

RESOLUTION NO. 3994-2017

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ADOPTING REVISED PROGRAM GUIDELINES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HELP H2O PROGRAM

WHEREAS, the City of Fort Bragg received funding from the 2014 Community Development Block Grant (CDBG) #14-CDBG-9881 to operate the HELP H2O Public Service Subsistence Payment Program; and

WHEREAS, on February 23, 2015, City Council approved a Subrecipient Agreement with Renewable Energy Development Institute (REDI) to operate the HELP H2O program; and

WHEREAS, the HELP H2O Water Assistance Fund has been underutilized since Program launch in September 2015, and changes to approved HELP H2O Program Guidelines were recommended by Program Operator REDI to increase participation in and outreach for the HELP H2O Program and also to provide clarification about how Program Exceptions should be approved; and

WHEREAS, HELP H2O Program Guidelines were originally adopted by City Council Resolution 3809-2015 on June 8, 2015, after a duly noticed Public Hearing; and

WHEREAS, the following revisions are included in the Program Guidelines:

- Elimination of the requirement that otherwise eligible Program participants must have a delinquent water/sewer bill in order to participate in the Program; and
- Modification to the Exceptions/Special Circumstances approval process to clarify that exceptions may be recommended by the Program Operator or by staff and that a staff committee comprised of the CDBG specialist, Community Development Director or designee, and Finance Director or designee may authorize exceptions, without City Council and State Housing and Community Development approval.

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. The City Council conducted a duly noticed public hearing on April 24, 2017, to receive public comment on the proposed revisions to the HELP H2O Program Guidelines.
2. The Program Guidelines revisions are intended to increase Program participation, thereby increasing benefit to the City's low and moderate income population while also increasing opportunities for delivery of water conservation education.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby adopt Revised Program Guidelines for the CDBG HELP H2O Program, a copy of which is attached hereto as Exhibit "A".

The above and foregoing Resolution was introduced by Councilmember Turner, seconded by Councilmember Lee, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 24th day of April, 2017, by the following vote:

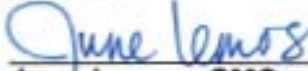
AYES: Councilmembers Lee, Norvell, Turner and Mayor Peters.

NOES: None.
ABSENT: Councilmember Cimolino.
ABSTAIN: None.
RECUSED: None.



LINDY PETERS
Mayor

ATTEST:



June Lemos, CMC
City Clerk

Guidelines

For

HELP H2O Program

Home Energy Link Program - Water

Funded By

City of Fort Bragg

With

Community Development Block Grant

Adopted: 03/08/2015

CDBG Approval Date: 06/22/2015

Revision Adopted: _____

CDBG Revision Approval date: _____

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ATTACHMENT B: Current CDBG Income Limits

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**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
HELP H20 PROGRAM GUIDELINES**

1.0 INTRODUCTION

The City of Fort Bragg ("City") has established the Home Energy Link Program – Water to be known as the **HELP H20 Program** ("Program"). The purpose of the Program is to assist the City's neediest residents by providing direct emergency financial assistance to low income persons for payment of water bills. With Program assistance, the goal is to break the expensive cycle of late payments, water shut offs, and restoration fees by providing one-time-only payment relief to qualifying City water account holders. Water bill assistance will only be provided in conjunction with mandatory home water audits and water education. Thus, while directly assisting households by providing immediate financial relief, the program will also provide long-term benefits to low and moderate-income households. At same time, the Program will assist the City in meeting its water and energy conservation goals. These Program Guidelines have been formally adopted by the City and approved by the California Department of Housing and Community Development, here after called "the Department". See **Attachment A** for copy of the adopting resolution.

2.0 PROGRAM OVERVIEW

2.1 PROGRAM ADMINISTRATION

The City and its Program Operator will:

- Market the Program;
- Accept and process participant applications;
- Document participant CDBG Program eligibility; and
- Ensure set up of participant files to document all provided services and associated costs.

The City and its Program Operator will work with program participants and ensure CDBG compliance with these program guidelines.

2.2 PROGRAM SERVICE AREA

Program services are available to all eligible persons residing within Fort Bragg city limits.

2.3 FUNDING SOURCE FOR PROGRAM SERVICES

The Program is paid for with CDBG funds provided by HUD to the Department. As such, these funds have a number of federal requirements that must be met, as described below. These CDBG funds come to the City from Department grant awards that are administered under a formal grant contract or from local CDBG program income (PI) funds administered under an approved PI Waiver.

3.0 CDBG PROGRAM REQUIREMENTS

3.1 ELIGIBLE PROGRAM APPLICANTS

To be eligible for the Program, households must:

- Complete and sign a Program Application;
- Sign a CDBG Public Service Program Self-Certification of Income form;
- Meet the most recent CDBG Income Limits;
- Submit proof of responsibility for an active Fort Bragg sewer/water utility billing account as a home owner or renter;
- Prove residency at the utility billing account address;
- Prove that sewer/water is not currently shut off due to delinquent payment;
- Perform a Home Water Audit; and
- Agree to receive water counseling and education information.

Eligible applicants documented as meeting the Program eligibility requirements are here after referred to as "Program Participants".

3.2 INELIGIBLE PROGRAM APPLICANTS

An ineligible Program applicant is anyone whose primary residence is outside of the service area. Persons residing in a household that exceeds current Income Limits are not eligible. City utility account holders whose water is currently shut off are not eligible. Businesses or non-profit organizations are not eligible for the program. Prior recipients of Program financial assistance are not eligible for additional emergency financial assistance.

3.3 TIMEFRAME FOR RECEIVING PROGRAM SERVICES

The Program will operate as long as funding is available. Once funding is depleted, the Program will cease until or unless additional Program funding is secured. Per Department regulations, Program Participants are eligible for one-time-only financial assistance per Program funding period.

3.4 MEETING CDBG NATIONAL OBJECTIVE REQUIREMENT

Under federal regulations, use of CDBG funds for emergency financial assistance must meet the national objective of benefit to low and moderate income persons under the Limited Clientele definition. As such, all Program Participants must be documented as meeting the HUD low/moderate income definition prior to receiving any Program services. The most recent CDBG Public Service income self-certification form will be used to verify income of program applicants for the Program. The most recently released CDBG Income Limits are included as **Attachment B**. The Income Limits are periodically updated. The current Income Limits are available at the Department website at the following link: <http://www.hcd.ca.gov/fa/home/homelimits.html> .

As with other CDBG self-certification activities, if the City learns that the

applicant's income information is not accurate and/or the program participant is over HUD's income limits, then a program applicant is ineligible and program services currently offered will immediately cease.

3.5 OTHER CDBG FEDERAL LAWS AND REGULATIONS

There are a number of federal laws and state regulations that are triggered with the use of CDBG funding for a Public Service Program. The City will ensure compliance with these other CDBG regulations.

National Environmental Policy Act (NEPA) federal environmental laws per regulation 24 CFR 58 are not triggered for individual Program Participants; nor are there any compliance requirements for Davis Bacon and related Acts for Program activities under these guidelines. Acquisition and relocation laws are also not triggered when using CDBG funds for Program services.

Federal regulations require that local program income be spent first prior to drawing down any federal funds from an open grant. If the City has a program Income (PI) "Waiver" for funding Program services and also has a Department grant contract award for Program services, the local PI waiver funds must be expended first, prior to drawing down any funds from the open grant contract with the Department.

4.0 APPLICATION PROCESSING FOR PROGRAM SERVICES

4.1 PROGRAM MARKETING AND OUTREACH

Upon the City's receipt of a Department letter releasing Program funding, the City and/or Program Operator will conduct outreach and marketing to individuals in the Program service area. City staff and/or Program Operator will work together to develop a marketing plan for the Program to outreach to persons in the community regarding the availability and accessibility of the Program. This plan shall be kept on file and updated as needed to ensure that all residents in the service area are informed about and have access to Program applications.

4.2 EQUAL OPPORTUNITY COMPLIANCE

This Program will be implemented in ways consistent with the City's commitment to state and federal equal opportunity laws. No person shall be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity funded in whole or in part with CDBG program funds on the basis of his or her religion or religious affiliation, age, race, color, ancestry, national origin, sex, marital status, familial status (number or ages of children), physical or mental disability, sexual orientation, or other arbitrary cause.

4.3 PROGRAM APPLICATION PROCESSING

Applications will be processed on a first come first served basis until available funding is depleted. See **Attachment C** for a sample Program Application form. The Program Application will include a simple Home Water Audit form that must

be submitted with the Program Application. The City's Program Operator will accept applications and review for HUD income eligibility per Department standards and for other program eligibility requirements. The Program Operator will submit copies of all applicants' Self-Certification forms to the City for review and final approval.

All Program Applications received, both denied and approved, will be logged and kept on file in accordance with Department records retention act. Applicants who do not meet eligibility requirements of the program will be notified in writing with an explanation of ineligibility. Files will be set up for all eligible program participants to document compliance with all CDBG regulations, Department policy, and adopted Program Guidelines, and to document all services provided.

4.4 PROGRAM PARTICIPANT / APPLICANT CONFIDENTIALITY

All personal financial information will be kept confidential. Program Participant files with personal confidential information will be kept in locked, secured storage units.

4.5 DISPUTE RESOLUTION / APPEALS PROCEDURE

Any person applying for a Program services has the right to appeal a denied application. The appeal must be made in writing to the City. A written response to the appeal will be provided to the applicant by the City within 30 days of receipt of the applicant's appeal letter.

4.6 EXCEPTIONS / SPECIAL CIRCUMSTANCES

Exceptions are defined as any action, which would depart from policy and procedures stated in the guidelines. Exceptions to these guidelines are limited to those that do not conflict with Federal regulations. Exceptions may be recommended by the Program Operator or the City and will require approval by a City committee comprised of the staff CDBG specialist, Community Development Director or designee, and Finance Director or designee.

5.0 PROGRAM SERVICE DELIVERY

5.1 PROGRAM ELIGIBILITY REVIEW

Upon receipt of a completed Program Application including all required attachments, Program Operator will review the Self-Certification form for income eligibility. If applicants are income-eligible, Program Operator will confirm other eligibility requirements including status of City utility account holders' bill and primary residency at the account address. Applicants whose water has been shut off for non-payment are not eligible for the Program.

5.2 PROGRAM SUBSIDY

For eligible Program Participants, the amount eligible for the Program subsidy will be calculated at up to 50% of the utility bill balance, excluding any assessed late fees. Exceptions to the maximum 50% match may be granted only with City

approval. The Program Participant must pay the account balance to the City Finance Department. The approved Program subsidy will be paid directly to the City Finance Department to the Program Participant's utility account. The Program subsidy will be paid only after the Program Participant has paid their share of the outstanding utility bill balance and only after proof of such payment has been received by the Program Operator.

5.3 REQUIRED WATER CONSERVATION COUNSELING AND EDUCATION

Program Participants must complete a simple Home Water Audit form as part of the Program Application. The Program Operator will review the Home Water Audit and water use history per City utility records, as allowed per the release granted in the Program participant's signed Program application. Water counseling, education and linkages to water conservation programs and incentives will be provided to Program Participants as appropriate per analysis of the participants' water use. Program participants will also receive a personalized "water kit" containing water conservation tips and products such as leak detection kits, faucet aerators, and other items to assist participant in reducing future water bills.

6.0 PROGRAM OVERSIGHT BY CITY

6.1 OVERSIGHT OF PROGRAM OPERATOR

City staff will serve as the primary contact with the Department. If an outside consultant (Program Operator) is to be hired by the City to administer the program, the City will be responsible for securing services of a qualified Program Operator for implementation of the Program prior to starting any activities under these Program Guidelines. The scope of work for the Program Operator will include all administration and documentat on required for Program services as described in these Program Guidelines and as required for CDBG compliance.

6.2 TRACKING PROGRAM SERVICES TO PARTICIPANTS

City staff oversees and monitors all work conducted by the Program Operator. Monthly or quarterly meetings will be conducted to review the program status of: 1) marketing efforts; 2) applications received; 3) eligible Program Participants being served; 4) successful Program Participant stories; 5) demand for different services and need for more resources or partners; 6) review of program tracking forms as developed by Program Operator and approved by City; 7) review of Department reports and funds requests for reimbursement of Program Services; and 8) preparation for Department monitoring of the City's grant contract and Program services. As per the executed agreement between the City and the Program Operator, all required reports under open grant contracts or Program Income will be reviewed and approved by City staff.

ATTACHMENT A

GRANTEE'S EXECUTED RESOLUTION ADOPTING GUIDELINES [To be replaced with Resolution Adopting Revised Program Guidelines]

RESOLUTION NO. 3809-2015

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ADOPTING PROGRAM GUIDELINES FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HELP H2O PROGRAM

WHEREAS, the City of Fort Bragg has received a 2014 Community Development Block Grant (CDBG) award to operate the HELP H2O CDBG Public Service Subsistence Payment Program; and

WHEREAS, CDBG requires that in order to operate a CDBG HELP H2O Program, jurisdictions must adopt Program Guidelines to govern program operation and to ensure compliance with CDBG state and Federal requirements; and

WHEREAS, in order to receive clearance of 2014 CDBG award General Conditions and prior to implementing the HELP H2O Program, the City must adopt HELP H2O Program Guidelines; and

WHEREAS, the HELP H2O Program Guidelines include the following elements as recommended by CDBG: program overview; program requirements; application process; program delivery; program oversight; and as attachments, the jurisdiction's executed Resolution adopting Program Guidelines, current CDBG Income Limits applicable to the Program, and a sample Program Application; and

WHEREAS, per CDBG regulations, the City Council conducted a public hearing to solicit comments regarding adoption of the City's HELP H2O Program Guidelines on June 8, 2015; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. Elements as recommended by CDBG have been incorporated in the Program Guidelines such that they are compliant with current CDBG regulations and also adequately reflect local program particulars;
2. The City Council conducted a duly noticed public hearing on June 8, 2015, to receive public comment on the proposed adoption of the HELP H2O Program Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby adopt Program Guidelines for the Community Development Block Grant (CDBG) HELP H2O Program, a copy of which is attached hereto as Exhibit "A."

The above and foregoing Resolution was introduced by Councilmember Peters, seconded by Councilmember Cimolino, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 8th day of June, 2015, by the following vote:

AYES: Councilmembers Peters, Cimolino, Deltz, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.

ATTACHMENT A

GRANTEE'S EXECUTED RESOLUTION ADOPTING GUIDELINES

ABSTAIN: None.

A handwritten signature in black ink, appearing to read "Dave Turner", written over a horizontal line.

**DAVE TURNER,
Mayor**

ATTEST:


**Brenda Jourdain
Acting City Clerk**

ATTACHMENT B

CURRENT CDBG INCOME LIMITS

STATE CDBG AND HOME TABLE OF 2016 INCOME LIMITS

EFFECTIVE JUNE 1, 2016*

Income Category	Number of persons in household							
	1	2	3	4	5	6	7	8
"30%" Limit	12,800	\$14,600	\$16,450	\$18,250	\$19,750	\$21,200	\$ 22,650	\$24,100
"50%" Limit	\$21,350	\$24,400	\$27,450	\$30,450	\$32,900	\$35,350	\$ 37,800	\$40,200
"60%" Limit	\$25,620	\$29,280	\$32,940	\$36,540	\$39,480	\$42,420	\$ 45,360	\$48,240
"80%" Limit	\$34,100	\$39,000	\$43,850	\$48,700	\$52,600	\$56,500	\$ 60,400	\$64,300

PROGRAM PARTICIPANTS' HOUSEHOLD INCOME MUST NOT EXCEED THE "80%" LIMIT FOR THE HOUSEHOLD SIZE

***The above income limits are periodically updated. For the most current income limits, please visit the following link at the California Department of Housing and Community Development website:**

<http://www.hcd.ca.gov/fa/home/homelimits.html>

ATTACHMENT C
SAMPLE PROGRAM APPLICATION

City of Fort Bragg
HELP H2O PROGRAM

HELP H2O is funded by a Community Development Block Grant (CDBG) awarded to the City of Fort Bragg. The City's Program Operator for HELP H2O is REDI (Renewable Energy Development Institute). The goal of this program is to assist Fort Bragg residents to catch up on delinquent water bills while also helping to keep water bills as low as possible through water education and conservation assistance.

PLEASE NOTE:

- YOU ARE INELIGIBLE IF YOUR WATER IS ALREADY SHUT OFF DUE TO NON-PAYMENT.
- YOU MAY ONLY RECEIVE ASSISTANCE ONCE FROM THIS PROGRAM.

We're here to HELP you!

APPLICANT NAME: _____
Applicant's name should be the same as the name shown on your water bill.

PROPERTY ADDRESS: _____
Property address should be the address shown on your water bill.

MAILING ADDRESS (if different): _____

CITY WATER ACCOUNT NUMBER: _____

PHONE NUMBER(S): _____

EMAIL ADDRESS: _____

The following are attached to this application:

- Signed and completed CDBG Public Service Self Certification Form.
- Copy of most recent City water bill.
- Other document proving you live at the address shown on your City water bill
(Examples: electric bill, mortgage statement)
- Completed Home Water Audit form.

CERTIFICATION and RELEASE:

I certify that the information given on this form and all attachments submitted with this form is true and accurate to the best of my knowledge. I agree to release of my water account history data to the City's HELP H2O Program Operator REDI. I agree that if the Program agrees to pay a portion of my City utility bill, I will pay the rest of balance due prior to receiving Program assistance. I agree that if emergency water bill financial assistance is granted to me, I will participate in water education/counseling provided by REDI.

Signed: _____ Please print your name: _____

Please visit us at 119 N. Franklin Street or call (707) 962-9070 if you need help completing this application.