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## CACHE COUNTY COUNCIL MEETING MINUTES

January 12, 1999

The Cache County Council met in a regular session on January 12, 1999 in the County Council Chambers located at 120 North 100 West, Logan, Utah 84321

### ATTENDANCE

Council Chairman, Darrel L. Gibbons and Vice Chairman, Cory Yeates were present. Council members present were: H. Craig Petersen, Guy Ray Pulsipher, Sarah Ann Skanchy and C. Larry Anhder. Councilman Layne M. Beck was absent.

Others present were: M. Lynn Lemon, County Executive, Stephen M. Erickson, County Clerk, Scott Wyatt, County Attorney, Tamra Stone, County Auditor, Lynn Nelson, County Sheriff, Lorene Greenhalgh, County Zoning Administrator, Jim Smith, County Personnel Director and Administrative Assistant and other interested citizens. Representatives from the news media were not in attendance at this meeting.

### CALL TO ORDER

Chairman Darrel L. Gibbons, called the meeting to order at 5:00 p.m. and welcomed all who were in attendance.

### INVOCATION

The invocation was given by Councilman C. Larry Anhder.

### ELECTION: COUNCIL CHAIRMAN & VICE CHAIRMAN

The first item of business during the first meeting of every year is to elect a Council Chairman and Vice Chairman. Chairman Gibbons began the election by asking for nominations from Council member for Council Chairman.

Councilman Petersen nominated Darrel L. Gibbons to continue as Chairman.

**Councilman Skanchy moved to cease nominations and vote Gibbons in by acclamation. It was seconded and carried unanimously.**

Council member Skanchy nominated Councilman, H. Craig Petersen to be Vice Chairman.

**Councilman Anhder moved to cease nominations and elect Petersen by acclamation. It was seconded and carried unanimously.**

### **AGENDA & MINUTES**

The Agenda for the meeting was discussed and adjusted. Item 9a Ordinance 98-04 was deleted from the agenda and will be addressed in future meetings. The ordinance will have to be renumbered. The agenda with the change was then approved.

The minutes of the regular Council meeting held on December 8, 1998 was discussed, corrected and approved.

### **PERSONNEL MANAGER & ADMINISTRATIVE ASSISTANT: SMITH, JIM**

The County Executive, M. Lynn Lemon, introduced to the Council, Jim Smith who has recently been hired by the County to serve as Personnel Manager and Administrative Assistant to Executive Lemon. Smith said, that he is native of the area and comes from a family that has served the public in Cache County. His father and grandfather were in a number of executive positions in the County. He said that he received his degree from USU and is happy to be part of the County. Smith has held similar positions in other job opportunities that he has had.

### **REPORT OF THE COUNTY EXECUTIVE**

The County Executive, M. Lynn Lemon, reported on the following items:

1. Appointments:

- Appointment: Gleed, Michael to the County Boundary Commission.
- Appointment: Howell, Kathleen to the County Boundary Commission.
- Appointment: Davis, Lynn to the County Planning Commission.
- Appointment: Taylor, Don to the County Planning Commission.

The Council discussed two other appointments that Executive Lemon presented as members of the College/Young Township Board. It was determined that those two appointments would be part of an ordinance presently being drafted by the County Attorney's office regarding the Township. Councilman Anhder suggested that the two appointments be made now and have them as part of the new ordinance.

**It was moved by Councilman Yeates to approve the four appointments without those being appointed to the Township Board. It was seconded and passed on a vote of five "Yes" to one "No." Councilman Anhder voted no.**

2. Tax System-IN-GEO: The new tax system for the County Auditor, Assessor, Recorder and Treasurer is near completion and current data will be transferred to the new software this weekend. Other Counties are waiting to see how it works and they are also interested in using the new software that has been developed here in Cache County.

3. Audit Engagement Letter: A letter has been received from the Accounting Firm of Jones, Wright, and Simkins Associates. They will perform the annual external audit of the County's financial matters for 1998 when the letter is returned.

4. Transportation Model Training: The Council and Executive have been invited to attend a meeting sponsored by UDOT to receive training on a proposed transportation model for our area. The training is scheduled for February 2 and 3, 1999.

5. UAC Meetings: Council members have been invited to attend the UAC newly elected officials' seminar in SLC on February 4 and 5, 1999, County Officials Day at the Legislature on February 12, 1999 and the annual UAC Spring Conference on April 14, 15 & 16, 1999 to be held in Logan at USU this year. Council members were encouraged to attend the meetings, especially, the Spring Management Conference being held in our County in April.

6. Warrants: The County Warrants for the periods of December 3 to December 11, December 12 to December 18, December 19 to December 23, December 24 to December 29, 1998 and December 30, 1998 to January 6, 1999 were presented to the County Clerk for filing.

**PUBLIC HEARING: CDBG**

Executive Lemon, convened a scheduled CDBG Public Hearing at 5:30 p.m.. (See the Herald Journal publication January 4, 1998.) Executive Lemon explained that the hearing is the same as the one that was held on September 22, 1998, but due to some error regarding the Public Hearing publication notice the hearing had to be rescheduled. Lemon reviewed what had been done in the previous Public Hearing.

( See attachment #1)

Lemon also read from the Public Hearing requirements developed for CDBG and as was discussed during the September 22, 1998 Public Hearing.

(See attachment #2)

CDBG eligible activities were reviewed by Executive Lemon.

(See attachment #3)

Executive Lemon, asked for any public input and hearing none the CDBG Public Hearing was closed.

**PUBLIC HEARING SET: BUDGET 1999 OPENING**

The 1999 County Budget needs to be adjusted and a Public Hearing is needed to do so.

**Council member Skanchy moved to set the Public Hearing during the next Council meeting on January 26, 1999 at 6:00 p.m.. It was seconded and carried unanimously.**

**ORDINANCE NO. 99-01: COLLEGE/YOUNG TOWNSHIP**

The Council discussed the present College/Young Township. The State Legislature during the last session made Townships into Planning Districts. The County Attorney's office has drafted an ordinance that spells out the duties of the Township Board and defining other areas of question such as elections and appointments of the Board members. Some have suggested that the Township be done away with. County Attorney, Scott Wyatt, said that the County Legislative Body can't make major changes of that kind until the year 2002. It was pointed out that present board member's want the Township to stay in existence but other citizens in the area are not sure the Township is needed. The Ordinance will be on the next Council meeting agenda for action by the Council.

**BUDGET INTRA-DEPARTMENTAL TRANSFERS UNDER \$1000.00: DISCUSSION**

Vice Chairman Petersen, who had previously suggested that the Intra-Departmental budget transfers under \$1000.00 be reviewed and approved by the County Budget Officer ( M. Lynn Lemon) again questioned the need for Council approval. Petersen said that the University and other companies and organizations follow a pattern, that allow any budget transfers under a \$1000.00 handled by a budget officer or someone in charge of the budget. The County Auditor, Tamra Stones, told the Council that state law has changed and the law does allow such action. However, our Fiscal Procedure Policy in the County would have to be changed to allow the new procedure as suggested. Executive Lemon said that the time to put constraints on Department Heads is during the budget setting process in the fall of every year. Council member Skanchy, said that it may put to much of a burden on Executive Lemon to make all the decisions. It was suggested that if Lemon has a problem with any transfer he can always bring the matter back to the Council for review and approval.

**Councilman Anhder moved to have the Executive, draft some recommendations on this and other time and cost saving avenues for Council review and approval for the next meeting. It was seconded and carried unanimously.**

**SICK LEAVE CONTRIBUTION CRITERIA: DISCUSSION**

Executive Lemon is asking the Council for input regarding the contributing of sick leave from employees to other employees who have need for additional sick leave. Lemon is suggesting five items of criteria to deal with sick leave contribution.

(See attachment #4)

Councilman Anhder, said that the criterion goes too far and the whole policy of sick leave should be changed and suggested that an employee should have at least 120 hours of sick leave before he could contribute to another employee and maybe a sick leave bank or personal leave could be part of dealing with sick leave. The County Auditor, Tamra Stones, said that when an employee is sick for a long time it begins to affect the budget and the department because someone has to be hired to do the sick person's job. Some Council member recommended that the administration take more time to come up with alternatives dealing with sick leave.

**Councilman Anhder moved to table the issue until the next council meeting giving the administration more time to look at alternatives and recommendations for council review. It was seconded and carried unanimously.**

**RESOLUTION NO. 99-01: TAX AND REVENUE ANTICIPATION NOTES**

The County Auditor, Tamra Stones, reviewed the annual custom of the County selling notes to get funds for a cash flow. The County uses the borrowed money during the year to keep the county operating, until property taxes are collected in the fall. It is anticipated that the County will work with UAC and six other Counties in the State to sell tax anticipation notes. The amount that our County is seeking is \$4,100,000.00. The prepared Resolution was not available for signing. However the Auditor said, that it is just a matter of filling in the blanks and she had thought that the Secretary to the Council, Pat Parker, had drafted the Resolution before the meeting. Councilman Anhder, suggested that the Council adopt the Resolution without the paper work that can be drafted later because it is an annual Resolution that the County adopts the first of every year.

**Councilman Anhder moved to adopt Resolution No. 99-01. It was seconded by Councilman Yeates and passed on a vote of six "yes" to one "no". Skanchy voted no.**

A copy of the Resolution will be on file in the Clerk and Auditor's office when all the necessary signatures and paper work have been completed.

**MOUNTAIN VIEW MINOR SUBDIVISION FINAL PLAT: NELSON, GRANT**

The County Zoning Administrator, Lorene Greenhalgh, reviewed the final plat for the Mountain View minor subdivision being developed by Grant Nelson a College Ward resident and property owner. Greenhalgh told the Council that both the College Young Township Board and the Board of adjustments have approved the subdivision. The Council reviewed the plat and discussed the requirements placed on the subdivision which have all been met by Mr. Nelson. Proper water and sewer discharge in the area was discussed and it was determined that it was proper and approved by the Board of Health. George Whitney, a concerned citizen from College Ward, expressed concern over the location of the proposed well being drilled for a water supply for the subdivision.

Whitney said, the well should be further away from the homes and the pipeline which is designed to be placed on the border between two lots with a five-foot easement on both sides of the pipeline is not proper and should be changed. Whitney thinks that the easement could be a problem if the property is ever sold to someone else.

**Vice Chairman Petersen moved to approve the subdivision. It was seconded and passed on a vote of four "yes" to two "no." Councilmen Yeates and Anhder voted no.**

**BAER, WES PROPERTY ANNEXATION REQUEST-TO LOGAN CITY: DISCUSSION**

Logan City has received an application from a property owner, Mr. Wes Baer asking them to annex his property. The County Executive received a letter from the College/Young Planning District asking the County Council to file a protest to the annexation on their behalf. Lemon said, that he attempted to contact members of Council regarding the issue but was unable to contact some and not having another Council meeting in December he filed the protest along with the County School District. Because the issue was not discussed in a regular Council meeting Lemon put the matter on this meeting's agenda for Council review and action.

A map of the area showing the near twenty-acre parcel of Baer property that is in question was reviewed by the Council. Lemon said, that the big question is, does the property if annexed form a peninsula. After meeting with the County-Wide Planner and Chairman Gibbons and after taking measurements it was determined that it could or it may not form a peninsula. After reviewing the matter with the County Attorney Mr. Wyatt, he said that it did form a peninsula. The protest was then filed by Lemon on the grounds that it did form a peninsula. The County Attorney after further review told the Council that a peninsula already exists and annexation of this property makes the peninsula larger. Wyatt further told the Council that they are not annexation cops but they are county property managers and if they have a legitimate reason to protest any annexation they should. Rod Blossom, Logan City's Planner, reviewed the map and the annexation request. Logan City has the property in their master plan for future annexation along with other parcels in the area. Logan can furnish sewer, water and power to that area but

are not forcing any property owner to be annexed.

George Whitney, from College Ward was given personal privilege to speak on the annexation proposal. Whitney, said that the annexation forms a peninsula and the law doesn't allow the annexation if a peninsula is formed. Whitney said that the parcel is too small and other property should be annexed. It also affects our schools by taking away their tax base. Rod Blossom said that Logan City feels like this annexation is within their annexation area and it is reasonable and they are also a large part of the County.

**Vice Chairman Petersen moved to not protest the Wes Baer request to be annexed by Logan City. It was seconded and carried unanimously.**

Executive Lemon will withdraw the original protest against the annexation.

#### **COUNCIL MEMBER ASSIGNMENTS: DISCUSSION**

Chairman Gibbons asked Council members about their various assignments on the different Boards and Committees that they are presently serving on. After some discussion it was determined that all Council members were satisfied with their present assignments and will continue to represent the Council and County in those areas.

#### **WATER CONSERVANCY DISTRICT: DISCUSSION**

Some members of the Council said that they are concerned that the message is not getting out to the voters about the benefits of a Water Conservancy District for the up coming election. Executive Lemon, said that it is the best of all alternatives that have been studied. Councilman Anhder said, that those individuals who have attended the meetings are unanimous in their support for a Water District. But now those who didn't attend the meetings are now saying things that are not right and are misinforming the public. Executive Lemon said, that this will bring the small water companies and municipalities together to work with other Conservancy Districts in the State giving them more say on what happens to our water. Council member Skanchy suggested that the reasons and arguments for a district are not getting out and something has to be done to provide answers to questions such as, who it will benefit, farmers, cities etc. Chairman Gibbons said, that information on what good has been done by water districts in the state and how it has benefitted citizens should be distributed to the voters. Councilman Anhder will take the suggestions back to the Board for implementation.

#### **COUNCIL MEMBERS PROJECT SUGGESTION FOR 1999: DISCUSSION**

Council members suggested projects that they would like studied or implemented during 1999. The following suggestions were made:



1. Ordinances drafted to be used in new County Land Use Plan.
2. Creation of a Planning Department.
3. Employee Salary Survey completed.

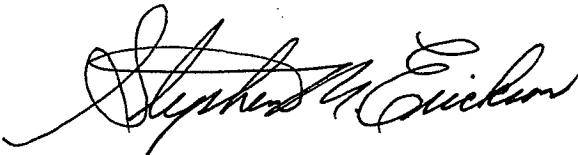
**COUNCIL MEMBER REPORTS**

Council member Sarah Ann Skanchy: Skanchy reported that the Work Force Services Regional meeting will be held tomorrow. They will be focusing employer-employee concerns. Skanchy said, that she is still willing to serve on that Board.


Councilman Pulsipher: Pulsipher told the Council that it seems that when a special election is held in the County that Paradise has to go to Hyrum to vote. He suggested that Paradise and Avon should be given a place to vote in Paradise.

**ADJOURNMENT**

Chairman Gibbons adjourned the meeting at 7:25 p.m..



**ATTEST: Stephen M. Erickson**  
Cache County Clerk



**APPROVAL: Darrel L. Gibbons**  
Council Chairman

**PUBLIC HEARING: CDBG**

County Executive, M. Lynn Lemon, convened a scheduled public hearing at 5:15 p.m. to receive public input on proposed 1999 CDBG requests. Lemon, reviewed the purpose of the hearing stating that the amount of money being received for CDBG will be 5 percent lower than last fiscal year. The State has indicated that the amount of funding will be near \$900,000.00. That amount will be allocated between Cache, Box Elder and Rich Counties. The activities that can qualify for funding are those projects that meet the national requirements for low and medium income. Any money received from CDBG will be allocated to projects that qualify under the standards set by the Federal Government. No project that displaces low and medium income employees will be accepted.

Jeff Gilbert, from Bear River Association of Governments, stated that organizations requesting CDBG funds have to attend a workshop on Thursday, September 24th to learn how to apply.

Executive Lemon asked for public comment:

**Sinclair, Sara**, the CEO from Sunshine Terrace Foundation, reviewed previous CDBG projects that have helped their facility and how they qualify for funding as a low income organization. Sinclair, thanked the County for sponsoring their past CDBG projects. They are now asking for CDBG funding for the coming fiscal year to replace entrance doors on wing five. The new doors will allow better patient accessibility coming and going from the facility. They are also asking for CDBG funding to purchase medical equipment that will give better service regarding skin and nutritional needs for patients. They need larger and smaller wheel chairs as well as equipment to give patients additional relief. They are asking \$40,000.00 for the doors and \$14,000.00 for new patient equipment. Totaling \$54,000.00, of which they add 20 percent from their own funds.

Sinclair, stated that they have 300 employees and receive 35,000 hours of volunteer service from the community. Their building is large, having approximately 87,000 square feet. It was mentioned that the Sunshine Terrace has received awards for being a top rated facility in the State and Nation.

Executive Lemon, asked for additional public comment. There was no further comment and Lemon closed the hearing.

**WATER CONSERVANCY DISTRICT: PUBLIC HEARING SET**

The Council discussed the proposed County Water Conservancy District and the need for a public hearing that involves all communities in the County.

## PUBLIC HEARINGS

Public Hearings by Applicants/Grantees: Section 570.486(a)(3)(i-iv) of the New Operating Rules and Regulations for the State's CDBG programs includes the following information in reference to public hearings:

1. A minimum of two public hearings must be held, each at a different stage of the process, for the purpose of obtaining citizens' views and to respond to proposals and questions.
2. **FIRST HEARING:** Must be held **BEFORE** the preparation of the application packet. Applications are due December 2, 1998. You may begin now to prepare for the first public hearing.
  - 1- Furnish citizens information including but not limited to:
    - i. The amount of CDBG funds expected to be made available for the current FY. (Approximately \$900,000 will be allocated in the BRAG region.)
    - ii. The range of activities that may be undertaken with CDBG funds.
    - iii. The estimated amount of the CDBG money proposed to be used for activities that will meet the National Objective of benefit to LMI. (Last year 100% of funding was allocated to LMI projects in the BRAG area.)
    - iv. The proposed CDBG activities likely to result in displacement of LMI. (Projects displacing LMI persons are not likely to receive funding.)
  - 2- Identify and discuss the Community Development/Housing needs of the community.
  - 3- Obtain citizens' views and suggestions.
  - 4- Respond to proposals and questions.
3. **POSTING**
  - i. Applicants who decide to post the notices should use the same notice used by those who publish.
  - ii. The notice should be posted in the same manner as notices posted to announce public meetings: **post in at least three public locations a minimum of seven (7) days prior to the hearing.**
  - iii. When the copy of the posting is submitted with the application, it will no longer need to be notarized, just attested to by the clerk. The three posting locations and date of posting must be identified.

### DOCUMENTATION/ACCOUNTABILITY:

Applicants must include, as part of hearing documentation:

- 1- Names of ALL PERSONS who attended.
- 2- Record any comments/suggestions/questions made at the hearing. Responses to such comments must be provided within 15 working days where practical. Records of these responses must be provided.
- 3- Eligible applicants must make attempts to outreach LMI, ethnic, minority, advocacy, etc. groups to attend the hearing. Documentation of these attempts must be provided.
- 4- Accommodations for the disabled must be made.
- 5- Hearings shall 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.

involved in the planning, design, development, application for or the implementation, construction or inspection of the project or activity for which application was made.

Copies of the form will be available for applicants following the initial rating and ranking of applications. Based on the lists of projects applied for the state will determine which applicants will be subject to completing the required forms. Copies of the forms must be kept and made available to the public as requested for five (5) years by both the state and the applicant. The disclosure shall be updated throughout the project if conditions change such as contract amount or scope of work content.

3. Applicants must be in compliance with all applicable federal and state regulations and overlay statutes. The federal statutes which will apply to the program include:

- Davis-Bacon Fair Labor Standards Act (40 USC 2760000a-276a-5);
- Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333);
- Title VI of the Civil Rights Act of 1964 (42 USC 200(d));
- Title VIII of the Civil Rights Act of 1968 (42 USC 3601);
- Section 504 of the Rehabilitation Act of 1973 (29 USC 794);
- Section 3 of the Housing and Urban Development Act of 1968, as amended (12 USC 1701(u));
- Section 109 of the Housing and Urban Development Act of 1974, as amended (42 USC 5309);
- Age Discrimination Act of 1975, as amended (42 USC 6101);
- Architectural Barriers Act of 1968, as amended (42 USC 4151)
- Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 792);
- Americans with Disabilities Act of 1991
- Equal Employment Opportunity (Executive Order 11246, September 24, 1965);
- Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259);
- The Hatch Act (5 USC 1501 et seq.);
- The National Environmental Policy Act of 1969;
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Amendments of 1987;
- Title IV of the Lead-Based Paint Poisoning Prevention Act (42 USC 4831);
- Section 3;
- HUD Reform Act;
- Office of Management and Budget Circulars;  
A-87--Cost Principles for State and Local Governments and 24 CFR Part 85, Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments
- A-128--Single Audit Act;
- Section 104(d) of the Housing and Urban Development Act of 1974, as amended ("Barney Frank" Anti-Displacement amendment).

**PLEASE NOTE THAT ADDITIONAL FEDERAL OVERLAY STATUTES AND REGULATIONS MAY APPLY TO THE STATE PROGRAM IF DIRECTED BY HUD AND CONGRESS**

#### **E. ELIGIBLE GRANT ACTIVITIES**

An **ELIGIBLE PROJECT** must be selected from Section 105 - Eligible Activities - as specified in Title I of the Housing and Community Development Act of 1974 as amended. A copy of Section 105 of the Act is reprinted below. The eligible activity selected must be identified in the application. (See application form).

**ELIGIBLE ACTIVITIES** -Sec. 105 (a) Activities assisted under this title may include only--

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is:

(A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth;

(B) appropriate for rehabilitation or conservation activities;

(C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development;

(D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or

(E) to be used for other public purposes;

(2) **the acquisition, construction, reconstruction, or installation** (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) **of public works, facilities** (except for buildings for the general conduct of government), **and site or other improvements;**

(3) **code enforcement** in deteriorated or deteriorating areas in which such enforcement, together with public or private improvements or services to be provided, may be expected to arrest the decline of the area;

(4) **clearance, demolition, removal, and rehabilitation** (including rehabilitation which promotes energy efficiency) **of buildings and improvements** (including interim assistance, and financing public or private acquisition for rehabilitation, and rehabilitation, of privately owned properties, and including the renovation of closed school buildings);

(5) **special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;**

(6) **payments to housing owners for losses of rental income** incurred in holding for temporary periods housing units to be utilized for relocation of individuals and families displaced by activities under this title;

(7) **disposition** (through sale, lease, donation or otherwise) **of any real property acquired pursuant to this title or its retention for public purposes;**

(8) **provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government** (through funds raised by such unit, or received by such unit from the State in which it is located) **during any part of the twelve-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 per centum of the amount of any assistance to a unit of general local government** (or in the case of nonentitled communities not more than 15 per centum statewide) **under this title including program income may be used for activities under this paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1982 or fiscal year 1983 for such activities** (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount, except that of any amount of assistance under this title (including program income) in each of fiscal years 1993 through 1997 to the City of Los Angeles and County of Los Angeles, each such unit of general government may use not more than 25 percent in each such fiscal year for activities under this paragraph, and except that of any amount of assistance under this title (including program income) in fiscal year 1994 to the City of Pittsburgh, Pennsylvania, such city may use not more than 20 percent in each such fiscal year for activities under this paragraph;

[amended Dec. 14, 1993--Public Law 103-195]

(9) **payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken**

as part of activities assisted under this title;

(10) payment of the cost of completing a project funded under title I of the Housing Act of 1949;

(11) relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate;

(12) activities necessary

(A) to develop a comprehensive community development plan, and

(B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively

(i) determine its needs,

(ii) set long-term goals and short-term objectives,

(iii) devise programs and activities to meet these goals and objectives,

(iv) evaluate the progress of such programs in accomplishing these goals and objectives, and

(v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

(13) payment of reasonable administrative costs related to establishing and administering federally approved enterprise zones and payment of reasonable administrative costs and carrying charges related to (A) administering the HOME program under title II of the Cranston-Gonzalez National Affordable Housing Act; and (B) the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities, and including the carrying out of activities as described in section 701(e) of the Housing Act of 1954 on the date prior to the date of enactment of the Housing and Community Development Amendments of 1981; and

(14) provision of assistance including loans (both interim and long-term) and grants for activities which are carried out by public or private nonprofit entities, including

(A) acquisition of real property;

(B) acquisition, construction, reconstruction, rehabilitation, or installation of

(i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities,<sup>3</sup> and

(ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and

(C) planning;

(15) assistance to neighborhood-based nonprofit organizations, local development corporations, nonprofit organizations serving the development needs of the communities in nonentitlement areas, or entities organized under section 301(d) of the Small Business Investment Act of 1958 to carry out a neighborhood revitalization or

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<sup>3</sup>\*In order to pay connection fees for individuals under this activity the following clarification is provided: The payment of connection fees is viewed as part of a larger project, the construction of the utility, whether or not CDBG monies are used for the construction and even though connection fees will be paid only for low/moderate income (LMI) persons in the community. Therefore, if you wish to construct the facility and pay connection fees the entire project must first be shown to meet a National Objective and to have met and addressed all other CDBG requirements. If you wish to pay only connection fees for a utility that is being constructed with other funds the same requirements apply. If you wish to pay connection fees for a utility that has already been constructed you may do so only if you can show that the installation of the utility was originally carried out in compliance with requirements applicable to CDBG activities including citizen participation, compliance with environmental and labor requirements and that it meets a National Objective.

In no case, may CDBG funds be used to pay connection fees for non-LMI individuals.

**community economic development or energy conservation project in furtherance of the objectives of section 101(c), and assistance to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development, the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as defined in section 3(b)(3) of the United States Housing Act of 1937) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing;**

**(16) activities necessary to the development of energy use strategies related to recipient's development goals, to assure that those goals are achieved with maximum energy efficiency, including items such as--**

**(A) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements, budgeting, waste management, district heating and cooling, land use planning and zoning, and traffic control, parking, and public transportation functions; and (B) a statement of the actions the recipient will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;**

**(17) provisions of assistance to private, for-profit entities, when the assistance is appropriate to carry out an economic development project (that shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods) that--**

**(A) creates or retains jobs for low- and moderate-income persons;**  
**(B) prevents or eliminates slums and blight;**  
**(C) meets urgent needs;**  
**(D) creates or retains businesses owned by community residents;**  
**(E) assists businesses that provide goods or services needed by, and affordable to, low- and moderate-income residents;**  
**or**  
**(F) provides technical assistance to promote any of the activities under subparagraphs (A) through (E);**

**(18) the rehabilitation or development of housing assisted under section 17 of the United States Housing Act of 1937;**

**(19) provision of assistance to facilitate substantial reconstruction of housing owned and occupied by low and moderate income persons (A) where the need for reconstruction was not determinable until after rehabilitation under this section had already commenced, or (B) where the reconstruction is part of a neighborhood rehabilitation effort and the grantee (i) determines the housing is not suitable for rehabilitation, and (ii) demonstrates to the satisfaction of the Secretary that the cost of substantial reconstruction is significantly less than the cost of new construction and less than the fair market value of the property after substantial reconstruction;**

**(20) provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities, which assistance shall not be considered a planning cost as defined in paragraph (12) or administrative cost as defined in paragraph (13);**

**(21) lead-based paint hazard evaluation and reduction, as defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992;**

**(22) housing services, such as housing counseling in connection with tenant-based rental assistance and affordable housing projects assisted under title II of the Cranston-Gonzalez National Affordable Housing Act, energy auditing, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in housing activities assisted under title II of the Cranston-Gonzalez National Affordable Housing Act;**

(23) provision of assistance by recipients under this title to institutions of higher education having a demonstrated capacity to carry out eligible activities under this subsection for carrying out such activities;

(24) provision of assistance to public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to enable such entities to facilitate economic development by-

(A) providing credit (including providing direct loans and loan guarantees, establishing revolving loan funds, and facilitating peer lending programs) for the establishment, stabilization, and expansion of micro enterprises;

(B) providing technical assistance, advice, and business support services (including assistance, advice, and support relating to developing business plans, securing funding, conducting marketing, and otherwise engaging in micro enterprise activities) to owners of micro enterprises and persons developing micro enterprises; and

(C) providing general support (such as peer support programs and counseling) to owners of micro enterprises and persons developing micro enterprises;

(25) activities necessary to make essential repairs and to pay operating expenses necessary to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily low and moderate income neighborhoods; and

(26) provision of direct assistance to facilitate and expand home ownership among persons of low and moderate income (except that such assistance shall not be considered a public service for purposes of paragraph (8)) by using such assistance to-

(A) subsidize interest rates and mortgage principal amounts for low- and moderate-income home buyers;

(B) finance the acquisition by low- and moderate-income home buyers of housing that is occupied by the home buyers;

(C) acquire guarantees for mortgage financing obtained by low- and moderate-income home buyers from private lenders (except that amounts received under this title may not be used under this subparagraph to directly guarantee such mortgage financing and grantees under this title may not directly provide such guarantees);

(D) provide up to 50 percent of any down payment required from low- or moderate-income home buyer; or

(E) pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low- or moderate-income home buyer.

**SECTION 105(b):** Upon request of the recipient of assistance under this title, the Secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipient in connection with loans or grants for the rehabilitation of properties as authorized under subsection (a) (4).

**SECTION 105(c)(1):** In any case in which an assisted activity described in paragraph (14) or (17) of subsection (1) is identified as principally benefitting persons of low and moderate income, such activity shall:

(A) Be carried out in a neighborhood consisting predominately of persons of low and moderate income and provide services for such persons; or

(B) Involve facilities designed for use predominantly by persons of low and moderate income; or

(C) Involve employment of persons, a majority of whom are persons of low and moderate income.

**SECTION 105(C)(2)(A):** In any case in which an assisted activity described in subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low and moderate income in such area, such activity shall be considered to principally benefit persons of low and moderate income if:



3. In cases where the job requirements change or additional certification is required, the County will provide the cost of the training, if the employee achieves a passing grade during the first attempt or successfully completes the training if non-graded. If the employee must re-take a class, etc., the employee shall provide the cost of the training.

4. Factors which will be considered when deciding whether an employee should receive training are: applicability to employment; length of service; the department head's recommendation; available alternatives; available budget or budget limitations; the benefit to the County; and cost of the training.

#### G. CONTRIBUTING SICK LEAVE

1. An employee may contribute up to 40 hours sick leave to another employee with the approval of the County Executive.

2. The department head, the employee in need of sick leave, or another employee may not request the contribution.

3. The decision to contribute sick leave must be strictly voluntary by the contributing employee.

4. Request to contribute sick leave must be in written form and submitted to the County Executive. The request should outline the reason(s) and justification for the contribution.

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5. The following criteria will be considered in determining if a request to contribute sick leave will be approved:

- a. Contributing employee has at least 120 hrs of sick leave remaining.
- b. Receiving employee is a merit non-probationary employee.
- c. Receiving employee (not dependant) has the need for additional sick leave.
- d. Actual need when request to contribute is made.
- e. Not approved for selective surgery or optional medical procedures.
- f.

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