

(SUGGESTED DRAFT RESOLUTION)

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANSING, MICHIGAN AUTHORIZING THE SUBMISSION OF A BROWNFIELDS ECONOMIC DEVELOPMENT INITIAITIVE GRANT APPLICATION AND SECTION 108 LOAN GUARANTEE APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Lansing has determined that a high priority exists to bring vacant historic buildings in the downtown back into productive use and the Knapp's Building project meets this priority; and

WHEREAS, the Knapp's Building project is included in the City's adopted One Year Action Plan of the Consolidated Plan: and

WHEREAS, the Brownfield's Economic Development Initiative (BEDI) and the Section 108 Loan Guarantee programs, implemented by the United States Department of Housing and Urban Development (HUD), are designed to provide funds to assist with these types of projects; and

WHEREAS, under the Section 108 Loan Guarantee program, the City can borrow up to five years its annual Community Development Block Grant allocation, and can take up to twenty years to repay the principal and interest; and

WHEREAS, the City is requesting a total of \$2,000,000 in BEDI funds and \$4,395,400 in Section 108 Loan Guarantee funds to assist with the development project; and

WHEREAS, the Mayor is authorized to submit the Section 108 Loan Guarantee application and amendments thereto and all understandings and assurances contained therein, and to act in connection with the application to provide such additional information as may be required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lansing resolves as follows:

SECTION 1. The City hereby certifies and assures with respect to its application for a loan guarantee pursuant to Section 108 of the Housing and Community Development Act of 1974, as amended, that it poses the legal authority to make the pledge of grants required under 24 CFR 570.705 (b) (2).

SECTION 2. As prerequisites for submission of the application to HUD, the City certifies that it has:

(a) Furnished citizens with information required by Section 570.704(a) (2)(i) of Title 1 of the Housing and Community Development Act of 1974, as amended;

(b) Held at least one public hearing, on May 10, 2010, to obtain the views of citizens on community development and housing needs; and

(c) Prepared its application in accordance with Section 570.704(a)(1)(iv) of Title 1 of The Housing and Community Development Act of 1974, as amended, and made the application available to the public.

SECTION 3. The City has and will continue to follow a detailed citizen participation plan that meets the requirements described in Section 570.704(a)(2) of Title 1 of the Housing and Community Development Act of 1974, as amended.

SECTION 4. The City has and will continue to affirmatively further fair housing, and the guaranteed loan funds will be administered in compliance with:

- (a) Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.); and
- (b) The Fair Housing Act (42 U.S.C. 3601-20).

SECTION 5. Will expend in the aggregate, at least 70 percent of all CDBG funds, as defined in Section 570.303(e) of Title 1 of The Housing and Community Development Act of 1974, as amended, during the one, two, or three consecutive years specified by the City for its CDBG program on activities which benefit low/moderate income persons, as described in criteria in Section 570.208(a) of the Act.

SECTION 6. The City has and will continue to comply with the requirements governing displacement, relocation, real property acquisition, and the replacement of low and moderate income housing described in Section 570.606.

SECTION 7. The City has and will continue to comply with other provisions of the Act and with other applicable laws.

SECTION 8. The City has and will continue to Certify regarding debarment, suspension, and other responsibility as follows:

(a) The prospective recipients of the Section 108 Loan Guarantee funds and all of their contractors will certify to the best of their knowledge and belief, that they:

- 1). Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- 2). Have not within a three year period preceding approval of their application, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- 3). Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)2 of this certification; and
- 4). Have not within a three year period preceding approval of their application, had one or more public transactions (Federal, State or local) terminated for cause or default.

SECTION 9. The City hereby assures and certifies with respect to its application for a loan guarantee pursuant to Section 108 of the Housing and Community Development Act of 1974, as amended, that it has made efforts to obtain financing for the activities described herein without the use of such guarantee, that it will maintain documentation of such efforts for the term of the loan guarantee, and that it cannot complete such financing consistent with the timely execution of the program plans without such guarantee.

SECTION 10. The City has and will continue to hereby certify, to the best of its knowledge and belief, the following:

(a) 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 or cooperative agreement, and the extension, continuation, renewal amendment, or modification of any /Federal contract, grant, loan or cooperative agreement;

(b) 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 any employee of grant, loan or cooperative agreement, it will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

(c) It will require that the language of paragraph (a) 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.

SECTION 11. Continue to maintain a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, 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;

(b) Establishing an ongoing drug-free awareness program to inform employees about the following:

- 1). The dangers of drug abuse in the workplace;
- 2). The grantee's policy of maintaining a drug-free workplace;
- 3). Any available drug counseling, rehabilitation, and employee assistance programs; and
- 4). The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(c) Making it a requirement that each employee engaged in grant activity be given a copy of the statement required by paragraph (a).

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

1). Abide by the terms of the statement; and

2). 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.

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)2 from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position and 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.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)2, with respect to any employee who is so convicted:

1). Taking appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended, and any other applicable federal and state laws; and

2). In appropriate circumstances, require an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a Federal, State or local health, law enforcement, or other appropriate agency.

SECTION 12. This Resolution shall be effective immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the council of the City of Lansing at a regular meeting thereof held on May 10, 2010, by the following vote;

AYES:
NOES:
ABSTAIN:
ABSENT:

**CITY CLERK and Ex Officio Clerk of the
Council of the City of Lansing**

APPROVED _____

By _____
VIRG BERNERO
Mayor

APPROVED AS TO FORM:

City Attorney

Lansingbedi/108reso