



AGENDA COVER MEMO

Memorandum Date: 11/19/2024

Order Date: 12/3/2024

TO: Board of County Commissioners

DEPARTMENT: County Administration, Policy Division

PRESENTED BY: Alexandria Dreher, Grant Strategy Program Manager

AGENDA ITEM TITLE: ORDER 24-12-03-02/ In the Matter of Accepting Congressionally Directed Spending (Community Project Funding) in the Amount of \$1.5 Million from the Department of Housing and Urban Development (HUD) for Immediate Occupancy Improvements at Lane Events Center Facilities, and Delegating Authority to the County Administrator to Execute Award Agreement and Associated Documents.

I. MOTION

Move to accept Congressionally Directed Spending (Community Project Funding) in the amount of \$1.5 million from the Department of Housing and Urban Development (HUD) for immediate occupancy improvements at Lane Events Center facilities, and delegate authority to the County Administrator to execute award agreement and associated documents.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve a congressionally directed spending award from the Oregon congressional delegation comprised of Senator Merkley, Senator Wyden, and Representative Hoyle. Community project funding in the amount of \$1.5 million is for upgrades to Lane Events Center facility or facilities which will include seismic upgrades, as funding allows, for immediate occupancy in the event of a natural hazard event.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Board receives regular Legislative Committee updates, and approves Legislative Principles and Priorities which guide Lane County's advocacy strategy. Emergency preparedness and resilience priorities within the Legislative Principles

and Priorities document include supporting funding for efforts that address and prepare Lane County for natural hazard events.

B. Policy Issues

Accepting this award aligns with Lane County's Legislative Principles and Priorities (ORDER 24-04-30-01).

C. Board Goals

Strategic Priority #3: Maintain and invest in resilient infrastructure that creates the highest return for safety, community connectivity, enjoyment of life, and local economic success. Item C: Build a culture of preparedness and operational readiness within the organization in coordination with community partners.

D. Financial and/or Resource Considerations

Community Project Funding award will provide \$1.5 million in federal investment to make facility improvements on the Lane Events Center campus.

E. Health Implications

No direct implications, however investment in immediate occupancy seismic upgrades to facilities at the Lane Events Center campus will feasibly allow for increased safety and security for community members utilizing the facility.

F. Analysis

Lane County submitted a request for FY23 Congressionally Directed Spending for immediate occupancy upgrades to the Lane Events Center facilities (at the time it was anticipated the facility would be a ballpark or Multi-Use Facility). The appropriation of funds was included in the Consolidated Appropriations Act, 2023 (Public Law 117-328) (the FY2023 Act), Congress made funding available for "grants for the Economic Development Initiative (EDI) for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending." These "Community Project Funding" or "CPF" awards are administered by the Department of Housing and Urban Development (HUD).

G. Alternatives/Options

1. Accept Congressionally Directed Spending (Community Project Funding) in the amount of \$1.5 million for immediate occupancy upgrades to the Lane Events Center facilities.
2. Delay acceptance of award. Provide additional direction to staff. This may result in the loss of award should funds be clawed back by Congress.
3. Decline \$1.5 million in Congressionally Directed Spending.

IV. RECOMMENDATION

Recommend acceptance of Congressionally Directed Spending (Community Project Funding) in the amount of \$1.5 million from the Department of Housing and Urban Development (HUD) for immediate occupancy improvements at Lane Events Center facilities, and delegating authority to the County Administrator to execute award agreement and associated documents.

V. TIMING/IMPLEMENTATION

Staff will proceed as directed.

VI. FOLLOW-UP

Staff will provide updates to the Board, as prudent.

VII. ATTACHMENTS

1. Award Letter.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 24-12-03-02

In the Matter of Accepting Congressionally Directed Spending (Community Project Funding) in the Amount of \$1.5 Million from the Department of Housing and Urban Development (HUD) for Immediate Occupancy Improvements at Lane Events Center Facilities, and Delegating Authority to the County Administrator to Execute Award Agreement and Associated Documents.

WHEREAS, Lane Manual Chapter 20 sets forth policy regarding award of contracts, and amendments, submission of grants and ratification of contracts for services and policy regarding signatory authority of the County Administrator; and

WHEREAS, a Congressionally Directed Spending award in the amount of \$1.5 million was included in the Consolidated Appropriations Act of 2023, Public Law 117-328;

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. Lane County accept Congressionally Directed Spending (Community Project Funding) in the Amount of \$1.5 Million from the Department of Housing and Urban Development (HUD) for Immediate Occupancy Improvements at Lane Events Center Facilities; and
2. The County Administrator is delegated authority to execute award agreement and associated documents.

ADOPTED this 3rd day of December, 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-1000

OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

March 2, 2023

Corey Buller
Lane County
125 E. 8th Ave.
Eugene, OR 97405
Email: corey.buller@lanecountyor.gov

Dear Buller:

In the Consolidated Appropriations Act, 2023 (Public Law 117-328) (the FY2023 Act), Congress made funding available \$2,982,285,641 for “grants for the Economic Development Initiative (EDI) for the purposes, and in amounts, specified for Community Project Funding/Congressionally Directed Spending” in the associated table included in the accompanying joint explanatory statement (JES). These “Community Project Funding” or “CPF” awards are administered by the Department of Housing and Urban Development (HUD).

HUD received the below information about your project as listed on the JES, which was printed in the Senate section of the Congressional Record on December 20, 2022 ([CREC-2022-12-20-pt3-PgS9325-2.pdf \(congress.gov\)](https://www.congress.gov/117/crec-2022/12-20-pt3-PgS9325-2.pdf)). A Grant Number (noted below) has been generated by HUD and will be the unique identifier for your project throughout the grant process.

Grantee:	Lane County
Project:	Immediate Occupancy Standard for the Lane County Multi-Purpose Facility at the Lane Events Center, Lane County, Oregon
Amount:	\$1,500,000
Grant Number	B-23-CP-OR-1244

Pursuant to the requirements associated with the FY2023 Act, this FY2023 Grant Award Letter outlines initial grant award requirements and information needed from you to prepare your FY2023 CPF Grant Agreement for execution. The Grant Award Letter also provides an overview of the steps to execute your Grant Agreement. Further detail is provided within the FY2023 CPF Grant Guide.

This “Grant Award Letter,” is included in the “Grant Award Package” transmitted with the corresponding email. The Grant Award Package also includes:

- the “FY2023 Community Project Funding Grant Guide” (FY2023 CPF Grant Guide),
- your FY2023 Community Project Funding Grant Agreement “FY2023 CPF Grant

- Agreement,” and
- standard forms required to execute your Grant Agreement.

A brief overview of these documents is below:

- 1) **FY2023 CPF Grant Guide:** The FY2023 CPF Grant Guide provides instructions for completing the requested information and filling out the required administrative forms to initiate your FY2023 CPF Grant Agreement. The FY2023 CPF Grant Guide also provides information on the requirements that will govern these funds, as provided by the FY2023 Act, and the cross-cutting requirements that generally apply to all HUD awards as provided by HUD regulations and other applicable Federal regulations and statutes.

The FY2023 CPF Grant Guide provides guidance and instructions for access to your grant funds and fulfilling the reporting requirements for this award. The FY2023 CPF Grant Guide provides guidance for various grant administration-related actions including the Disaster Recovery Grants Reporting (DRGR) system for the financial management of these grant funds and periodic reporting of project status and accomplishments for this grant. Please refer to this document as it includes important information and forms for accessing DRGR, as well as other information concerning reporting requirements.

- 2) **FY2023 CPF Grant Agreement for this Award:** The FY2023 CPF Grant Agreement specifies the applicable statutory provisions, regulations, and administrative requirements for this award. Please read this FY2023 CPF Grant Agreement carefully, including its incorporated appendices, which contain additional mandatory award terms as well as information specific to your award, such as your organization’s indirect cost information. Please make sure all grantee information and award-specific information is entered completely and accurately before signing this Agreement. The grantee’s Authorized Representative, or legal signatory, must sign and date the FY2023 CPF Grant Agreement. Please retain a “copy” (either electronic and/or printed) of the signed and dated document for your records pending receipt of the countersigned copy from HUD. Please also note that to ensure the Project Narrative and Approved Budget (Appendices 1 and 2) reflect the project and budget as approved by HUD at the time of grant execution, Appendices 1 and 2 will be added by HUD on the date that HUD signs the FY2023 CPF Grant Agreement as stated in Article III, sections A and B of the FY2023 CPF Grant Agreement.

- 3) **Standard Forms and Required Materials:**

- a. Form HUD-1044, Assistance Award/Amendment Form (Attached)
- b. Standard Form–424 Application for Federal Assistance:
<https://www.hudexchange.info/resource/306/hud-form-sf424/>
- c. SF-424-B, Assurances for Non construction Programs, or SF-424-D, Assurances for Construction Programs: <https://www.grants.gov/forms/sf-424-family.html>
- d. SFLLL Disclosure of Lobbying Activities (as applicable):
<https://www.hudexchange.info/resource/308/hud-form-sflll/>
- e. SF-1199A - Direct Deposit Sign-Up Form:
<https://www.hud.gov/sites/documents/attachmentvisf1199A.PDF>

Evidence of the American Bankers Association (ABA) number for your depository account, such as a VOIDED blank check, a deposit slip, or similar documentation. The SF1199A form is used to collect the information necessary to establish an account for the grantee in HUD's financial system. The form is to be completed by the grantee and grantee's financial institution.

Grant Award Process Overview

Below is a step-by-step walk-through of the process and necessary documents and forms to execute your FY2023 Grant Agreement. This process and the forms are also available in the FY2023 CPF Grant Guide, which can also be found on the program's webpage at:

https://www.hud.gov/program_offices/comm_planning/edi-grants.

Grant Award Process

- 1) HUD will email a Grant Award Package including:
 - a. FY2023 Grant Award Letter (this letter)
 - b. FY2023 CPF Grant Guide
 - c. FY2023 CPF Grant Agreement
 - d. Links to Standard Forms (see list above in number 3)
- 2) Grantee should review the Grant Award Package documents and send HUD the following:
 - a. Signed and dated FY2023 CPF Grant Agreement
 - b. Completed Standard Forms
 - c. Detailed Project Narrative: The detailed project narrative should:
 - i. capture the maximum anticipated scope of the proposal, not just a single activity that the CPF grant is going toward; and
 - ii. include all contemplated actions that are part of the project.
 - d. Line-Item Project Budget: The line-item budget should:
 - i. capture the maximum anticipated scope of the proposal including the use of the FY23 CPF grant funds in context of the full project budget; and
 - ii. include all contemplated actions that are part of the project, not just a single activity that the CPF grant is going toward.
- 3) Grantee should initiate or complete a Federal environmental review: If the grantee has not yet done so, they should initiate an environmental review, as applicable.
- 4) HUD reviews returned Grant Award Package for completeness: Once HUD receives a completed grant award package, HUD will review the project narrative and budget, standard forms, grantee-signed and dated FY2023 CPF Grant Agreement.
 - a. If complete, HUD will execute the FY2023 CPF Grant Agreement.
 - b. If information is missing, HUD will work with grantee to finalize the Grant Award Package.
- 5) Payment Process: Once the Grant Agreement is executed by the Grantee and HUD, HUD will assist the grantee in getting set up in HUD's financial system. Once set up in HUD's financial system, grantees will submit payment requests.

To assist you with understanding the materials that you have received, HUD will host a series of webinars and "office hours" starting the week of March 6, 2023, to review the

requirements and support grantees through the grant award process and beyond. HUD will send reminder emails prior to each session with the registration link.

Overview of the FY2023 Act

CPF grants are subject to several Federal requirements. HUD will provide additional information and further clarification regarding applicable requirements and the grant award process in upcoming webinars and additional technical assistance. The most essential requirements include:

- **Administrative Requirements:** CPF grants are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR Part 200.
- **Environmental Review Requirements:** CPF grants, like all projects funded by HUD, are subject to requirements under the National Environmental Policy Act (NEPA), HUD's NEPA-implementing regulations at 24 CFR Part 50 or 24 CFR Part 58, and all appropriate federal environmental and historic preservation laws, regulations, and Executive Orders.
 - In keeping with the National Environmental Policy Act (NEPA) and HUD's NEPA-implementing regulations at 24 CFR Part 50 or 24 CFR Part 58, **environmental reviews must be completed, and a Request for Release of Funds and Certification must be approved by HUD, as applicable, for all projects prior to taking any 'choice limiting actions.'**¹
 - Environmental reviews must be completed before a grantee can undertake actions that prevent the grantee from taking an alternative action to minimize or avoid environmental harm, or that would have an adverse environmental impact ("choice limiting actions"). This step is required to avoid violations under 24 CFR 58.22 which provides limitations on activities pending clearance, and Section 110(k) of the National Historic Preservation Act which prohibits anticipatory demolition or significant harm of cultural and/or historic resources prior to completion of the historic preservation review process known as Section 106 review.
 - HUD defines the "Federal Nexus" for a program or project as the event that triggers the requirements for federal environmental review under a host of laws, regulations, and Executive Orders, including the prohibition on choice limiting actions.
- To be eligible, expenses must comply with applicable Federal requirements. This includes administrative requirements under 2 CFR Part 200, environmental laws, statutes and Executive Orders, and other "cross-cutting" federal requirements adhered to by HUD. In addition, environmental reviews are required for all HUD funded programs and project activities. This includes soft costs as well as hard costs.
- For FY2023 grants, the date of the FY 2023 Act's enactment (December 29, 2022) is the date of eligibility for reimbursement for hard and soft costs and the date of the federal nexus

¹ Choice limiting actions constitute work, such as entering construction contract agreements/commitments and earth-moving activities/clearing/grubbing as well as building renovation/upgrades, that can have an adverse impact on cultural and / or historical resources or the environment, or prevent the avoidance, minimization, or mitigation of those impacts. Examples of 'choice limiting actions' include, but are not limited to, purchasing land, entering into contracts for property acquisition or construction, or physical work on the project.

for compliance with all environmental laws. Therefore, reimbursable/eligible hard costs can be incurred after enactment once a full environmental review is completed.

- HUD conducted a nationwide environmental review to clear activities such as administrative, planning, and operations and maintenance costs (including costs to prepare an environmental review).
 - After execution of the FY2023 CPF Grant Agreement, these soft costs may be reimbursed if incurred after December 29, 2022, and the costs would otherwise meet the allowability criteria in 2 CFR 200.403.
 - Hard costs can be reimbursed if incurred after a full environmental review is completed and the costs would otherwise meet the allowability criteria in 2 CFR 200.403.

Further explanation and guidance on choice limiting actions and the environmental review process, including historic preservation review, is included within the FY2023 CPF Grant Guide and on the program's webpage.

All information required for your grant award should be submitted via email to the dedicated mailbox at CPFGrants@hud.gov. In transmitting your information, please copy and paste the bolded information as the subject line of your email: **<Grant Number>: <Grantee Name>: Submission of Required Grant Materials**.

If you, or your staff, have any questions regarding how to complete or submit the required documents or about your grant in general, please feel free to contact Colton Denton , in CGD at CPFGrants@hud.gov. Please note while your grant officer may change over time, we have a team approach to managing your project. Colton Denton is the primary point of contact at HUD for this award and will be available to assist you. Include your grant number and grant name in all email correspondence.

We look forward to working with you on this important project!

Sincerely,



Robin J. Keegan
Deputy Assistant Secretary
Economic Development

ATTACHMENTS:

FY2023 Community Project Funding Grant Guide (Version 1)
FY2023 CPF Grant Agreement
Form HUD-1044 – Assistance Award/Amendment Form