

Summary of Rules

TO: Arkansas Legislative Council
Attn: Donna K. Davis
FROM: Kurt Naumann *KN*
Arkansas Economic Development Commission (AEDC)
RE: Summary of Community Assistance Grant Program Rules
DATE: March 29, 2018

RECEIVED

MAR 29 2018

BUREAU OF
LEGISLATIVE RESEARCH

The attached rule (*choose one*):

- establishes new
- amends existing
- repeals

rules for administering the Community Assistance Grant Program administered by the Arkansas Economic Development Commission, as authorized by authority granted under § 15-4-209(b)(5). This rule:

1. Specifies the process by which eligible applicants may submit applications for funding eligible community and economic development projects.
2. Defines key terms including AEDC; Eligible Applicant; Eligible Community and Economic Development Project; Executive Director; Leased; and Review Committee.
3. Delineates eligibility criteria for funding.
4. Specifies the process by which applications for funding shall be reviewed and approved.
5. Establishes an effective date of July 1, 2018.

Attached are:

- Summary of Rules
- Community Assistance Grant Program proposed new rules
- Questionnaire and Financial Impact Statement for Filing Proposed Rules
- Notice of Public Hearing
- Arkansas State Library Agency Certification Form
- Proof of filing with Secretary of State
- Governor's Approval of Proposed Rule e-mail

A copy of the rules, questionnaire and financial impact statement, summary of rules, and Notice of Public Hearing have been provided to the Secretary of State's Office today.

attachments

Community Assistance Grant Program Rules

RECEIVED
MAR 29 2018
BUREAU OF
LEGISLATIVE RESEARCH

I. Introduction

Overview

Pursuant to authority granted by § 15-4-209, the Arkansas Economic Development Commission (AEDC) shall administer the Community Assistance Grant Program (CAGP).

The objective of the CAGP is to foster AEDC's mission statement "to create economic opportunity by attracting higher paying jobs, expanding and diversifying our state and local economies, increasing incomes and investment, and generating positive growth throughout Arkansas" by providing grant funds to cities of the first class, cities of the second class, incorporated towns, unincorporated communities, counties, or governmental entities of the State of Arkansas for eligible community and economic development projects. All project expenditures shall be completed within eighteen (18) months after the date of the grant award, unless such date has been extended by AEDC at the request of the grantee.

Contact Information

For more information, please contact:
Arkansas Economic Development Commission
900 West Capitol, Suite 400
Little Rock, AR 72201
(501) 682-1121

II. Rulemaking Authority

The AEDC has authority, at § 15-4-209(b)(5) to promulgate rules necessary to administer the CAGP.

III. Community Assistance Grant Program Funding

The AEDC may utilize any funds legally appropriated and available to the CAGP to provide grants to eligible applicants for eligible community and economic development projects.

CAGP grants may be awarded, pending availability of funds, at the discretion of the Executive Director of the Arkansas Economic Development Commission (Executive

Director), or his or her designee. The amount of grant award shall be determined by the AEDC based upon eligibility criteria, availability of funding, and program demand for funds which may result in grant offers that are less than application requests.

Funds shall not be made available for the following expenditures:

- Routine repair, maintenance, and operation including supplies, utilities, and salaries;
- State or private fairgrounds;
- Principal and interest on any financed debt;
- Any and all travel, training, or other personnel-related expenses;
- Obligations incurred prior to grant award;
- Expenditures that are unsupported by documentation;
- Lobbying expenses;
- Purchases of alcohol;
- Entertainment expenses, including meals and activity fees;
- Purchases of material and services that result in benefits accruing to areas outside the State of Arkansas; and
- Other expenses specified at the discretion of AEDC.

IV. Definitions

1. "AEDC" means the Arkansas Economic Development Commission;
2. "Eligible applicant" means a city of the first class, city of the second class, incorporated town, unincorporated community, county, or governmental entity of the State of Arkansas;
3. "Eligible community and economic development project" means a project which effectuates the construction, improvement, upgrading, renovation, retrofitting, equipping, rehabilitation, purchase, or addition of assets owned, leased, or otherwise under the jurisdiction of the eligible applicant including, without limitation, government buildings, community centers, transportation infrastructure, memorials, parks, amphitheaters, libraries, recreational facilities, fire-protection equipment, cemeteries, utilities, museums, public health facilities, public safety facilities, police equipment, emergency shelters, recycling centers, county fairs, childcare centers, senior centers, youth centers, or real estate;
4. "Executive Director" means the Executive Director of the Arkansas Economic Development Commission;
5. "Leased" means the grant of use and possession of an asset for a term of at least ten (10) years beyond the date of award of a Community Assistance Grant Program award; and
6. "Review Committee" means an ad hoc committee comprised of at least three (3) AEDC staff members, with grant review and administration experience, selected

by the Executive Director of the Arkansas Economic Development Commission, or his or her designee, to review and recommend for funding eligible community and economic development projects submitted by eligible applicants under the Community Assistance Grant Program.

V. Eligibility Criteria

Applicant eligibility requirements include the following:

1. The applicant is a city of the first class, city of the second class, incorporated town, unincorporated community, county, or governmental entity of the State of Arkansas;
2. The applicant has submitted a completed application, on forms supplied by the AEDC, that has been signed by the governing official authorized by the applicant's jurisdiction to conduct business on its behalf;
3. The application is for an eligible community and economic development project that meets the objective of the CAGP;
4. Requested funding is for eligible project costs;
5. The amount of funding available to any one (1) project in any state fiscal year shall not exceed fifty thousand dollars (\$50,000);
6. The application is accompanied by a resolution passed by the city council or quorum court, whichever is appropriate, instructing the governing official authorized by the applicant's jurisdiction to conduct business on its behalf to apply for CAGP funding; and
7. The applicant shall complete the application submittal and review processes delineated in Sections VI and VII of these rules.

VI. Application Submittal Process

Potential applicants for CAGP funds shall submit two (2) completed applications signed by the governing official authorized by the applicant's jurisdiction to conduct business on its behalf, in accordance with AEDC submittal instructions, utilizing forms provided by AEDC.

1. Applications shall include:
 - A. The name, address, and phone number of the applicant;
 - B. The contact person's name, title, and contact information;
 - C. Sources(s), amount(s), and uses(s) of AEDC and non-AEDC funds, including a completed budget delineating cost estimate breakdowns and backup documentation for all items;
 - D. A brief description of the project;
 - E. A statement of project need, including a discussion of any emergencies or urgent need to be addressed by the project;

- F. A list of beneficiaries of the proposed project, how they will benefit, and how they will utilize the project;
- G. A copy of a deed, title, lease, or other instrument showing proof of public ownership, or legal possession, of properties being improved by this project;
- H. A signed certification letter from the governing official authorized by the applicant's jurisdiction to conduct business on its behalf agreeing to accept responsibility for administering any grant award;
- I. A copy of a signed resolution passed by the city council or quorum court authorizing the local elected official to apply for CAGP funds on behalf of the local jurisdiction; and
- J. Other information as requested by AEDC.

VII. Application Review and Approval Process

No financial commitment shall be made by the Executive Director, or his or her designee, to an applicant until the applicant has completed the following AEDC review and approval process.

- A. All applications will be date-stamped and reviewed in order of receipt by the Review Committee, assigned by the Executive Director, or his or her designee, for completeness and eligibility, including a determination that;
 - (i) The applicant is a city of the first class, city of the second class, incorporated town, unincorporated community, county, or governmental entity of the State of Arkansas;
 - (ii) The application is complete, signed, and includes all attachments;
 - (iii) The scope of the project meets the definition of eligible community and economic development project;
 - (iv) The sources and uses of funds are sufficient to ensure the successful completion and initial operation of the project; and
 - (v) Project costs are eligible for funding.
- B. Applicants may be subject to an interview or site visit, or both, during the application review process;
- C. The Review Committee may ask applicants for additional information before recommending projects for funding;
- D. The Review Committee will provide a project summary of each project reviewed to the Executive Director, or his or her designee;
- E. The Executive Director, or his or her designee, may seek the advice of boards and commissions advising AEDC or other officials with expert community and economic development knowledge in making final funding decisions;
- F. The Executive Director, or his or her designee, will specify which applicants may receive funding;

- (i) Unsuccessful applicants will be notified in writing by the Executive Director, or his or her designee.
 - (ii) Approved applicants will receive a grant award notification letter outlining the amount, terms, and conditions of the funding.
- G. Grant funds will be disbursed to successful applicants;
- H. All project expenditures shall be completed within eighteen (18) months after the date of the grant award, unless such date has been extended by AEDC at the request of the grantee; and
- I. A final report including cancelled checks and receipts of all funds expended along with the state's portion of any unspent funds, shall be submitted to AEDC no more than sixty (60) days following the project's completion or within the eighteen (18) month period of the grant award, or other date as approved by AEDC, whichever comes first.

VIII. Effective Date

These rules are effective on or after July 1, 2018.