



**Sierra Vista City Council**  
Special Meeting Agenda  
May 12, 2020

---

**Call to Order**

3:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona

**Roll Call**

**Item 1** Acceptance of the Agenda

**Item 2** Resolution 2020-018, Approval of amendments to Community Development Block Grant (CDBG) Citizen Participation Plan

**Item 3** Resolution 2020-019, Authorization of the Submission of Substantial Amendments to Community Development Block Grant (CDBG) Five-Year Consolidated Plan and Program Year 2019 Annual Action Plan to United States Department of Housing and Urban Development (HUD)

**Adjournment**

**Due to health concerns related to COVID-19, public access to City buildings has been suspended. To comment on the agenda item, email the City Clerk at [cityclerk@sierravistaaz.gov](mailto:cityclerk@sierravistaaz.gov) by 5 p.m. the day before the meeting. Members of the public may access the meeting through Channel 12 or <https://www.youtube.com/channel/UC8PtUplbkQsixlhSy-jeR> Q/videos.**

May 12, 2020

Memorandum to: Honorable Mayor and City Council

Thru: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager

From: Matt McLachlan, Director, Dept. of Community Development

Subject: REQUEST FOR AGENDA ITEM PLACEMENT  
Resolution 2020-018, Proposed Amendments to the Sierra Vista  
CDBG Citizen Participation Plan

REQUESTED ACTION:

Adoption of Resolution 2020-18, amending the Sierra Vista CDBG Citizen Participation Plan

INITIATED BY: City of Sierra Vista

BACKGROUND:

- On June 26, 2014, the City Council adopted Resolution 2014-059, adopting the Sierra Vista CDBG Citizen Participation Plan in accordance with the guidance provided in HUD Regulations 24 CFR Part 91.0105.
- On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, was signed into law by President Trump. The CARES Act provides additional flexibility for the CDBG-CV grant, authorizing the HUD Secretary to grant waivers and alternative requirements of statutes and regulations in connection with the use of CDBG-CV funds to expedite and facilitate the use of the funds.
- On April 24, 2020, Staff submitted and received HUD acknowledgement of a COVID-19 waiver to citizen participation requirements for Consolidated Planning to reduce the public comment period to five days and use virtual public hearings when necessary for public health reasons.
- On May 4, 2020, HUD advised the City that the Sierra Vista CDBG Citizen Participation Plan would need to be amended to implement the flexibilities provided in the COVID-19 waiver.

- On May 5, 2020, the City Council considered the proposed amendments to the Citizen Participation Plan, providing for amended citizen participation procedures during a declared emergency, pursuant to HUD guidance.
- On May 6, 2020, the City published the proposed amendments on the City website announcing a five-day public comment period ending on May 11, 2020. No comments were received during that timeframe.

STAFF RECOMMENDATION:

Staff recommends that the Mayor and City Council approve Resolution 2020-18 adopting the Sierra Vista CDBG Citizen Participation Plan, as amended.

## RESOLUTION 2020-018

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AMENDING THE CDBG CITIZEN PARTICIPATION PLAN RELATING TO AMENDED PROCEDURES AND REQUIREMENTS DURING A DECLARED EMERGENCY; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, on June 26, 2014, the City Council adopted Resolution 2014-059, adopting the Sierra Vista CDBG Citizen Participation Plan in accordance with the guidance provided in HUD Regulations 24 CFR Part 91.0105; and

WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, was signed into law by President Trump; and

WHEREAS, the CARES Act provides additional flexibility for the CDBG-CV grant, authorizing the HUD Secretary to grant waivers and alternative requirements of statutes and regulations in connection with the use of CDBG-CV funds to expedite and facilitate the use of the funds; and

WHEREAS, pursuant to HUD guidance, the City requested, and HUD acknowledged receipt, of a COVID-19 waiver to reduce the public comment period to five days and use virtual public hearings when necessary for public health reasons; and

WHEREAS, the City of Sierra Vista has amended its Citizen Participation Plan, following a five-day public comment period, to provide for amended citizen participation procedures during a declared emergency, pursuant to HUD procedural guidance.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA AS FOLLOWS:

### SECTION 1

The Mayor and City Council of the City of Sierra Vista, Arizona, hereby adopt the amendments to the CDBG Citizen Participation Plan as provided in Exhibit "A";

### SECTION 2

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agent are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 12<sup>TH</sup> DAY OF MAY 2020.

---

FREDERICK W. MUELLER  
MAYOR

ATTEST:

APPROVED AS TO FORM:

---

JILL ADAMS  
CITY CLERK

---

NATHAN J. WILLIAMS  
CITY ATTORNEY

Prepared by:  
Matt McLachlan, Director of Community Development

CITY OF SIERRA VISTA, ARIZONA

# CITIZEN PARTICIPATION PLAN

City of Sierra Vista  
Adopted: June 26, 2014  
Amended: May 12, 2020

# CITIZEN PARTICIPATION PLAN

## I. INTRODUCTION

This Citizen Participation Plan provides a framework and process by which the City's consolidated planning efforts comply with the citizen participation requirements published by the U.S. Department of Housing and Urban Development (HUD). This Citizen Participation Plan is prepared and implemented in accordance with the guidance provided in HUD Regulations 24 CFR Part 91.105.

The City of Sierra Vista is currently entitled to receive annual grant funding from the Community Development Block Grant (CDBG) program. This Citizen Participation Plan may be used for any future HUD programs to which the City become entitled. It is policy of the City to ensure adequate citizen involvement, with particular emphasis on participation by low- and moderate-income persons, in the planning, implementation, and evaluation of its housing and community development programs.

## II. DEFINITIONS

**Annual Action Plan:** This document updates the Consolidated Plan on an annual basis and allocates one year's funding (entitlement and program income) to specific projects and activities for the CDBG program.

**CAPER (Consolidated Annual Performance Evaluation Report):** This document reports on the progress made in carrying out the Consolidated Plan and Annual Action Plan. The Community Development Department prepares the report annually in accordance with 24 CFR Part 91.

**Department of Community Development:** The City's Department of Community Development is responsible for administration particularly of the CDBG programs, as well as any other HUD programs the City qualifies for in the future.

**CDBG (Community Development Block Grant):** A HUD grant that provides for a variety of community development programs that benefit low- and moderate-income persons.

**CPP (Citizen Participation Plan):** The City's CPP sets forth the City policies and procedures for citizen participation for the use of CDBG, HOME Investment Partnership Act (HOME), and other HUD grants and funding programs. The CPP provides an opportunity for the community to work to identify needs and to allocate CDBG, HOME and other funds.

**CBO (Community Based Organization):** A public or private nonprofit organization of demonstrated effectiveness that is representative of a community or significant segments of a community; and which provides social, educational, or related services to individuals in the community.

**Consolidated Plan:** This document is submitted to HUD and serves as the planning document of the jurisdiction and application for funding CDBG and HOME. The document is developed in accordance with 24 CFR Part 91 and sets forth the priorities and strategies of the programs for a five-year period.

**HOME (Home Investment Partnership Programs):** A HUD grant that provides funding to expand the supply of decent and affordable housing for low-income households. (Currently, the City is not entitled to HOME grants directly through HUD.)

**HUD:** The U.S. Department of Housing and Urban Development.

**Low- and Moderate-Income Persons:** An individual from a household with a total income that does not exceed 80 percent of the median household income for the area adjusted for family size. HUD calculates and publishes the income limits yearly.

**Needs Identification Analyses:** The examination of current housing and community needs, identifying strategies, priority needs, and objectives for meeting housing, community development, and economic development goals. It also provides a basis for prioritizing project proposals for CDBG and HOME funding consideration.

**Program Monitoring Policies:** The City has developed and implemented policies to monitor the use of funds and to measure the progress and effectiveness of grant programs. These policies are in accord with HUD requirements.

**Program Year:** The twelve-month period in which HUD funds are to be spent for eligible activities; usually the period beginning July 1 and ending June 30.

**Proponent:** An entity that has or is considering submission of a proposal for the use of CDBG funds.

**Public Meeting:** Meetings in which the members of the public exchange their ideas on a particular issue and provide the sponsoring entity with their views on the subject at hand. Elected officials may attend Public Meetings but no formal actions are taken at these meetings.

**Public Hearing:** A formal opportunity for a governing body or other entity to receive public opinion on subjects that may require action. Notices of public hearings are advertised through various forms of media.

**Relocation:** The movement of a person as a direct result of the implementation of federally assisted acquisition, demolition, conversion, or rehabilitation activities.

**Sub-recipient:** A public or private nonprofit agency, authority or organization, or a for-profit entity receiving funds from the grantee or another sub-recipient to undertake activities eligible for assistance. The term does not include contractors providing supplies, equipment, construction, or services subject to the procurement requirements in 24 CFR 85.36 or in 24 CFR Part 84, as applicable.

**Substantial Amendment:** A substantial amendment is a change to the jurisdiction's planned or actual activities as published in the Consolidated Plan or Annual Action Plan. The City has established and published in the Citizen Participation Plan thresholds to define what constitutes a substantial amendment.

### **III. THE CITIZEN PARTICIPATION PLAN FOR THE CITY ADDRESSES EACH OF THE FOLLOWING ELEMENTS:**

#### **A. Participation**

It is the City's policy to encourage and facilitate the wide-range participation opportunities for residents, service providers, government agencies, and others in the development of all HUD required consolidated planning documents including the Five-Year Consolidated Plan, Annual Action Plans, Substantial Amendments, and the CAPER.



The primary purpose of public participation is for needs identification, priority setting, funding allocations, and program recommendations related to the consolidated planning process. The City shall provide for and encourage citizen participation with particular emphasis on:

- Low- and moderate-income persons;
- Persons residing in predominantly low- and moderate-income neighborhoods or slum and blighted areas; and
- Giving opportunities for input to the persons residing in areas where there are proposed projects.

HUD programs, covered by the City's CPP, are to improve communities by assisting with decent housing, suitable living environments, and increasing economic opportunities. The City encourages the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities.

Meeting The Needs Of Non-English Speakers 24 Cfr 91.105 (E)(4)1

If there is a request for an interpreter, the Department of Community Development should be notified. The Department of Community Development will provide an interpreter at all Citizen Participation meetings when such a need is anticipated. The Department of Community Development will make every effort to ensure that limited English proficient persons have meaningful access to federally funded program and services and written materials. The forms and flyers announcing Citizen Participation Meetings will also be in Spanish when requested.

B. Public Hearings

The City must conduct at least two public hearings per year to obtain the views and comments of residents, service providers, government agencies, and other stakeholders regarding the HUD-funded programs in the participating jurisdiction's HUD program area. The hearings generally address housing, social, and community development needs (including infrastructure), proposed activities, and the review of program performance. The hearings will be conducted, at a minimum, at two different stages of the program year – at least one of these hearings must be held prior to the adoption of the proposed Consolidated Plan or Annual Action Plan. The second public hearing is usually conducted in conjunction with the preparation of the CAPER.

Citizens shall be given adequate notice of all hearings and meetings through advertisements in the newspaper of record for general circulation, serving the community of affected citizens. Both public hearings and public meetings are to be advertised at least 14 calendar days in advance of the hearing or at the beginning of the official public comment period, whichever occurs first. Public notice shall indicate the date, time, place, and purpose(s) of the hearing or meeting as well as disclose information that will contribute significantly to the public's understanding of the issues to be discussed at the hearings or meetings. The notices will also be noticed on the City's Website ([www.SierraVistaAZ.gov](http://www.SierraVistaAZ.gov)). Additional means of advertising can be used, as appropriate, including, but not limited to: mailing flyers, distributing or posting notices at libraries, parks, and other public areas; placing radio public service announcements; developing press releases; and sending notices to community organizations.

In areas where the City has determined there are special needs to assist the public in reading or attending the meetings, an interpreter will be hired to assist at the public hearings and meetings. If the City determines that there is a substantial non-English-speaking population within its jurisdiction, the hearing or meeting notice will be published in both English and the appropriate other language.

The City will also follow the above public noticing process for other “non-public hearing” HUD related actions to be taken by the City Council.

The hearings will be held at times and locations convenient to potential and actual beneficiaries, with accommodation for persons with disabilities. When the need is anticipated, or it is requested, language translation services shall be made available.

Table A, at the end of this document, summarizes the public notice requirements for the various reports and documents.

C. Access to Meetings

It is the policy of the City to plan and conduct public meetings related to the Consolidated Plan and Annual Action Plan. These meetings shall be held at times and locations convenient to potential and actual program beneficiaries. When appropriate, these public meetings can be conducted as part of a regularly scheduled meeting of another community-based entity. The use of an existing community-based forum for the public meetings enhances the potential for acceptable turn-out of residents, service providers, government officials, and other stakeholders.

The public hearings will be held in the City Council Chambers at City Hall at a declared and noticed City Council Meeting.

As part of the FY 2015-2019 Consolidated Plan effort, the City will conduct a series of *Needs Identification* focus groups and meetings. Invitees to the Needs Identification focus groups and meeting are public agencies and other interested parties. These meetings request input from attendees regarding housing and community development issues, needs and problems, providing information on the consolidated planning process and applicable grant program, and encouraging the submission of project proposals. At these meetings, attendees may also complete a *Needs Assessment Survey*. Prior to public meetings, notices will be published in newspapers of general circulation (including Spanish if necessary) announcing the purpose, date, time, and location of the meetings. All meetings will be held in locations accessible to persons with disabilities with additional accommodations available upon request. When the need is anticipated or it is requested, language translation services shall be made available for non-English speaking residents.

D. Public Comments

It is the policy of the City to provide residents, service providers, government agencies, and other stakeholders, sufficient time, not less than 30 days, to review and comment on the proposed Consolidated Plan, Annual Action Plans, and Substantial Amendments and not less than 15 days to review and comment on the CAPER. All public notices will provide information regarding the topic for consideration, the contact person, and meeting details (date, time, location, etc.) and invite interested persons to submit comments. All comments will be reviewed and considered. All documents presented for public comment will include a summary of all comments received during the public comment period and a summary of comments not accepted and the reasons therefore.

E. Consolidated Plan Development

Public meetings and public hearings for development of the Consolidated Plan are held with residents as well as representatives of government and public agencies and organizations. These meetings are held to confirm the development planning process and to obtain citizen views and proposals on needs and priorities for a consistent strategy.

The following program information will be provided to the public:

- a. The estimated amount of HUD grant funds available to the jurisdiction including program income for community development and housing activities;
- b. The eligible program activities that may be undertaken with these funds;
- c. The areas and locations proposed for using the available funding; and
- d. The proposed allocation of federal funds to participating non-profit organizations, participating jurisdictions, and basic eligible program categories and proposed funding allocations for local funding programs.

F. Substantial Amendments

From time-to-time, it may be necessary for the City to process a “substantial amendment” to the Five Year Consolidated Plan or an Annual Action Plan to allow for new CDBG funded activities, modification of existing activities, or other program administrative actions.

Any proposed amendment that is considered a “substantial amendment” is subject to the Citizen Participation process, requires formal action by the City Council, and approval by HUD. A 30-day public notice shall be published to provide the opportunity for the public to review and comment on the proposed substantial amendments. The City will consider all comments or views received from the public concerning proposed substantial amendments in accordance with 24 CFR 91.105 (c)(3). A summary of these comments and views, including comments or views not accepted, and the reason why, shall be attached to the substantial amendment.

The City is required by HUD [24 CFR 91.505 (b)] to identify the criteria to be used in determining if a proposed action will be considered a *Substantial Amendment*. The City identifies a *substantial amendment* by the following criteria:

1. A new activity not previously listed and described in the Consolidated Plan/Annual Action Plan;
2. When a proposal is made to amend the description of an existing activity in such a way that the newly described purpose, scope, location, or beneficiaries differ significantly from the original activity's purpose, scope, location, or beneficiaries; or
3. An increase in the amount of CDBG funds allocated to an existing activity when the following apply:
  - a. an increase in funding for a CDBG public service-type activity in an amount greater than \$50,000, or a 100 percent increase over the current funded amount, whichever is greater;
  - b. an increase in the funding for other activities (public facility improvements, code enforcement, acquisition, etc.) in an amount greater than \$100,000, or 100 percent increase over current funded amount, whichever is greater; or

A matrix (Table B) at the end of this document summarizes these criteria.

4. In an effort to efficiently use CDBG funds, the City will consider the reprogramming of unspent CDBG balances from completed and cancelled CDBG-funded activities to other eligible activities. Activities under the stated thresholds may be cancelled for cause and funds reprogrammed without resulting in a substantial change. Examples of cause are:
  - a. cancellation requested by the sub-recipient

- b. determination by the Department of Community Development that insufficient funding prevents accomplishment of the activity
- c. determination by the Department of Community Development that the project cannot be carried out in a timely or eligible manner

In the event that any of administrative reprogramming actions are over the threshold limits, and come under the "substantial amendment" criteria, the proposed actions are subject to any citizen participation processes, will require formal action by the City Council, and notification to HUD.

Substantial amendments will be considered twice in each program year. These changes will be made in the spring and in the fall.

In the event of a declared emergency, it may be necessary to reprogram funds to meet urgent community needs. In these situations, requirements related to public notice and public comment period may be suspended.

The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) makes available supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to COVID-19. Funding allocated to the City of Sierra Vista under this provision will not be allocated through the normal competitive grant application cycle. The City's intended use of the funds will be included as a substantial amendment to its already approved PY 2019 Action Plan and corresponding amendments to the Five-Year Consolidated Plan. On April 24, 2020, the City submitted and received acknowledgement of receipt from HUD, a COVID-19 Waiver to provide for alternate Citizen Participation and Reasonable Notice and Opportunity to Comment provisions on CDBG Program and Consolidated Plan Requirements to expedite the City's response to the coronavirus pandemic. As stipulated in the City's waiver request, the proposed amendments will be subject to a five-day public comment period following a public hearing to be held in a virtual format to maintain social distancing. Notice of the public hearing and instructions on how to participate and provide comment during the five-day public comment period was advertised in the local newspaper no less than five days prior to the public hearing date. The amended citizen participation procedures for the COVID-19 declared emergency were posted on the City's website inviting public comment during the same five-day public comment period on the proposed substantial amendments to the PY 2019 Action Plan and Five Year Consolidated Plan to program CARES Act funding.

G. Amendment to Citizen Participation Plan

During the administration of the HUD programs, it may become necessary to amend the CPP. Any proposed amendment to the CPP requires a 30-day public notice, formal action by the City Council, as appropriate, and be approved by HUD; provided however, in the event of a declared emergency, the City may amend the CPP as part of the substantial amendment process to meet an urgent need in which case at least a 5-day public comment period shall be advertised on the City's website and announced at a public meeting preceding the comment period.

H. Access to Information

The City shall provide opportunities for residents, public agencies, and other interested parties, including those most affected, with reasonable and timely access to information and records relating to the City's Consolidated Plan, as well as the proposed, actual, and past use of funds covered by this CPP.

Standard documents will be available for public review at the City of Sierra Vista, City Hall, 1011 N. Coronado Dr., Department of Community Development and the web site [www.SierraVistaAZ.gov](http://www.SierraVistaAZ.gov). These materials will also be available in a form accessible to persons with disabilities, upon request. A reasonable number of free copies of the CPP, and other standard documentation, will be provided to citizens and groups at their request; additional copies may be obtained on a first come, first serve basis from the Department of Community Development in accordance with Department's fee policy for copies. Direct comments, questions, or suggested amendments to Jenifer Thornton, Department of Community Development, at 520-439-2200 or via e-mail at [Jenifer.Thornton@SierraVistaAZ.gov](mailto:Jenifer.Thornton@SierraVistaAZ.gov) [Matt.McLachlan@SierraVistaAZ.gov](mailto:Matt.McLachlan@SierraVistaAZ.gov).

Standard program documents that shall be made accessible for public review and comment throughout the preparation process include: the proposed and final Consolidated Plan, Annual Action Plan, Consolidated Annual Performance Report (CAPER), Substantial Amendments, and this Citizen Participation Plan.

It is the City's policy to maintain and provide access to all applicable and appropriate records pertaining to the administration of the CDBG or any eligible HUD programs. Records retention will adhere to all HUD requirements. Accordingly, the City will maintain and provide access to documentation and records for a period of 5 years.

I. Relocation

The City's policy is to administer the Community Development Block Grant program without displacement. In the event displacement is unavoidable, the City and/or other responsible party(s) will comply with the regulations of the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Consistent with the goals and objectives of activities assisted under the Act, the City of Sierra Vista will take appropriate steps to minimize the direct and indirect displacement of persons from their homes.

J. Performance Reports

Each fiscal year the City is required to prepare and submit a performance report to HUD for the previous program year. The information compiled in this document is necessary to assess the progress on funding received by the entity, participating jurisdictions, sub-recipients, and other agencies or organizations. Data collected in the compilation of the performance report is used to supply information to HUD and the public on the accomplishments and services provided. The information will include the number of people served, ethnicity, income category, objective and outcome, and type of service received, as well as the current status on housing, public facilities and improvements, and other projects. The information is also used to determine future funding considerations.

The City will conduct the second required Public Hearing before its City Council to review the CAPER. The final CAPER performance report will be available to citizens for review and comment at least 15 days prior to submission to HUD. The Public Hearing will be advertised in the newspaper of general circulation at least 14 days in advance of the hearing and/or at the beginning of the official public comment period, whichever occurs first, so that citizens will be provided reasonable notice to review and present comments on performance reports. A copy of the CAPER will be available at the Department of Community Development for review and will also be located on the City's website [www.SierraVistaAZ.gov](http://www.SierraVistaAZ.gov). The CAPER shall be submitted to HUD within 90

days after the end of the program year. Final reporting documents will also be available to any interested parties upon request.

K. Technical Assistance

Technical assistance is available as necessary to groups and organizations representative of persons of low- and moderate-income that request such assistance in developing proposals for funding assistance under the Consolidated Plan.

The City will make technical assistance available to current subrecipients and potential proponents through the Department of Community Development staff, who are the main source of information of HUD programs and the application process. Community Development staff provides assistance at community meetings and during proposal preparation, evaluation, review, and monitoring. If Community Development sees a need, they can implement a mandatory proposal and sub-recipient training, to provide background and understanding of the programs and processes.

L. Complaints

Residents or other interested parties may submit complaints regarding the administration of HUD-funded programs to the City. Complaints need to be in writing and mailed to the City of Sierra Vista, Attn: Department of Community Development, 1011 N. Coronado Dr., Sierra Vista, AZ 85635. Community Development will receive, log-in, and file all written complaints and grievances. The complainant should state the nature of the complaint, what prior efforts were made to resolve the problem, and any other pertinent information to assist the City resolving the issues. All complaints will receive careful consideration and a response will be provided to the complainant within 15 working days.

**IV. MONITORING AND EVALUATION**

In accordance with HUD program regulations, Community Development continually monitors all HUD-funded sub-recipients and their activities. The City Program Monitoring Policies were developed to ensure compliance with 24 CFR 570.502 (CDBG) and 24 CFR Part 85.40 (a) which provides for the general program monitoring responsibilities of the City in the administration of the HUD-funded programs.

Grantees are responsible for managing the day-to-day operations of grant and sub-grant supported activities. In order to assure compliance with applicable Federal requirements and that the grantee is achieving their performance goals, grantees must monitor grant and sub-grant supported activities. Grantee monitoring must cover each program, function, or activity.

TABLE A

CDBG Public Notice Summary*				
Type of Document	Public Hearing	Hearing Notice	Public Comment Period	Notices in Public Areas
Consolidated Plan and/or Annual Action Plan	1-2	Run a display notice in newspapers at least 14 calendar days prior to <u>each</u> hearing or at the beginning of the public comment whichever is first	30-day public comment period ending upon Council approval of the item	Post notice listing all meetings/hearings for the planning/adoption phase with enough detail for the public to recognize the purposes of the meetings, draft document locations, and dates for comment periods
Substantial Amendments to Consolidated Plan and/or Annual Action Plan	2 (Spring & Fall depending on the need)	Run a display notice in newspapers at least 14 calendar days prior to <u>each</u> hearing or at the beginning of the public comment whichever is first	30-day public comment period ending upon Board approval of the item	Post notice describing amendment items and location of drafts for public review & comment
Annual Performance Report/CAPER	1	Run a display notice in newspapers at least 14 calendar days prior to the hearing or at the beginning of the public comment whichever is first	15-day public comment period ending upon Council approval of the item	Post notice identifying purpose of hearing, comment period, and location of drafts for public review and comment
<ul style="list-style-type: none"> <li>▶ Display ads will be run in the adjudicated newspaper and/or in other key publications in the affected areas.</li> <li>▶ Documents and drafts for public comment will be available on the Community Development Website, which will also provide updates to the process and links to other information.</li> </ul>				

**\*Not applicable during a declared emergency.**

TABLE B

SUMMARY OF SUBSTANTIAL AMENDMENT CRITERIA				
1) An activity not previously listed or described in the Consolidated Plan or Annual Action Plan				
2) Amending an existing activity so that the new purpose, scope, location ,or beneficiaries differ significantly from the original activity				
3) For a funding change or cancellation to an existing <b>CDBG</b> public service activity	The greater of:	An increase of more than <b>\$50,000</b>	or	A <b>100% increase</b> over current funding
4) For a funding change or cancellation of an existing <b>CDBG</b> activity such as code enforcement, public facilities improvements	The greater of:	An increase of more than <b>\$100,000</b>	or	A <b>100% increase</b> over current funding



May 12, 2020

Memorandum to: Honorable Mayor and City Council

Thru: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager

From: Matt McLachlan, Director, Dept. of Community Development

Subject: REQUEST FOR AGENDA ITEM PLACEMENT  
Resolution 2020-19 - Substantial Amendments to CDBG Five-Year Consolidated Plan (2019-2023) and PY 2019 Annual Action Plan

REQUESTED ACTION:

Adoption of Resolution 2020-19, authorizing the submission of Substantial Amendments to the CDBG Five-Year Consolidated Plan (2019-2023) and PY 2019 Annual Action Plan to the U.S. Department of Housing and Urban Development.

INITIATED BY: City of Sierra Vista

BACKGROUND:

- On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, was signed into law by President Trump. The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds.
- On April 2, 2020, HUD informed the Mayor that the City would be receiving a special allocation of \$159,897 in CDBG-CV funds to help prevent, prepare for, and respond to the coronavirus (COVID-19).
- On April 21, 2020, Staff presented the preliminary guidance received from the U.S. Department of Housing and Urban Development (HUD) on eligible activities to support coronavirus and other infectious disease response. Consistent with this guidance, Staff recommended that the City divide the funds between economic development and public service programs. The Council tentatively allocated \$100,000 for small business assistance and \$59,897 for public services.
- On April 24, 2020, Staff submitted and received HUD acknowledgement of a COVID-19 waiver to citizen participation requirements for Consolidated Planning to reduce the public comment period to five days and use virtual public hearings when necessary for public health reasons.

- On April 29, 2020, public notice was published in the Sierra Vista Herald regarding the proposed funding allocations; public hearing date, and five day public comment period on proposed substantial amendments to the CDBG Five-Year Consolidated Plan and PY 2019 Annual Action Plan to carry out the preliminary direction provided by the Mayor and City Council.
- On May 5, 2020, the City Council considered the proposed substantial amendments to the CDBG Five-Year Consolidated Plan (2019-2023) and PY 2019 Annual Action Plan and directed Staff to amend the allocations to provide \$120,000 for small business grant assistance and \$39,897 for public service activities as presented. A public hearing was held at which time no public comment was received.
- On May 6, 2020, the proposed substantial amendments, including the edits requested by the Mayor and City Council, were posted on the City's website for the start of the five-day public comment period.
- On May 11, 2020, the public comment period closed. No public comments on the proposed substantial amendments were received.

**STAFF RECOMMENDATION:**

Staff recommends that the Mayor and City Council approve Resolution 2020-19 authorizing Staff to proceed with the submission of the proposed substantial amendments to the U.S. Department of Housing and Urban Development allocating \$120,000 of CDBG-CV funds towards providing emergency small business grant assistance; and \$39,897 towards public service activities that will assist community members impacted by COVID-19.

RESOLUTION 2020-019

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; TO APPROVE SUBSTANTIAL AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIVE-YEAR CONSOLIDATED PLAN (2019-2023) AND THE PY 2019 ANNUAL ACTION PLAN; TO SUBMIT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the Community Development Block Grant (CDBG) Five-Year Consolidated Plan (2019-2023) and the PY 2019 Annual Action Plan, which delineates the CDBG funding allocations for Program Year 2019, as adopted by the Sierra Vista City Council and was approved by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, was signed into law by President Trump; and

WHEREAS, the CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds; and

WHEREAS, on April 2, 2020, HUD informed the Mayor that the City would be receiving a special allocation of \$159,897 in CDBG-CV funds to help prevent, prepare for, and respond to the coronavirus (COVID-19); and

WHEREAS, substantial amendments to the Sierra Vista CDBG Five-Year Consolidated Plan (2019-2023) and PY 2019 Annual Action Plan are necessary to program and administer the CDBG-CV funds; and

WHEREAS, the CARES Act provides additional flexibility for the CDBG-CV grant, authorizing the HUD Secretary to grant waivers and alternative requirements of statutes and regulations in connection with the use of CDBG-CV funds to expedite and facilitate the use of the funds; and

WHEREAS, pursuant to HUD guidance, the City requested, and HUD acknowledged receipt, of a COVID-19 waiver to reduce the public comment period to five days and use virtual public hearings when necessary for public health reasons; and

WHEREAS, the City of Sierra Vista has amended its Citizen Participation Plan, following a five-day public comment period, to provide for amended citizen participation procedures during a declared emergency, pursuant to HUD procedural guidance; and

WHEREAS, on May 5, 2020, the City Council held a virtual public hearing on the proposed substantial amendments and advertised a five-day public comment period starting on May 6, 2020 and ending on May 11, 2020, in accordance with the amendments to the Citizen Participation Plan and pursuant to the HUD acknowledged COVID-19 waiver.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA AS FOLLOWS:

SECTION 1

The Substantial Amendments to the City of Sierra Vista, Arizona, CDBG Five-Year Consolidated Plan (2019-2023) and the PY 2019 Annual Action Plan, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted by the City of Sierra Vista City Council and approved to be submitted to HUD.

SECTION 2

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agent are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 12th DAY OF MAY 2020.

\_\_\_\_\_  
FREDERICK W. MUELLER  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JILL ADAMS  
CITY CLERK

\_\_\_\_\_  
NATHAN J. WILLIAMS  
CITY ATTORNEY

Prepared by:  
Matt McLachlan, Director of Community Development

## SUMMARY OF PROPOSED AMENDMENTS

### Five-Year Consolidated Plan

1. **Executive Summary**, adds *Economic Development* as a goal to the Consolidated Plan (page 3)
2. **PR-15, Citizen Participation**, adds process summary for adopting substantial amendments (page 21)
3. **SP-25, Priority Needs**, adds Special Economic Development For-Profit Businesses and Microenterprise Development to Economic Development Priority in Table 50, Priority Needs Summary (page 128)
4. **SP-35, Anticipated Resources**, amends Annual Allocation and Total Amount to add CARES Act funding in Table 52, Anticipated Resources (page 131)
5. **SP-45, Goals Summary**, amends Five-Year Goals Summary Information to add proposed CARES Act funding allocation to Goal 3: Provision of Needed Services with 30 persons to be assisted; and adds new Goal 5: Economic Development to provide for small business assistance grant and adds proposed CARES Act allocation to assist at least 10 businesses in Table 55, Goals Summary (pages 137, 138).

### Annual Action Plan

1. **AP-15, Expected Resources**, add summary of substantial amendments to introduction section (pages 147,148)
2. **AP-15, Expected Resources**, add CARES Act funding to Table 56, Anticipated Resources (page 149)
3. **AP-20, Annual Goals and Objectives**, amends goal summary information in Table 57 to add proposed CARES Act funding allocation to Goal 3: Provision of Needed Services; and adds new Goal 5: Economic Development with proposed CARES Act funding allocation. (page 151)
4. **AP-20, Annual Goals and Objectives**, amends Table 58, Goal Descriptions, to add proposed CARES Act funding to Goal 3, Provision of Needed Services; and adds Goal 5, Economic Development providing for small business assistance grant with proposed CARES Act funding. (page 152)

5. **AP 35, Projects**, adds description of proposed projects to introduction section and Table 59, Project Information (pages 152, 153)
6. **AP 38, Project Summary**, amends Table 60, Project Summary Information, to add Emergency Small Grant Assistance Program and Public Service Program with proposed funding amounts and activity descriptions (pages 155, 156)
7. **AP 50, Geographic Distribution**, amends number of projects to be undertaken in discussion section (page 157)