiction will provide relocation assistance, as described in Section 570.488 to each low- and moderate-income household displaced by the demolition of housing or by the conversion of a low- and moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the act, the jurisdiction will take the following steps to minimize the displacement of persons from their homes:

Based on initial review of project, the following occupied dwellings (N/A) will be demolished with grant funds (should contain proposed demolitions):

As chief official of the jurisdiction, I hereby certify that the above plan was officially adopted by the jurisdiction of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature - Chief Elected Official

THE CITY/COUNTY OF \_\_\_\_\_, KANSAS

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CERTIFYING LEGAL AUTHORITY AND AUTHORIZATION

TO APPLY FOR THE CDBG-CV

FROM THE KANSAS DEPARTMENT OF COMMERCE

WHEREAS, The City/County of \_\_\_\_\_, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

WHEREAS, The City/County of \_\_\_\_\_, Kansas, intends to submit an application for assistance from CARES Act under the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby certifies that the City/County of \_\_\_\_\_, Kansas, is a legal governmental entity under the status of the laws of the STATE OF KANSAS and thereby has the authority to apply for assistance from the CARES Act under the KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby authorizes the MAYOR/COMMISSIONER of \_\_\_\_\_, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

As Chief Elected Official of the City/County of \_\_\_\_\_, I hereby certify that I have knowledge of all activities in the above-referenced application.

THE APPLICANT hereby dedicates \$ \_\_\_\_\_ in matching funds toward this project

APPROVED BY THE GOVERNING BODY OF THE CITY/COUNTY OF \_\_\_\_\_, KANSAS,

this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED \_\_\_\_\_  
MAYOR/COMMISSIONER

ATTEST \_\_\_\_\_

(SEAL)

THE CITY/COUNTY OF \_\_\_\_\_, KANSAS

# Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 11/30/2018)

**Instructions.** (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

## Applicant/Recipient Information

Indicate whether this is an Initial Report  or an Update Report

1. Applicant/Recipient Name, Address, and Phone (include area code):	2. Social Security Number or Employer ID Number:
3. HUD Program Name	4. Amount of HUD Assistance Requested/Received
5. State the name and location (street address, City and State) of the project or activity:	

## Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3). <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of \$200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9 <input type="checkbox"/> Yes <input type="checkbox"/> No.
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If you answered "No" to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form. **However,** you must sign the certification at the end of the report.

## Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(Note: Use Additional pages if necessary.)

## Part III Interested Parties. You must disclose:

- All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
- any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity (\$ and %)

(Note: Use Additional pages if necessary.)

## Certification

**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 United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for each violation.

I certify that this information is true and complete.

Signature:  X	Date: (mm/dd/yyyy)
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[CLICK HERE FOR FORM FILL PDF](#) [CDBG Disclosure Report](#)

**\*\* SEE GENERAL APPLICATION REQUIREMENTS FOR DISCLOSURE REPORT REQUIREMENTS \*\***

## STATEMENT OF ASSURANCES AND CERTIFICATIONS

The applicant hereby assures and certifies with respect to the grant that:

1. It possesses legal authority to make a grant submission and to execute a community development and housing program.
2. Its governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the person identified as the official representative of the grantee to submit the final statement, all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the final statement and to provide such additional information as may be required.
3. Prior to submission of its application to Commerce, the grantee has met the citizen participation requirements, prepared its application of community development objectives and projected use of funds, and made the application available to the public, as required by Section 104(a)(2) of the Housing and Community Development Act of 1974, as amended, and implemented at 24 CFR 570.486.
4. It has developed its final statement (application) of projected use of funds 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 final statement (application) of projected use of funds may also include activities that 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.
5. Its chief executive officer or other officer of the grantee approved by Commerce:
  - (a) Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969 and other provisions of federal law as specified in 24 CFR 58.1(a);
  - (b) Is authorized and consents on behalf of the grantee and himself/herself to accept the jurisdiction of the federal courts for the purpose of enforcement of his/her responsibilities as such an official; and
6. The grant will be conducted and administered in compliance with the following federal and state regulations (see Appendix A: Applicable Laws and Regulations):
  - (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and implementing regulations issued at 24 CFR Part 1;
  - (b) Fair Housing Amendments Act of 1988, 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 provision of brokerage services;
  - (c) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.602);
  - (d) Section 3 of the Housing and Urban Development Act of 1968, as amended; and implementing regulations at 24 CFR Part 135;
  - (e) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60;
  - (f) Executive Order 11063, as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;

- (g) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations when published for effect;
  - (h) The Age Discrimination Act of 1975, as amended, (Pub. L. 94-135), and implementing regulations when published for effect;
  - (i) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR 570.488;
  - (j) Anti-displacement and relocation plan requirements of Section 104(d) of Title I, Housing and Community Development Act of 1974, as amended;
  - (k) Relocation payment requirements of Section 105(a)(11) of Title I, Housing and Community Development Act of 1974, as amended.
  - (l) The labor standards requirements as set forth in 24 CFR 570.603 and HUD regulations issued to implement such requirements;
  - (m) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
  - (n) The regulations, policies, guidelines and requirements of 2 CFR Part 200 and A-122 as they relate to the acceptance and use of federal funds under this federally assisted program;
  - (o) The American Disabilities Act (ADA) (P.L. 101-336: 42 U.S.C. 12101) provides disabled people access to employment, public accommodations, public services, transportation, and telecommunications;
7. The conflict of interest provisions of 24 CFR 570.489 apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or sub recipients which are receiving CDBG funds. None of these persons may obtain a financial interest or benefit from the activity, or have an 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, and that it shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this certification;
  8. It will comply with the provisions of the Hatch Act that limits the political activity of employee;
  9. It will comply with the provisions of 24-CFR-200.
  10. It will give the state, HUD, and the Comptroller General or any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant;
  11. It will comply with the lead-based paint requirements of 24 CFR Part 35 Subpart B issued pursuant to the Lead-Based Paint Hazard Elimination Act (42 U.S.C. 4801 et seq.).
  12. The local government will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by low- and moderate-income persons unless: (a) CDBG funds are used to pay the proportion of such assessment that relates to non CDBG funding or; (b) the local government certifies to the state that, for the purposes of assessing properties owned and occupied by low- and moderate-income persons who are not very low-income, that the local government does not have sufficient CDBG funds to comply with the provision of (a) above.

13. It accepts the terms, conditions, selection criteria, and procedures established by this program description and that it waives any right it may have to challenge the legitimacy and the propriety of these terms, conditions, criteria, and procedures in the event that its application is not selected for CDBG Funding.
14. It will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally assisted program.
15. 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.

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

\_\_\_\_\_  
Signature, Chief Elected Official

\_\_\_\_\_  
Name (typed or printed)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

To Whom It May Concern:

As Chief Elected Official of the City/County of \_\_\_\_\_, I hereby certify that I have knowledge of all activities in the above-referenced application. I also certify that I am aware that the regulations of the CDBG program prevent the use of any facility built or rehabilitated with CDBG funds, or any portion thereof, to be used for the conduct of official business. I therefore certify that no portion of the above application violates this regulation.

\_\_\_\_\_  
Mayor/County Commission

ATTEST:

\_\_\_\_\_  
City/County Clerk

Kansas Department of Commerce  
 Community Development Block Grant (CDBG) Program  
 1000 S.W. Jackson St., Suite 100  
 Topeka, KS 66612-1354

**DETERMINATION OF LEVEL OF REVIEW**

ENVIRONMENTAL REVIEW RECORD (ERR)

Grantee Name & Project Number: City of El Dorado

Project Location: With in the City Limits of the City of El Dorado

Project Description: Funds for micro-grants and Economic Development to help local businesses that have been affected by COVID-19 virus with funding to create and retain jobs for low- to- moderate income people. Businesses where over 51% of employee's meet low- to- moderate income guidelines with 1-50 employees. The estimated project cost is \$300,000.00 with a grant request for \$300,000.00.

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” and the following determination with respect to the project is made:

- Exempt from NEPA review requirements per 24 CFR 58.34(a)(\_\_\_)
- Categorical Exclusion NOT Subject to §58.5 authorities per 24 CFR 58.35(b)(4)
- Categorical Exclusion SUBJECT to §58.5 authorities per 24 CFR 58.35(a)(\_\_\_)
- An Environmental Assessment (EA) is required to be performed.
- An Environmental Impact Statement (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

Bill Young, Mayor  
 Chief Elected Official (print name/title)

\_\_\_\_\_  
 Chief Elected Official’s Signature

\_\_\_\_\_  
 Date

**RESOLUTION NO \_\_\_\_\_**

**RESOLUTION CERTIFYING LEGAL AUTHORITY AND AUTHORIZATION TO APPLY FOR THE CDBG-CV FROM THE KANSAS DEPARTMENT OF COMMERCE**

WHEREAS, The City of El Dorado, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

WHEREAS, The City of El Dorado, Kansas, intends to submit an application for assistance from CARES Act under the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby certifies that the City of El Dorado, Kansas, is a legal governmental entity under the status of the laws of the STATE OF KANSAS and thereby has the authority to apply for assistance from the CARES Act under the KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby authorizes the MAYOR of El Dorado, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance of the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

As Chief Elected Official of the City of El Dorado, Kansas, I hereby certify that I have knowledge of all activities in the above-reference application.

THE APPLICANT hereby dedicates \$0.00 in matching funds toward the project.

APPROVED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS, this \_\_\_\_\_ day of May, 2020.

\_\_\_\_\_  
Bill Young, Mayor

ATTEST:

\_\_\_\_\_  
Tabitha Sharp, City Clerk