



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Community Services
Department No.: 057
For Agenda Of: May 3, 2022
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department George Chapjian, Director (805) 568-2467
Director

Contact Info: Dinah Lockhart, Deputy Director (805) 568-3523
Laurie Baker, Grants and Program Manager (805) 568-3521

SUBJECT: Approve and execute a Seventh Amendment to the Agreement with Cuyama Valley Recreation District increasing CDBG funding by \$257,479 for a total project funding of \$756,964 and extending the term of the Agreement (Supervisory District 1); and Approve and execute a First Amendment to the Agreement with Alpha Resource Center (ARC), increasing CDBG funding by \$29,607 for a total funding of \$143,801 (Supervisory District 2).

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A. Approve and authorize the Chair of the Board to execute a Seventh Amendment (Attachment A) extending the term of a CDBG Subrecipient Agreement between the County and the Cuyama Valley Recreation District (CVRD) (CVRD Agreement) until June 30, 2023 and increasing the amount of the CVRD Agreement by \$257,479 for a total maximum contract amount of \$756,964; and,
- B. Approve and authorize the Chair of the Board to execute a First Amendment (Attachment B) to a CDBG Subrecipient Agreement between the County and Alpha Resource Center (ARC Agreement), increasing the amount of the ARC Agreement by \$29,607, for a total maximum contract amount of \$143,801; and,

Auditor-Controller Concurrence

As to form: Yes

- C. Determine that the above recommended actions are not the approval of a project that is subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(4), finding that the actions are not a project as they are the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

Summary Text:

On November 14, 2017, the Board of Supervisors executed an Agreement with CVRD awarding \$341,000 of CDBG funds to carry out Park Improvements (Project). The Project consisted of two phases: 1) The purchase and installation of a skate ramp; and, 2) The purchase and installation of a modular concession stand and restroom facilities to service the ball park. The skate ramp was completed in 2018 at the cost of \$87,018. The second phase of the Project remains underway.

On May 5, 2020, the Board approved an additional \$58,485 of CDBG funds for Phase 2, for a total grant of \$399,485 for both phases. On April 20, 2021, the Board approved an additional \$100,000 in CDBG funds as a part of the FY 2020-21 Annual Action Plan, for a total grant amount of \$499,485 for both phases.

Although bidding and procurement of contractors was nearly complete and construction was scheduled to commence, certain additional project requirements were identified by County Planning and Development’s plan review and permitting process. These requirements necessitate additional funding to complete the Project. Additionally, as a result of rising construction costs, project construction bids have come in higher than the initial engineer’s estimate that had been prepared prior to bid issuance. Moreover, as the current CVRD Agreement expires on June 30, 2022, project construction will not be completed by this date.

Recommendation “A” requests that the Board approve \$257,479 in additional funding and an extension of the term of the CVRD Agreement for one year through June 30, 2023. This will ensure that the project scope of work, schedule, and budget are sufficient to complete the project and provide Cuyama residents with a new concession stand and restrooms at its community recreational facility.

In addition, recommended action “B” requests the Board add an additional \$29,607 to the existing ARC Agreement in the amount of \$114,194, for a total funding award of \$143,801. This additional funding is based on construction bids having come in higher than initial estimates and a request by ARC that the County consider adding the funds to cover the funding shortage.

The total additional amount of CDBG funding required to complete these two projects is \$287,086, which the County has available to allocate to the CVRD and ARC projects.

Background:

CVRD Concession Stand and Restroom Facility

On July 11, 2017, the Board of Supervisors approved the FY 2017-18 Action Plan, which included the CVRD Project. The Project consisted of the purchase and installation of a skate ramp, as well

as site design, procurement, and installation of a prefabricated, modular concession stand and restroom facility. The skate ramp Project (Phase 1) was completed in 2018.

Since the CVRD General Manager that was managing the project only worked two days per week and had other community responsibilities, County HCD staff worked with CVRD to procure and engage qualified and experienced project management services on CVRD's behalf to ensure that all project requirements were met, among them: updated special studies—survey, soils, structural, etc., site planning, engineering, construction of an elevated concrete pad, location of existing utilities and tie-in to the modular structure, procurement of contractors, and construction administration and management.

The consultant initially reviewed the project scope and budget and identified a need for additional project funding in the amount of \$58,485 of CDBG funds, which was approved by the Board on May 5, 2020. Subsequently, on February 2021, the County Planning Commission approved a Land Use Permit for the project. On March 29, 2021, the County and CVRD exercised the option as set forth in the CVRD Agreement to extend the CVRD Agreement to September 30, 2021.

On June 15, 2021, the Board of Supervisors approved a Sixth Amendment to the CVRD Agreement that added \$100,000 in CDBG funds to the Project, bringing the total Project budget to \$499,485; this Sixth Amendment also extended the CVRD Agreement term to June 30, 2022.

The project is progressing and has been under final plan review for grading and building permits, during which additional costs have been incurred and identified. Additional costs include the modular structure price increasing by \$25,000, as well as additional structural fastening of the modular unit identified by County Flood Control and construction of a fire access road to the modular structure as required by County Fire. These costs, in addition to generally rising construction costs, substantiate the need for additional funds.

In addition to adding the approved funds, extending the term of the CVRD Agreement to June 30, 2023 will allow Project work to continue uninterrupted and will provide assurance that the Project will be completed, the construction of which is imminent.

ARC Restroom Upgrades

Recommendation B of this staff report adds \$29,607 in CDBG funds to the Project. ARC received a CDBG grant in the amount of \$114,194 under the County's 2021-22 Action Plan for improvement work to seven of the agency's restroom facilities. ARC has recently completed its bid issuance and review process and the lowest responsive bid came in at \$29,607 over the existing ARC Agreement amount. ARC has approached County HCD requesting these additional funds.

Performance Measure:

The rate of CDBG expenditures is monitored by County HCD to assure that programs and projects are progressing in accordance to established timelines and HUD regulations. The extension of the CVRD Agreement to June 30, 2023 will not inhibit the ability of the County to maintain and meet HUD's expenditure deadlines.

Key Contract Risk:

HUD holds the County accountable for ensuring that federal funds expended are for eligible costs and could require repayment by the County, with non-federal funds, for ineligible expenses. CSD will make payments to the subrecipients on a reimbursement basis, and the subrecipients must provide documentation that supports eligible expenditures consistent with the contract budget and federal regulations. If a subrecipient does not meet performance measures or federal regulations, the County may withhold funds or terminate the contract. Real property improved, in whole or in part with CDBG funds, must continue to meet a CDBG National Objective for a period of at least five years. Failure to meet the five-year period may result in County repayment of the CDBG funds expended plus a percentage of the increase in market value attributable to the investment of CDBG funds. County HCD monitors the use of real property for the duration of the required periods.

Fiscal and Facilities Impacts:

CDBG funds are allocated to the County on an annual basis from HUD. Federal CDBG funds are awarded to the County as grants. Twenty percent (20%) of the CDBG grant may be used to cover County costs to administer the federal programs and up to fifteen percent (15%) may be awarded to public services programs. County general funds are used for a portion of County HCD administrative expenses; however, no County funds are being used to fund the approved projects.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Seventh Amendment and First Amendment Additional Cost</u>	<u>Total One-Time Project Cost</u>
General Fund				
State				
Federal			\$287,086	\$287,086
Fees				
Other:				
Total	\$ -	\$ -	\$287,086	\$287,086

Staffing Impacts:

The federal programs are administered by existing County HCD staff.

Special Instructions:

1. Please have the Board Chair sign two copies of the Seventh Amendment with CVRD (Attachment A). One copy of the Seventh Amendment, with original signatures, may be retained by COB.
2. Please return one certified copy of the executed Seventh Amendment with CVRD (Attachment A) to Carlos Jimenez at HCD. Please call ext. 83529 or email cjimenez@countyofsb.org for pickup.

3. Please have the Board Chair sign two copies of the First Amendment with ARC (Attachment B). One copy, with original signatures, may be retained by COB.
4. Please return one certified copy of the First ARC Amendment (Attachment B) to James Francis at HCD. Please call ext. 83549 or email jfrancis@countyofsb.org for pickup.
5. Please provide a copy of the Minute Order to jfrancis@countyofsb.org.

Attachments:

Attachment A: Seventh Amendment to CDBG Agreement with CVRD

Attachment B: First Amendment to CDBG Agreement with ARC

Authored by:

James Francis, Housing Program Specialist

Attachment A

Seventh Amendment to CDBG Agreement with CVRD

Attachment B

First Amendment to CDBG Agreement with ARC