

RESOLUTION

A RESOLUTION OF THE COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE DISASTER RELIEF FUND; AND AUTHORIZING THE COUNTY JUDGE TO ACT AS THE COUNTY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the Commissioners Court of Upshur County desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

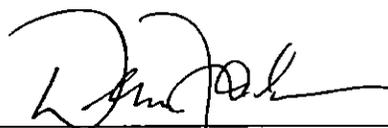
WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interests of Upshur County to apply for funding under the Texas Community Development Block Grant Program;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS:

1. That a Texas Community Development Block Grant Program application for the Disaster Relief Fund is hereby authorized to be filed on behalf of the County with the Texas Department of Agriculture.
2. That the County's application be placed in competition for funding under the Disaster Relief Fund.
3. That the application be for \$350,000.00 of grant funds to provide repairs to roads damaged during storms and flooding events of April 17 to 30, 2016.
4. That the Commissioners Court directs and designates the County Judge as the County's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the County's participation in the Texas Community Development Block Grant Program.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

Passed and approved this 20th day of September, 2016.



Dean Fowler, County Judge
Upshur County, Texas



Terri Ross, County Clerk
Upshur County, Texas

FILED
TERRI ROSS
COUNTY CLERK
2016 SEP 20 AM 10:15
UPSHUR COUNTY, TX.
BY  DEPUTY

**Environmental Review
for Activity/Project that is Exempt or
Categorically Excluded Not Subject to Section 58.5
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)**

Project Information

Project Name: 2016 TxCDBG – DR

Responsible Entity: Upshur County

Grant Recipient (if different than Responsible Entity): N/A

State/Local Identifier: TBD

Preparer:

Certifying Officer Name and Title: Dean Fowler, County Judge

Consultant (if applicable):

Project Location: Upshur County

Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]:

Repairs to roads damaged during storms and flooding events of April 17 to 30, 2016

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Level of Environmental Review Determination:

- Activity/Project is Exempt per 24 CFR 58.34(a):
 - (3) Administrative and management activities
 - (8) Engineering or design costs

Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b): _____

Funding Information

Grant Number	HUD Program	Funding Amount
TBD	TxCDBG-DR	\$350,000

Estimated Total HUD Funded Amount: \$350,000

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable): N/A

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$350,000

Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input type="checkbox"/>	Project is not located within 15,000 feet of a military airport or 2,500 feet of a civilian airport. See Texas Airport Directory Map.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input type="checkbox"/>	Project is not located in a CBRS Unit. See Texas Coastal Resources Map.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input type="checkbox"/>	The County participates in the NFIP.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure

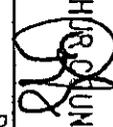
Preparer Signature:  Date: September 20, 2016

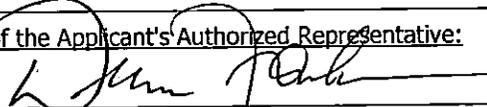
Name/Title/Organization: Dean Fowler, County Judge

Responsible Entity Agency Official Signature:  Date: September 20, 2016

Name/Title: Dean Fowler, County Judge

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

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1. TYPE OF SUBMISSION Application: Pre-application: <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED: _____ 3. DATE RECEIVED BY STATE: _____ 4. DATE REC'D by FEDERAL AGENCY: _____	
5. APPLICANT INFORMATION: <u>Legal Name:</u> Upshur County <u>Address (City, County, State, and Zip Code) of applicant:</u> Upshur County P.O. Box 730 (Mailing) 100 West Tyler Street (Physical) Gilmer, Upshur County, TX 75644		APPLICANT IDENTIFIER: _____ STATE APPLICATION IDENTIFIER: _____ FEDERAL IDENTIFIER: _____ UP SHUR COUNTY, TX. DEPUTY	
<u>Organizational Unit:</u> Upshur County <u>Name/Title, Agency or Company, Address, Area Code, Telephone and Fax Numbers, and e-mail address of application preparer:</u> Mary Kay Thomas, President Amazing Grants, Inc. V: (903) 636-5500 P.O. Box 717 F: (903) 636-4276 Big Sandy, TX 75755 Email: marykay@amazinggrants.com		6. EMPLOYER IDENTIFICATION NUMBER (EIN): 75-6001187 7a. DUNS NUMBER: 047586862	
7. TYPE OF APPLICANT: <input type="checkbox"/> A. Municipal <input checked="" type="checkbox"/> B. County		8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	
9. NAME OF FEDERAL / STATE AGENCY: Texas Department of Agriculture		10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 14-228 Title: Texas Community Development Block Grant Program (TxCDBG)	
11. PROJECT TYPE: Street Improvements (03K)		11a. TYPE OF APPLICATION: Disaster Relief (DR) Fund	
12. TARGET AREA(S) AFFECTED BY THE PROJECT: Upshur County (County-Wide)		13. APPLICANT'S FISCAL YEAR: Beginning Date: October 1 Ending Date: September 30	
14. CONGRESSIONAL DISTRICTS:		Representative: 7 Senate: 1 Congress: 4,1	
15. ESTIMATED FUNDING: A. TxCDBG REQUEST: \$350,000.00 B. FEDERAL: _____ C. STATE: _____ D. APPLICANT: _____ E. LOCAL: _____ F. OTHER: _____ G. TOTAL: \$350,000.00		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? <input type="checkbox"/> Yes the preapplication / application was made available to the State Executive Order 12372 process for review on: Date: _____ <input checked="" type="checkbox"/> No <input type="checkbox"/> Program is not covered by E.O. 12372 -OR- <input type="checkbox"/> Program has not been selected by the State for review	
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes. If "Yes", attach an explanation. <input checked="" type="checkbox"/> No			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE CERTIFICATIONS AND CITIZEN PARTICIPATION PLAN INCLUDED IN THE PROCEDURES SECTION OF THE TxCDBG PROGRAM APPLICATION GUIDE IF THE ASSISTANCE IS AWARDED.			
<u>Typed Name of the Applicant's Authorized Representative:</u> Dean Fowler		<u>Title</u> County Judge	<u>Telephone Number</u> +1 (903) 843-4003
<u>Signature of the Applicant's Authorized Representative:</u> 			<u>Date</u> Sep 20, 2016



DEAN FOWLER

County Judge
P.O. Box 790
Gilmer, Texas 75644
903-843-4003 Fax 903-843-0827

September 20, 2016

Ms. Suzanne Barnard
Director, Texas CDBG Program
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711-2847

RE: Pending 2016 TxCDBG Contract -- Disaster Relief Grant for Upshur County

Dear Ms. Barnard:

Upshur County experienced considerable damage to county roads throughout the County.

Upshur County proposes to resolve this situation by reconstructing roads.

In order to expedite startup of this project, Upshur County is requesting the use of non-competitive process in procuring professional services, construction services, materials, and other items necessary for the implementation of the County's contract activities. This request is based on 2 CFR §200.320 (f)(2) *Methods of procurement to be followed*

- (f) *Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal form only one source and may be used,, when ...:*
- (2) *The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.*

Please let us know of TDA's decision as soon as possible, as Upshur County is ready to work on this project and repair the damaged roads. If you have any questions, please feel free to contact my office at (903) 680-4003.

Sincerely,

Dean Fowler
County Judge

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BY UPSHUR COUNTY, TX.
DEPUTY



DEAN FOWLER

County Judge

P.O. Box 790

Gilmer, Texas 75644

903-843-4003 Fax 903-843-0827

September 22, 2016

Suzanne Barnard
Director, Texas CDBG Program
P.O. Box 12847
Austin, Texas 78711

Re: Pre-Agreement Cost Approval for Administration and Engineering

Dear Ms. Barnard:

This is to notify the Texas Department of Agriculture, Texas Community Development Block Grant (TxCDBG) Program that Upshur County intends to proceed with its Disaster Relief Fund application project per the pre-agreement costs stratagem. As a condition of this pre-agreement to acknowledge and agree to the following:

1. All applicable state and federal laws, including procurement procedures for professional services and applicable vendors; all applicable TxCDBG policies and procedures, including a completed Environmental Assessment necessary for the Release of Funds (for construction activities) by TxCDBG, acquisition requirements, approval of plans and specifications as regulated by the Texas Commission on Environmental Quality (TCEQ), Davis-Bacon wage requirements, and any applicable contract Special Conditions.
2. The Department shall not reimburse any costs under this agreement until a Disaster Relief Fund contract is fully executed with the County. Department shall not be liable for costs incurred prior to October 1, 2016 or for any activities not included in Exhibit A, Performance Statement, and Exhibit B, Budget, of the executed contract associated with the grant.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Fowler", is written over a horizontal line.

Dean Fowler
County Judge

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