

APPROVED

Deferred: 09/13/17
First Reading: 09/27/17
Approved 9-0: 10/11/17

**COUNTY OF LEHIGH, PENNSYLVANIA
COMMISSIONERS BILL 2017-34
SPONSORED BY COMMISSIONER NOTHSTEIN
REQUESTED DATE: SEPTEMBER 6, 2017
ORDINANCE NO. 2017 - 131**

**AMENDING THE ADMINISTRATIVE CODE TO INCLUDE A REVISED
LEHIGH COUNTY GRANTS POLICY AND REPEALING PRIOR
ORDINANCES**

WHEREAS, the County of Lehigh (County) approves funding for a number of organizations and entities each year, either through the budget or the grant process; and

WHEREAS, it is the intent of the Board of Commissioners to provide more transparency for the taxpayers concerning the recipients of funding approved by the County, whether sourced from County tax dollars, or pass-through funding from other entities; and

WHEREAS, the Board of Commissioners desires to amend the Lehigh County Administrative Code to establish certain financial information requirements for those recipients of County-approved funding; and

WHEREAS, the County has enacted several ordinances which regulate the process by which the County distributes grant funds; and

WHEREAS, the general County Grants policy comprises Ordinances 1979-154; 1979-164; 1981-127; 1991-151; 1993-126; 1995-120; 1996-113; 1997-166; 2006-107; 2010-213; and 2013-127; and

WHEREAS, in addition to the general County grants policy, the County also has specific policies for Affordable Housing grants (Ordinance Nos. 1996-120 and 2007-

182), and Gaming grants (Ordinance No. 2009-118); and

WHEREAS, it is the desire of the Board of Commissioners to consolidate and revise the Grants policy, and incorporate it into the Administrative Code; and

WHEREAS, Ordinance approval is required to amend the Administrative Code.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LEHIGH, PENNSYLVANIA, THAT:

1. The foregoing Whereas clauses are incorporated herein as if set forth in their entirety.

2. The Administrative Code is hereby amended by adding the following sections to Article VI – Budgetary and Financial Policies and Procedures:

Section 610 – GRANTS – GENERAL PROVISIONS.

A. Definitions

1. Grant - funds or other aid of value, including services provided by the Lehigh County inmate work program, given to an organization for a particular purpose or purposes, but the usage of the term shall not include funds or other aid of value paid to an organization pursuant to a contract.

2. Organization – a domestic or foreign corporation for profit or not-for-profit, association, general or limited partnership, limited liability company, sole proprietorship, political subdivision or municipal authority.

B. All grants, unless otherwise specified herein, shall be allocated through the budget process or by ordinance.

C. The following requirements are applicable to all grants made by Lehigh County, including those specified in Sections 611, 612 and 613:

1. All organizations requesting grant funding from Lehigh County, whether funded by real estate tax dollars, other County revenues or pass-through funding shall provide the following information as part of the request for funding:

a. The current and previous fiscal year's budget, including the actual revenues and expenditures for the previous year.

b. Audited financial statements for the two (2) previous fiscal years.

c. The positions of all employees, officers and board members who receive \$50,000.00 or more in annual compensation, including bonuses, from the requesting organization.

d. The total compensation of the organization's five (5) highest compensated individuals.

e. A list of all funding sources and the total amount received from each funding source for the previous year.

f. A list of all funding sources for the current year, and a list of all pending applications for funding, including the amount requested.

2. This required information shall be submitted to the County Department head responsible for administering the grant, and shall be

posted on the County's website.

3. Organizations which cannot comply with these provisions must obtain a waiver recommended by the County Executive and approved by motion of the Board of Commissioners to be eligible to be considered for grant funding.

4. Commissioner Liaisons

a. If the Board of Commissioners specifically so requires, the appropriate authorities of the organization shall provide a written agreement that at least one (1) member of the Board of Commissioners of Lehigh County is to serve as a liaison between the organization's governing board and the Board of Commissioners, and will be entitled to receive advance notice of all meetings, to attend all meetings as an invited guest and to receive copies of the organization's minutes. As liaison to the organization, the designated commissioner will not be a voting member of the organization's governing board. This subsection shall only apply to organizations which receive more than Two Thousand Five Hundred Dollars (\$2,500.00) during a County fiscal year. This subsection shall not apply to municipalities.

b. The member of the Board of Commissioners selected to serve as liaison to the governing board of an organization shall be chosen by a majority of the members of the Board present at

the meeting at which the selection is made.

5. Matching Funds

Arts, cultural and historical organizations and civic organizations must provide, through private non-governmental funding sources, Three Dollars (\$3.00) for every One Dollar (\$1.00) of County funds, be it in real dollars or services, which they are allocated to receive in order to be eligible to receive County funds or services. A maximum limit for the amount of County funds or services which will be provided to each organization under this paragraph shall be passed annually and shall be contingent upon the availability of County resources, considering total County needs at the time proposed for the actual expenditure of County funds or provision of services to the organization concerned.

Organizations receiving Two Thousand Five Hundred Dollars (\$2,500.00) or less from the County in real dollars or services are exempt from the matching requirement of this subsection. The value of service to be provided shall be calculated based on the cost to the County providing the service. Organizations receiving grants of services may be exempt from the matching requirement if cause is shown that the matching requirement would impose a hardship. Such hardship determination shall be made in writing by the County Executive or his/her designee and approved by motion of the Board of Commissioners.

6. Tax Delinquency

a. Grants shall not be given to an organization that is delinquent on any taxes due the County until the taxes are paid in full. Delinquent shall herein be defined as the point when the taxes owed shall become the responsibility of the Tax Claim Bureau to collect.

b. If an organization becomes delinquent on taxes owed the County during a year when said organization is budgeted to receive a grant, grant funds shall be withheld in lieu of taxes until taxes are paid in full.

c. The Department of Administration shall issue written notice to the Board within sixty (60) days of the end of the fiscal year if a grant recipient is found to be delinquent on any taxes due the County. The County shall withhold payments until the taxes are paid in full.

d. The County of Lehigh shall not give grants to an organization that is also a lessee of the County until the rent due the County is paid in full as provided for in the terms of the lease agreement.

e. Lehigh County's application form for grants shall require applicants to certify that they are not delinquent on taxes or other obligations owed to the County, and shall describe the requirements of this section.

D. Failure to comply with these provisions shall disqualify an organization from receiving the grant requested and from receiving any grants from the County for a period of five (5) years.

Section 611 - QUALITY OF LIFE GRANTS.

A. Each grant is a single-year commitment and is subject to the availability of funds.

B. Quality of Life Grants may be awarded for specific cultural, civic or recreational programs, projects or events or for capital projects or operational support.

C. The following definitions shall apply to this section:

1. Civic: promoting, providing opportunities for or developing community well-being and/or the betterment of citizens through volunteer-based service activities.

2. Cultural: promoting, providing or developing an awareness of and/or stimulating participation in artistic or intellectual activities.

3. Recreational: promoting, providing or developing non-passive or passive sporting and/or leisure activities and opportunities that enhance physical or mental well-being.

D. The County Executive, through the Department of Community and Economic Development, shall coordinate the application, evaluation and award process for the Quality of Life program.

E. An Evaluation Committee shall be organized to work with the Department of Community and Economic Development for the purpose of evaluating grant

applications. The Committee shall consist of the following members: the County Executive, the Chair of the Board of Commissioners, two (2) members of the Board of Commissioners appointed by the Chair of the Board of Commissioners and two (2) members appointed by the County Executive.

F. The following organizations are eligible to request Quality of Life grant funding:

1. Cultural, civic or recreational organizations based in Lehigh County;
or
2. Cultural organizations not based in Lehigh County which serve the Lehigh Valley region and receive a minimum of one to one matching support from the County government(s) in the other counties served.

G. In addition to the requirements set forth in §610, grant applications must meet the following four (4) requirements in order to be considered:

1. A grant request may be no more than 25% of an organization's budget;
2. A grant request may be no more than 25% of the Quality of Life fund;
3. A grant request may not exceed the prior year's grant by more than 5%; and
4. An organization requesting a grant from the Quality of Life program must be a cultural, civic or recreational organization as previously defined, and be recognized as either a nonprofit organization under Section 501(c)

of the Internal Revenue Code or a non-profit organization affiliated with a unit of local government.

H. Grant applications will be evaluated by the Evaluation Committee according to the following ten (10) criteria, which will be defined on the grant application:

1. Actual number of people served;
2. Actual geographic service area;
3. Grant dollars sought per person served;
4. Cultural value to the community;
5. Educational value to the community;
6. Community involvement in planning and programming;
7. Appeal to diverse constituencies;
8. Ratio of private dollars to grant dollars requested;
9. Administrative ability of the organization, including the organization's track record for success; and
10. Economic impact on the community of the particular project or program.

I. The Evaluation Committee shall give additional consideration to cultural or civic organizations based in Lehigh County which obtain matching support from other County governments for projects serving the entire Lehigh Valley region.

J. Funds will be distributed after July 1 of the County budget year for which grant funding has been approved.

K. A list of organizations receiving grants awards will be distributed and

reviewed by the Board of Commissioners during the budget process.

L. A list of organizations recommended to receive grant awards and their respective grant amounts will be included in the appendices of the proposed budget.

Section 612 - AFFORDABLE HOUSING GRANTS.

A. Purpose: The County Commissioners of Lehigh County intend to utilize the revenue from fees charged by the Recorder of Deeds to enable County residents to purchase or rent quality residential housing. Lehigh County established its Affordable Housing Fund pursuant to Ordinance Nos. 1996-120 and 2007-182.

B. Definitions: The following words and phrases when used in this section shall have the meaning given to them in this section unless the context clearly indicates otherwise:

1. "Affordable housing effort" – Any program or project duly approved by the County which increases the availability of quality housing, either sales, or rental or rehabilitation, to any Lehigh County resident whose annual income is less than the Lehigh County median income.

2. "County" – The County of Lehigh.

C. Disposition of Proceeds: All moneys raised for the recording of each deed and mortgage as provided in Ordinance No. 1996-120, shall be deposited in the general fund of the County and shall be allocated as follows:

1. A minimum of eighty-five (85%) percent of the moneys shall be set aside in a separate account to be used to fund affordable housing

efforts in the County;

2. The remainder of the fees may be used by the County for administrative costs associated with the affordable housing efforts.

D. Affordable Housing Effort: Affordable housing efforts may include, but shall not be limited to:

1. Providing local matching funds to secure National Affordable Housing Act of 1990 HOME funds;

2. Assisting or supporting housing efforts, by the Pennsylvania Housing Finance Agency and by commercial and thrift institutions;

3. Supporting second soft mortgage programs;

4. Providing funds for the development of affordable housing units or programs through a Request for Proposal (RFP) process;

5. Providing grants and disbursing funds for homeowner and housing rehabilitation programs that increase the availability of quality housing.

Over each five (5) year period, twenty percent (20%) of the moneys set aside for affordable housing efforts shall be directed to non-profits to be used for individual homeowner housing projects, including soft second loan programs for individual homeowners;

6. Supporting employee assistance housing programs.

E. The Lehigh County Department of Community and Economic Development shall create and work with a formal housing advisory committee which shall consist of not less than thirteen (13) people with expertise in regional housing

programs, finance, administration, county government and planning. This advisory committee will meet no more than quarterly to review proposals and make recommendations to the County. Any member of the advisory committee eligible to receive funding will not be entitled to vote on funding recommendations. The housing advisory committee shall include two (2) members of the Lehigh County Board of Commissioners: the Chair of the Board's Development Committee and a member of the Board selected by the Board.

F. Disbursal of Affordable Housing Funds

1. The Lehigh County Department of Community and Economic Development, with the assistance of the Housing Advisory Committee, is hereby authorized to administer and disburse the affordable housing moneys in accordance with this section.

2. For any month in which there has been disbursal activity, the Department of Community and Economic Development shall provide a monthly disbursal report regarding affordable housing funds to the Board of Commissioners.

3. Ordinance approval by the Board of Commissioners is required to disburse fund for any program or project involving more than three (3) housing units.

Section 613 - GAMING GRANTS.

The County of Lehigh's grant program for municipalities impacted by the South Bethlehem casino shall be administered as follows:

A. The County Executive, through the Department of Community and Economic Development, shall coordinate the application, evaluation and award process for gaming funds.

B. An Evaluation Committee shall be organized to work with the Department of Community and Economic Development for the purpose of evaluating grant applications. The Committee shall consist of the following members: the County Executive, the Director of Community and Economic Development, the Chair of the Board of Commissioners and one (1) member of the Board of Commissions appointed by the Chair of the Board of Commissioners. The Evaluation Committee shall present its grant recommendations to the Board of Commissioners.

C. Grants may be requested for capital projects, transportation needs of the municipality due to increases in traffic, safety and crime prevention programs needed to combat documented increases in crime or other requests as defined by the municipality, and which are needed as a result of the location of the casino in South Bethlehem.

D. Each grant may be for a single-year or multi-year commitment and will be subject to the availability of funds.

E. Each municipality receiving a grant shall post the information required by Section 610.C.1 on its municipal website.

F. The Board of Commissioners shall approve the grants by ordinance.

Section 614 – EXCEPTIONS.

A. The provisions of section 610.C shall not apply to organizations whose total amount of grant or grants received from the County in any one calendar year is

Two Thousand Five Hundred Dollars (\$2,500.00) or less.

B. Grants distributed pursuant to the Community Development Block Grant Program (“CDBG”), or pursuant to the HOME Investments Partnerships Program (HOME) for either for sewer and water lateral connections or for housing rehabilitation, shall not be subject to the requirements of section 610.C, so long as all federal and state requirements are met and ten (10) days prior written notice of each grant is provided to the Board of Commissioners.

C. A CDBG or HOME grant which has as its purpose payment for sewer and/or water lateral connections or for housing rehabilitation benefiting an individual homeowner may be paid directly to the contractor who has performed the work, under the following conditions:

1. The homeowner has received, and accepted by signature, the conditions of the grant;
2. The homeowner has solicited a minimum of three (3) written bids for the work performed, and provided them to the Lehigh County Department of Community and Economic Development (LC-DCED);
3. A fully executed agreement between the homeowner and the contractor has been provided to the LC-DCED; and
4. The homeowner has approved the work and provided written notice of the approval to the LC-DCED.

Section 615 – AUDIT.

The Controller may audit any organization receiving grant funds pursuant to his

or her duties under the Home Rule Charter and Section 502.a of this Administrative Code.

3. The County Executive shall distribute copies of this Ordinance to the proper officers and other personnel of Lehigh County whose further action is required to achieve the purpose of this Ordinance.

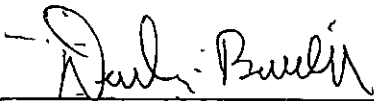
4. The proper officers and other personnel of Lehigh County are hereby authorized and empowered to take all such further action and execute additional documents as they may deem appropriate to carry out the purpose of this ordinance.

5. Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance. Specifically repealed are Ordinance Nos.: 1979-154; 1979-164; 1981-127; 1991-151; 1993-126; 1995-120; 1996-113; 1997-166; 2006-107; 2010-213; and 2013-127.

6. This Ordinance shall become effective January 1, 2018.

ADOPTED this 11th day of October, 2017, by the following vote:

<u>Commissioners</u>	<u>AYE</u>	<u>NAY</u>
Geoff Brace	X	
Thomas C. Creighton, III	X	
Percy H. Dougherty	X	
Dan Hartzell	X	
Amanda Holt	X	
David S. Jones, Sr.	X	
Marty Nothstein	X	
Brad Osborne	X	
Michael P. Schware	X	

ATTEST: 
Clerk to the Board of Commissioners

APPROVED this 18th day of October, 2017.

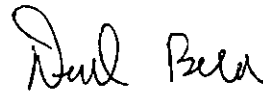

Thomas S. Muller
Lehigh County Executive

ENACTED this 18th day of October, 2017.

COUNTY OF LEHIGH ORDINANCE 2017 – NO. 131

CERTIFICATION

I, DAVID BARILLA, Clerk to the Board of Commissioners of Lehigh County, do hereby certify that the attached is a true and correct copy of the ordinance adopted at a regular meeting of the Commissioners of Lehigh County held on the 11th day of **October, 2017**, and approved on the 18th day of **October, 2017** by the Lehigh County Executive, and effective on the 28th day of **October, 2017**.



DAVID BARILLA, Clerk
Board of Commissioners