

THE CITY OF LEXINGTON POLICIES AND PROCEDURES ON AFFIRMATIVELY FURTHERING FAIR HOUSING

STATEMENT OF POLICY

In accordance with the regulations of the State of Nebraska's Community Development Block Grant Program and Federal Fair Housing laws and in furthering The City of Lexington's commitment to nondiscrimination and equal opportunity in housing, the City of Lexington hereby establishes policies and procedures to affirmatively further fair housing within the City. These policies and procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968 and Executive Order 11063.

Execution shall be through the following procedures:

1. Publicize that the City will assist persons experiencing discrimination in housing and provide citizens the housing discrimination complaint form upon request;
2. Enforcement of policy by reporting all complaints received by the City alleging discrimination of fair housing practices to the Nebraska Equal Opportunity Commission;
3. Identify housing counseling services which assist minorities and women seeking housing within the City;
4. Use "Equal Housing Opportunity" slogan and logo on City letterhead;
5. Publicly advertise the City as a "Fair Housing City";
6. Provide a copy of this policy to all local lending institutions and realtors upon request.
7. Support a Fair Housing Campaign for Public Awareness.
8. Cooperatively host a Fair Housing event.
9. Hold a public meeting to create an Action Plan to identify strategies to further affordable housing opportunities in the City.

This policy shall have full force and become effective on this 13th day of May, 2008.

Joe Peplitsch, City Manager
City of Lexington



406 East 7th Street ♦ P.O. Box 70 ♦ Lexington, Nebraska 68850-0070

EXCESSIVE FORCE CERTIFICATION

On this 13th day of May, 2008, the Mayor, John Fagot, of the City of Lexington does hereby certify to the Nebraska Department of Economic Development that the City of Lexington has adopted and will enforce a policy to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstration.

John Fagot, Mayor, City of Lexington



CITY OF LEXINGTON, NEBRASKA PROCUREMENT PROCEDURES AND CODE OF CONDUCT

The City of Lexington, Nebraska will in all cases of procurement for professional services construction services and materials needed for Community Development Block Grant (CDBG) Programs adhere to Code of Federal Regulation 24 C.F.R. Section 85.36 or current state statutes; in all cases the stricter shall apply. The following procedures summarize said laws and regulations.

- A. Procurement shall be made by one of the following methods:
- 1) **Small Purchase Procedures [24 C.F.R. Section 85.36 (d)(1)] – This method will generally be used to obtain small quantities of supplies.** Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.
 - 2) **Competitive Sealed Bids [24 C.F.R. Section 85.36 (d)(2)] - This method will generally be used to obtain contractors for construction projects and for large quantities of goods or materials.** Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.
 - 3) **Competitive Proposals [24 C.F.R. Section 85.36 (d)(3)] - This method will generally be used to obtain professional services.** This method has two sub-parts—the Request for Proposal and the Request for Qualifications. Request for Proposals – The Request for Proposals (RFP) must clearly and accurately state the technical requirements for the goods and services required; The grantee must publicize the RFP, and to the maximum extent practicable, honor reasonable requests by parties to have an opportunity to compete; Proposals must be solicited from an adequate number of qualified sources, consistent with the nature and requirements of the procurement; The grantee must conduct a technical evaluation of the submitted proposals to identify the responsible offerors; As necessary, the grantee must conduct negotiations with those offerors who are deemed responsive and responsible and fall within a competitive price range, based on the grantee's evaluation of the bidders' pricing and technical proposals. After negotiations, these bidders may be given the opportunity to submit a "best and final" offer; and The grantee must award the contract to the most responsive and responsible offeror after price and other factors are considered through scoring the proposals or "best and final" offers according to predetermined evaluation criteria. The successful proposal/offeror must clearly be the most advantageous source of the goods and services. Request for Qualifications - Grantees and sub-grantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors'

qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

- 4) **Non-Competitive Proposals/Sole Source [24 C.F.R. Section 85.36 (d)(4)] – This method will only be used after approval from the Department of Economic Development.** When requesting permission to use this method, the grantee will have to show that another method of procurement was not feasible because: the item or service was only available from a single source; a public emergency or condition requiring urgency existed which did not permit the use of competitive procurement; or competition was determined to be inadequate after solicitation of proposals from a number of sources.
 - 5) **Non-Competitive Proposals/Sole Source [24 C.F.R. Section 85.36 (d)(4)] – This method will only be used after approval from the Department of Economic Development.** When requesting permission to use this method, the grantee will have to show that another method of procurement was not feasible because: the item or service was only available from a single source; a public emergency or condition requiring urgency existed which did not permit the use of competitive procurement; or competition was determined to be inadequate after solicitation of proposals from a number of sources.
- B. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- C. The City of Lexington shall maintain records sufficient to detail the significant history of a procurement. These records shall include at a minimum: rationale for the method of procurement; selection of contract type; contractor selection or rejection; and the basis for the cost or price.
- D. The following contract provisions or conditions shall be included in all procurement contracts and subcontracts:

General Administrative Provisions

- Effective date of the contract.
- Names and addresses of the firm and the grantee.
- Citation of the authority of the grantee under which the contract is entered into and the source of the funds.
- Conditions and terms under which the contract may be terminated by either party and remedies for violation/breach of contract.
- Procedures for amending or revising the contract.

Scope of Services

- Detailed description of the extent and character of the work to be performed.
- Time for performance and completion of contract services, including project milestones, if any.
- Specification of materials or other services to be provided (i.e. maps, reports, etc.)

Method of Compensation

- Provisions for compensation for services including fee and or payment schedules and specification of maximum amount payable under the contract.

Federal Standard Provisions

- Compliance with Executive Order 11246, as amended (Required for service contractors only if the contractor has 50 or more employees and the contract is for more than \$50,000)
- Title VI of the Civil Rights Act of 1964 clause
- Section 109 of the Housing and Community Development Act of 1974 clause
- Section 3 compliance clause (Required only if the contract exceeds \$100,000)
- Access to Records/Maintenance of Records clause
- When required, all construction contracts exceeding \$2,000 shall include provisions for compliance with the Davis-Bacon Act (DBA), the Contract Work Hours and Safety Standards Act (CWHSSA), The Copeland Act (Anti-Kickback Act) clause, and the Fair Labor Standards Act (FLSA) clause.

This Code of Conduct shall govern the performance of the elected or appointed officials or member of any board or commission employees or agents of the City of Lexington, Nebraska engaged in the award and administration of contracts supported by Federal funds under Community Development Block Grant.

- I. The provisions and requirements of the *Conflicts of Interest, at subpart (d)* of the Nebraska Political Accountability and Disclosure Act [such subpart (d) encompassing Sections 49-1493 through 49-14,104 of the Nebraska Revised Statutes], are incorporated in this Code of Conduct by this reference. The provisions and requirements of 24 C.F.R. Section 85.36(b)(3) are also incorporated in this Code of Conduct by this reference. The requirements of these Nebraska state statutes and federal regulations will be adhered to, and in the event of a conflict in the requirements of any of such state and federal requirements, the stricter of any conflicting provisions will be adhered to.
- II. No employee, officer or agent of the municipality shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when an employee or agent; any member of his or her immediate family; his or her partner; or an organization, which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.
- III. The municipal employees, officers or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.
- IV. Violations of this Code of Conduct will invoke penalties and sanctions consistent with applicable Federal and State laws.

John Fagot, Mayor

Joe Peplitsch, City Manager/Clerk

Date

Date

Nebraska Department of Economic Development

City of Lexington 07-PW-015
CDBG Grantee CDBG No.

P. O. Box 70; 406 E. 7th Street
Address

Lexington NE 68850
City Zip Code

Joe Pepplitsch (308) 324-2341
Contact Person Telephone

FINANCIAL MANAGEMENT CERTIFICATION

Check "Yes" or "No" in the column to the left to indicate if your financial management system complies with these statements:

YES NO

1. Does the financial management system provide for:

- checkbox(a) proper recording and accounting for all CDBG receipts?
checkbox(b) control over and accountability for all funds, property, and other assets?
checkbox(c) records that identify the source and use of funds?
checkbox(d) the expenditure of CDBG funds within ten days of the receipt of funds?
checkbox(e) the application of program income to the CDBG fund?
checkbox(f) the disbursing of program income prior to making Block grant additional drawdowns?
checkbox(g) accounting records that are supported by source documents
checkbox(h) a comparison of actual expenditures with amounts budgeted for activities within the grant?
checkbox(i) audits to be conducted in accordance with OMB Circular A-128
checkbox(j) a method which assures timely and appropriate resolutions of audit findings and resolutions?
checkbox(k) audits of non-profit sub-recipients to be conducted in accordance with OMB Circular A-133?

YES NO

2. Are the individuals who are responsible for the financial management of the CDBG:

- checkbox(a) familiar with OMB Circular A-102 and A-87 and Treasury Circular 1075?
checkbox(b) aware that failure to comply with these regulations will result in audit findings and the repayment of ineligible costs to the Department of Economic Development?

I certify that the above responses are an accurate indication of the status of the financial management system which will be used for the Community Development Grant Funds.

SIGNATURE OF City Manager

Joe Pepplitsch
PRINTED NAME

DATE



406 East 7th Street ♦ P.O. Box 70 ♦ Lexington, Nebraska 68850-0070

AUTHORIZATION TO REQUEST CDBG GRANT FUNDS

This is to Certify that Joe Peplitsch and Pam Berke are authorized to request CDBG Funds for CDBG Grant No. 07-PW-015 and that the signatures appearing below are the true signatures of the aforementioned individuals.

SIGNATURES OF AUTHORIZED OFFICIALS

Signature

Joe Peplitsch
Typed Name

City Clerk/Manager
Title

Date

Signature

Pam Berke
Typed Name

Deputy City Clerk
Title

Date



ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER: 07-PW-015

PROJECT NAME: Lexington Monroe Street Improvement Project

ENVIRONMENTAL REVIEW RECORD CHECKLIST

COMPONENTS	YES	NO	N/A	COMMENTS
1. Brief Project Description	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Finding of Exemption or Categorical Exclusion Determinations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Statutory Checklist: Environmental Requirements Other Than NEPA. (For all Cat. Excl. Projects, including Cat. Excl. Projects determined to be exempt pursuant to 58.34(a)12, and projects requiring EA or EIS)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Environmental Assessment Checklist	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Notice of Finding of No Significant Impact as published	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Notice of Intent to Request a Release of Funds as published	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Combined FONSI/RROF as posted/published	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Distribution List of FONSI b. Distribution List of RROF c. Distribution List of FONSI/RROF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Any comments received and recipient responses	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Request for Release of Funds/Certification submitted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Notice of Removal of Grant Condition/Release of Funds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Post-Review Revisions and Changes, Written Decisions, Amendments, and Supplements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Continued Compliance(58.47) Determination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1. EIS documentation required by 58.55-60	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

PART I**PROJECT ABSTRACT**Grant Number: 07-PW-015Month/Year From: March 10, 2008 To: March 10, 2010 Original

Revisions/Amendments: _____

Name of Responsible Entity: City of Lexington
Typed Name and Title of Certifying Officer: Joe Peplitsch, City Manager
Typed Name, Title, Agency of Preparer: Deb Jensen, Comm. Devel. Coord., Dawson Area Development

Project Name: City of Lexington Monroe Street Project
Locations of Physical Development(s):

Recipient: City of Lexington	
Address: 406 E. 7th Street Lexington, NE 68850	
Project Representative: Joe Peplitsch	Telephone: 308-324-2341
Address: Same	
Project Information: Deb Jensen	Telephone: 308-784-3902
Address: P. O. Box 106, Cozad, NE 69130	

STATUTORY CHECKLIST

Project Name and Identification No. _____

- A.** Are all activities of this project **Exempt** from NEPA procedures? Yes No. If "Yes" attach Finding with citations to applicable subsection of 58.34(a)(1)-(11). Sign and date below and keep this form in the project ERR. Do not initiate RROF procedures. If "No" proceed to question B.
- B.** 1. Is this a **Categorically Excluded** [58.35(b)] project **not subject** to 58.5? Yes No. If "Yes" attach Finding with citations to applicable subsections of 58.35(b). Fill out the checklist, sign and date below and keep this form in the ERR. Do not initiate RROF procedures. If "No" then go to question B2.
 2. Is this a **Categorically Excluded** project [58.35(a)] **subject** to 58.5? Yes No. If "Yes" respond to question B3. If "No" then go to question C.
 3. Does project trigger compliance measures with 58.5? Yes No. If "Yes" attach Finding with citations to applicable subsection 58.35(a) and perform all actions as per relevant compliance requirements. Fill out the checklist, sign and date below and keep this form in the ERR. Initiate RROF procedures. If "No", attach Finding of Exemption with citation to subsection 58.34(a)(12). Fill out the checklist, sign and date below and keep this form in the ERR. Do not initiate RROF procedures.
- C.** Does this project require an **Environmental Assessment (EA)**? Yes No. If "Yes" fill out the Statutory and Assessment Checklists, sign and date checklists, make them part of the project ERR. After the EA has been completed, and all determinations and compliance processes have been completed, RROF procedures can be initiated.

For each compliance area listed below, record the determination(s) made: 1 Compliance (record either **WHY** the project does not implicate the authority **or** the supporting information documenting **HOW** compliance has been achieved; 2 Consultation/ Review Required; 3 Permit Required; 4 Determination of Consistency, Approval & Permit Obtained; 5 Conditions or Mitigation Required. Note reviews and consultations completed as well as any applicable permits or approvals obtained. Attach evidence that all required actions have been taken. Record any conditions or mitigation measures required.

AREA OF STATUTORY OR REGULATORY COMPLIANCE	Code	References to notes providing documentation, sources and explanation of determinations made. Attach additional information as necessary.
Historic Properties	1	NE State Historical responded that there is no effect on archaeological, architectural, or historic properties
Floodplain Management*	1	No impact per response from NE Department of Natural Resources
Wetland Protection	1	Not subject to regulatory authorities and no permit is needed, per U.S. Army Corp of Engineers
Noise Control	1	This project will have short-term construction noise, nothing that will effect long-term neighborhood noise level.
Air Quality	1	NE Dept. of Environmental Quality has no comments, no air quality issues with this project.
Explosive and Flammable Operations	1	No reply from NE State Fire Marshall, 30 day comment period over.
Airport Hazards*	1	Structure replacement (street) presents no hazard to local airport authorities.
Water Quality (Sole Source Aquifers)	1	NE Dept. of Environmental Quality has no comments, no water quality issues with this project.
Coastal Zone Management	1	No Coastal resources in Nebraska
Endangered Species	1	NE Game and Parks response is that the project will have no adverse effects.
Wild & Scenic Rivers	1	National Park Service response was no comment, this project is not close to any rivers.
Farmlands Protection	1	USDA-NRCS determined that this project is clear of any FPPA concerns.
Environmental Justice	1	No concerns to the local environment will be evident in this project
Contamination & Toxic Substances	2	No contamination by construction is expected as this time, will be monitored as construction progresses.

*The RE must additionally document and ensure compliance with 24 CFR 58.6 (Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirements of the HUD Airport Runway Clear Zone/Clear Zone regulation at 24 CFR 51B).

Preparer-Signature: *Deb Jensen* Title: Community Development Coordinator Date: May 13, 2008
 Certifying Officer-Signature: _____ Title: Lexington City Manager Date: May 13, 2008

LEXINGTON
DANFORTH COUNTY
NEBRASKA
POPULATION 10,011 (2000 CENSUS)
1997

