



**City of Saxman  
Building and Ordinance Committee  
Meeting  
October 11, 2022  
4:00 PM**

## **AGENDA**

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### **Call to Order**

### **Roll Call**

### **Public Comment**

### **Consideration of the Agenda**

### **Old Business**

1. Land Swap

Background: Asking Council to approve giving the school house to the Tribe and sub divide that lot and taking back the land by totem park.

2. Draft Public Nuisances Ordinance

Background: The City Administrator would like the Council to consider a Public Nuisance Ordinance. Currently the City of Saxman code doesn't address litter, refuse and rubbish that is not an animal nuisance. This is a second draft presented from the City Administrator.

3. Offer to purchase land plot for residential home

Background: Mr. and Mrs. Gubatayo submitted an offer to purchase land to the Saxman City Council.

### **New Business**

4. EMS and Fire Fees

Background: The EMS contract will expire in the next 12 months. Currently the City subsidizes the EMS contract fee of \$30,000.00. The South Tongass Service Area has made it clear that they will be looking for an increase in the amount the City of Saxman pays for the EMS and fire service. The Council needs to consider how it will fund this increase.

5. CDBG Projects FY22

Background: It is that time of year where CDBG applications are open. The Council needs to promote 2 public meetings where project selection is discussed. The Administrator is asking the Council to choose which projects they would like to apply for funding for. The max award is \$850,000.

6. VPSO MOU with Tlingit and Haida

Background: The current MOU is expired and needs to get re-signed. The City attorney has reviewed the document.

### **Council Comments**

## Adjournment

Introduced on: \_\_/\_\_/2022  
Public Hearing Date: \_\_/\_\_/2022  
Adopted on: \_\_/\_\_/2022

CITY OF SAXMAN, ALASKA  
ORDINANCE# 22-\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAXMAN  
AMENDING CITY OF SAXMAN CODE CHAPTER 8.05 NUISANCES:  
ADOPTING A NEW SECTION 8.05.030 - PROPERTY NUISANCE; ADOPTING A NEW  
SECTION 8.05.040 - VACANT BUILDINGS AND ABANDONED REAL PROPERTY  
REGISTRY; ADOPTING A NEW SECTION 8.15.050 - NUISANCE AND ABATEMENT  
ENFORCEMENT; AND, PROVIDING FOR EFFECTIVE DATE.**

Whereas, the Saxman City Council finds that accumulation of objects, debris, and other materials in yards within the City of Saxman creates visual blight which is damaging to property values, injurious to tourism and other economic development and constitutes a public nuisance; and,

Whereas, the Saxman City Council finds that it is in the best interests of the City of Saxman and its residents to take steps to reduce or prevent the maintenance of property in a nuisance condition; and,

Whereas, the Saxman City Council finds that unmonitored or unsecured vacant buildings and abandoned real property poses a public safety and security risk from the potential for vandalism, fires, deterioration and unpermitted entry; and,

Whereas, the Saxman City Council finds that neighbors aware of an undesirable condition or adverse development at a vacant or abandoned building often lack an effective means of contacting the owner or person responsible for the vacant or abandoned building; and,

Whereas, the Saxman City Council finds that it is in the best interests of the City of Saxman and its residents to take steps to ensure that vacant or abandoned buildings are properly secured and monitored to reduce the risk of vandalism, unauthorized entry or other public safety risks; and,

Whereas, the Saxman City Council finds that the current provisions of the City of Saxman Code do not adequately address nuisance situations created when a property sits vacant or when the accumulation of objects or materials in a yard creates visual blight and a nuisance condition.

**NOW, THEREFORE, BE IT ORDAINED BY THE SAXMAN CITY COUNCIL THAT:**

Section 1: This ordinance is of permanent nature and shall become a part of the City of Saxman Code of Ordinances.

Section 2: That a new section 8.05.030, Property Nuisance, of the City of Saxman Code of Ordinances is enacted to read as follows:

**08.05.030 Property Nuisance**

(a) The City of Saxman declares that the following constitute a nuisance:

*Public nuisance* means any act or condition forbidden by any provision of this chapter and any act or condition that annoys, injures or endangers the safety, health, comfort or repose of the public. Public nuisance includes, but is not limited to the conditions described in subsection c of this section.

(b) No person shall allow, maintain or permit a public nuisance to exist or allow, maintain or permit recurrence of a public nuisance. Such existence, allowance, maintenance, permitting or recurrence of a public nuisance is a violation of this chapter.

(c) Public nuisances include, but are not limited, to the following acts and conditions:

(1) *Abandoned real property and vacant buildings.* Vacant buildings and abandoned real property, except those that have been registered and meet all requirements of Saxman Code Section 8.05.040.

(2) *Attractive nuisances.* Attractive nuisances dangerous to children in the form of abandoned or broken equipment, hazardous pools or ponds or excavations, neglected machinery or abandoned refrigerators, freezers, or other major appliances.

(3) *Unightly premises.* Property including but not limited to building exteriors maintained in such condition as to become so defective or unsightly or in such condition of deterioration or disrepair that the property causes appreciable diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes but is not limited to the keeping or disposing of or the scattering over the property or premises of any waste, lumber, or unused objects of equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers; stagnant water or excavations; or, any device, decoration, design, fence, structure, clothesline or vegetation that is unsightly by reason of its condition or its inappropriate location.

(4) *Disposition and handling of solid or liquid waste.* For purposes of this section “*solid waste*” means garbage, litter, refuse, rubbish and other unwanted or discarded matter with insufficient liquid content to be free-flowing.

The following are public nuisances:

(i) The burning of solid or liquid waste, or the emission from any stack or chimney of any smoke, soot, particulate or gaseous matter in a manner that is noxious, harmful or abnormally bothersome to the public.

(ii) Discarding or placing any solid or liquid waste upon public property not set aside by law as a refuse disposal site or sanitary fill.

(iii) Discarding, placing or maintaining any junk or salvage upon any private property that is not an authorized junk or salvage yard in accordance with applicable federal, state and local law. The owner, lessee, agent or occupant of any private property not maintained as a junk or salvage yard in accordance with applicable federal, state and local law, shall not allow nor permit any junk or salvage to remain on the property, nor fail to maintain the property free of wastes, in a manner approved by the department.

(iv) Storage of garbage except in tightly covered, washable refuse containers or sealed garbage bags, or in the case of solid waste that can be further categorized as junk or salvage, storage in an unsecured manner. Containers shall be kept in a clean and sanitary condition by the owner.

(v) Storage or maintenance of refuse containers, excluding dumpsters, in front or side yards visible from public streets or alleys for unreasonable periods, seven days being prima facie evidence of an unreasonable period.

(vi) Storage or maintenance of packing boxes, junk or waste in front or side yards visible from public streets for unreasonable periods, seven days being prima facie evidence of an unreasonable period.

Section 3: That a new section 8.05.040, Vacant Buildings and Abandoned Real Property Registry, of the City of Saxman Code of Ordinances is enacted to read as follows:

**8.05.040 Vacant Buildings and Abandoned Real Property Registry**

(a) *Definitions.* For purposes of this section, the following words, terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning.

(1) “Abandoned Real Property” means real property that has been abandoned by all of its lawful owners.

(2) “Vacant Building” means a structure designed for residential or commercial use that has not been lawfully used for residential or commercial purposes for 180 days. Vacant does not include:

(i) vacation properties;

(ii) structures used only on a seasonal basis;

(iii) a building which has been vacant for less than 365 days, if the building has been continuously offered in good faith for sale, lease or rent since the 181st day it most recently ceased to be used for lawful residential or commercial purposes; or,

(iv) buildings for which there is:

(A) a valid current building permit or zoning permit for repair, rehabilitation, construction or demolition;

(B) such permitted repair, rehabilitation, construction or demolition is actively underway, and,

(C) such repair, rehabilitation, construction or demolition is completed within one year of the permit being issued.

(b) *Duty to register.* The owner of a vacant building or owner of an abandoned real property not registered pursuant to this section must file a complete registration statement within 30 days of the building becoming vacant or abandoned.

(c) *Contents of registration.* Registration statements shall be submitted in a manner and on a form prescribed by the City Administrator, and shall include:

(1) For each owner of the building, or abandoning owner of the real property, the owner's:

- (i) name,
- (ii) street address,
- (iii) mailing address,
- (iv) phone number,
- (v) facsimile number, if any,
- (vi) email address, and,

(vii) if the owner of a vacant building being registered is not also the owner of the real property upon which the building is situated, then include the same information listed above for the owner of the real property.

(2) For each agent authorized to act on an owner's behalf for the real property or building, the agent's:

- (i) name,
- (ii) street address,
- (iii) mailing address,
- (iv) phone number,
- (v) facsimile number, if any,
- (vi) email address,

(vii) the real property or building's street address, if any, and the tax parcel identification number of the real property or real property upon which the building is located, and,

(viii) an identification, by type and coverage levels, of any insurance policies covering the building or real property.

(3) For vacant buildings:

- (i) the period of time the building is expected to remain vacant,
- (ii) the current plan, with timetable, for returning the building to appropriate occupancy or for demolition, and,

(iii) for abandoned real property, a sworn statement from each owner that each abandoning owner has abandoned the real property to the municipality, together with an acknowledgment that abandonment of real property does not relieve any owner of any lawful liability, responsibility or obligation.

(d) *Annual fees.* The owner of a vacant building, and the former owner of an abandoned real property, shall pay an annual registration fee, which shall be deposited into the municipality’s nuisance property abatement fund. Annual registration fees shall be as follows:

- (1) \$100.00 for the first year,
- (2) \$500.00 for the second year,
- (3) \$1,000.00 for the third year, and,

(4) \$0.10 per the building’s total gross floor area with a minimum of \$1,000.00 for the fourth and each subsequent year the property remains registered.

(e) *Obligation to update registration.* An owner shall notify the City Administrator within 30 days, of any change in the information provided in the registration statement by filing an updated registration statement. There shall be no fee associated with the filing of an updated registration statement.

(f) *Duty to sign.* No later than 31 days after a building becomes vacant or abandoned, the owner of the vacant or abandoned building, other than a residential property for which the City Administrator has waived in whole the requirements of subsection (g)(1), shall post a weather-proof and durable sign in a format approved by the City Administrator indicating:

- (1) name, mailing address, telephone number, and email address of the owner or abandoning owner,
- (2) name, mailing address, telephone number, and email address of any agent authorized to act for the owner or abandoning owner with respect to the property, or to accept notice or service of process related to the property,
- (3) stating that “No Trespassing” is permitted,
- (4) the sign of which is no smaller than 8.5 inches by 11 inches, and,
- (5) the sign to be placed at each entrance or former entrance to a vacant or abandoned building, unless obscured by fencing or other barrier, in which case a sign shall be conspicuously placed on each side of the fence or other barrier visible from a public street or sidewalk.

(g) *Duty to secure.* Vacant and abandoned buildings shall be secured so as to prevent ingress or egress, except by persons authorized by an owner, as follows:

- (1) All doors, windows, and other openings shall be closed, weather-tight, and secured against entry by animals and trespassers by means of plywood or commercial grade steel.

(2) The City Administrator may waive the requirements of section (g)(1), in whole or in part, for a door or window where the door or window is in good repair, can be closed and secured, is weather-tight, and is sufficient to prevent ingress or egress in the absence of a covering.

(3) The City Administrator may order the grounds on which the vacant or abandoned building is situated or to be fenced, using materials and of a perimeter deemed sufficient by the City Administrator, in order to prevent further unlawful activity, where the City Administrator determines there is good cause to believe:

(i) that a vacant or abandoned building has not, by means specified in subsection (g)(1), been sufficiently secured against unauthorized ingress or egress, or,

(ii) that the building or real property is the site of repeated unlawful activity.

(h) *Duty to maintain.*

(1) The real property where a vacant or abandoned building is situated shall be kept clean, sanitary and free from waste, trash, rubbish, debris, and excessive vegetation.

(2) Vacant and abandoned buildings shall:

(i) be kept in a condition that is structurally safe,

(ii) be kept clean, sanitary, and free from waste, trash, rubbish, debris, and animals,

(iii) be appropriately winterized,

(iv) be kept free of graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure, and,

(v) be kept free of unauthorized signs and posters.

(3) Adherence to this section does not relieve any person of any valid obligation set forth in any covenant, condition, restriction or homeowners' association rule or regulation, or any other requirement of this code that applies to the property.

(i) *Removal from registry.* The owner of a registered vacant or abandoned real property or building, or the agent of the owner, may apply to remove the registered real property or building from the registry if the real property or building is no longer vacant or abandoned. Application for removal from the registry shall be accompanied by corroborating documentation that the real property or building is no longer vacant or abandoned. The City Administrator shall approve or deny the application within 30 days. If denied, the City Administrator shall describe the reasons in a written decision. A denial of an application for removal from the registry may be appealed to the Superior Court for the State of Alaska at Ketchikan.



(j) *Government buildings.* The City Administrator may send a courtesy notice to a federal, state or local government agency advising if a building fails to satisfy the duties to sign, secure and maintain the building in accordance with this section.

(k) *Liens.* Unpaid registration fees, delinquent fines imposed for violations of this section, and costs incurred by the City of Saxman for enforcement and work performed to achieve compliance with this section become a lien upon the real property upon which the building or structure is or was located. The City Administrator shall cause to be recorded a claim of lien at the Ketchikan District Recorder's Office. The lien placed shall meet all Alaska Statutes and municipal codes, and may be foreclosed upon in accordance with AS 09.45.170 through 09.45.220 or similar statutes in substitution thereof.

Section 4: That a new Section 8.05.050, Nuisance Abatement and Enforcement, of the City of Saxman Code of Ordinances is enacted to read as follows:

**8.05.050 Nuisance Abatement and Enforcement**

(a) For purposes of public nuisance abatement, a responsible person means the record owner of the property and any tenant or person occupying the property with permission of the owner.

(b) In addition to all other lawful procedures, enforcement officers are authorized to serve notice of violation on a responsible person for conditions on real property violating the provisions of this chapter by delivering a citation to the responsible person directly or by posting in a secure manner to the property or residence where the violation occurred, or other methods allowed by statute. The citation, among other things, shall indicate briefly the charge, the name of the responsible person, and shall direct the responsible person to present the citation at the City Administrator's office or other designated place within five days or such other reasonable time as may be specified by the Saxman Code of Ordinances for the presentation of fines, or if the responsible person wishes to contest the citation, to submit a request for appeal to the City Administrator at the place and time indicated on the citation or in accordance with the Saxman Code of Ordinances.

The City Administrator may require that the Village Public Safety Officer use citation forms furnished by the Finance Department and that such citations be serially numbered, and may regulate the use and handling of citations tags.

(c) The City Administrator may enforce provisions of this chapter by injunctive relief. Any property or structure maintained as a public nuisance in violation of this chapter shall be declared to be unlawful, and the City Administrator may issue a notice and order directed to the record owner of the building, any tenant or other person responsible for the violation, directing the abatement of the nuisance. A person who neglects or refuses to abate the nuisance upon order of the City Administrator or designee is guilty of a violation, which violation is punishable by a fine of up to \$300.00 for each day of violation. In addition to the penalties set out in this Chapter and Saxman Code of Ordinances, Chapter 1.25, the court may assess damages against the defendant for the expenses of abating the nuisance, including full attorney fees.

(d) If the owner or responsible person fails to abate the nuisance within 30 days, the City Administrator may commence an action in the manner provided by law and shall apply to such court or courts as may have jurisdiction for injunctive relief to abate the nuisance. The City may obtain an order compelling the owner or other responsible person to abate the nuisance, and

may obtain an order permitting the City to abate the nuisance at the owner's expense and to record a lien for the costs of abatement, including the full costs and attorney fees incurred by the City in obtaining injunctive relief to abate the nuisance. All remedies provided for herein shall be cumulative and not exclusive.

Section 5. Severability. If any provision or section of this ordinance, or the application thereof to any person or circumstances is held invalid, the each of the remaining sections and the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

*Effective Date:* This ordinance takes effect upon adoption. This ordinance will cease to be effective 60 days after adoption in accordance with Saxman Code of Ordinances, 1.20.050.

PASSED AND APPROVED by the Saxman City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF SAXMAN

By: \_\_\_\_\_  
Frank Seludo, Mayor

ATTEST:

By: \_\_\_\_\_  
Lori Richmond, Clerk

**VOTES:**

Ayes:

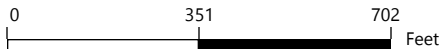
Noes:

Absent:



C. Gubatayo  
 Web Print: 08/08/2022

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



**AGREEMENT FOR PURCHASE AND SALE  
OF REAL PROPERTY AND ESCROW  
INSTRUCTIONS**

THIS AGREEMENT, for the Purchase and Sale of Real Property and Escrow Instructions (Hereinafter referred to as "Agreement to Purchase") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the CITY of SAXMAN, KETCHIKAN, ALASKA, (hereinafter referred to as "THE CITY"), 2841 S. Tongass Highway, Ketchikan, Alaska 99901, and Thomas & Cynthia Gubatayao, (hereinafter referred to as "BUYER") whose address is [REDACTED]

**RECITALS**

(1) The BUYER desires to acquire the real property owned by THE CITY more particularly described herein.

(2) THE CITY and BUYER have agreed the property will be sold to the BUYER on the terms and conditions herein contained.

NOW, THEREFORE, BUYER AND THE CITY mutually agree as follows:

Section (1): Sale of Property. THE CITY agrees to sell, transfer and convey, and the BUYER agrees to purchase, subject to the terms and conditions herein contained, the real property described as LOT 7, BLOCK 20 SAXMAN SUBDIVISION AS SHOWN ON THE OFFICIAL PLAT OF THE U.S. SURVEY 1652 A ACCORDING TO PLAT #95-15, KETCHIKAN RECORDING DISTRICT, FIRST JUDICIAL DISTRICT, STATE OF ALASKA, consisting of approximately 8,218 Square Feet, and any and all structures, buildings and other improvements thereon, and all fixtures and personal property located therein, hereinafter referred to collectively as the "Property" for the total price set forth in Section 2 below.

Section (2): Terms and Conditions of Sale.

(a) Purchase Price. The total purchase price for the Property to be purchased by the BUYER shall be [REDACTED]

(b) Condition of property.

BUYER acknowledges that it has inspected the Real Property, and all improvements, if any, situated within the Real Property prior to the execution of this Agreement. BUYER acknowledges and agrees the Real Property, together with all improvements

thereon, is being purchased in its entirety on the basis of "AS IS" IN ITS PRESENT CONDITION AND STATE OF REPAIR, WITH NO EXPRESS OR IMPLIED REPRESENTATIONS, STATEMENTS, OR WARRANTIES BY THE CITY AS TO THE PHYSICAL CONDITIONS, QUALITY OF CONSTRUCTION, WORKMANSHIP, STATE OF REPAIR, OR FITNESS FOR ANY PARTICULAR PURPOSE, ALL OF WHICH ARE SPECIFICALLY DISCLAIMED BY THE CITY, THE DISCLAIMER OF WHICH IS ACCEPTED BY BUYER AS EVIDENCED BY BUYER'S EXECUTION OF THIS AGREEMENT.

Section (3): Condition of Title. At Closing THE CITY shall, by warranty deed in the form attached hereto as Exhibit A, convey to the BUYER marketable fee simple title to the Property.

Section (4): Possession. THE CITY shall deliver possession of the Property to the BUYER at closing.

Section (5): Escrow and Closing.

(a) Sale of the property shall be closed through an escrow to be opened at Ketchikan Title and Escrow Agency who shall act as escrow agent, hereinafter referred to as "Escrow Agent."

(b) Escrow shall be opened by delivering a copy of this Agreement to the Escrow Agent not later than ten (10) days after such Agreement has been signed by both parties. The provisions of this Agreement shall constitute the Escrow Instructions.

(c) Closing shall take place in the office of the Ketchikan Title and Escrow Agency, 2855 Tongass Highway, Ketchikan, Alaska 99901, at 10:00 a.m. on the date the parties hereto have delivered into escrow all of the following funds, the deed and other documents, duly executed by the respective parties, which shall in any event be not later than 30 days from signing of this document. The Escrow Agent is authorized and directed to use, Disburse, deliver, and record all such documents and funds at such time as the Escrow Agent can procure.

(1) By THE CITY. CITY shall deliver to the Escrow Agent, fully executed in such form as to qualify for recording, the following:

(A) A warranty deed in the form attached as Exhibit A hereto.

(2) By BUYER. The BUYER shall deliver to the Escrow Agent:

A cashier's check in the amount of [REDACTED] plus such additional funds as required by Section (3) C.

(3) Closing.

(A) The Escrow Agent is authorized and directed to use, disburse deliver, and record all such documents and funds at

such time as the Escrow Agent can procure.

(B), Escrow Agent is instructed to pay all liens and encumbrances of record against the Property on statement of the holder, or holder's representative, and to issue net proceeds to THE CITY, less the costs to be paid by THE CITY as specified in (c) below.

(C) Taxes and Closing costs shall be paid by the parties as follows:

(1) Taxes. THE CITY is responsible for delinquent real property taxes; BUYER is responsible for any taxes from the date of closing.

(2) Other Charges and Expenses.

(i) Recording Fees

(ii) Escrow Fees

(iii) Title Insurance Premium

THE CITY and BUYER shall evenly (50/50) split the cost of items (i) through (ii) above.

The BUYER shall pay ( 100%) of the Title Insurance Premium, item (iii) above.

Section (6): Notice. Any notice, demand, request, consent, approval, or other communication that either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class, certified or registered mail at the addresses set forth below.

Either party may change its address by notifying the other party of its change of address in writing. Notice shall be deemed to have been duly made and given when delivered if served personally, or upon the expiration of twenty-four (24) hours after the time of mailing if mailed as provided in this section.

CITY: City of Saxman  
Attn: City Administrator  
2841 S. Tongass Highway  
Ketchikan, Alaska 99901

BUYER: Thomas & Cynthia Gubatayao



ESCROW AGENT: Ketchikan Title and Escrow Agency  
2855 Tongass Highway

Ketchikan, Alaska 99901

Section (7): Time is of the Essence. Time is of the essence of this

agreement. Section (8): Miscellaneous Provisions.

(a) Terminology. Whenever herein the singular number is used, the same shall include the plural, and the masculine gender shall include the feminine and neuter genders.

(b) Nonwaiver. No delay or omission of the right to exercise any power by either party shall impair any such right or power or be construed as a waiver of any def ult or as acquiescent therein. One or more waivers of any covenant, term, or condition of this Agreement by either party shall not be construed by the other party as a waiver of subsequent breach of the same covenant, term or condition. The consent or approval by either party to any act by the other party of a nature requiring consent or approval shall not be deemed to waive or render unnecessary consent to or approval of any subsequent similar act.

(c) Laws Applicable. The laws of the State of Alaska shall govern the construction, validity, performance and enforcement of this agreement. Venue as to any action, claim, or proceeding arising out of, or based upon this Agreement, including, but not limited to, any action for declaratory or injunctive relief, shall be the appropriate court sitting in the City of Ketchikan, First Judicial District, Alaska.

(d) Paragraph Headings. The headings of several sections and subsections contained herein are for convenience only and do not define, limit or construe the contents of such sections and subsections.

(e) Successors and Assigns. Except as otherwise provided herein, the covenants, agreements and obligations herein contained shall extend to bind and inure to the benefit not only of the parties hereto but their respective personal representatives, heirs, successors and assigns.

(f) Terms Constructed as Covenants and Conditions. Every term and each provision of this Agreement performable by the CITY or BUYER shall be construed to be both a covenant and a condition.

(g) Entire Agreement. This Agreement and any schedules, or exhibits attached hereto, set forth all the covenants, promises, agreements, conditions, or understandings, either oral or written, and there are no other agreements between them other than as set forth. No contemporaneous or subsequent Agreement, understanding, alteration, amendment, change or addition to this Agreement, or any schedule, appendix, exhibit or attachment hereto, shall be binding upon the parties, hereto have executed this Agreement on the dates specified below.



WHEREFORE, the parties hereto have executed this Agreement on the dates specified below.

CITY:

City of Saxman

DATE: \_\_\_\_\_

By: \_\_\_\_\_  
Frank Seludo  
Mayor

BUYER:

Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas J. Gubatayao

Date: \_\_\_\_\_

\_\_\_\_\_  
Cynthia A. Gubatayao

CITY ACKNOWLEDGEMENT

STATE OF ALASKA            )  
  } SS.  
FIRST JUDICIAL DISTRICT    )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, is a notary public in and for the State of Alaska duly commissioned and sworn, personally appeared Frank Seludo, to me known to be the Mayor of the City of Saxman, a municipal corporation, the corporation which executed the above and foregoing instrument; who on oath stated that they were duly authorized to execute said instrument and affix the corporate seal thereto on behalf of said corporation; who acknowledged to me that they signed and sealed the same freely and voluntarily on behalf of said corporation for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in the certificate first above written.

\_\_\_\_\_  
NOTARY PUBLIC FOR ALASKA

My Commission Expires: \_\_\_\_\_

INDIVIDUAL ACKNOWLEDGMENT

STATE OF ALASKA            )  
  )SS.  
FIRST JUDICIAL DISTRICT    )

NOTARY ACKNOWLEDGMENT

THIS IS TO CERTIFY that on this \_\_\_\_\_, 2022 personally appeared before Thomas J. Gubatayao and Cynthia A. Gubatayao, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same as a free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.            \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Prepared By**

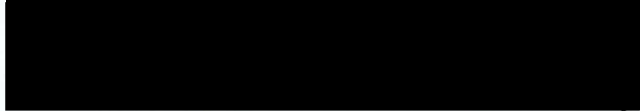
Name: \_\_\_\_\_

Address: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**After Recording Return To**

Name: Thomas & Cynthia Gubatayao

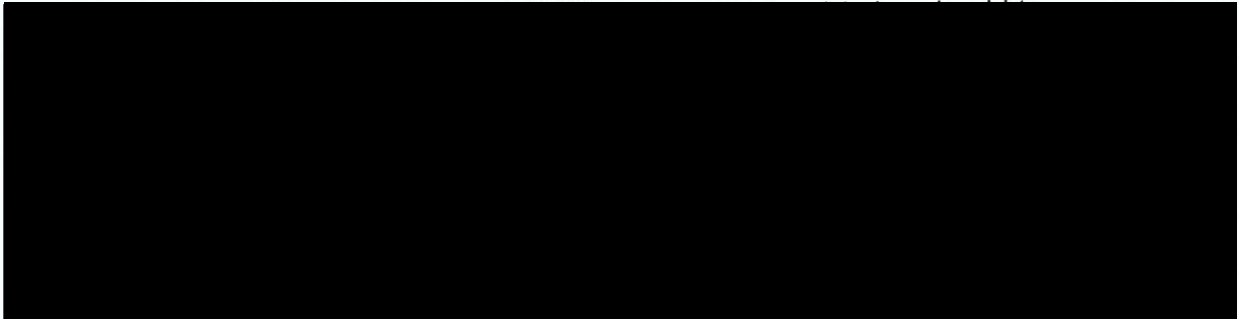


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**ALASKA GENERAL WARRANTY DEED**

STATE OF ALASKA  
Ketchikan Gateway Borough COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of



Ketchikan Gateway Borough County, Alaska to-wit:

Legal Description: LOT 7, BLOCK 20 SAXMAN SUBDIVISION AS SHOWN ON THE OFFICIAL PLAT  
OF THE U.S. SURVEY 1652 A ACCORDING TO PLAT #95-15, KETCHIKAN RECORDING DISTRICT,  
FIRST JUDICIAL DISTRICT, STATE OF ALASKA.

**[INSERT LEGAL DESCRIPTION HERE AND/OR ATTACH EXHIBIT A]**

**TOGETHER WITH** all the rights, members and appurtenances to the Real Estate in  
anywise appertaining or belonging thereto.



**TO HAVE AND TO HOLD**, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said Grantees, their heirs and assigns forever.

**And** said Grantors, for said Grantors, their heirs, successors, executors and administrators, covenants with Grantees, and with their heirs and assigns, that Grantors are lawfully seized in fee simple of the said Real Estate; that said Real Estate is free and clear from all Liens and Encumbrances, except as hereinabove set forth, and except for taxes due for the current and subsequent years, and except for any Restrictions pertaining to the Real Estate of record in the Probate Office of said County; and that Grantors will, and their heirs, executors and administrators shall, warrant and defend the same to said Grantees, and their heirs and assigns, forever against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantor has executed and delivered this General Warranty Deed under seal as of the day and year first above written.

\_\_\_\_\_  
Grantor's Signature  
Frank Seludo, Mayor  
\_\_\_\_\_  
Grantor's Name  
2841 S.Tongass Highway  
\_\_\_\_\_  
Address  
Ketchikan, Alaska 99901  
\_\_\_\_\_  
City, State & Zip

\_\_\_\_\_  
Grantor's Signature  
\_\_\_\_\_  
Grantor's Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State & Zip

STATE OF ALASKA)  
COUNTY OF Ketchikan Gateway Borough )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that \_\_\_\_\_ whose names are signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



**CITY ACKNOWLEDGEMENTS**

**STATE OF ALASKA**

**FIRST JUDICIAL DISTRICT**

)  
) **SS.**  
)

**THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **FRANK SELUDO to me known to be** the Mayor of the **CITY OF SAXMAN**, a second class city, the entity of which executed the above and foregoing instrument; who on oath stated that he was duly authorized to execute said instrument and affix the corporate seal thereto on behalf of said entity; who acknowledged to me that he/she signed and sealed the same freely and voluntarily on behalf of said entity for the uses and purposes therein mentioned.**

**WITNESS** my hand and official seal the day and year in the certificate first above written.

**NOTARY PUBLIC FOR ALASKA**

My Commission Expires: \_\_\_\_\_

(Seal)

After Recording Return to:  
Thomas and Cynthia Gubatayao





August 8, 2022

To: Cynna and Tom Gubatayao

RE: Lot 7, Block 20 of the Saxman Subd., US Survey 1652 (aka: 2315 Killer Whale Avenue)

Dear Cynna and Tom:

Thank you for your request to perform an opinion of value on the above-described property.

Demand in the local residential real estate market continues to outpace supply and the same applies to residential building lots. The subject property is an unimproved building lot of 8,218 square feet with good access from Killer Whale Avenue, City of Saxman water and sewer and a water view potential of Tongass Narrows and Nichols Passage.

Please find included with this letter the most recent local comparable sales that I found that I feel compare best to the subject.

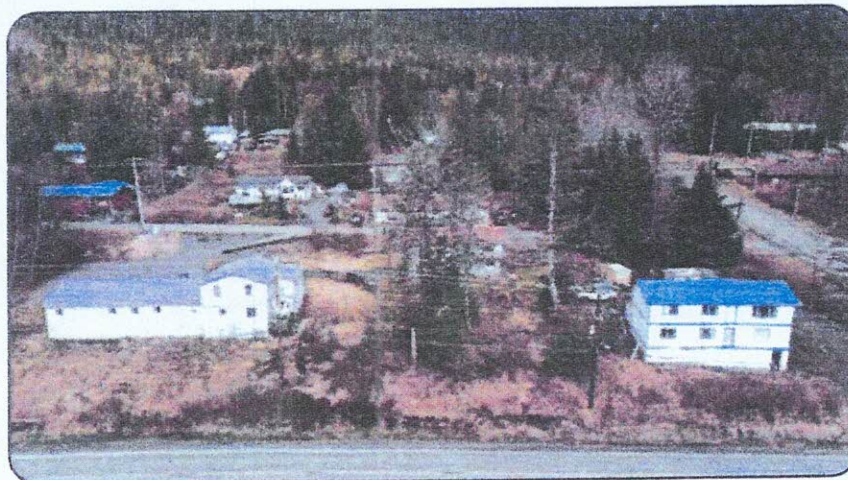
Based on the most recent comparable sales and the current market conditions, it is my opinion that the subject property is valued at **\$38,000**. Once the building pad water and sewer lines are installed you will have a lot with much more appeal and of course would then be worth more.

Please feel free to reach out to me with any questions.

Regards,

Bob Jackson

## 2600 Block S Tongass Hwy - Lot 3

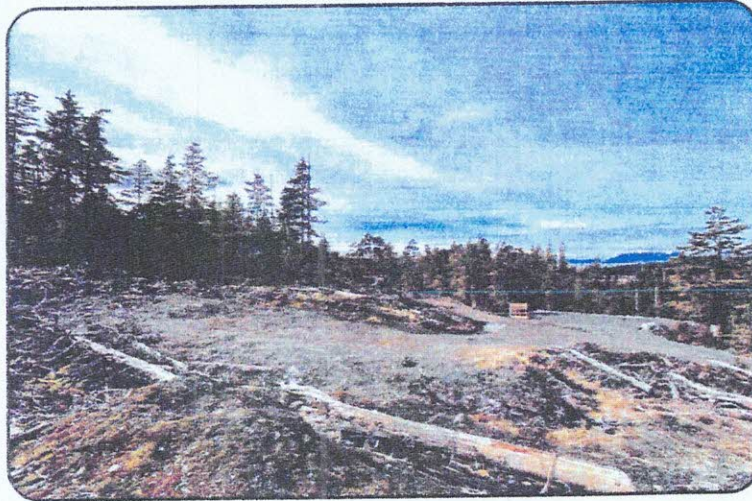


Are there still places to build in Ketchikan? Yes! Right here, less than 3 miles from downtown Ketchikan is an easily accessible, buildable lot with a fantastic view! Just steps from the waterfront, this nicely wooded lot is a generous 7,463 square feet. Enjoy easy access to and from South Tongass and public utilities. When you are ready to build or just ready to own your own piece of future development, this lot has what you're looking for. (Ward)

Listing Date:	03-24-22	Bed:	
Orig. Listing Price:	\$50,000	Bath:	
Listing Price @ Sale:	\$50,000	Living Sq Ft:	
Selling Price:	\$43,000	Lot Sq Ft:	7,463 sf
EM Date:	05-16-22	Garage:	
Closing Date:	06-17-22	Built:	
DOM:	53 days	View:	
Concessions:	None	Dwelling:	Land
Legal Description:	USS 1652 Block 9 Lot 3	Region:	South
Zoning:	RM	Financing:	CASH



## Swan Avenue Lot 8



Looking for a north-end parcel for your dream home? This is the lot you've waited for! Want more elbow room? A place to play and enjoy the simple life. Cleared residential lot, offering sweeping mountain vistas with sunset views. Drive right up and be sure to bring your dreams! Get more than a half acre of your slice of Alaska. Electric service provided to the property edge. Part of the Mud Bight Subdivision, annual \$230 service fee keeps the roads plowed and access open all year. Seize your chance, before it's gone. (Beaupre)

Listing Date:	04-12-21	Bed:		
Orig. Listing Price:	\$60,000	Bath:		
Listing Price @ Sale:	\$60,000	Living Sq Ft:		
Selling Price:	\$59,000	Lot Sq Ft:	25,056 sf	
EM Date:	09-22-21	Garage:		
Closing Date:	10-26-21	Built:		
DOM:	163 days	View:	Good	
Concessions:	N/A	Dwelling:	Land	
Legal Description:	Mud Bight Subdivision, Lot 8, Block 6		Region:	North
Zoning:	RL	Financing:	CASH	

Land - South

# 2729 Eagle Street



A rare find! 9,467 square foot lot located in the heart of Saxman. This was a home site at one time. The home allowed for the enjoyment of great water views. The site can be accessed off Eagle Avenue or South Tongass Hwy. Imagine the opportunity of this prime building site! (Denny Estate)

Listing Date:	10-13-20	Bed:	
Orig. Listing Price:	\$36,000	Bath:	
Listing Price @ Sale:	\$36,000	Living Sq Ft:	
Selling Price:	\$25,000	Lot Sq Ft:	9,467 sf
EM Date:	01-13-21	Garage:	None
Closing Date:	03-05-21	Built:	N/A
DOM:	90 days	View:	Neighborhood
Concessions:	N/A	Dwelling:	Land
Legal Description:	Lot 3 Block 3 USS 1652	Region:	South
Zoning:	RM	Financing:	CASH

Land - South

# 6299 Fireside Court



Road access in off Roosevelt Drive. Water and sewer in street near lot (Cowan)

Listing Date: 06/25/20  
 Orig. Listing Price: \$37,500  
 Listing Price @ Sale: \$37,500  
 Selling Price: \$37,500  
 EM Date: 01-22-21  
 Closing Date: 03-23-21  
 DOM: 211 days  
 Concessions: N/A  
 Legal Description: USS 2402 Lots MM4  
 Zoning: RL

Bed:  
 Bath:  
 Living Sq Ft:  
 Lot Sq Ft: 21,663 sf  
 Garage: None  
 Built: N/A  
 View: Neighborhood  
 Dwelling: Land  
 Region: South  
 Financing: CASH

Ideas for raising EMS and fire response fees

Item 4.

1. Commercial EMS/fire response fees
2. EMS/fire fees collected from each household
3. Property tax
4. Increase Sales Tax
5. Other options???

# Community Development Block Grant

CFDA 14.228

## **CDBG Application Handbook FFY 2022**



**State of Alaska**  
**Mike Dunleavy, Governor**

**Department of Commerce, Community, and Economic Development**  
**Julie Sande, Commissioner**

**Division of Community and Regional Affairs**

# Community Development Block Grant Program

## FFY 2022 Timeline

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Grant Application Letter Distributed to Eligible Applicants .....September 1, 2022

**Completed Applications Due to DCCED Fairbanks Office ..... December 2, 2022  
no later than 4:30 p.m.**

***IMPORTANT: See Page 18 for Application Submission Details***

Award Announcement..... February 2023

## Table of Contents

- I. **Overview: How to use the Application Handbook** .....4
- II. **CDBG Grant Program Summary** .....5
  - A. PROGRAM MISSION ..... 5
  - B. PROGRAM GOALS..... 5
  - C. PROGRAM OBJECTIVES..... 5
  - D. ESTIMATED AMOUNT OF FUNDS AVAILABLE AND DISTRIBUTION ..... 6
  - E. ELIGIBLE APPLICANTS ..... 6
  - F. ELIGIBLE PROJECT CATEGORIES & ACTIVITIES..... 7
    - 1. Unique Requirements of Special Economic Development Projects ..... 9
  - G. INELIGIBLE PROJECT ACTIVITIES ..... 10
  - H. SPECIAL REQUIREMENTS & FUNDING LIMITATIONS ..... 10
- III. **Grant Selection, Award, & Project Initiation** ..... **15**
  - A. GRANT SELECTION ..... 15
  - B. GRANT AWARD..... 15
  - C. GRANT INITIATION ..... 16
- IV. **Application Requirements and Instructions** ..... **17**
  - A. PROJECT DEVELOPMENT ..... 17
  - B. APPLICATION INSTRUCTIONS & REQUIREMENTS ..... 18
    - 1. Application Packet..... 18
    - 2. Application Submission Details ..... 18
    - 3. Application Components: Instructions & Requirements ..... 18
- V. **Rating Criteria**..... **28**
  - A. Project Description & Selection / Citizen Participation Plan..... 28
  - B. Project Plan / Readiness..... 29
  - C. Project Impact ..... 30
  - D. Budget / Match / In-Kind..... 31
  - E. Administrative Capabilities..... 32
- VI. **Appendix Packet Contents** ..... **33**
- VII. **Application Checklist**..... **34**

**Note:** Applicants are required to fill out the appropriate pages of the yellow Appendix Packet and attach it to the CDBG Application.

*Department of Commerce, Community, and Economic Development*  
**Division of Community and Regional Affairs**

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**Community Development Block Grant  
Program Staff**

**Pauletta Bourne**  
451-2721  
pauletta.bourne@alaska.gov

**Judy Haymaker**  
451-2731  
judy.haymaker@alaska.gov

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**State of Alaska, DCCED**  
**455 3<sup>rd</sup> Avenue, Suite 140**  
**Fairbanks, AK 99701-4737**

***Note: Applications must be submitted to the Fairbanks office.***



# I.

## Overview: How to use the Application Handbook

This Grant Application Handbook is designed to provide information about the State of Alaska Small Cities **Community Development Block Grant (CDBG) Program** and to provide instructions and forms for preparing and submitting a funding request. On September 1, 2022, the Department of Commerce, Community, and Economic Development (DCCED) distributes the letter notifying eligible applicants of the availability of this Handbook, the Application Packet, and its Appendix, beginning the 2022 funding cycle. (Instructions for the Application Packet can be found in Chapter IV.) Completed Application Packets **must be received** in the **Fairbanks office** of the Department of Commerce, Community, and Economic Development, 455 3<sup>rd</sup> Avenue, Suite 140, Fairbanks, Alaska 99701-4737, no later than **4:30 p.m. December 2, 2022**. A complete application including all necessary documents must be received in the Fairbanks office by this deadline. Applicants must submit **an original and four copies of the application, the appendices, and all attachments**.

The CDBG Program is a flexible source of competitive funding for a broad range of community development activities. Grant funding is available for three project categories:

- ✓ **Community Development**
- ✓ **Planning**
- ✓ **Special Economic Development**

An applicant may apply for a maximum amount of **\$850,000** in grant funds during a funding cycle to address eligible community needs.

The CDBG Program Summary chapter is intended to provide applicants with basic information about the CDBG Program including its mission, goals, objectives, funding availability, eligibility guidelines, special requirements, and funding limitations. Prospective applicants should use this information to determine compatibility between CDBG Program priorities and the activities for which funding is being sought.

The Grant Selection, Award, and Project Initiation chapter describes the steps involved in grant selection, how awards are made, and the process for initiating grant agreements. With this information, prospective applicants will be able to plan their implementation schedules in anticipation of receiving a CDBG award. **Please note: If your project is already underway utilizing other funding and you are requesting CDBG funding, all work on the project must stop at the time of submitting the CDBG application.**

The Application Requirements and Instructions chapter provides the information needed to complete the Application Packet, including the narratives, forms, and certifications. Step-by-step instructions for completing the application component are included. The Rating Criteria chapter outlines the criteria upon which your application will be evaluated and selected.

To obtain additional information about the program, or to request assistance while completing an application, contact the CDBG Program staff listed on page 3 of this Grant Application Handbook.

## CDBG Grant Program Summary

### A. PROGRAM MISSION

The overall mission of the State of Alaska CDBG Program is to enhance the quality of life for low and moderate income residents, particularly in rural Alaska. The CDBG Program fulfills this mission by acting upon its defined goals and objectives.

### B. NATIONAL PROGRAM GOALS

The goals of the program are to:

- ensure that the state's CDBG funds will be used to principally benefit low and moderate income persons,
- provide financial resources to communities for public facilities, planning, and special economic development activities that encourage community self-sufficiency, reduce the costs of essential community services, and reduce or eliminate conditions that are detrimental to the health and safety of local residents, and
- assist in the creation or retention of jobs that primarily benefit low and moderate income persons.

Title I of the Housing and Community Development Act of 1974, as amended through October 1996, identifies the three National Objectives listed below:

- Principally benefit persons of low and moderate income
- Prevent or eliminate slums or blight
- Meet urgent community development needs which pose a serious and immediate threat to public health or safety

The State of Alaska has chosen to consider only those projects which meet the first national objective. Your project must meet the first objective in order to be considered for State of Alaska CDBG funding.

### C. STATE PROGRAM OBJECTIVES

The following objectives guide the distribution and use of funds:

- Potential for long-term positive impact and increase in community self-sufficiency
- Reduction of clear and imminent threats and conditions detrimental to the health and safety of local residents

- Construction and improvement of public facilities and the reduction of maintenance and operation costs
- Development and use of design, engineering, architectural, or feasibility plans as appropriate
- Economic development—including business development, job creation, and planning
- Evidence of strong local support, i.e., inclusion in a local community, economic, or capital improvement plan
- Use of local resources in combination with CDBG funding

#### D. ESTIMATED AMOUNT OF FUNDS AVAILABLE AND DISTRIBUTION

It is estimated that the State of Alaska will distribute approximately \$2.5 million in federal CDBG funds from the Federal Fiscal Year 2022 CDBG allocation. These funds will be distributed on a competitive basis to highly rated applicants.

The funds available under the competitive grant program will be targeted toward Community Development and Planning activities that address the health and safety needs of low and moderate income residents, or that support future community/economic development and community self-sufficiency.

**Note:** *There is a statutory limitation on the amount of Planning funds which DCCED may award each year.*

#### E. ELIGIBLE APPLICANTS

Eligible CDBG applicants are:

*Any municipal government entity as defined by Title 29 of the Alaska Statutes, i.e., home rule, first, second, and third class boroughs, unified municipalities, and first and second class cities, which exercise powers consistent with the proposed project, **except the Municipality of Anchorage.***

An eligible applicant, as defined above, may submit a CDBG application in cooperation with a non-municipal entity such as a Native Village Council or a non-profit corporation organized under Alaska Statute (AS) 10.20, which is in good standing with the State of Alaska. The proposed project must principally benefit low and moderate income residents of the municipal government entity. A Cooperative Agreement (see Appendix F) is required between all parties.

Two or more eligible applicants, as defined above, may submit a joint CDBG application if they have identified a mutual need which may be addressed more appropriately together rather than individually. A Joint Application Agreement (see Appendix E) would be required between all parties.

## F. ELIGIBLE PROJECT CATEGORIES & ACTIVITIES

The State of Alaska CDBG Program may be used to fund projects in three categories: **Community Development, Planning, and Special Economic Development**. The following summary, identifying the common types of eligible activities in each category, is for general reference only. A complete list of eligible and ineligible activities can be found in Title I of the Housing and Community Development Act of 1974, as amended.

Each applicant is expected to consult with CDBG Program staff about project eligibility prior to submission of an application. It is important that applications be submitted under the appropriate category.

### Community Development

Under Section 105(a)(2),(4),(5),(14)&(15), CDBG grant funds may be used for:

#### Public Facilities

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| ✓ Health Clinics                  | ✓ Acquisition                     |
| ✓ Daycare Centers                 | ✓ Construction                    |
| ✓ Homeless Shelters               | ✓ Reconstruction                  |
| ✓ Water & Sewer Systems           | ✓ Installation                    |
| ✓ Solid Waste Disposal Facilities | ✓ Improvements                    |
| ✓ Flood & Drainage Facilities     | ✓ Electrical Distribution Lines   |
| ✓ Docks & Harbors                 | ✓ Fuel & Gas Distribution Systems |

#### Transportation Improvements

- |                       |                    |
|-----------------------|--------------------|
| ✓ Local Service Roads | ✓ Barge Facilities |
| ✓ Boardwalks          | ✓ Airports         |

#### Access to Public Facilities & Structures

- |   |  |
|---|--|
| ✓ Removal of architectural barriers in conjunction with current renovations | ✓ Improve access for handicapped & elderly persons |
|---|--|

#### Real Property

- |                    |              |
|--------------------|--------------|
| ✓ Acquisition      | ✓ Clearance  |
| ✓ Building Removal | ✓ Demolition |
| ✓ Improvements     |              |

#### Fire Protection Facilities & Equipment

- |                |                  |
|----------------|------------------|
| ✓ Acquisition  | ✓ Rehabilitation |
| ✓ Design       | ✓ Purchase       |
| ✓ Construction |                  |

**Note:** Community Development activities do not include the purchase of any personal property or any equipment unless it is attached to a facility or building and considered an “integral structural feature.” Fire protection equipment is the only exception.

## Planning

Under Section 105(a)(12), CDBG grant funds may be used for:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>✓ Data Collection</li> <li>✓ Analysis</li> <li>✓ Plan Preparation</li> <li>✓ Marketing Studies</li> <li>✓ Feasibility Studies</li> </ul> | <ul style="list-style-type: none"> <li>✓ Community Economic Development Plans</li> <li>✓ Community Land Use Plans</li> <li>✓ Capital Improvement Plans</li> <li>✓ Plan Updates</li> </ul> |
|---|---|

**Note:** *Planning activities do not include engineering, architectural, and design costs related to a specific project activity. These activities may be eligible under the Community Development category.*

## Special Economic Development

*“Special Economic Development,” as used in the CDBG Program, must meet the criteria below. See “Unique Requirements of Special Economic Development Projects” on page 9 for more information about the specific requirements for projects under this funding category.*

Under Section 105(a)(14) CDBG grant funds may be used for:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>✓ Commercial or Industrial Improvements</li> <li>✓ Carried out by Grantee or Non-Profit Recipient</li> <li>✓ Involving Commercial or Industrial Buildings, Structures, and Other Real Property Equipment &amp; Improvements</li> </ul> | <p>Includes:</p> <ul style="list-style-type: none"> <li>✓ Acquisition</li> <li>✓ Construction</li> <li>✓ Reconstruction</li> <li>✓ Rehabilitation</li> <li>✓ Installation</li> </ul> |
|---|--|

Under Section 105(a)(17), CDBG funds may be used for:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>✓ Assistance (through eligible applicant) to an identified private, for-profit entity or entities</li> </ul> | <p>The project must:</p> <ul style="list-style-type: none"> <li>✓ Create and maintain jobs for low or moderate income persons</li> <li>✓ Assist businesses that provide goods or services needed by and affordable to low and moderate income residents</li> </ul> |
|---|--|

**Special Economic Development Projects must fit under one of those two categories.**

If your project is not for the purpose of acquisition, construction, reconstruction, rehabilitation, or installation of commercial or industrial buildings, structures, and other real property equipment and improvements, OR it is not for the purpose of providing assistance to an identified private for-profit entity **IT IS NOT** appropriate to submit it under the Special Economic Development category.

**Note:** *The examples provided under each of the three funding categories are for general information only and are not intended to be all-inclusive. Each community is encouraged to consult with CDBG Program staff about project eligibility and structure.*

### ***Unique Requirements of Special Economic Development Projects***

The State of Alaska primarily targets Community Development and Planning projects, but it will also consider Special Economic Development projects. Projects considered under this category assist commercial, industrial, or other businesses and organizations that provide an overall economic benefit to low and moderate income communities. Special Economic Development projects have unique requirements which are outlined below. We highly recommend you contact our office if you plan to apply under this category.

If you are applying under this category, you must document in your application that your project provides a public benefit using the following criteria:

1. Creates or retains at least **one full-time equivalent permanent job per no more than \$50,000 of CDBG funding used**; or
2. Provides goods or services to residents of an area in which the number of low- and moderate-income persons served equals **no more than \$1,000 of CDBG funds used per resident**.

If your project serves to both create jobs and provide goods and services, it only has to meet one of the criteria listed above.

Under **no circumstances** will CDBG funds be used to fund projects that include any of the following activities:

1. General promotion of the community as a whole (as opposed to the promotion of specific areas and programs)
2. Assistance to professional sports teams
3. Assistance to privately-owned recreational facilities serving predominantly higher-income clientele, where the benefit to members clearly outweighs employment or other benefits to low- and moderate-income persons
4. Acquisition of land for which the specific proposed use has not been identified
5. Assistance to a for-profit business while that business or any other business owned by the same individual or entity has unresolved findings or noncompliance related to previous CDBG funding

Applicants under this category should conduct a **financial evaluation** of their project using the below suggested criteria:

1. Are project costs reasonable?
2. Are all sources of project financing committed?
3. To the extent practicable, are CDBG funds not being substituted for non-federal financial support?
4. Is the project financially feasible?
5. To the extent practicable, will the owner's equity investment not be unreasonably high?
6. To the extent practicable, will the CDBG funds be disbursed in proportion to other funds?

*Above are only some of the requirements of Special Economic Development applications. Please **contact our office** if you plan to apply under this category.*

## G. INELIGIBLE PROJECT ACTIVITIES

The following activities are not eligible for CDBG funding:

- ☒ **Equipment:** The purchase or repair of motor vehicles, equipment (including computer equipment), personal property, or furnishings not permanently attached to a building, except when such vehicles or equipment are utilized for fire protection.
- ☒ **Government Buildings:** Government buildings such as courthouses, city halls, borough administrative buildings, city offices and other buildings used for the general conduct of government, except for the removal of architectural barriers.
- ☒ **Regular Government Operations:** The ongoing responsibilities of general local government.
- ☒ **Maintenance and Operation:** Operation and maintenance expenses of public or community facilities.
- ☒ **Political Activities:** Use of facilities or equipment for political purposes or to engage in other partisan political activities.

*The above listing of ineligible activities is not intended to be considered all-inclusive. Please contact CDBG Program staff if you have any question about project eligibility or the correct funding category.*

## H. SPECIAL REQUIREMENTS & FUNDING LIMITATIONS

The following special requirements and funding limitations apply to all CDBG applications. Actions necessary to address these special requirements are detailed in the Appendices or the application packet instructions as appropriate.

- ✓ **Minimum Benefit:** Each CDBG grant activity proposed must meet the National Objective of benefiting populations or targeting areas which consist of at least 51% low and moderate-income persons, as defined by **2020 HUD LMI data, based on 2011-2015 American Community Survey (ACS)**. See Appendix B1 - B3 for detailed instructions and forms for use in determining if your project meets this requirement. **Your project cannot be considered for funding if this requirement is not satisfied. You must submit Appendix B1 with your application.** If you are applying under the Special Economic Development category, you must also submit Appendix B2.
- ✓ **Public Benefit Standards:** Each CDBG assisted economic development activity proposed under the Special Economic Development category and some activities proposed under the Community Development section, must ensure that a minimum level of public benefit is obtained from expenditure of CDBG funds. These public benefit standards are on page 9 of this Handbook.
- ✓ **Single-Purpose Projects:** CDBG funds will address **single-purpose projects** only. If more than one activity is proposed, each must directly relate to and address the single need identified.

- ✓ **Phased Projects:** CDBG will fund **each phase of a project only once**. DCCED will only consider funding projects which demonstrate, at time of application, **that adequate funding to complete the project is secured** and that there is a **direct benefit to low and moderate income residents** as a result of CDBG participation. Planning requests which may later identify a need for implementation funds are not considered phased projects.
- ✓ **Priority Consideration:** Applicants who received CDBG funding for project design, engineering, feasibility, and/or planning within two years **may** receive priority consideration if adequate funding is both available and documented to complete the project.
- ✓ **Past Recipients:** A past recipient of CDBG funds may not be considered for award of additional CDBG funds until: (a) a minimum of 75% of the non-administrative funds have been expended and reported to DCCED and, in the judgment of the DCCED, the previously funded project is substantially complete; or (b) the project is complete and all reporting requirements met. Applicants with prior year grants are encouraged to verify expenditure levels with CDBG Program staff. Expenditure levels will be computed based on expenditures reported as of November 30, 2022.
- ✓ **Maximum Number of Applications:** An eligible applicant may submit only one CDBG application in response to this solicitation.
- ✓ **Maximum Grant Amount:** An eligible applicant may apply for a maximum of **\$850,000** in CDBG funds in response to this solicitation.
- ✓ **Administrative Cost Limit:** For an eligible CDBG activity such as administration, costs charged to administration will be allocated as direct costs and/or indirect costs, consistent with the OMB Cost Principles ([2 CFR Part 200 Subpart E](#)). The maximum amount for Administrative Costs is 5% of the total amount of CDBG funds requested in the application. The State CDBG Program has an administration financial ceiling of 5%. A request for administrative costs must be explained in the budget section of the application.
- ✓ **Resolution with Certifications of Compliance:** Each applicant must pass a resolution **authorizing submittal of the CDBG application within a six-month period prior to acceptance of the CDBG application**. (See Appendix A, Authority to Participate Form) The resolution must authorize an individual to sign the application certifying compliance with specific applicable state and federal requirements. (See Application Cover Page)
- ✓ **Statement of Assurances & Certifications:** Each applicant's Chief Elected Official or other authorized certifying official must sign and submit with the application a Statement of Assurances and Certifications. (See Appendix C, Statement of Assurances & Certifications)
- ✓ **Citizen Participation Plan & Public Hearing:** Each applicant **must** hold at least two public hearings. The first shall be held **within six months prior to the original acceptance date of the application**, with the purpose of reviewing the community's development and housing needs; accepting proposals, citizen views, and comments on the proposed project; and electing to seek



CDBG funding for the chosen project. Each applicant is required to provide citizens with an overview of the types of project that can be funded with the CDBG program and the amount of funding available.

You must provide reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries with accommodations for the handicapped. Additionally, public hearings must be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate. **Documentation of this public hearing, in the form of meeting minutes which include confirmation that the public had the opportunity to comment and propose CDBG projects, must be submitted with the CDBG application.** See page 3 of the Application form for detailed instructions on meeting this requirement.

A second public hearing must be held during the term of the project to review program performance. Additional public hearings may be required in the event of a substantial change in purpose, scope, location or beneficiaries of the project. You must provide documentation of all public hearings related to the CDBG activity in the form of meeting minutes submitted to the State.

- ✓ **Procurement:** CDBG projects must follow fair and equitable procurement standards in the acquisition of all services, supplies, and materials. The city/borough may use their own written procurement procedures, provided that the procurements conform to applicable federal law and regulations identified in [2 CFR Part 200 Subpart D](#) – Procurement Standards 318-326.
- ✓ **Building Code & Standards Enforcement:** Each CDBG grant activity that includes construction, renovation, rehabilitation, expansion, or modification of buildings and facilities for public or commercial purposes must be designed to comply with pertinent state and federal building standards and codes. DCCED reserves the right to review and require modification of construction plans for compliance with these standards. Applicants are required to submit evidence of State Fire Marshal approval of plans.
- ✓ **Davis-Bacon Wage Requirements:** Each CDBG activity that involves the use of **contracted labor**, must comply with Davis-Bacon and other federal labor standards requirements. All contracted labor must be paid the prevailing wage rate issued by the U.S. Department of Labor (DOL) for the specific geographic region in which the project is located. Davis-Bacon wage decisions are established by DOL and may be accessed online at: <https://sam.gov/content/home>. See Application Packet for further instructions on meeting labor requirements.

- ✓ **Insurance:** Each CDBG grant activity must be covered by any necessary liability insurance. In addition, the grantee and all contractors working on the project shall provide and maintain Workers' Compensation Insurance for all employees engaged in work under any CDBG agreement. Grantees must also require any contractor hired to work on the project to be licensed, bonded and insured for at least the amount of the project, and if appropriate provide and maintain Professional Liability Insurance. Evidence of insurance coverage will be requested once a project is awarded.
- ✓ **Environmental Review Requirements:** Each CDBG activity must obtain appropriate environmental clearances as required by 24 CFR Part 58 of National Environmental Policy Act (NEPA) and all related laws and authorities. DCCED will make a determination regarding the environmental requirements for each project and will notify each grantee about appropriate procedures after notification of award. **All project activity must stop at the time of submitting the application and until the Environmental Review Requirements are met, including project activities funded with non-CDBG funds.** For example, if your project is already underway using designated legislative, USDA, ICDBG, or any other funding, all project activity must stop at the time of submitting the application.
- ✓ **Leverage:** Each applicant for CDBG funds will be required to provide some matching funds if the application is to receive the maximum points in project review. Ideally, a minimum 25% match will be provided from other sources. CDBG funds will be targeted toward projects which demonstrate, at the time of application, that adequate funding to complete the project is both available and documented. **The source of all matching funds, whether cash or in-kind, must be identified and documented in the application in order for the applicant to receive the maximum points in review. If the source of cash match is another federal award, provide the Catalog of Federal Domestic Assistance (CFDA) number of that award.**
- ✓ **Site Control:** Each CDBG activity that involves the use of real property requires the applicant to document that he has the enforceable right to use the real property. This documentation may be in the form of a deed, lease (usually for not less than twenty years), easement, or similar formally-executed document. See Application Form for detailed instructions on meeting this requirement.
- ✓ **Displacement:** Each CDBG activity involving the acquisition, demolition, or rehabilitation of real property or displacement of persons for a project or program with HUD financial assistance will be required to follow the requirements stated under section 104(d) of the Housing and Community Development Act of 1974 as amended, and the implementing regulations of 24 CFR part 42, which requires a residential anti-displacement and relocation assistance plan. For guidance contact CDBG Program staff **prior** to submitting an application.

- ✓ **HUD Reform Act, Section 102:** Each applicant for CDBG funds must make certain disclosures if the applicant receives at least \$200,000 in federal funds **from any source** during the fiscal year in which the CDBG application is made. See Appendix H, which must be completed and submitted with the CDBG application. Applicants must disclose:
  - assistance from other government sources in connection with the project;
  - the financial interests of persons in the project; and
  - the expected sources and uses of funds that are to be made available for the project or activity.
- ✓ **ADA Certification:** Each applicant's authorized representative must sign and submit an Americans with Disabilities Act (ADA) Certification with the application, stating compliance with the requirements of the ADA. See Appendix I, ADA Certification.
- ✓ **Audit Requirements:** The applicant shall comply with the audit guidelines under U.S. Office of Management and Budget 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

All applicants must submit a copy of their most recent audit including management letters and any other reports received with the audit. If findings are identified, please describe how they have been resolved or their current status. If an audit has not been completed, a full copy of the municipality's most recent certified financial statement must be submitted.

- ✓ **IRS Liens/Judgments:** A municipality may not be awarded CDBG funds if it has any unresolved federal tax liens or court judgments filed against it. If a municipality has a repayment agreement in place to resolve tax liens or judgments, it must provide documentation of such an agreement.
- ✓ **Section 3:** Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 (12 U.S.C. 1701u) that is regulated by the provisions of [24 CFR Part 75](#). Section 3 applies to recipients receiving community development financial assistance for public construction projects that exceed \$200,000. Section 3 regulations ensure that economic opportunities, most importantly employment, generated by certain HUD financial assistance shall be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing or residents of the community in which the Federal assistance is spent.
- ✓ **Unique Entity ID:** All applicants (including co-applicants) are required to register and have an active Unique Entity ID (UEI) number with [sam.gov](#) at the time of application. Applicants and co-applicants **must** include a printout from <https://sam.gov/content/home> proving active status.

# III.

## Grant Selection, Award, & Project Initiation

### A. GRANT SELECTION

The application selection process consists of two stages: threshold review and project rating and selection. During the threshold review process, staff screen all applications for eligibility without awarding points. An application must meet all of the threshold review requirements in order to qualify for the second stage of the selection process. The Application Checklist included on page 34 of this Handbook may be used to assure that the application meets threshold requirements and to assist in preparing a complete application. **If a “yes” answer can be provided to each question, the application will *most likely* pass threshold review and be eligible for rating and selection.**

The project rating and selection process, stage two, will be conducted by a review team, the Application Selection Committee (ASC), using the criteria described below and detailed in the rating criteria section of Chapter V. The ASC reserves the right to some flexibility in making specific funding recommendations, if those recommendations, in the opinion of the majority of ASC members, best serve the interest of the program and the program recipients. **Applicants who applied for and received CDBG funding for project design, engineering, feasibility, and/or planning within two years prior to the application for implementation will receive priority consideration for funding.**

Applications will be evaluated and assigned points by the ASC based on the following:

Project Description and Selection/Citizen Participation Plan.....	15 Points
Project Plan/Readiness .....	25 Points
Project Impact.....	25 Points
Budget/Match/In-Kind.....	25 Points
Administrative Capabilities .....	10 Points
<b>Total Maximum Score .....</b>	<b>100 Points</b>

### B. GRANT AWARD

When the rating process by the ASC is complete, applications will be listed in rank order. Of the funds available under the competitive grant program, the majority of project funds will be targeted toward **Community Development** and **Planning** activities that address health and safety issues for low and moderate income persons.

The ASC will make funding recommendations, within the parameters defined above, to DCCED management staff who will make final award decisions based upon their judgment of the overall quality of proposed projects and their consistency with the goals and objectives of the CDBG

program. After management approval of funding recommendations is received, all applicants will receive written notification of the rating process results.

An applicant may appeal the notification of the rating results to the Director of the Division of Community and Regional Affairs. The *only* basis for an appeal is non-adherence by DCCED to the grant selection and award procedures as identified herein. Appeals must be received by DCCED in writing within thirty days of the date of notification of rating results, and must clearly state the basis for the appeal. The appeal will be reviewed by the Director and a final determination will be made within thirty days of the Director's receipt of the written appeal. The decision of the Director, provided to the applicant in writing, is final.

### C. GRANT INITIATION

Following notification of award, a grant agreement is negotiated and prepared for each funded project. **Notification of project selection does not imply approval of all activities, specific costs proposed, or proposed timelines.** During the grant negotiation period, proposed activities, additional resources, administrative costs, and other aspects of the project which were identified during the rating process will be discussed and resolved.

Grants may be awarded at an amount less than originally requested. Individual grants will be awarded only in amounts appropriate to the scope of the identified project; the proposed project activities; and the needs, resources, and administrative capabilities of the applicant.

The grant agreement, once negotiated, is the legal document that governs the administration of the grant and includes:

- ✓ The amount of CDBG funds provided, as well as the amount and source of other funds committed to the project
- ✓ A detailed project description outlining the scope of work to be completed
- ✓ A detailed budget for implementation of project activities
- ✓ The schedule for implementation of project activities
- ✓ The general and special terms and conditions associated with the grant

CDBG agreements are administered on a **cost reimbursable** basis. Applicants should be aware that if awarded CDBG funds, the grantee will be expected to pay for expenses as they are incurred and submit a billing at the end of each month for reimbursement by DCCED. This requires that the grantee have the cash resources to cover at least 30 to 45 days' cash needs.

**At the time of submitting the application, the project must stop, including non-CDBG funds that are committed, spent or contracted before the Environmental Review process is complete and approved by DCCED. No CDBG funds will be released until the grant agreement has been fully executed, and other contingencies which may be outlined are resolved.**

# IV.

## Application Requirements and Instructions

### A. PROJECT DEVELOPMENT

Each prospective applicant must carefully consider whether CDBG funding is the most suitable resource to address the community's needs. Ideally, the process will encourage a high level of involvement and commitment by members of the applicant's community. To assist communities, CDBG Program staff have identified several steps which may help to build a competitive proposal. Applicants may wish to consider these suggestions when applying for a competitive CDBG funds:

- ✓ **Determine if you community is eligible for funding** by reading this handbook.
- ✓ **Review the Low and Moderate Income Information and Tables** in Appendices B1 and B3 to determine if and how your project meets the requirement of benefiting at least 51% low and moderate income persons. Your project cannot be considered for funding and will not pass threshold review if this requirement is not satisfied.
- ✓ **Establish a citizen participation process** in the form of a public meeting which will help you determine the community development priorities of local citizens, especially low and moderate income persons. Your project cannot be considered for funding and will not pass threshold review if this requirement is not satisfied.
- ✓ **Decide whether or not to apply for funding** after reviewing community priorities and comparing them with CDBG eligible activities, examining application guidelines, and consulting with CDBG Program staff.
- ✓ **Collect preliminary data** related to need, urgency, other possible funding sources available as leverage, community demographics, and your community's financial condition.
- ✓ **Develop a plan** for preparing the application which identifies the tasks to be completed, the individual(s) who will be responsible, and the timeframes in which each task will be completed.
- ✓ **Review the draft proposal** with citizen groups and other community leaders.

Once these steps are complete, an applicant is ready to prepare the CDBG application.

## B. APPLICATION INSTRUCTIONS & REQUIREMENTS

### 1. *Application Packet*

Each applicant is expected to consult with CDBG Program staff about project eligibility and structure prior to submission of an application. It is important that applications be submitted under the appropriate category (Community Development, Planning, or Special Economic Development). Communities are advised to determine which project funding category is most appropriate for the project they are proposing and indicate that funding category on the Application Form.

The application packet contains the application form and a yellow Appendix Packet. The required Appendices must be filled out with the original signed documents submitted with the application.

Please use the Application Form provided, adding pages if needed. Minimum font size used in your application is size 12. Please insert supplemental information (designs, comprehensive plans, etc.) in appendices attached to the back of your application and clearly identify them. Do not submit your application in a 3-ring binder.

### 2. *Application Submission Details*

The 2022 funding cycle begins on September 1, 2022 with distribution of the letter notifying eligible applicants of the availability of this Handbook, the Application Form and Appendix Packet. Completed applications **must be received in the Fairbanks office** of the Department of Commerce, Community, and Economic Development, 455 3<sup>rd</sup> Avenue, Suite 140, Fairbanks, Alaska 99701-4737, no later than **4:30 p.m., December 2, 2022**. It is important that you send your application early enough to guarantee its **receipt in DCCED's Fairbanks office** by the deadline date. **NOTE: If you send your application by plane or a manner other than the US Postal Service, please arrange for delivery of the application to 455 3<sup>rd</sup> Avenue, Suite 140, Fairbanks, Alaska 99701-4737 no later than 4:30 P.M. on December 2, 2022.**

**NOTE: Facsimile (fax) copies will not be accepted** unless the applicant has received prior approval from Pauletta Bourne. The only condition under which facsimile copies will be considered is poor weather conditions which prohibit transportation of mail from a community prior to the submission deadline. The existence of poor weather must be confirmed by the postal service or the appropriate flight service and provided to DCCED for verification. Poor planning or procrastination in mailing the application packet on the part of the applicant is **not** an acceptable reason to authorize the acceptance of a facsimile application. You must notify us by **November 22, 2022** if poor weather conditions will prevent on-time submittal. Contact Pauletta Bourne at 451-2721 if you have any questions regarding facsimile copies.

Applicants must submit **an original and four copies of the application, required appendices, and all attachments. Only one copy of the audit or certified financial statement is required.** Applications must be submitted on the CDBG Application Packet provided or an identical copy of these forms. Applications must be signed by the applicant's highest elected official (usually the mayor) or other authorized certifying officer designated by the highest elected official.

### 3. *Application Components: Instructions & Requirements*

The CDBG Application Form consists of narrative responses to questions about the proposed project, project budgets, and an Appendix Packet which must be completed and submitted with the application.

Applicants are advised to use the Application Checklist on page 34 of this Handbook to verify that all components of the application are complete and attached to the packet prior to submission to DCCED. The following discusses each section of the application form:

## **Determining Minimum Benefit for Low and Moderate Income**

Each proposed CDBG activity must meet the National Objective of benefiting populations or targeting areas which consist of at least 51% low and moderate income persons, as defined by census data and DCCED. Appendix B provides detailed instructions and forms which will help you determine *if* and *how* your project meets this requirement, and *how to document* that fact. **Your project cannot be considered for funding and will not pass beyond threshold review if this requirement is not satisfied.**

Activities considered to benefit low and moderate income persons are divided into four categories as outlined below. Each proposed activity must fall under one of the below categories in order to be considered for funding. Again, the applicant must determine the activity under which the project falls:

1. Area-Wide Benefit
2. Limited Clientele
3. Housing
4. Job Creation or Retention

**Note:** *Special Economic Development Projects must meet the LMI benefit through Job Creation or Retention.*

**1. Area-Wide Benefit:** The basic rule for Area-Wide Benefit is as follows:

*An activity, the benefits of which are available to all residents in a particular area or areas, where at least 51% of the residents are Low and Moderate Income persons, qualifies as an area-wide benefit. An activity which serves an area that is not primarily residential in character shall not qualify under area-wide benefit.*

In order to meet this criteria, the applicant must identify the area or areas to be served by the activity (i.e., the entire community or a specific area within a community, such as a subdivision, etc.). The area identified must be the entire area which will be served by the project. In some cases a project may be proposed which serves more than one community. You must identify specifically which community or communities will benefit. Once the area to be served is identified, the applicant must determine if that area is principally low and moderate income. There are two ways to accomplish this:

- a. If the project will serve the entire community, review the data in Part 1 of Appendix B3 and determine whether your community has a low and moderate Income percentage of 51% or more. If it does, then you have met the requirement to serve principally low and moderate income persons.
- b. If the project will not serve the entire community or if the data in Part 1 of Appendix B3 does not reflect that at least 51% of the community residents are low and moderate income, you will need to conduct a survey of the area to be served by the project prior to submission of an application. **Contact your DCCED Regional Office or CDBG Program staff for the survey**



**methodology that must be utilized.** Survey results will be considered valid until the next census data is published.

**Note:** *If the project will serve more than one community, you must contact the CDBG Program staff (page 3) for an LMI determination.*

**2. Limited Clientele:** The basic rule for Limited Clientele is as follows:

*A Limited Clientele activity is one which benefits a specific group of people rather than all the residents of a particular area.*

To qualify under this category, the activity must meet one of the following tests:

- a. Benefit a clientele who are generally presumed to be principally low and moderate income persons as identified below:

- |                            |  |
|----------------------------|--|
| ✓ Abused children          | ✓ Elderly persons                      |
| ✓ Battered spouses         | ✓ Homeless persons                     |
| ✓ Severely disabled adults | ✓ Illiterate adults                    |
| ✓ Migrant farm workers     | ✓ Persons living with the disease AIDS |

**OR**

- b. Require information on family size and income so that it is evident that at least 51% of the clientele are persons whose family income does not exceed the low and moderate income limit as defined by census data in Part 2 of Appendix B3; **OR**
- c. Have income eligibility requirements which limit the activity exclusively to low and moderate income persons; **OR**
- d. Be of such a nature and location that it may be concluded that the activity's clientele will primarily be low and moderate income persons.

Limited Clientele activities include:

- ✓ construction of a senior center
- ✓ construction of a domestic violence center
- ✓ construction of job training facilities for severely disabled adults

Limited clientele activities also include special projects that remove material and architectural barriers that restrict the mobility and accessibility of elderly or handicapped persons to publicly owned and privately owned non-residential buildings, facilities, and improvements, and common areas of residential structures containing more than one dwelling unit. The removal of material and architectural barriers must be in conjunction with a renovation project on the facility.

**3. Housing Activities:** **Note: The State of Alaska CDBG program does not target housing activities, although they are eligible under the CDBG guidelines.** This is an activity that adds or improves permanent residential structures. The housing may be either owner- or renter-occupied units in

either one-family or multi-family structures. Upon completion, at least 51% of the units of a project must be occupied by low and moderate income persons. Rental costs must be affordable in rental units occupied by low and moderate income persons.

Examples of potentially eligible housing activities include:

- ✓ Acquisition of property for permanent housing
- ✓ Rehabilitation of permanent housing
- ✓ Conversion of non-residential structures into permanent housing
- ✓ Eligible activities connected with new housing construction

- 4. Job Creation or Retention Activities:** A job activity creates or retains **permanent** jobs, at least 51% of which are either *held by* low and moderate income persons, or *considered to be available to* low and moderate income persons. Jobs that are created only during the construction of a CDBG project do not count toward job creation. **Note:** *If a project that meets the job creation benefit criteria is located in a primarily residential area, you must show that you meet the area benefit as well (Section 1).*

Jobs are considered to be “available to” low and moderate income persons only when both the following conditions are met:

- a. There are no prerequisites for filling such jobs, i.e. special skills (requiring one year or more training), or work experience or education beyond high school; or the applicant agrees to hire unqualified persons and train them; **AND**
- b. The local government takes actions which ensure that low and moderate income persons receive “first consideration” for filling such jobs. “First consideration” includes using hiring practices which in all likelihood will result in hire of over 51% low and moderate income persons; seriously considering a sufficient number of low and moderate income applicants; and considering the distance from the residence of low and moderate income applicants to the job site, so that those residents may be seriously considered for hire.

In counting **Job Creation**, the following policies apply:

- a. Part-time jobs must be converted to full-time equivalent, for example, a job that will require only working half-time will count as only one-half of a full-time equivalent job;
- b. Only permanent jobs qualify; temporary jobs may not be included;
- c. All permanent jobs created by the activity must be counted, even if the activity has multiple sources of funding;
- d. Jobs indirectly created by an assisted activity (i.e. trickle-down jobs) do not qualify;
- e. Jobs from different employers may not be aggregated. However, in certain cases such as where CDBG funds are used to acquire, develop, or improve real property (i.e. a business

incubator or an industrial park), jobs may be aggregated for all the employers located on the property, provided employers are not otherwise assisted with CDBG funds.

In counting **Job Retention**, the following policies apply:

- a. Retained jobs are considered to involve the employment of low and moderate income persons if 51% of such jobs are known to be held by low and moderate income persons when CDBG assistance is provided; **AND/OR**
- b. Such jobs can reasonably be expected to become available to low and moderate income persons within two years; **AND/OR**
- c. There is clear and objective evidence that permanent jobs will be lost without CDBG assistance. "Clear and objective evidence" may include such evidence as a notice issued by an employer to affected employees; a public announcement by the employer; or relevant financial records.

If your proposed project meets the national objective of serving at least 51% low and moderate income persons **solely** on the basis of Job Creation or Retention, you must submit the Job Creation/Retention Certification included in Appendix B2. During the life of the grant, **you will be required to maintain sufficient records demonstrating job creation and retention.**

Again, each activity proposed must fall under one of the above categories (**Area-Wide, Limited Clientele, Housing Activity, or Jobs Creation/Retention**) in order to be considered for funding. The applicant must determine the category under which his project falls by reviewing the above information and completing and submitting the forms found in Appendix B1 – B2.

### **Project Description & Selection/Citizen Participation Plan**

The Project Description should describe the issues that will be addressed by the project proposal. The narrative should first identify existing conditions and the nature of the proposed project. It should cover all aspects of the issues which are objectively measurable, and should reference source documents and their location within the application (i.e. Attachment I, II, etc.).

The Selection/Citizen Participation Plan should identify how and why the community chose this project. **At a minimum**, applicants must attach copies of minutes from at least one public hearing (held within six months of acceptance of the application) **which shows that citizens had the opportunity to comment on the proposed project**. The purpose of this meeting must be to review the community's development and housing needs, **accept alternative proposals and citizen views and comments** on the proposed project, and to **approve submission** of the CDBG application. **The minutes must demonstrate that the community supports this project. It is not adequate to simply have a public hearing. The minutes must reflect that residents were informed about the types of activities for which CDBG funds can be used, and that they had the chance to comment on the type of project for which the city/borough applied.**

## **Project Plan/Readiness**

The **Project Plan/Readiness** section should describe the community's plan for implementing the proposed project including timelines, goals, objectives, and expected outcomes. Efforts to ensure the success of the project should be identified. Project agreements, design plans, building and other permits, site control, and cooperative/joint agreements which have been obtained should be outlined in detail. Additional information appropriate to include is outlined below:

- **Building Code & Standards Enforcement:** Each CDBG activity that includes construction, renovation, rehabilitation, expansion, or modification of buildings and facilities for public or commercial purposes, must be in compliance with pertinent state and federal building codes and standards. Applicants are required to submit evidence of State Fire Marshal approval of facility plans, as well as compliance with energy standards for construction projects.
- **Potential Project Permits:** Appendix G identifies other permitting requirements and appropriate contacts and should be carefully reviewed.
- **Environmental Review:** (See Appendix D) Every successful applicant for CDBG funds must obtain appropriate environmental clearances for their proposed activity. DCCED will make a determination regarding the environmental requirements of each project and notify each grantee about appropriate procedures after notification of award. After your application is submitted, **all project activity must stop** until the environmental review requirement is met.
- **Site Control:** Each CDBG activity that involves the use of real property requires that the applicant document that he has the enforceable right to use the real property. This documentation may be in the form of a deed, lease (usually for not less than twenty years or the useful life of the facility), easement, or similar formally executed document. Because the lack of adequate site control can indefinitely delay the progress of a project, applicants are encouraged to secure and provide as much information as possible regarding land status with their application. If you have questions about site control, contact the CDBG Program staff listed on page 3 of this Handbook for assistance. If you are awarded CDBG funds, you will be given no more than six months from date of award to show that you have site control.

## **Project Impact**

The **Project Impact** should identify the benefits to the community resulting from the proposed project, especially those which provide a direct benefit to low and moderate income residents. A checklist of potential benefits is provided in the Application Packet, although applicants are not limited to the benefits identified within that checklist.

Applicants who apply for Special Economic Development projects **must** also identify the number of jobs to be created and retained as a result of the proposed project, as defined by HUD. Refer to pages 21 – 22 of this Handbook for what constitutes a “created” or “retained” job. Copies of completed feasibility or marketing studies should be attached if appropriate and available.

## **Budget: CDBG Request, Cash Match, In-Kind Contributions, and Total Project Cost**

The Proposed Budget should consist of four parts:

$$\begin{array}{rcl}
 \textcircled{1} & & \textbf{CDBG Request} \\
 \textcircled{2} & + & \textbf{Cash Match} \\
 \textcircled{3} & + & \textbf{In-Kind Contributions} \\
 \hline
 \textcircled{4} & = & \textbf{Total Project Cost}
 \end{array}$$

Each applicant for CDBG funds will be required to provide some matching funds if the application is to receive the maximum points available in project review. Ideally, a minimum 25% match will be provided from other sources. **The source of all matching funds, whether cash or in-kind, must be identified and documented, and their receipt verified in writing if maximum points are to be awarded. If the source of cash match is another federal award, provide the Catalog of Federal Domestic Assistance (CFDA) number of that award.**

The four components of the Proposed Budget (CDBG Request, Cash Match, In-Kind Contributions, and Total Project Cost) should identify specifically what funds are required, by line item, under each of the components. **The Proposed Budget should reflect that the CDBG Request, in conjunction with Cash Match and In-Kind Contributions, is sufficient to ensure that the proposed project will be completed in a timely and efficient manner and that the project, in and of itself, will provide a direct benefit to the low and moderate income residents of the area.**

Applicants should describe in the Budget Narrative and Computation sections how the CDBG Request, Cash Match, and the In-Kind Contributions were computed. Each section should include an explanation and cost estimate for each line item for which funds are requested or identified.

Examples of In-Kind contributions include the cost or value of any final designs, feasibility studies, business plans, operating and maintenance plans, etc. For facility construction the value of land, site preparation, and donated materials can be counted as in-kind contributions.

Documentation of all costs, including their source and type, must be included in the Application Packet if the application is to receive the maximum points available in project review. For indirect costs for Administration, provide a copy of approved indirect cost allocation plan as explained on page 26.

Applicants are advised to ensure that all potential costs for carrying out the project are identified and outlined in the proposed budget. For example, applicants should consider whether the project will be Force Accounted or Contracted Out when preparing the proposed budget. Descriptions of both are provided on the following page:

**FORCE ACCOUNTED:** Force Accounted is a term used to describe a construction project in which a city or borough serves as the contractor and constructs a project “in-house” using local labor. In a force account project, workers are hired directly by the city/borough as public employees. The city/borough bears the final responsibility for hiring and firing employees, setting wages, paying wages, purchasing materials, and all aspects of construction.

Two questions should be kept in mind when considering whether or not to use Force Accounting for a construction project. First, is the city/borough **capable** of handling the technical aspects and labor requirements of the construction project? Second, does the city/borough and the community have the **commitment** to provide the labor force, training programs, and administrative capability necessary to successfully complete a Force Accounted construction project?

**CONTRACTED OUT:** Contracted out is a term used to describe a project in which the city/borough signs a contract with a license contractor to complete the construction project. When projects are contracted out, the contractor, not the city/borough, is responsible for hiring and firing employees, determining wages, paying wages, purchasing materials, and all aspects of construction which are part of the contract. There are several different construction contracting options such as fixed-price, guaranteed maximum-price, design-build, turnkey, and construction management.

In computing proposed budgets, keep in mind that projects involving construction, remodeling, site development, major equipment installation, or other similar activity in which **contracted labor and services** is used, must comply with the Davis-Bacon Wage Act and other federal labor standards requirements. Those provisions are partially outlined below.

- ✓ The Davis-Bacon Act requires that workers receive no less than the prevailing wage being paid for similar work in their locality. All contracted labor must be paid the prevailing wage rate issued by the U.S. Department of Labor for the specific geographic region in which the project is located. The U.S. Department of Labor also issues federal wage determinations for each classification of work.
- ✓ Davis-Bacon wage rate provisions apply when funds are used for equipment purchases which require installation and the installation involves “more than an incidental amount” of construction work.
- ✓ Davis-Bacon wage rate provisions do not apply to equipment purchases where the cost of installation is less than 13% of the cost of the equipment.
- ✓ Davis-Bacon wage rate provisions apply to all CDBG construction contracts, alterations, or repair contracts over \$2,000, except contracts for: rehabilitation or new construction of a residential property that contains less than eight units, apprentices registered in a bona-fide apprenticeship program approved by the Department of Labor or recognized by the State Apprenticeship Council, trainees employed under a program which has been approved by the Department of Labor, and Force Account employees of a State or political subdivision.

- ✓ Contracting out triggers other Federal Labor Standards requirements. Applicants are encouraged to request a complete Federal Labor Standards compliance packet before submitting an application, so that they may be fully informed of all the required provisions and how those may affect potential project costs.

#### Allocable Administrative Costs and Cost Allocation Plan (Indirect Costs)

A cost is allocable to a federal award if it is treated consistently with other costs incurred for the same purpose in like circumstances and if it:

1. Is incurred specifically for the Funding Agreement;
2. Benefits both the Funding Agreement and other work and can be distributed in a reasonable proportion to the benefits received; or
3. Is necessary to the overall operation of the organization, although a direct relationship to any particular cost objective cannot be shown.

Indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. See [2 CFR Part 200.414](#) Indirect (F&A) costs.

These statements highlight the difference between costs allocated under a cost allocation plan and an indirect cost plan. Direct costs are allocable under Item 1 above, allocable direct costs are under Item 2 above, and indirect costs are under Item 3.

Indirect costs are only those costs which cannot be readily identified to a final cost objective (i.e. those costs that do not connect back to the end result). Examples of indirect costs include salaries of department managers, depreciation or use allowances, personnel costs and accounting. It is the municipal government responsibility to show that the cost is related to carrying out the objectives set forth in the grant agreement (i.e. to show an incurred expense). By definition, indirect costs cannot be tied back to the objectives in the grant agreement; the only way to make these costs allocable is through an approved indirect cost allocation plan.

A cost allocation plan does not need cognizant agency approval while an indirect cost allocation plan does. Cost allocation plans (see Item 2 above) allocate costs that benefit both the Funding Agreement and other work and can be distributed in reasonable proportion to the benefits received. For example: A plan to allocate an electricity bill based upon square footage and direct labor costs may be reasonable if the municipal government can show that electricity use was reasonably necessary to carry out the objectives, electricity was actually used to carry out the objectives, the bill resulted at least in part from that usage, and the bill was paid by the municipality. Since there is a direct tie between the cost (electricity bill) and the objective, the cost is not an indirect cost but an allocable direct cost.

If indirect costs were approved as part of the municipality's administration budget in the CDBG application, a copy of its cost allocation plan must be provided at the beginning of each fiscal year for which it has a CDBG Funding Agreement as well as a copy of the plan's approval by the cognizant agency.

## Operation and Maintenance Budget

Applicants under the **Community Development** project category must include an Operation and Maintenance budget. The budget must identify the long-range plan for financial and physical operation and maintenance of any facility or equipment constructed or purchased with CDBG funds.

**Note:** *Under no circumstances may costs incurred prior to an award of CDBG funds be eligible for reimbursement through this grant program.*



# V.

## Rating Criteria

As described previously under the Grant Selection process, applications will be reviewed at two stages: threshold review and project rating and selection. During the threshold review process, staff will screen all applications for eligibility without awarding points. An application must meet all of the threshold review requirements in order to qualify for the second stage of the selection process. The project rating and selection process, stage two, will be conducted by the Application Selection Committee (ASC) using the criteria described below.

Applications will be evaluated and assigned points by the ASC based on the following criteria:

### **CRITERION #1 / Maximum Points Available 15**

#### **Project Description & Selection / Citizen Participation Plan**

---

- ✓ Did the applicant describe the existing conditions, the nature of the proposed project, and what needs the project will address in the community? Although not required, did the applicant submit photos that show existing conditions?
- ✓ Did the applicant describe how the community decided on this project and why?
- ✓ Is there evidence of an active citizen participation plan which encourages citizen participation, provides reasonable access to public meetings, and provides technical assistance to low and moderate income citizens in developing proposals?
- ✓ Did the applicant describe the public participation process and explain how low and moderate income residents had the opportunity to comment?
- ✓ Does the applicant demonstrate there is a community consensus about this project?
- ✓ Did the applicant attach minutes of at least one public hearing, held within six months of the submission of this application, which verifies community consensus? Do the public meeting minutes demonstrate that citizens were asked to prioritize potential CDBG requests and that the majority selected this project?
- ✓ Did the applicant submit verification of public notification of the meeting? Were sign-in sheets attached?
- ✓ Does the applicant appear to have adopted a community development plan which identifies the proposed project as a community priority?

**CRITERION #2 / Maximum Points Available 25****Project Plan / Readiness**

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- ✓ Did the applicant provide a clear and reasonable plan for implementing the proposed project?
- ✓ Did the applicant identify specific time lines, goals, objectives, and expected outcomes? Do these appear to be reasonable and achievable?
- ✓ Has the applicant identified and addressed permitting requirements, site control, State Fire Marshal approvals if appropriate, Energy Standards if appropriate, and Cooperative/Joint Agreements if appropriate?
- ✓ Has the applicant identified other agencies which will be or should be involved with this project?
- ✓ Is the applicant ready to proceed with the proposed project upon notification of award?
- ✓ Has the applicant obtained market assurances if appropriate? (Only for Special Economic Development Projects)
- ✓ In this section, does the applicant describe in detail that substantial efforts have been made to identify and seek other resources besides CDBG to support this project?
- ✓ Did the applicant receive CDBG funding within the past two years for project design, engineering, feasibility, and/or planning?

**CRITERION #3 / Maximum Points Available 25****Project Impact**

---

- ✓ Does the applicant provide evidence that the proposed activities will provide a substantial or direct benefit to low and moderate income persons?
- ✓ Does the applicant demonstrate that the proposed activities have the potential for long-term positive impact?
- ✓ Does the proposed project support activities that eliminate clear and imminent threats to public health and safety?
- ✓ Does the proposed project support local efforts toward solving public facility problems by constructing, upgrading, or reducing operational/maintenance costs of essential community facilities?
- ✓ Does the applicant document the specific health and safety needs that will be addressed by this proposed project? Does the applicant identify and document how long these health and safety needs have existed and the extent of the need?
- ✓ Does the applicant demonstrate that the proposed project is economically feasible and will have long-term viability?
- ✓ Does the proposed project provide development or encourage development in underdeveloped rural areas?
- ✓ Does the proposed project promote self-sufficiency and diversification in local economies?
- ✓ Does the proposed project make use of local resources and/or improve existing production/delivery capacity?

## CRITERION #4 / Maximum Points Available 25

### Budget / Match / In-Kind

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- ✓ Is the overall Proposed Budget reasonable?
- ✓ Has the applicant clearly identified and submitted its proposed budget according to the four budget components (CDBG Request, Cash Match, In-Kind Contributions, and Total Project Cost)? Has the applicant included a Budget Narrative?
- ✓ Has the applicant secured other funds which are needed to complete this project? Is documentation included?
- ✓ Are matching funds at least 25% of the total project cost and has the applicant documented that this match is committed to the project? Has the applicant identified the source and type of this match?
- ✓ Has the applicant identified and documented all In-Kind Contributions, including their source and type? Does the amount of In-Kind Contribution indicate that the community is committed to making this project happen and willing to contribute significantly to its support? Are the computations for In-Kind Contributions reasonable and supported with documentation?
- ✓ Has the applicant identified whether the proposed project will be Force Accounted or Contracted Out, if appropriate?
- ✓ Has the applicant completed the Labor and Fringe Benefits computation chart contained in the Application Packet? Are the proposed wage rates appropriate and reasonable? Are the Fringe Benefits appropriate and reasonable?
- ✓ Has the applicant identified costs and attached price quotes or cost estimates for materials, freight, equipment rental, equipment purchase, contractual, insurance, administration, and other line items for which CDBG funds are requested? Are the costs reasonable and appropriate?
- ✓ Is no more than 5% in administrative costs requested from the CDBG funds?
- ✓ Does it appear that the applicant can complete this project and provide a benefit to the residents of the area with the funds currently available?

**CRITERION #5 / Maximum Points Available 10****Administrative Capabilities**

- 
- ✓ Does the Application Packet and information provided therein support that the applicant has the administrative capability to properly manage CDBG funds and comply with all federal and state requirements?
  - ✓ Has the applicant identified who will have the day-to-day management responsibility and oversight for this project?
  - ✓ Does the applicant have the cash resources to administer a cost reimbursable grant or have they identified an alternative course of action which will allow this project to proceed?
  - ✓ Has the applicant successfully administered other federal or state grants which have had similar requirements to the CDBG program? Has the applicant documented that it was successful with those grants?
  - ✓ Did the applicant attach a copy of last year's audit or Certified Financial Statement with the Application Packet? Does the audit identify findings? Have those findings been satisfactorily resolved? Did the applicant include management letters and any other reports received with its audit?
  - ✓ Has the applicant noted any tax liens or judgments and addressed them?
  - ✓ Has the applicant clearly described what Administration costs will be charged to this grant?
  - ✓ Did the applicant use the application form provided, adding pages if needed? Was the minimum font size used in the application (at least size 12) and was it easy to read? Was supplemental information (designs, comprehensive plans, etc.) inserted in appendices attached to the back of the application?

**Total Maximum Score for all Five Criteria**

Project Description & Selection/Citizen Participation Plan	<b>15</b>
Project Plan/Readiness	<b>25</b>
Project Impact	<b>25</b>
Budget/Match/In-Kind	<b>25</b>
Administrative Capabilities	<b>10</b>

**Total Maximum Score 100 Points**

## Appendix Packet Contents

The yellow Appendix Packet includes Appendices A through I, as well as instructions for completing each appendix. Please complete the required\* appendices and make sure they are attached to your application. The original signed application must include the required appendices to be considered for funding with **original signature of the applicant's highest elected official or other authorized representative** and four copies.

**\* Required to be submitted with all applications**

**† Required to be submitted with applications, if applicable**

**§ For reference only; do not submit this appendix with your application**

<b>APPENDIX A:</b>	* Authority to Participate
<b>APPENDIX B1:</b>	* Determining Benefit to Low and Moderate Income Persons
<b>APPENDIX B2:</b>	† Job Creation/Retention Forms
<b>APPENDIX B3:</b>	§ Low and Moderate Income Tables Part 1: Listing of LMI % by Community Part 2: Listing of LMI Income Limits by Census District
<b>APPENDIX C:</b>	* Statement of Assurances and Certifications
<b>APPENDIX D:</b>	§ Environmental Review Information
<b>APPENDIX E:</b>	† Joint Application Agreement
<b>APPENDIX F:</b>	† Cooperative Application Agreement
<b>APPENDIX G:</b>	§ Potential Project Permit Requirements
<b>APPENDIX H:</b>	* Applicant/Recipient Disclosure/Update Report
<b>APPENDIX I:</b>	* ADA Certification

## Application Checklist

You must answer yes or N/A to all the questions below in order to pass the threshold review. If your application does not contain the required information, your application will not move forward.

- | Yes                      | No                       | N/A                      |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Is this project eligible for CDBG funding (see pages 7 – 8)?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Are previous CDBG projects complete to the degree required (see page 11)?  |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Will the Application Packet be received by <b>December 2, 2022 at 4:30 p.m.</b> in the <b>Fairbanks</b> DCCED office? This is a firm deadline.   |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Is the application cover page signed by the highest elected official or the individual designated on the Authority to Participate Resolution (Appendix A)?   |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Is there a <a href="https://sam.gov/content/home">https://sam.gov/content/home</a> printout of the applicant's (including co-applicant) active Unique Entity ID # included (see page 14)?  |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Are minutes of a Public Hearing <b>held within six months of application submission</b> which meet the criteria on page 3 of the Application included?   |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Is the passed Authority to Participate Resolution (Appendix A) included?   |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Is the completed Determining Benefit to Low and Moderate Income Persons (Appendix B1) included?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If applicable, are the results and all accompanying documentation of your LMI Survey included?   |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Is the Statement of Assurances and Certification (Appendix C) signed and included?   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Is the Joint Application Agreement (Appendix E) or Cooperative Application Agreement (Appendix F) signed and included, if applicable?  |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Is the Applicant/Recipient Disclosure/Update Report (Appendix H) signed and included?  |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Is the ADA Certification (Appendix I) signed and included?   |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Is your most recent <b>audit</b> or <b>certified financial statement</b> included? Include any management letters and other reports that pertain to the audit and a statement addressing resolution to any findings as applicable. |
| <input type="checkbox"/> | <input type="checkbox"/> |                          | Are the <b>original signed application</b> and <b>four complete copies</b> included? (You only need to submit one copy of your most recent audit.)   |

# Appendix Packet

This yellow Appendix Packet includes Appendices A through I, as well as instructions for completing each appendix. Please complete the required\* appendices and submit with your application. The original signed application must include the required appendices with original signature of the applicant's highest elected official or other authorized representative to be considered for funding.

<b>APPENDIX A:</b>	*Authority to Participate (pg. 3)
<b>APPENDIX B1:</b>	*Determining Benefit to Low and Moderate Income (LMI) Persons (pgs. 5–10)
<b>APPENDIX B2:</b>	Job Creation/Retention Forms (pgs. 12-14)
<b>APPENDIX B3:</b>	LMI Tables (pgs. 16 – 20) Part 1: Listing of LMI % by community Part 2: Listing of LMI Income Limits by census district
<b>APPENDIX C:</b>	*Statement of Assurances and Certifications (pg. 22)
<b>APPENDIX D:</b>	Environmental Review Information (pg. 24)
<b>APPENDIX E:</b>	Joint Application Agreement (pg. 26)
<b>APPENDIX F:</b>	Cooperative Application Agreement (pg. 28)
<b>APPENDIX G:</b>	Potential Project Permit Requirements (pgs. 30-31)
<b>APPENDIX H:</b>	*Applicant/Recipient Disclosure/Update Report (pgs. 33-35)
<b>APPENDIX I:</b>	*ADA Certification (pg. 37)



## Appendix

## A

**Authority to Participate**

---

 **Who must submit this appendix with their application?**

Every applicant for CDBG funds, regardless of project or category.

 **What is the purpose of this appendix?**

Every applicant for CDBG funds **must** submit a resolution, motion, or similar action granting Authority to Participate in the program. The Authority to Participate also establishes signatory authority to an appropriate official to conduct normal and usual business regarding the project.

On the following page is one suggested format for this Authority to Participate. You may change the format only to the extent that it does not eliminate the key components, including the amount of the grant funds requested, the project description, and the signatory authority.

# Authority to Participate

**RESOLUTION NUMBER** \_\_\_\_\_

**A RESOLUTION** of the (Council) \_\_\_\_\_  
authorizing participation in the Community Development Block Grant Program.

**WHEREAS**, the Council of the City of \_\_\_\_\_ wishes to provide a (Project)  
\_\_\_\_\_ for use in the community; and

**WHEREAS**, this entity is an applicant for a grant in the amount of \$\_\_\_\_\_ from the  
Alaska Department of Commerce, Community, and Economic Development (hereinafter  
"Department"), under the CDBG program;

**NOW, THEREFORE, BE IT RESOLVED THAT** the (Name and Title) \_\_\_\_\_ of the City  
of \_\_\_\_\_ is hereby authorized to negotiate and execute any and all documents  
required for granting and managing funds on behalf of this organization.

The (Name and Title) \_\_\_\_\_ is also authorized to execute subsequent  
amendments to said grant agreement to provide for adjustments to the project within the scope of  
services or tasks, based upon the needs of the project.

**PASSED AND APPROVED BY THE** \_\_\_\_\_ on  
\_\_\_\_\_, 20\_\_\_\_\_.

**IN WITNESS THERETO:**

By: \_\_\_\_\_  
Signature

Attest: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

By: \_\_\_\_\_  
Signature

Attest: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

# Appendix B1

## Determining Benefit to Low and Moderate Income Persons

### Who must submit this appendix with their application?

Every applicant for CDBG funds, regardless of project or category.

### What is the purpose of this appendix?

The national objective of the CDBG program is to benefit Low to Moderate Income (LMI) persons. Every applicant for CDBG funds **must** submit this appendix in order to verify that they meet this national objective.

On the following pages is a checklist which addresses each way in which a project can meet this national objective. You must work through the checklist until one of the starred notations indicates you need go no further.

**Note:** *If the project will not serve the entire community or if the data in Part 1 of Appendix B3 does not reflect that at least 51% of the community residents are LMI, you will need to conduct a survey of the area to be served by the project **prior** to submission of an application. **Contact CDBG Program staff for the survey methodology that must be utilized.** Survey results will be considered valid until the next application cycle or the next census data is published.*

**Note:** *If a project that meets the job creation benefit is in a primarily residential area, you must also show that you meet the area-wide benefit.*

**Note:** *Planning applications must demonstrate that at least 51% of the persons who would benefit from implementation of the plan, or a project which results from the plan, are LMI.*

## Section 1: LMI Area-Wide Benefit

---

Complete Section 1 if you think your project meets the definition of an **Area-Wide Benefit** as defined on Pages 19 – 20 of the CDBG Handbook.

---

1. Identify the community your project will serve. \_\_\_\_\_

**Note:** *If more than one community will be served, contact DCCED for an LMI determination.*

2. Will your project serve the residents of the entire community?  Yes  No

3. If you answered **NO** to question #2, skip to question #10.

If you answered **YES** to question #2, refer to Part 1 of Appendix B. Is your community identified by census data as being at least 51% LMI according to Part 1 of Appendix B?  Yes  No

4. What is your community LMI % \_\_\_\_\_

★ **If you answered YES to both questions #2 and #3, your project meets the criteria for providing an Area-Wide Benefit to LMI residents. STOP HERE.**

5. If you answered **YES** to question #2 above, but **NO** to question #3 above, you will need to contact DCCED for information on conducting a survey to show that the income figures provided by census data in Part 1 of Appendix B are no longer valid and that your community is in fact at least 51% LMI.

6. Do the figures in Part 1 of Appendix B indicate that you must conduct a survey?  Yes  No

7. Have you contacted DCCED for survey methodology and followed those instructions in conducting your survey?  Yes  No

8. Did you include the survey that was completed prior to submission of your application?  Yes  No

9. Did the survey results indicate that the residents of the entire community are at least 51% LMI as defined by census data income guidelines in Part 2 of Appendix B.  Yes  No

★ **If you answered YES to questions #6, #7, #8, and #9, your project meets the criteria for providing an Area-Wide Benefit to at least 51% LMI residents. STOP HERE.**

10. If you answered **NO** to question #2, you will need to identify the specific area within your community which will be served by this project. Prior to submission of an application contact DCCED for information on conducting a survey to show that the residents of that area are at least 51% LMI defined by census data.

Specific area within the community to be served:

---

- 11. After identifying the specific area within your community to be served by the project, have you contacted DCCED for survey methodology and followed those instructions in conducting your survey?  Yes  No
- 12. Did you include the survey that was completed prior to submission of your application?  Yes  No
- 13. Did the survey results indicate that the residents of the area to be served are at least 51% LMI as defined by census data guidelines in Part 2 of Appendix B?  Yes  No

★ **If you identified the specific area to be served in question #10 and answered YES to questions #11, #12 and #13, your project meets the criteria for an Area-Wide Benefit to at least 51% LMI persons. STOP HERE.**

## Section 2: LMI Limited Clientele

---

Complete Section 2 if you think your project meets the criteria for Limited Clientele as defined on Page 20 of the CDBG Handbook.

---

1. Will your project benefit one of the specific groups of people listed below?  Yes  No

If yes, please check the group to be served by this project:

- |   |   |
|---|---|
| <input type="checkbox"/> Abused Children  | <input type="checkbox"/> Severely disabled adults             |
| <input type="checkbox"/> Elderly Persons  | <input type="checkbox"/> Illiterate adults                    |
| <input type="checkbox"/> Battered Spouses | <input type="checkbox"/> Migrant Farm Workers                 |
| <input type="checkbox"/> Homeless Persons | <input type="checkbox"/> Persons living with the disease AIDS |

★ If you answered **YES** to question #1 and checked the appropriated group, your project meets the Limited Clientele criteria for serving 51% LMI persons. STOP HERE.

2. If you answered **NO** to question #1, you will need to identify the specific group of people your project will serve and provide information to show that at least 51% of those persons have income at or below the income figures listed in Part 2 of Appendix B.

Specific group within the community to be served:

---

3. Have you provided family size and financial information which shows that at least 51% of the persons who make up the group identified in question #2 above have income at or below that shown in the income tables in Part 2 of Appendix B?  Yes  No
4. Have you included family size and income information with your application?  Yes  No

★ If you identified a specific group to be served in question #2 above and answered **YES** to questions #3 and #4, your project meets the Limited Clientele criteria for serving at least 51% LMI persons. STOP HERE.

**Section 2: LMI Limited Clientele**

Page Two

5. Does your project impose income eligibility requirements, which limit the activity exclusively to LMI persons as defined by census data in Part 2 of Appendix B?  Yes  No
6. Is your project of such a nature and location that it may be concluded that the activity's clientele will primarily be LMI persons as defined by census data in Part 2 of Appendix B?  Yes  No
7. Does your project fall under one of the categories listed below?  Yes  No  
If yes, please check the appropriate category:
- Construction of a Senior Center
  - Construction of job training facilities for severely disabled adults
8. Does your project include special projects directed to removal of material and architectural barriers which restrict the mobility and accessibility of elderly or handicapped persons to publicly owned and privately-owned non-residential buildings, facilities, and improvements, and common areas of residential structures containing more than one dwelling unit?  Yes  No

★ If you answered **YES** to ANY of the questions asked in #5, #6, #7 OR #8, your project meets the Limited Clientele criteria for serving at least 51% LMI persons. STOP HERE.

### Section 3: LMI Housing Activities

---

Complete Section 3 if you think your project meets the criteria for **Housing Activities** as defined on Page 21 of the CDBG Handbook.

---

**Note: The State of Alaska CDBG Program does not target Housing Activities.**

1. Does your project include activities which add or improve permanent residential structures which are either owner or renter occupied one-family or multi-family structures?  Yes  No
  
2. Upon completion of the residential units, will at least 51% of the units of the project be occupied by LMI persons with renter units available to LMI persons at affordable rents?  Yes  No

★ If you answered **YES** to questions #1 and #2 above, your project meets the Housing Activities criteria for serving at least 51% LMI persons. STOP HERE.

3. Does your project include one of the following examples of potentially eligible housing activities?  Yes  No  
If yes, please check the appropriate category:
  - Acquisition of property for permanent housing
  - Rehabilitation of permanent housing
  - Conversion of non-residential structures into permanent housing
  - Eligible activities connected with new housing construction (e.g. site improvements, and “soft costs”)

★ If you answered **YES** to question #3 above and checked the appropriate activity, your project meets the Housing Activities criteria for serving at least 51% LMI persons. STOP HERE.



## Section 4: Job Creation & Retention

---

Complete Section 4 if you think your project meets the criteria for **Job Creation & Retention** as defined on Pages 21 – 22 of the CDBG Handbook.

---

**Note:** *Planning Activities are not, in and of themselves, recognized by HUD as resulting in job creation or retention. You may not use Job Creation and Retention for meeting the National Objective for a Planning Application.*

**Note:** *If a project that meets the job creation benefit is located in a primarily residential area, you must also show that you meet the area-wide benefit (Section 1).*

1. Does your project create or retain jobs (as defined on pages 21 – 22 of the CDBG Handbook) which are held or which will be available to LMI persons?  Yes  No
2. Have you completed and signed the attached Job Creation and Retention Certification Forms?  Yes  No
3. Are you prepared to report monthly to DCCED on your progress in meeting Job Creation and Retention requirements?  Yes  No

★ **If you answered YES to questions #1 – 3, your project meets the Job Creation & Retention criteria for serving at least 51% LMI persons. STOP HERE.**

**Note:** *You are asked to identify the specific jobs to be created and/or retained in your CDBG Application under Project Impact.*

**Appendix  
B2****Job Creation/Retention Forms** **Who must submit this appendix with their application?**

Any applicant for CDBG funds who is meeting the LMI Benefit in Appendix B1 through Job Creation/Retention activities. You may not use Job Creation and Retention for meeting the LMI Objective for a Planning Application.

All projects meeting the LMI benefit through Job Creation/Retention activities must document and report the Ethnic/Racial characteristics of the persons who fill the job positions.

 **What is the purpose of this appendix?**

An applicant proposing to meet the LMI benefit through job creation/retention is committing to tracking the required job data. The first page of this Appendix is to be filled out (indicate the number of jobs involved) and submitted with your application. The second and third pages are for your information, and need not be submitted at this time; these will be required reports during the life of your grant, if funded.

## Job Creation/Retention Certification

The Applicant, by signature and submittal of this application, acknowledges the requirement that, if awarded, this Community Development Block Grant Project will, during the life of the project or within two years of the start date of the project, whichever is less, result in either the creation of \_\_\_\_\_ (number) permanent, full-time equivalent jobs, 51% of which must be filled with persons of LMI households, or the retention of \_\_\_\_\_ (number) permanent, full-time equivalent jobs held by LMI persons. Job titles and descriptions for those jobs expected to be created or retained are attached.

A full-time equivalent job is defined as one in which the incumbent works at least forty (40) hours per week on a year-round basis. Low to moderate household income is defined as 80% of the median household income for the employee's family size for the area in which the project is located. Median household income information for the area in which this project is located is identified on the Income Limits Table, which is a part of Appendix B. Updates to this income data will be provided by the Department to the applicant as made available through HUD.

The applicant acknowledges that in order to justify expenditure of CDBG funds as outlined in this application and any subsequent grant agreement, the applicant will be required to maintain and submit information to the Department **monthly** which documents Job Creation activities and progress in meeting placement goals for LMI persons. This documentation will include the following information, which will be collected through use of the attached **Employee/Job Applicant Certification Form**:

1. Name, address, and social security number of each applicant for all jobs created by this project;
2. Household size for each job applicant;
3. Household income for each job applicant;
4. Racial/Ethnic characteristics.

Copies of each Employee/Applicant Certification Form will be submitted to the Department monthly by the Grantee.

Additionally, the Applicant/Grantee will be required to submit a **Job Creation Monthly Report**, copy attached, which summarizes the specific jobs created during the monthly reporting period, as well as the name, household income, family size, and date of hire for new hires during the month being reported. Racial/Ethnic characteristics will also be included.

***The Applicant/Grantee further understands that failure to meet the job creation projections outlined in this certification and any subsequent grant agreement will result in withholding payment or a request for repayment of all or part of the grant funds.***

**Definitions:** **Income:** Income includes all money or its equivalent received by members of a household in exchange for labor or services, from the sale of goods or property, public assistance payments, or as profit from financial investments. For clarification of special circumstances, contact your Grant Administrator.

**Full-time equivalent:** A position in which the employee works at least 40 hours per week (2,080 hours per year) on a year-round basis. A full-time equivalent position can result, for example, from two part-time permanent employees working 20 hours per week each. For clarification of special circumstances, contact your Grant Administrator.

**Household/Family:** A household consists of all members of a family, both adults and children, regularly sharing a single dwelling.

## Employee Job Applicant Certification

The City/Borough to which you are now applying is the recipient of financial assistance through the State of Alaska's Small Cities Community Development Block Grant (CDBG) Program. As part of the program requirements, the City/Borough must report the number of jobs created for persons from low to moderate income households. This information is not part of the selection process and will not be used in determining which persons will be hired. This information is being requested to assist the City/Borough in satisfying the U.S. Department of Housing & Urban Development's requirements for documentation of the beneficiaries of CDBG assistance.

**Name:** \_\_\_\_\_ **SSN:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Date:** \_\_\_\_\_

\_\_\_\_\_

**Certification of Household Size & Income:** I certify that the number of persons in my household is \_\_\_\_\_, and that my total household earning for the past year (12 months) did not exceed \$\_\_\_\_\_.

---

**Affirmative Action Information:** The following information is collected for statistical purposes only.  
Your cooperation is appreciated.

**Date of Birth:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Sex:**  Male  Female

**Veteran Status:**  Veteran  Disabled Veteran

**Handicapped Status:**  Yes  No

**Race/Ethnic Origin (Check One)**

White (\*11)       Asian (\*13)

Black (\*12)       Haw/Pacific

Am. Indian &       Islander (\*15)

AK Native (\*14)       Other (\*20)

(\* = Identity code)

---

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of City/Borough

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Employer Only:**

Yes     No    **Was Applicant hired?**

- ♦ If no, stop here
- ♦ If yes, employee's position title is \_\_\_\_\_

Yes     No    **Is this a new position?**

- ♦ If no, this position has been refilled, and was previously held by (name) \_\_\_\_\_
- ♦ If previously filled, who terminated employment?
  - employee       employer

## Job Creation Monthly Report

<b>Grantee:</b>	_____
<b>Grant Number:</b>	_____
<b>Report Period:</b>	From _____ To _____

- \_\_\_\_\_ Number of Permanent, Full-time Equivalent Jobs to be Created during life of grant per Grant Agreement
- \_\_\_\_\_ Number of New Permanent, Full-time Equivalent Jobs Created this report period
- \_\_\_\_\_ Number of Permanent, Full-time Equivalent Jobs in which Low to Moderate Income Persons were hired this report period
- \_\_\_\_\_ How many are new positions?
- \_\_\_\_\_ How many are refills of positions previously reported?
- \_\_\_\_\_ Cumulative number of Permanent, Full-time Equivalent Jobs Created to date under this Grant Agreement
- \_\_\_\_\_ Cumulative number of Permanent, Full-time Equivalent Jobs Created to date under this Grant Agreement which were filled by persons of low to moderate income households
- Yes     No    Are all jobs from previous reporting period(s) still in existence?
- Yes     No    Are all jobs from previous reporting period(s) currently filled?

**Identify the Job Title/Classification of each new Job Created this report period which was filled with a person from low to moderate income household (do not include any refilled, pre-existing positions):**  
 (\* For Racial/Ethnic Data use codes listed on page 13)

Job title/Classification	Name of Employee	Date Hired	Hours per Week Worked	Annual Household Income	Family Size	Racial/Ethnic Data *
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

**Certification:** I certify that the above data is the most accurate available based upon current information and knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

**Appendix  
B3****LMI Tables** **Who must submit this appendix with their application?**

Appendix B3 is for your information only, and should not be submitted with your application.

**2020 HUD LMI DATA, BASED ON 2011-2015 AMERICAN COMMUNITY SURVEY (ACS)**

 **What is the purpose of this appendix?**

Part 1 of Appendix B3 indicates whether your city(ies) meets the LMI benefit on an area-wide basis. This will assist you in completing Appendix B1. Part 2 of Appendix B3 indicates the median family income for your area.

## Part 1: LMI Percentages by Community

Community	% LMI	Community	% LMI	Community	% LMI
Aleutians East Borough	47.6%	Aniak city	58.25%	College CDP	28.96%
Aleutians West Census Area	35.7%	Anvik city	76.47%	Cooper Landing CDP	42.86%
Anchorage Municipality	33.5%	Arctic Village CDP	65.38%	Copper Center CDP	61.54%
Bethel Census Area	62.0%	Atka city	72.6%*	Cordova city	13.65%
Bristol Bay Borough	33.3%	Atmautluak CDP	46.15%	Covenant Life CDP	100.0%
Denali Borough	30.7%	Atqasuk city	46.88%	Craig city	49.17%
Dillingham Census Area	49.7%	Attu Station CDP	0.0%	Crooked Creek CDP	60.0%
Fairbanks North Star Borough	37.0%			Crown Point CDP	70.83%
Haines Borough	35.2%	Badger CDP	30.7%		
Hoonah-Angoon Census Area	48.8%	Barrow city	38.94%	Deering city	65.52%
Juneau City and Borough	34.3%	Bear Creek CDP	38.97%	Delta Junction city	68.84%
Kenai Peninsula Borough	39.4%	Beaver CDP	83.33%	Deltana CDP	43.94%
Ketchikan Gateway Borough	38.2%	Beluga CDP	100.0%	Diamond Ridge CDP	35.96%
Kodiak Island Borough	41.8%	Bethel city	44.3%	Dillingham city	41.29%
Lake and Peninsula Borough	56.6%	Bettles city	40.0%	Diomedea city	77.78%
Matanuska-Susitna Borough	38.7%	Big Delta CDP	29.0%	Dot Lake CDP	0.0%
Nome Census Area	58.1%	Big Lake CDP	38.14%	Dot Lake Village CDP	72.73%
North Slope Borough	42.4%	Birch Creek CDP	0.0%	Dry Creek CDP	76.47%
Northwest Arctic Borough	59.1%	Brevig Mission city	96.59%		
Petersburg Census Area	44.3%	Buckland city	56.3%	Eagle city	61.11%
Prince of Wales-Hyder Census Area	54.0%	Buffalo Soapstone CDP	41.21%	Eagle Village CDP	100.0%
Sitka City and Borough	39.5%	Butte CDP	32.43%	Edna Bay city	0.0%
Skagway Municipality	33.7%			EEK city	76.92%
Southeast Fairbanks Census Area	39.9%	Cantwell CDP	52.38%	Egegik city	66.67%
Valdez-Cordova Census Area	38.6%	Central CDP	50.0%	Eielson AFB CDP	51.79%
Kusilvak (Wade Hampton) Census Area	73.9%	Chalkyitsik CDP	90.0%	Ekwok city	79%*
Wrangell City and Borough	52.8%*	Chase CDP	0.0%	Elfin Cove CDP	40.0%
Yakutat City and Borough	39.8%	Chefornak city	64.08%	Elim city	75.76%
Yukon-Koyukuk Census Area	62.3%	Chena Ridge CDP	18.83%	Emmonak city	65.27%
		Chenega CDP	69.23%	Ester CDP	21.0%
		Chevak city	78.26%	Eureka Roadhouse CDP	0.0%
Adak city	58.33%	Chickaloon CDP	40.35%	Evansville CDP	100.0%
Akhiok city	70.59%	Chicken CDP	0.0%	Excursion Inlet CDP	0.0%
Akiachak CDP	81.25%	Chignik city	70.3%*		
Akiak city	80.0%	Chignik Lagoon CDP	20.0%	Fairbanks city	49.92%
Akutan city	52.63%	Chignik Lake CDP	57.14%	False Pass city	55.51%*
Alakanuk city	87.1%	Chiniak CDP	0.0%	Farmers Loop CDP	27.11%
Alatna CDP	0.0%	Chisana CDP	0.0%	Farm Loop CDP	28.7%
Alcan Border CDP	0.0%	Chistochina CDP	58.33%	Ferry CDP	0.0%
Aleknagik city	57.5%	Chitina CDP	93.75%	Fishhook CDP	21.57%
Aleneva CDP	0.0%	Chuathbaluk city	65.22%	Flat CDP	0.0%
Allakaket city	92.86%	Circle CDP	83.33%	Fort Greely CDP	41.1%
Ambler city	58.93%	Clam Gulch CDP	44.44%	Fort Yukon city	57.66%
Anaktuvuk Pass city	46.67%	Clark's Point city	81.82%	Four Mile Road CDP	40.0%
Anchorage municipality	37.45%	Coffman Cove city	53.33%	Fox CDP	32.14%
Anchor Point CDP	50.77%	Cohoe CDP	42.95%	Fox River CDP	65.38%
Anderson city	9.38%	Cold Bay city	10.0%	Fritz Creek CDP	39.53%
Angoon city	71.19%	Coldfoot CDP	0.0%	Funny River CDP	27.1%

## Part 1: LMI Percentages by Community (continued)

Community	% LMI	Community	% LMI	Community	%LMI
Gakona CDP	39.02%	Kenny Lake CDP	53.85%	Metlakatla CDP	43.81%
Galena city	36.04%	Ketchikan city	50.69%	Minto CDP	72.55%
Gambell city	83.82%	Kiana city	83%*	Moose Creek CDP	32.41%
Game Creek CDP	100.0%	King Cove city	62.5%*	Moose Pass CDP	29.07%
Gateway CDP	30.06%	King Salmon CDP	42.42%	Mosquito Lake CDP	88.0%
Glacier View CDP	71.43%	Kipnuk CDP	82.48%	Mountain Village city	84.67%
Glennallen CDP	55.71%	Kivalina city	61.74%	Mud Bay CDP	9.09%
Goldstream CDP	12.31%	Klawock city	51.27%		
Golovin city	80.77%	Klukwan CDP	46.15%	Nabesna CDP	0.0%
Goodnews Bay city	73.91%	Knik-Fairview CDP	33.6%	Naknek CDP	32.73%
Grayling city	82.35%	Knik River CDP	35.95%	Nanwalek CDP	85.42%
Gulkana CDP	43.48%	Kobuk city	59.38%	Napakiak city	91.43%
Gustavus city	42.11%	Kodiak city	43.88%	Napaskiak city	64.63%
		Kodiak Station CDP	48.62%	Naukati Bay CDP	83.33%
Haines CDP	42.31%	Kokhanok CDP	82.76%	Nelchina CDP	58.82%
Halibut Cove CDP	0.0%	Koliganek CDP	53.85%	Nelson Lagoon CDP	37.5%
Happy Valley CDP	52.89%	Kongiganak CDP	79.27%	Nenana city	49.38%
Harding-Birch Lakes CDP	53.57%	Kotlik city	69.77%	New Allakaket CDP	92.31%
Healy CDP	30.6%	Kotzebue city	36.78%	Newhalen city	92.1%*
Healy Lake CDP	0.0%	Koyuk city	90.74%	New Stuyahok city	80.33%
Hobart Bay CDP	0.0%	Koyukuk city	81.25%	Newtok CDP	78.21%
Hollis CDP	16.67%	Kupreanof city	50.0%	Nightmute city	76.92%
Holy Cross city	65.12%	Kwethluk city	78.79%	Nikiski CDP	33.22%
Homer city	47.26%	Kwigillingok CDP	73.44%	Nikolaevsk CDP	74.47%
Hoonah city	56.10%			Nikolai city	65.22%
Hooper Bay city	85.53%	Lake Louise CDP	88.89%	Nikolski CDP	85.71%
Hope CDP	20.0%	Lake Minchumina CDP	20.0%	Ninilchik CDP	50.0%
Houston city	52.79%	Lakes CDP	35.44%	Noatak CDP	64.0%*
Hughes city	58.33%	Larsen Bay city	50.0%	Nome city	42.36%
Huslia city	76.19%	Lazy Mountain CDP	33.54%	Nondalton city	86.11%
Hydaburg city	78.18%	Levelock CDP	69.57%	Noorvik city	66.39%
Hyder CDP	0.0%	Lime Village CDP	100.0%	North Pole city	35.71%
		Livengood CDP	0.0%	Northway CDP	57.69%
Igiugig CDP	40.0%	Loring CDP	0.0%	Northway Junction CDP	84.62%
Iliamna CDP	43.75%	Lowell Point CDP	0.0%	Northway Village CDP	100.0%
Ivanof Bay CDP	0.0%	Lower Kalskag city	77.78%	Nuiqsut city	37.68%
		Lutak CDP	0.0%	Nulato city	71.93%
Juneau city and borough	32.17%			Nunam Iqua city	73.08%
		McCarthy CDP	23.81%	Nunapitchuk city	87.85%
Kachemak city	33.94%	McGrath city	42.03%		
Kake city	66.67%	McKinley Park CDP	50.0%	Old Harbor city	52.0%
Kaktovik city	44.83%	Manley Hot Springs CDP	52.94%	Oscarville CDP	75.0%
Kalifornsky CDP	32.78%	Manokotak city	70.69%	Ouzinkie city	58.7%
Kaltag city	55.26%	Marshall city	77.14%		
Karluk CDP	100.0%	Meadow Lakes CDP	44.65%	Palmer city	45.56%
Kasaan city	71.43%	Mekoryuk city	65.71%	Paxson CDP	37.5%
Kasigluk CDP	82.5%	Mendeltna CDP	0.0%	Pedro Bay CDP	40.0%
Kasilof CDP	53.85%	Mentasta Lake CDP	96.77%	Pelican city	90%*
Kenai city	44.56%	Mertarvik CDP	0.0%	Perryville CDP	80.0%



## Part 1: LMI Percentages by Community (continued)

Community	LMI %	Community	LMI %	Community	LMI %
Petersburg city	39.06%	Saxman city	56.25%	Tok CDP	43.77%
Petersville CDP	0.0%	Scammon Bay city	82.65%	Toksook Bay city	62.73%
Pilot Point city	63.64%	Selawik city	74.84%	Tolsona CDP	0.0%
Pilot Station city	79.31%	Seldovia city	62.5%*	Tonsina CDP	33.33%
Pitkas Point CDP	59.26%	Seldovia Village CDP	37.14%	Trapper Creek CDP	79.07%
Platinum city	87.5%	Seward city	38.04%	Tuluksak CDP	93.67%
Pleasant Valley CDP	11.76%	Shageluk city	62.5%	Tuntutuliak CDP	82.8%
Point Baker CDP	100.0%	Shaktoolik city	77.0%*	Tununak CDP	77.97%
Point Hope city	50.89%	Shishmaref city	83.48%	Twin Hills CDP	78.95%
Point Lay CDP	50.88%	Shungnak city	85.29%	Two Rivers CDP	6.25%
Point MacKenzie CDP	50.0%	Silver Springs CDP	29.41%	Tyonek CDP	69.77%
Point Possession CDP	0.0%	Sitka city and borough	34.82%		
Pope-Vannoy Landing CDP	0.0%	Skagway CDP	34.94%	Ugashik CDP	20.0%
Portage Creek CDP	0.0%	Skwentna CDP	87.5%	Unalakleet city	42.22%
Port Alexander city	64.7%*	Slana CDP	100.0%	Unalaska city	32.01%
Port Alsworth CDP	41.38%	Sleetmute CDP	73.68%	Upper Kalskag city	87.72%
Port Clarence CDP	0.0%	Soldotna city	43.37%		
Port Graham CDP	78.5%	South Naknek CDP	38.46%	Valdez city	38.2%
Port Heiden city	31.25%	South Van Horn CDP	60.71%	Venetie CDP	80.0%
Port Lions city	50.0%	Stebbins city	85.19%		
Port Protection CDP	87.5%	Steele Creek CDP	25.7%	Wainwright city	54.35%
Primrose CDP	13.33%	Sterling CDP	29.7%	Wales city	93.55%
Prudhoe Bay CDP	0.0%	Stevens Village CDP	80.0%	Wasilla city	44.31%
		Stony River CDP	87.5%	Whale Pass CDP	0.0%
Quinhagak city	80.0%	Sunrise CDP	0.0%	White Mountain city	75.0%
		Susitna CDP	0.0%	Whitestone CDP	0.0%
Rampart CDP	100.0%	Susitna North CDP	45.55%	Whitestone Logging Camp CDP	0.0%
Red Devil CDP	50.0%	Sutton-Alpine CDP	65.32%	Whittier city	59.32%
Red Dog Mine CDP	0.0%			Willow CDP	52.77%
Ridgeway CDP	24.14%	Takotna CDP	60.0%	Willow Creek CDP	0.0%
Ruby city	80.0%	Talkeetna CDP	45.83%	Wiseman CDP	0.0%
Russian Mission city	64.63%	Tanacross CDP	96.0%	Womens Bay CDP	25.88%
		Tanaina CDP	41.94%	Wrangell city and borough	52.8%*
St. George city	72.73%	Tanana city	56.6%		
St. Mary's city	63.06%	Tatitlek CDP	76.47%	Yakutat CDP	42.24%
St. Michael city	81.01%	Tazlina CDP	38.89%		
St. Paul city	60.38%	Teller city	84.85%		
Salamatof CDP	41.78%	Tenakee Springs city	26.67%		
Salcha CDP	26.9%	Tetlin CDP	66.67%		
Sand Point city	53.14%	Thorne Bay city	53.1%		
Savoonga city	89.27%	Togiak city	67.52%		

## Part 2: LMI Income Limits by Census District FY 2022

STATE: ALASKA

----- INCOME LIMITS -----

Prepared: April 2022		1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
<b>ALEUTIANS EAST BOROUGH</b> FY 2022 Median Family Income: 86400	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050
<b>ALEUTIANS WEST CENSUS AREA</b> FY 2022 Median Family Income: 106200	VERY LOW INCOME	22300	25500	28790	34690	40590	46490	52390	58290
	LOW INCOME	37200	42500	47800	53100	57350	61600	65850	70100
	MOD INCOME	59500	68000	76500	84950	91750	98550	105350	112150
<b>BETHEL CENSUS AREA</b> FY 2022 Median Family Income: 60000	VERY LOW INCOME	20800	23800	28790	34690	40590	46490	52390	58290
	LOW INCOME	34650	39600	44550	49500	53500	57450	61400	65350
	MOD INCOME	55450	63400	71300	79200	85550	91900	98250	104550
<b>BRISTOL BAY BOROUGH</b> FY 2022 Median Family Income: 109200	VERY LOW INCOME	22950	26200	29500	34690	40590	46490	52390	58290
	LOW INCOME	38250	43700	49150	54600	59000	63350	67750	72100
	MOD INCOME	61150	69900	78650	87350	94350	101350	108350	115350
<b>DENALI BOROUGH</b> FY 2022 Median Family Income: 117600	VERY LOW INCOME	24750	28250	31800	35300	40590	46490	52390	58290
	LOW INCOME	41200	47050	52950	58800	63550	68250	72950	77650
	MOD INCOME	62600	71550	80500	89400	96600	103750	110900	118050
<b>DILLINGHAM CENSUS AREA</b> FY 2022 Median Family Income: 62000	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050
<b>FAIRBANKS, AK</b> FY 2022 Median Family Income: 97800	VERY LOW INCOME	20550	23500	28790	34690	40590	46490	52390	58290
	LOW INCOME	34250	39150	44050	48900	52850	56750	60650	64550
	MOD INCOME	54800	62600	70450	78250	84550	90800	97050	103300
<b>HAINES BOROUGH</b> FY 2022 Median Family Income: 88000	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050
<b>HOONAH-ANGOON CENSUS AREA</b> FY 2022 Median Family Income: 75000	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050
<b>JUNEAU CITY &amp; BOROUGH</b> FY 2022 Median Family Income: 120900	VERY LOW INCOME	25400	29000	32650	36250	40590	46490	52390	58290
	LOW INCOME	42350	48400	54450	60450	65300	70150	75000	79800
	MOD INCOME	62600	71550	80500	89400	96600	103750	110900	118050
<b>KENAI PENINSULA BOROUGH</b> FY 2022 Median Family Income: 98400	VERY LOW INCOME	20650	23600	28790	34690	40590	46490	52390	58290
	LOW INCOME	34450	39400	44300	49200	53150	57100	61050	64950
	MOD INCOME	55100	63000	70850	78700	85000	91300	97600	103900
<b>KETCHIKAN BOROUGH</b> FY 2022 Median Family Income: 100800	VERY LOW INCOME	21000	24000	28790	34690	40590	46490	52390	58290
	LOW INCOME	34950	39950	44950	49900	53900	57900	61900	65900
	MOD INCOME	55900	63850	71850	79800	86200	92600	99000	105350
<b>KODIAK ISLAND BOROUGH</b> FY 2022 Median Family Income: 108400	VERY LOW INCOME	22750	26000	29250	34690	40590	46490	52390	58290
	LOW INCOME	37950	43400	48800	54200	58550	62900	67250	71550
	MOD INCOME	60700	69400	78050	86700	93650	100600	107550	114450
<b>KUSILVAK (WADE HAMPTON) CENSUS AREA</b> FY 2022 Median Family Income: 40400	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050
<b>LAKE &amp; PENINSULA BOROUGH</b> FY 2022 Median Family Income: 53200	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050
<b>MATANUSKA-SUSITNA BOROUGH</b> FY 2022 Median Family Income: 94800	VERY LOW INCOME	19950	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	33200	37950	42700	47400	51200	55000	58800	62600
	MOD INCOME	53100	60700	68300	75850	81950	88000	94100	100150

## Part 2: LMI Income Limits by Census District FY 2022 (continued)

Prepared: April 2022		1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
<b>NOME CENSUS AREA</b> FY 2022 Median Family Income: 66200	VERY LOW INCOME	19400	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32300	36900	41500	46100	49800	53500	57200	60900
	MOD INCOME	51650	59000	66400	73750	79650	85550	91450	97350
<b>NORTH SLOPE BOROUGH</b> FY 2022 Median Family Income: 92700	VERY LOW INCOME	19750	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32900	37600	42300	46950	50750	54500	58250	62000
	MOD INCOME	52600	60100	67600	75100	81150	87150	93150	99150
<b>NORTHWEST ARCTIC BOROUGH</b> FY 2022 Median Family Income: 65200	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050
<b>PETERSBURG CENSUS AREA</b> FY 2022 Median Family Income: 92400	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050
<b>PRINCE WALES-HYDER CENSUS</b> FY 2022 Median Family Income: 71900	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050
<b>SITKA CITY &amp; BOROUGH</b> FY 2022 Median Family Income: 102200	VERY LOW INCOME	21500	24550	28790	34690	40590	46490	52390	58290
	LOW INCOME	35800	40900	46000	51100	55200	59300	63400	67500
	MOD INCOME	57250	65400	73600	81750	88300	94850	101400	107950
<b>SKAGWAY MUNICIPALITY</b> FY 2022 Median Family Income: 92500	VERY LOW INCOME	19450	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32400	37000	41650	46250	49950	53650	57350	61050
	MOD INCOME	51800	59200	66600	74000	79950	85850	91800	97700
<b>SOUTHEAST FAIRBANKS CENSUS</b> FY 2022 Median Family Income: 94500	VERY LOW INCOME	19850	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	33100	37800	42550	47250	51050	54850	58600	62400
	MOD INCOME	52950	60500	68050	75600	81650	87700	93750	99800
<b>VALDEZ-CORDOVA CENSUS</b> FY 2022 Median Family Income: 110200	VERY LOW INCOME	23150	26450	29750	34690	40590	46490	52390	58290
	LOW INCOME	38600	44100	49600	55100	59550	63950	68350	72750
	MOD INCOME	61750	70550	79350	88150	95250	102300	109350	116400
<b>WRANGELL CITY &amp; BOROUGH</b> FY 2022 Median Family Income: 77400	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050
<b>YAKUTAT CITY &amp; BOROUGH</b> FY 2022 Median Family Income: 89000	VERY LOW INCOME	19400	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32300	36900	41500	46100	49800	53500	57200	60900
	MOD INCOME	51650	59000	66400	73750	79650	85550	91450	97350
<b>YUKON-KOYUKUK CENSUS AREA</b> FY 2022 Median Family Income: 57300	VERY LOW INCOME	19300	22890	28790	34690	40590	46490	52390	58290
	LOW INCOME	32200	36800	41400	45950	49650	53350	57000	60700
	MOD INCOME	51450	58800	66150	73500	79400	85300	91150	97050

**Appendix  
C****Statement of Assurances and Certifications** **Who must submit this appendix with their application?**

Every applicant for CDBG funds, regardless of project or category.

 **What is the purpose of this appendix?**

Every applicant for CDBG funds **must** certify that it is complying with and will continue to comply with certain federal laws and requirements relating to the CDBG program.

On the following page is the suggested format for this Statement of Assurances and Certifications. We would prefer that you sign and submit this form, rather than reproducing it.

 **Is Appendix C signed by the highest elective or authorized signer?**

Appendices must be signed by the applicant's highest elected official (usually the mayor) or other authorized certifying officer designated by the highest elected official referenced on Appendix A, Authority to Participate.

# Statement of Assurances and Certifications

Item 5.

## The local government certifies to the State that:

1. It will minimize displacement of persons as a result of activities assisted with CDBG funds;
2. Its program will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and it will affirmatively further fair housing;
3. It will fulfill the citizen participation requirements of the plan provided by DCCED;
4. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing any amount against properties owned and occupied by persons of LMI, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
  - a. CDBG funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this subpart; or
  - b. For the purpose of assessing any amount against properties owned and occupied by persons of moderate income, the unit of local government certified to the State in a manner acceptable to the State, that it lacks sufficient CDBG funds to comply with the requirements of paragraph 4.a. of this section;
5. It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as required under 570.496a(b) and Federal implementing regulations at 49 CFR Part 24; the requirements in 570.496a(c) governing the residential antidisplacement and relocation assistance plan and the relocation requirements of 570.496a(d) governing optional relocation assistance under section 105(a)(11) of the Act.
6. It will comply with Section 104(d) of the Housing & Community Development Act of 1974, as amended, including a certification that it has passed, made public, and is following a residential anti-displacement and relocation assistance plan.
7. It has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and has adopted and is enforcing a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction.
8. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions — Appendix B to 24 CFR Part 24:
  - a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
  - b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
9. Assurance and Certification:

The governing body has read and understands the foregoing and duly adopts or passes as an official act, a resolution, motion, or similar action authorizing the submission of this application, including all understandings, assurances and certifications contained herein, and directing and authorizing the signatory to act in connection with the application and to provide such additional information as may be required.

\_\_\_\_\_  
Signature, Chief Elected Official (or Executive Officer)

\_\_\_\_\_  
Printed Name of Official

\_\_\_\_\_  
Title of Official

**Appendix  
D****Environmental Review Information** **Who must submit this appendix with their application?**

Appendix D is provided for your information only and should not be submitted with your application.

 **What is the purpose of this appendix?**

Every applicant for CDBG funds must obtain appropriate environmental clearances for their proposed activity, as required by the federal regulations which accompany expenditure of any federal funds. DCCED will make a determination regarding the environmental requirements of each project. *The applicant may not make this determination.* Successful applicants will receive information about appropriate procedures for Environmental Review after notification of award.

**Note:** *All project activity must stop at the time of submitting the application and until the Environmental Review Requirements are met, including project activities funded with non-CDBG matching funds.*

Each CDBG activity must obtain appropriate environmental clearances as required by 24 CFR Part 58 of NEPA and all related laws and authorities. DCCED will make a determination regarding the environmental requirements of each project and notify each grantee about appropriate procedures **after notification of award**. Projects will be determined by the Department to be either:

1. **EXEMPT** from further environmental review; *OR*
2. **CATEGORICALLY EXCLUDED** from further environmental review; *OR*
3. Requiring completion and submission of an **ENVIRONMENTAL STATUTORY CHECKLIST** and the **ENVIRONMENTAL ASSESSMENT CHECKLIST** to determine whether the project will or will not have a significant impact on the human environment. Based upon these checklists, if it is determined that the project will have a potentially significant impact on the human environment, the grant recipient will be required to do an **ENVIRONMENTAL IMPACT STATEMENT (EIS)**. The procedure for completion of an EIS is spelled out in 24 CFR Part 58 Subparts H and I.

The following activities, subject to HUD regulations, have been designated **EXEMPT**:

- ✓ Environmental studies or assessments;
- ✓ Planning activities;
- ✓ Reasonable engineering and design costs associated with an eligible activity;
- ✓ Interim assistance under provisions for imminent threats to health and safety when the assistance does not result in permanent changes to the environment.

The following activities, or any combination thereof, are **CATEGORICALLY EXCLUDED**:

- ✓ Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, and authorized economic development activities under the CDBG program, provided that continued use remains without change in scale, size, capacity, location or character;
- ✓ Removal of architectural barriers;
- ✓ Rehabilitation of buildings and improvements, provided that unit density of building occupancy is not increased more than 20%, the project does not involve changes in land use classification, and the estimated cost of rehabilitation is less than 75% of the total.

## Joint Application Agreement

**Who must submit this appendix with their application?**

If two or more eligible applicants are submitting a single application for CDBG funding, the Joint Application Agreement must be filled out, signed by all parties, and submitted with the application

**What is the purpose of this appendix?**

The Joint Application Agreement is one step in the required citizen participation process, and establishes a responsible party for the administration of the grant agreement, if funded.

On the following page is one suggested format for this Joint Application Agreement. You may change the format only to the extent that it does not eliminate the key components, including delegation of responsibility, access to records, and signature by all parties.



CITY/BOROUGH RESOLUTION NUMBER \_\_\_\_\_

An agreement by and between \_\_\_\_\_ and \_\_\_\_\_.

**WITNESSETH:**

**WHEREAS,** \_\_\_\_\_ (has/have) identified need in the community(ies) to expand economic opportunities; and

**WHEREAS,** \_\_\_\_\_ contemplates submitting jointly with \_\_\_\_\_ an application for CDBG funds from the Alaska Department of Commerce, Community, and Economic Development (DCCED) for the purpose of meeting such needs; and

**WHEREAS,** \_\_\_\_\_ and \_\_\_\_\_ understand that \_\_\_\_\_ will act as the applicant and will have the ultimate responsibility to assume all obligations under terms of the grant including assuring compliance with all applicable laws and program regulations and performance of all work in accordance with the contract. Further, \_\_\_\_\_ will be the contact person for this project; and

**WHEREAS,** it is understood that \_\_\_\_\_ and DCCED have access to all participants' grant records and authority to monitor all activities.

**NOW, THEREFORE,** pursuant to Alaska Statutes, \_\_\_\_\_ and \_\_\_\_\_ hereby agree to cooperate in the submission of an application for such CDBG funds, and agree to cooperate in implementation of the submitted program, as approved by the DCCED.

Nothing contained in this agreement shall deprive any municipality of any power or zoning, development control, or other lawful authority, which it presently possesses.

**PASSED AND APPROVED BY THE** \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_\_.

**IN WITNESS THERETO:**

By: \_\_\_\_\_  
Signature and Title

Attest: \_\_\_\_\_  
Signature and Title

By: \_\_\_\_\_  
Signature and Title

Attest: \_\_\_\_\_  
Signature and Title

## Cooperative Agreement

**Who must submit this appendix with their application?**

If eligible applicants choose to apply in cooperation with a non-municipal entity such as a non-profit corporation or a Native Village Council, a Cooperative Agreement must be filled out, signed by all parties, and submitted with the application.

**What is the purpose of this appendix?**

The Cooperative Agreement is one step in the required citizen participation process, and establishes a responsible party for the administration of the grant agreement, if funded.

On the following page is one suggested format for this Cooperative Agreement. You may change the format only to the extent that it does not eliminate the key components, including delegation of responsibility, access to records, and signature by all parties.

**Note:** *The eligible (municipal) entity is the applicant and the non-municipal entity is the Co-Applicant. Similarly, in the event the project is funded, the eligible entity will be the Grantee.*

An agreement by and between \_\_\_\_\_ and \_\_\_\_\_.

**WITNESSETH:**

**WHEREAS,** \_\_\_\_\_ (has/have) identified need in the community(ies) to expand economic opportunities; and

**WHEREAS,** (municipal entity) \_\_\_\_\_ contemplates submitting on behalf of (non-municipal entity) \_\_\_\_\_ an application for CDBG funds from the Department of Commerce, Community, and Economic Development (DCCED) for the purpose of meeting such needs; and

**WHEREAS,** \_\_\_\_\_ and \_\_\_\_\_ desire, and are required to, enter into a written cooperative agreement with each other to participate in such CDBG program; and

**WHEREAS,** \_\_\_\_\_ and \_\_\_\_\_ understand that \_\_\_\_\_ will act as the applicant and will have the ultimate responsibility to assume all obligations under terms of the grant including assuring compliance with all applicable laws and program regulations and performance of all work in accordance with the contract. Further, \_\_\_\_\_ will be the contact person for this project; and

**WHEREAS,** it is understood that \_\_\_\_\_ and DCCED have access to all participants' grant records and authority to monitor all activities.

**NOW, THEREFORE,** it is mutually agreed between \_\_\_\_\_ and \_\_\_\_\_ as follows:

1. The \_\_\_\_\_ and \_\_\_\_\_ hereby agree that the \_\_\_\_\_ will receive some specific benefit (i.e., usefulness, advantage, return) for the residents of the rural community for (a specified period of time, usually 20 years or the useful life of the facility) \_\_\_\_\_.
2. The \_\_\_\_\_ and \_\_\_\_\_ hereby agree to cooperate in the submission of an application for such CDBG funds, and agree to cooperate in implementation of the submitted CDBG project, as approved by DCCED.

Nothing contained in this agreement shall deprive any municipality of any power or zoning, development control, or other lawful authority which it presently possesses.

**PASSED AND APPROVED BY THE** \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_.

**IN WITNESS THERETO:**

By: \_\_\_\_\_  
Signature and Title

Attest: \_\_\_\_\_  
Signature and Title

By: \_\_\_\_\_  
Signature and Title

Attest: \_\_\_\_\_  
Signature and Title

## Potential Project Permit Requirements

**Who must submit this appendix with their application?**

Appendix G is for your information only, and should not be submitted with your application.

**What is the purpose of this appendix?**

Applicants for CDBG funding are required to obtain all necessary permits to facilitate the lawful carrying-out of the proposed project. With Appendix G, DCCED is attempting to assist in this process by supplying the names, addresses, and phone numbers for various permitting agencies within the State and Federal Governments. This list is not intended to be all-inclusive. ***It remains the responsibility of the applicant to assure compliance with all permitting requirements.***

# Potential Project Permit Requirements

Item 5.

Type of Permit, Approvals, Etc.	Description	Regulatory Agency
School Construction	Authority of the Department of Education for review of construction documents for educational facilities.	<b>Department of Education &amp; Early Development</b> P.O. Box 110500 Juneau, AK 99811-0050 (907) 465-2800 <a href="http://eed.alaska.gov/">http://eed.alaska.gov/</a>
Solid Waste Disposal Permit	Permit needed for disposal of solid waste or hazardous material	<b>Department of Environmental Conservation</b> P.O. Box 111800 Juneau, AK 99811-1800 (907) 465-5285 <b>or</b> 555 Cordova Anchorage, AK 99501 (907) 269-7501 <b>or</b> 610 University Avenue Fairbanks, AK 99709 (907) 451-2120 <a href="http://dec.alaska.gov">http://dec.alaska.gov</a>
Water Discharge Permit Plan Review and Approval of Sewerage or Sewage Treatment Works	Permit needed for the disposal of wastewater on land or in waters.	Juneau, AK 99811-1800 (907) 465-5285 <b>or</b> 555 Cordova Anchorage, AK 99501 (907) 269-7501 <b>or</b> 610 University Avenue Fairbanks, AK 99709 (907) 451-2120 <a href="http://dec.alaska.gov">http://dec.alaska.gov</a>
Plan Review and Approval of Public Water Systems	Plans for the construction, installation, modification or operation of a public water supply system must be approved prior to construction	Anchorage, AK 99501 (907) 269-7501 <b>or</b> 610 University Avenue Fairbanks, AK 99709 (907) 451-2120 <a href="http://dec.alaska.gov">http://dec.alaska.gov</a>
Storage Tank Program	Pre-operation inspection is required to ensure compliance with health and sanitation standards for food service establishments, schools, day-care and pre-elementary schools, hotels and motels, swimming pools and bathing areas, and public toilets.	610 University Avenue Fairbanks, AK 99709 (907) 451-2120 <a href="http://dec.alaska.gov">http://dec.alaska.gov</a>
Anadromous (Salmon Spawning) Fish Protection Permit	Approval for any work in or near anadromous rivers, lakes, or streams.	<b>Department of Natural Resources</b> Division of Habitat P.O. Box 115526 Juneau, AK 99811-5526 (907) 465-4105 (or contact local office in Palmer, Anchorage, Fairbanks, Craig, Petersburg or Soldotna) <a href="http://www.habitat.adfg.alaska.gov/">http://www.habitat.adfg.alaska.gov/</a>
Critical Habitat Area Permit State Game Refuge Permit	Approval for any work or development in a critical habitat area.  Permit needed if proposing work or development within a designated state refuge or game sanctuary.	<b>Department of Natural Resources</b> Division of Habitat P.O. Box 115526 Juneau, AK 99811-5526 (907) 465-4105 (or contact local office in Palmer, Anchorage, Fairbanks, Craig, Petersburg or Soldotna) <a href="http://www.habitat.adfg.alaska.gov/">http://www.habitat.adfg.alaska.gov/</a>
Hospital and Health Facility Construction	Authority of the Department of Health & Social Services for licensing and establishing standards for the construction of hospital and health facilities.	<b>Department of Health &amp; Social Services</b> Health Facilities Licensing and Certification 4501 Business Park Boulevard Ste. 24 Building L Anchorage, AK 99503 (907) 334-2483 <a href="http://www.dhss.alaska.gov">http://www.dhss.alaska.gov</a>
Unemployment Insurance	Individuals, companies, and organizations that have one or more workers in covered employment for any part of a day must register with the Department.	<b>Department of Labor &amp; Workforce Development</b> Employment Security Division P.O. Box 115509 Juneau, AK 99811-5509 (907) 465-2712 <a href="http://labor.alaska.gov/unemployment/">http://labor.alaska.gov/unemployment/</a>
Workers' Compensation Insurance	Any employer with one or more employees working within the state must buy a workers' compensation insurance policy and submit proof of insurance to the Department.	<b>Department of Labor &amp; Workforce Development</b> Division of Workers' Compensation P.O. Box 115512 Juneau, AK 99811-5512 (907) 465-2790 <a href="http://labor.alaska.gov/wc">http://labor.alaska.gov/wc</a>
Certification of Fitness – Electrical and Plumbing Certification of Pressure Vessels	Certifies the competency of electricians and plumbers. To ensure that boiler and pressure vessels and elevator constructions, installation and operation conform to regulations.	<b>Department of Labor &amp; Workforce Development</b> Mechanical Inspection 3301 Eagle Street, Suite 302 Anchorage, AK 99503 (907) 269-4925 <a href="http://labor.alaska.gov/">http://labor.alaska.gov/</a>
Clearance regarding Preservation of Prehistoric and Archaeological Resources	Determination of presence/absence of cultural resources on the building site.	<b>Department of Natural Resources</b> Office of History & Archaeology 550 W 7 <sup>th</sup> Ave., Suite 1260 Anchorage, AK 99501-3557 (907) 269-8721 <a href="http://dnr.alaska.gov/parks/oha">http://dnr.alaska.gov/parks/oha</a>

# Potential Project Permit Requirements (continued)

Item 5.

Type of Permit, Approvals, Etc.	Description	Regulatory Agency
Rights-of-Way Easement  Water Rights Permit Sand and Gravel Extraction	Authorization required for rights-of-way easement and construction or improvements on easements established on State lands. Must obtain permit to use surface or ground water in Alaska To obtain sand and gravel on State lands for use on the project.	<b>Department Natural Resources</b> Division of Mining, Land & Water 550 W 7 <sup>th</sup> Ave., Suite 1260 Anchorage, AK 99501-3557 (907) 269-8400 <a href="http://dnr.alaska.gov/mlw/">http://dnr.alaska.gov/mlw/</a>
Life/Fire Safety Plan Check for Construction/Occupancy of Building	Approval of building plans is required for fire protection and safety. This applies to commercial, industrial business, institutional or other public buildings containing four or more dwelling units. Construction, repair, remodel, addition or change of occupancy of any building/structure as listed above, or installation or change of fuel tanks must be approved by the State Fire Marshal's office prior to any work being started.	<b>Department of Public Safety</b> Division of Fire & Life Safety 5700 East Tudor Road Anchorage, AK 99507 (907) 269-5491 <b>or</b> 2760 Sherwood Lane, Ste. 2-B Juneau, AK 99801 (907) 465-4331 <b>or</b> 1979 Peger Road Fairbanks, AK 99709 (907) 451-5200 <a href="https://dps.alaska.gov/Fire/Home">https://dps.alaska.gov/Fire/Home</a>
Handicapped Accessibility  Driveway Permit	Review and approval of plans for buildings and facilities with respect to handicapped access.  Permit required to construct and maintain a driveway or approach road on highway right-of-way.	<b>Department of Transportation &amp; Public Facilities</b> Statewide D & E Services P.O. Box 112500 3132 Channel Dr. Juneau, AK 99811-2500 (907) 465-2960 <a href="http://www.dot.state.ak.us/stwddes/">http://www.dot.state.ak.us/stwddes/</a>
Discharge of Dredged or Fill Material into U.S. Waters  Structures or work in/or Affecting Navigable Waters	Permit required for the discharge of any dredged or fill material in US waters, including wetland. Permit cost is \$100 for commercial use or \$10 for non-commercial use.  Permit required for any work or placement of structures in US waters.	<b>Federal Agencies</b> <b>US Army Corps of Engineers</b> US Army Engineer District, AK P.O. Box 6898 Elmendorf AFB, AK 99506-6898 (800) 478-2712 <a href="http://www.poa.usace.army.mil/">http://www.poa.usace.army.mil/</a>
National Wildlife Refuge Land – Special Use Permit	Permit required for easements, roads or utilities in Wildlife Refuge Lands.	<b>US Fish &amp; Wildlife Service</b> Division of Realty 1011 East Tudor Road, MS 221 Anchorage, AK 99503 (907) 786-3414 <a href="https://www.fws.gov/program/land-acquisition-and-reealty">https://www.fws.gov/program/land-acquisition-and-reealty</a>
Oil Storage Facilities – Spill Prevention Control Counter Measures Plans	Approval required for onshore and offshore oil storage facilities.  Also contact the Alaska Dept. of Environmental Conservation, Compliance Assistance Office at (800) 510-2332	<b>US Environmental Protection Agency</b> Alaska Operations Office 222 West 7 <sup>th</sup> Ave. #19 Anchorage, AK 99513-7588 (800) 781-0983 (907) 271-5083 <a href="http://www.epa.gov/aboutepa/epa-alaska">http://www.epa.gov/aboutepa/epa-alaska</a>
Structures Which May Interfere with Airplane Flight Paths	Any construction or alteration of any structure, roadway, overhead wires and so on which may interfere with airplane flight paths must be reported to the Federal Aviation Administration.	<b>US Dept of Transportation</b> <b>Federal Aviation Administration</b> Alaskan Region Airports Division 222 West 7 <sup>th</sup> Avenue #14 Anchorage, AK 99513 (907) 271-5438 <a href="http://www.faa.gov/airports/alaskan">http://www.faa.gov/airports/alaskan</a>

**Appendix  
H****Applicant/Recipient Disclosure/Update Report  
HUD Reform Act, Section 102** **Who must submit this appendix with their application?**

Every applicant for CDBG funds, regardless of project or category.

 **What is the purpose of this appendix?**

This report is one part of the HUD Reform Act (24 CFR Part 12, et al), designed to ensure greater accountability and integrity in the way in which HUD makes assistance available under its programs.

**Note:** *There is a one page report every applicant for CDBG grant funds **must** submit with the CDBG application. Following the form is two pages of information/instructions.*

# Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing  
and Urban Development

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

Item 5.

**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 Community Development Block Grant	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 <u>CDBG block grants</u> . (For further information see 24 CFR Sec. 4.3). <input type="checkbox"/> Yes <input checked="" 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.
--	--

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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Form HUD-2880 (3/13)



**Public reporting burden** for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

**Privacy Act Statement.** Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

**Note:** This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

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## Instructions

### Overview.

A. Coverage. You must complete this report if:

- (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of \$200,000 during the during the fiscal year;
- (2) You are updating a prior report as discussed below; or
- (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. **Update reports (filed by "Recipients" of HUD Assistance): General.** All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

### Line-by-Line Instructions.

#### Applicant/Recipient Information.

All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

#### Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to *either* questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

## Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
  2. State the type of other government assistance (e.g., loan, grant, loan insurance).
  3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
  4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.
- B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD *and any other source* - that have been or are to be, made available for the project or activity. Non-government sources of funds typically include (but are not limited to) foundations and private contributors.

## Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. 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
2. 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).

**Note:** A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

**Note** that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

### Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

## Appendix

**I****ADA Certification** **Who must submit this appendix with their application?**

Every applicant for CDBG funds, regardless of project or category.

 **What is the purpose of this appendix?**

Every applicant for CDBG funds **must** certify its compliance with the Americans with Disabilities Act, and specifically with the following applicable Titles of the Act:

- Title I - Employment
- Title II - Public Services
- Title II, Part 35 - New Construction and Alterations
- Title III, Part 36 - New Construction
- Title III, Part 36 - Alterations

# ADA Certification

## (Grantee, Applicant, Contractor) Notice

By signature on this form, the (Grantee, Applicant, Contractor) certifies that they will comply with regulations, policies, guidelines and requirements as they relate to the application, acceptance and use of state funds for this state capital project. Also the (Grantee, Applicant, Contractor) assures and certifies:

1. When applicable it will comply with the Americans with Disabilities Act of 1990 (P.L. 101-336), Title I - "Employment." In accordance with Title I of that Act, no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, compensation, job training, and other terms, conditions, and privileges of employment.
2. When applicable it will comply with the Americans with Disabilities Act of 1990 (P.L. 101-336), Title II - "Public Services." In accordance with Title II of the Act, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.
3. When applicable it will comply with the Americans with Disabilities Act of 1990 (P.L. 101-336), Title II, Part 35, Section 35.151 - "New Construction and Alterations," which provides as follows:
  - (a) Design and Construction: Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.
  - (b) Alteration: Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.
  - (c) Accessibility Standards: Design, construction, or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR Part 101-19.6) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to 28 CFR Part 36) shall be deemed to comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at section 5.1.3(5) and section 4.1.5(j) of ADAAG shall not apply.
4. When applicable it will comply with the Americans with Disabilities Act of 1990 (P.L. 101-336), Title III, Part 36, Section 36.401 - "New Construction." Except as provided in paragraphs (b) and (c) of the Act, discrimination for purposes of this part includes a failure to design and construct facilities for first occupancy after January 26, 1992 that are readily accessible to and usable by individuals with disabilities.
5. When applicable it will comply with the Americans with Disabilities Act of 1990 (P.L. 101-336), Title III, Part 36, Section 36.402 - "Alterations," which provides as follows:
  - (a) General: Any alteration to a place of public accommodation or a commercial facility, after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.
  - (b) Alteration: An alteration is a change to a place of public accommodation or a commercial facility that affects or could affect the usability of the building or facility or any part thereof.

Name of Applicant: \_\_\_\_\_

Printed Name and Title of Authorized Representative: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

## MEMORANDUM OF AGREEMENT

**THIS MEMORANDUM OF AGREEMENT** is entered into by and between, the Central Council of Tlingit and Haida Indian Tribes of Alaska, Andrew P. Hope Building, 320 West Willoughby Avenue Suite 300, Juneau, Alaska 99801-9983 (“Tlingit & Haida”), and the City of Saxman, Alaska (“City”), Route 2, Box 1, Ketchikan, Alaska 99901.

### RECITALS

WHEREAS,

1. Tlingit & Haida is a federally-recognized Indian tribe, and participates in the State of Alaska’s Village Public Safety Officer (“VPSO”) Program pursuant to a grant from the State of Alaska, Department of Public Safety, authorized by AS 18.65.670 (“the VPSO Grant Agreement”); and
2. City is an Alaska municipality that has requested Tlingit & Haida provide VPSO services in its community;

Therefore, in consideration of the mutual covenants and agreements contained in this Memorandum of Agreement, it is agreed that:

### AGREEMENT

#### VILLAGE PUBLIC SAFETY OFFICER.

3. Tlingit & Haida shall, subject to its ability to hire, employ VPSOs to provide VPSO services in the City in accordance with the terms and conditions of the VPSO Grant Agreement; and **to this Agreement**
4. The City shall encourage and fully support the VPSO’s<sup>1</sup> activities and shall encourage and fully support the VPSO’s enforcement of the laws of the State of Alaska and the City’s ordinances; and
5. The VPSO shall serve as the first level public safety responder in the City and shall provide services appropriate to that role, including law enforcement, fire protection and prevention, water safety, search and rescue, community policing, public safety education, disaster coordination, and probation and parole monitoring, as directed by Tlingit & Haida in accordance with the Grant Agreement; and **this Agreement**
6. The VPSO shall not supervise or direct the activities of Tribal Police Officers, Village Police Officers, Municipal Police Officers or any other non-VPSO public safety officers;

#### SUPERVISION AND WORK SCHEDULE.

7. The VPSOs are employees of Tlingit & Haida and **solely** subject to the Personnel Policies and Administrative Rules and Procedures of Tlingit & Haida; and

<sup>1</sup> When this agreement refers to a singular VPSO, such language shall be read to include more than one VPSO, in the event that Tlingit & Haida stations more one VPSO in Saxman.

8. The VPSO's are not employed or directed by the City
9. The VPSO will notify the City administrator or City's Public Safety committee chairman when planning to leave the community; and
10. The scope of the VPSO's duties shall be solely determined and defined in writing by Tlingit & Haida, after consultation with the City, and Tlingit & Haida shall provide a copy of the VPSO's written duties to the Department of Public Safety as required by the VPSO Grant Agreement; and
11. The Tlingit & Haida VPSO Coordinator shall determine the VPSO work schedule in consultation with the City and taking into consideration the City's needs and conditions; and
12. The VPSO work day shall not exceed seven and one half (7.5) hours, nor shall the VPSO work week exceed 37.5 hours, with two (2) consecutive days off, and Tlingit & Haida shall only compensate the VPSO for overtime worked in response to situations involving threats to life or property or under other emergency circumstances, or as otherwise consistent with the Tlingit & Haida Personnel Policies; and
13. The Tlingit & Haida VPSO Coordinator may place the VPSO into a Temporary Duty Assignment at other locations within the Tlingit & Haida Region, as needed; though, the City can request that the VPSO not be placed into Temporary Duty Assignment, but the decision of the Tlingit & Haida VPSO Coordinator will be final;
14. The parties acknowledge that, except as specifically provided for in this agreement, the City has no responsibility for the VPSO or offices or equipment used by the VPSO, and Tlingit & Haida or the State of Alaska are responsible for the training, management and conduct of the VPSO.

#### **FIREARMS POLICY.**

15. In accordance with the VPSO Grant Agreement, the VPSO shall not, except in the case of an emergency, carry a firearm;

#### **OFFICE SPACE.**

16. The City shall provide the VPSO with safe, sanitary, and secure office space; the City shall also provide the office equipment and supplies suitable and necessary to enable the VPSO to perform his or her duties; further, the City shall provide all utility services for the VPSO office space;

#### **RESIDENTIAL LIVING QUARTERS.**

17. The VPSO shall reside within the city limits of Saxman; as a requirement of living within the City, the City agrees to provide the VPSO with Teacher, Health Professional and Public Safety Housing Program (THHP) housing, as available, at 50% of fair market value within the City, that includes water, sewer and garbage services; residential electricity, propane, and other utility expenses will be the responsibility of the VPSO individually; if THHP housing is not available the City will reimburse 50% of the rent for any property he resides at within the City limits. The housing stipend, provided by the City, will be re-negotiated between the City and Tlingit & Haida as needed;

#### **VPSO VEHICLE.**

- 18. Tlingit and Haida shall provide the VPSO with a suitable public safety vehicle; and the City will provide fuel for that vehicle at the City’s expense; and
- 19. The VPSO shall be the only person authorized to operate the public safety vehicle; the vehicle will be kept by the VPSO at the VPSO’s place of residence to enable prompt emergency response; and
- 20. The City shall be responsible for maintaining, repairing, insuring and keeping in good working order the VPSO vehicle and other products for the vehicle as needed;

**NO WAIVER OF SOVEREIGN IMMUNITY.**

- 21. Nothing in this Agreement or the VPSO Grant Agreement is intended to be, or shall be construed as, whether express or by implication, a waiver of Tlingit & Haida’s sovereign immunity; or the City’s discretionary function immunity

**TERMINATION OF AGREEMENT.**

- 22. Tlingit & Haida or the City may terminate this Agreement at any time, with or without cause, upon thirty (30) days written notice to the other; if this Agreement is terminated, each party shall only be required to pay for its own expenses that were incurred prior to the effective date of termination;

**ENTIRE AGREEMENT AND AMENDMENTS.**

- 23. This Agreement is the entire agreement between Tlingit & Haida and the City; oral changes are not valid; this agreement can only be changed by a written amendment signed by both parties;

**DISPUTE RESOLUTION**

- 24. Tlingit & Haida and the City shall meet, discuss, and seek amicable resolution of any dispute over the content, interpretation or performance of this Agreement; ~~and~~ If the parties are unable to resolve the dispute, each party may designate one representative to a panel to address the dispute Those panel members shall select a third member. The panel’s decision will be binding on both parties; and
- 25. Tlingit & Haida shall respond in writing to any complaints received by the Public Safety Department, except that the written responses shall not include confidential information.

CITY OF SAXMAN

\_\_\_\_\_  
By:  
It’s Authorized Officer

Date: \_\_\_\_\_, 2022

CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

\_\_\_\_\_  
By:  
Its Authorized Officer

Date: \_\_\_\_\_, 2022