

RESOLUTION NO. 410

A RESOLUTION BY THE COMMON COUNCIL OF THE CITY OF BROOKINGS AUTHORIZING THE FILING OF A PREAPPLICATION FOR SECTION 306A COASTAL ZONE MANAGEMENT ACT FUNDS, FEDERAL DOMESTIC ASSISTANCE CATALOG NUMBER 11.419.

WHEREAS, the City of Brookings desires to submit a proposal and apply for federal Coastal Resources Management Grant funds for a specific project; and,

WHEREAS, such low-cost construction project proposal preapplication seeks funds in conjunction with matching in-kind services and materials to clear, grade and install a meandering pedestrian way and viewing gazebo adjacent to the ocean bluff at Tanbark Point in the City of Brookings; and,

WHEREAS, it is the opinion of the Common Council of the City of Brookings that such project does carry out the statutory provisions or acknowledged land use provisions of the Oregon Coastal Management Program and national objectives by providing public access to the ocean bluff for passive recreational purposes; and,

WHEREAS, it is recognized that public access to the ocean shore and bluff areas have become a diminishing finite resource in the City of Brookings, and in fact, there are no remaining publicly-owned ocean front properties within the corporate limits of the City that may be improved by the City for viewing from the ocean bluffs,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Brookings as follows:

Section 1. The City of Brookings, hereinafter referred to as "preapplicant", hereby assures and certifies that the City, as a preapplicant, will comply with the regulations, policies, guidelines and requirements including the Federal Office of Management and Budget's (OMB) Circulars A-87, A-102 and Federal Management Circular 74-4, as they relate to the application, acceptance and use of federal funds for this federally assisted proposal.

Section 2. The preapplicant possesses legal authority to make this proposal; that by adoption of this resolution as an official act of the preapplicant's governing body, authorizing the filing of the preapplication, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the preapplicant to act in connection with the preapplication, to make an application, and to provide such additional information as may be required.

Section 3. The preapplicant will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the grounds of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the preapplicant receives federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

Section 4. The preapplicant will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

Section 5. The preapplicant will comply with requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.

Section 6. The preapplicant will comply with the provisions of the Hatch Act which limit the political activity of employees.

Section 7. The preapplicant will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of state and local governments.

Section 8. The preapplicant will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire to private gain for themselves or others, particularly those with who they have family, business, or other ties.

Section 9. The preapplicant will give the National Oceanic and Atmospheric Administration (NOAA), the Comptroller General of the United States, the Oregon Secretary of State, or the Oregon Land Conservation and Development Commission (LCDC) through any authorized representative the access to and the right to examine all records, books, papers, or documents related to any forthcoming 306A grant.

Section 10. The preapplicant will comply with all requirements imposed by the NOAA and LCDC concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circulars A-87 and A-102.

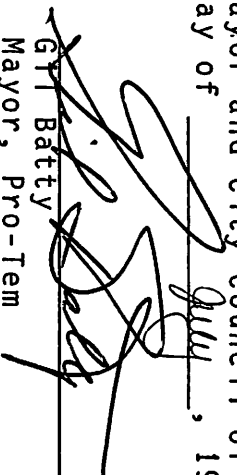
Section 11. The preapplicant will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the proposal are not listed on the Environmental Protection Agency's (EPA) list of violating facilities and

that it will notify the NOAA and LCDC of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the project is under consideration for listing or by the EPA.

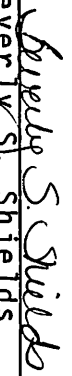
Section 12. The preapplicant will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, P.L. 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guarantee, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal assistance.

Section 13. The preapplicant will assist the NOAA and LCDC in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), E.O. 11593, and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations as necessary to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to effect (see 36 CFR Part 800.8) by the activity, and notifying the NOAA and LCDC of the existence of any such properties, and by (b) complying with all requirements established by the NOAA and LCDC to avoid or mitigate adverse effects upon such properties.

PASSED AND ADOPTED by the Mayor and City Council of the City of Brookings this 29th day of July, 1987.


G. L. Batty
Mayor, Pro-Tem

ATTEST:


Beverly S. Shields
City Recorder