

PROPOSED AMENDMENT TO THE 2008 ANNUAL ACTION PLAN CITY OF DANVILLE, ILLINOIS

The following constitutes a proposed Substantial Plan Amendment to the 2008 Annual Action Plan for Community Development Activities of the City of Danville, Illinois. The 2008 Annual Action Plan is pursuant to the City's 2007-2010 Consolidated Plan.

This Plan Amendment is proposed for utilization of a supplemental allocation of Community Development Block Grant funds provided through the American Recovery and Reinvestment Act of 2009. the total amount of the supplemental allocation is \$259,760.

The proposed activity is consistent with the City's Consolidated Plan which gives a high priority to the creation and retention of jobs for low-moderate income persons, Outcome/Objective Code EO-1. The proposal calls for the investment of 96% of the total allocation, \$250,000 in the expansion of a local manufacturer, the project described here as: **Southgate Industrial Expansion Project.**

Project Description

A Southgate manufacturer plans to purchase an additional fifteen acres of land adjacent to it's present production facility. A building addition containing more than 200,000 square feet of floor area is to be built that will house additional production operations. Approximately twenty-two construction jobs will be realized during the building addition, followed by an anticipated seventeen additional permanent, full-time manufacturing jobs.

This Project requests \$250,000 in CDBG-R funding, representing 96% of the total CDBG-R funds available to the City of Danville. The recipient will match these funds with an estimated \$20,000,000. The land acquisition and construction is anticipated to take 9-12 months for completion.

An Environmental Site Assessment Phase 1 and an architectural survey on the land has been completed on behalf of Vermilion Advantage Economic Development Corporation, (VAEDC). The Assessment concluded that no recognized environmental conditions exist, and that VAEDC has accomplished "all appropriate inquiry" as defined by ASTM Standard E 1527-93.

Application for Federal Assistance SF-424

Version 02

<p>*1. Type of Submission:</p> <p><input type="checkbox"/> Preapplication</p> <p><input checked="" type="checkbox"/> Application</p> <p><input type="checkbox"/> Changed/Corrected Application</p>	<p>*2. Type of Application * If Revision, select appropriate letter(s)</p> <p><input checked="" type="checkbox"/> New</p> <p><input type="checkbox"/> Continuation</p> <p><input type="checkbox"/> Revision</p> <p style="text-align: right;">*Other (Specify) _____</p>		
<p>3. Date Received: 4. Applicant Identifier:</p>			
<p>5a. Federal Entity Identifier:</p>	<p>*5b. Federal Award Identifier:</p>		
<p>State Use Only:</p>			
<p>6. Date Received by State:</p>	<p>7. State Application Identifier:</p>		
<p>8. APPLICANT INFORMATION:</p>			
<p>*a. Legal Name: City of Danville</p>			
<p>*b. Employer/Taxpayer Identification Number (EIN/TIN): 37-6002207</p>	<p>*c. Organizational DUNS: 07-143-7586</p>		
<p>d. Address:</p> <p>*Street 1: 17 W. Main _____</p> <p>Street 2: _____</p> <p>*City: Danville _____</p> <p>County: Vermillion _____</p> <p>*State: IL _____</p> <p>Province: _____</p> <p>*Country: USA _____</p> <p>*Zip / Postal Code: 61832 _____</p>			
<p>e. Organizational Unit:</p> <table style="width:100%;"> <tr> <td style="width:60%;"> <p>Department Name: Public Development Department</p> </td> <td> <p>Division Name: Community Development Division</p> </td> </tr> </table>		<p>Department Name: Public Development Department</p>	<p>Division Name: Community Development Division</p>
<p>Department Name: Public Development Department</p>	<p>Division Name: Community Development Division</p>		
<p>f. Name and contact information of person to be contacted on matters involving this application:</p> <p>Prefix: Mr. _____ *First Name: John _____</p> <p>Middle Name: Edward _____</p> <p>*Last Name: Dreher _____</p> <p>Suffix: _____</p> <p>Title: Community Dev. Manager</p> <p>Organizational Affiliation: Employee</p>			
<p>*Telephone Number: 217-431-2329 Fax Number: 217-431-2237</p>			
<p>*Email: jdreher@cityofdanville.org</p>			

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*9. Type of Applicant 1: Select Applicant Type: C. City or Township Government Type of Applicant 2: Select Applicant Type: Type of Applicant 3: Select Applicant Type: *Other (Specify)	
*10 Name of Federal Agency: HUD	
11. Catalog of Federal Domestic Assistance Number: 14.253 CFDA Title: Entitlements	
*12 Funding Opportunity Number: N/A *Title:	
13. Competition Identification Number: N/A Title:	
14. Areas Affected by Project (Cities, Counties, States, etc.): City of Danville and Vermilion County	
*15. Descriptive Title of Applicant's Project: Southgate Industrial Expansion Project	

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16. Congressional Districts Of:

*a. Applicant: 15

*b. Program/Project: 15

17. Proposed Project:

*a. Start Date: 8/1/2009

*b. End Date: 12/31/2010

18. Estimated Funding (\$):

*a. Federal 250000
*b. Applicant 0
*c. State 0
*d. Local 0
*e. Other 19,750000
*f. Program Income 0
*g. TOTAL 20000000

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on _____
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. _____ *First Name: John _____
Middle Name: Edward _____
*Last Name: Dreher _____
Suffix: _____

*Title: Community Dev. Manager

*Telephone Number: 217-431-2329

Fax Number: 217-431-2237

* Email: jdreher@cityofdanville.org

*Signature of Authorized Representative:



*Date Signed: 5/22/09

Authorized for Local Reproduction

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***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

CERTIFICATIONS

- (1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.
- (2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.
- (3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:
 1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
 4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Scott Eisenhauer
Signature/Authorized Official

21e May 09
Date

Mayor
Title