

Lower Platte South Natural Resources District **Community Assistance Program Policy Guide**

Purpose:

The Community Assistance Program (CAP) of the Lower Platte South Natural Resources District (LPSNRD) provides up to 50% cost-share assistance to support the efforts of any City, Village, Sanitary Improvement District (SID) or Homeowner Association to address natural resource concerns, related to drainage, stormwater, and streambank erosion within the LPSNRD.

Eligible Projects:

The following are examples of projects which may apply for CAP funding: improving stormwater management or drainage, including studies to identify potential solutions; repairing storm erosion damage to public trails; and stabilizing stream channels. Cities, Villages, SIDs, as well as private homeowner associations, may apply for funding assistance. Projects should be located on lands that provide a public benefit, e.g., common areas, stormwater detention areas, or provide benefits downstream of such areas.

Cost-share assistance is available for several phases in a project, including Study Phase, Design Phase, and Construction Phase. Each phase has a maximum limit on LPSNRD funds that may be applied for cost-share assistance. The not-to-exceed limits for each phase are as follows: Study Phase - \$100,000, Design Phase - \$100,000 and Construction Phase - \$200,000. These not-to-exceed limits are subject to the availability of CAP funds in the LPSNRD budget at the time of application approval.

Projects must be designed by a professional engineer licensed in the State of Nebraska and approved by the LPSNRD Board of Directors. Project management is the sole responsibility of the applicant or their representative. Maintenance and future operation of completed projects is solely the responsibility of the applicant and is not eligible for cost-share assistance.

Review and Approval Process:

1. Interested parties should contact the LPSNRD Stormwater/Watershed Specialist to discuss issues, concerns, and CAP process for their natural resource-related problem.
2. After discussion and possible meetings on-site with LPSNRD staff, the applicant will send a letter requesting funding assistance for their project. This letter will include:
 - a. A description of the problem;
 - b. The proposed solution;
 - c. The benefits of the proposed solution to the general public;
 - d. The estimated schedule to complete the requested phase of the project;
 - e. Other participants in the project; and

- f. Project cost, as well as other potential funding sources for the project that are available to the applicant.
 3. The LPSNRD staff will present the applicant's request to the Urban Subcommittee of the LPSNRD (Urban Subcommittee) for consideration, and the Urban Subcommittee will review the request and determine whether to make a recommendation to the LPSNRD Board of Directors to approve the request.
 4. The LPSNRD Board of Directors will consider any recommendation from the Urban Subcommittee to approve a request for cost-share assistance and vote on such recommendation at a regular monthly board meeting.
 5. The LPSNRD staff will notify the applicant of the decision of the LPSNRD Board of Directors, including the funding amount and process the LPSNRD has approved.
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Reimbursement:

The LPSNRD will distribute a portion of approved funds through reimbursement after the completion of each of the following project phases defined below:

Study Phase:

- Before reimbursement in this phase, the study must be 100% complete with final study deliverables (e.g. reports of analysis & recommendations) submitted to the LPSNRD for review and approval. Upon review and approval of final study deliverables, the applicant shall submit a letter requesting reimbursement, proof of the final analysis, invoices/documentation of actual costs paid for the project, copy of all bills paid, proof of payment through canceled/cashed checks, and any other additional information requested by LPSNRD staff to verify project completion. The maximum LPSNRD cost-share limit for this phase is \$100,000 and is subject to availability of CAP funding in the LPSNRD budget at the time of application approval.

Design Phase:

- Before reimbursement in this phase, the design must be 100% complete with final plans, specifications, and engineer's cost opinion submitted to the LPSNRD for review and approval. Upon review and approval of final design materials, the applicant shall submit a letter requesting reimbursement, proof of the final design plans, invoices/documentation of actual costs paid for the project, a copy of all bills paid, proof of payment through canceled/cashed checks and any other additional information requested by LPSNRD staff to verify project completion. The maximum LPSNRD cost-share limit for this phase is \$100,000 and is subject to availability of CAP funding in the LPSNRD budget at the time of application approval.
- In certain circumstances construction observation will be included in the design phase. In this instance, the reimbursement for the design phase will not occur until after the construction of the project is completed due to construction observation services taking place during the actual construction project.

- In instances where construction observation is included as part of the design contract and the applicant does not proceed with a construction phase, then an exception may be made to consider the design phase 100% complete, as long as the final design materials are completed, and all other documents are verified. The applicant would then be reimbursed for the design.

Note: In some cases, the study & design phase occurs in one phase. Reimbursement will proceed as normal for study/design phases, which is after 100% completion and all supporting documents from above. In this situation, the LPSNRD should advise (or make aware) not to have construction observation included in the design phase, so the applicant could be reimbursed before moving into the construction phase.

Construction Phase:

Before the LPSNRD Board of Directors approves an application to cost-share for this phase, the design phase must be 100% completed with approved plans. A construction bid for the project from a licensed contractor also must be approved by the engineer of record and submitted to the LPSNRD Board of Directors for approval.

- Before reimbursement in this phase, the construction project must be 100% complete with a letter requesting reimbursement listing the total cost minus any other sources of funds, proof of the as-built plans approved and signed off by the engineer of record, invoices/documentation of actual costs paid for the project, canceled/cashed checks, and any additional information requested by LPSNRD staff to verify project completion.
 - Other documentation may need to be seen or completed depending on the project. For example, a dam may require a Construction Certification Form for dams from the Nebraska Department of Natural Resources (NeDNR).
 - Any construction projects with a total project cost over \$200,000 may request consideration from the LPSNRD Board of Directors to obtain reimbursement as construction is ongoing.
 - For a municipality (City/Village), if reimbursement is approved for a construction phase on a project with a total cost greater than \$200,000, an Interlocal Agreement between the applicant and LPSNRD must be completed to outline the requirements of the cost-share reimbursement for the project. (See Appendix A for the Interlocal Agreement example).
 - For non-municipal organizations/associations (Homeowner Associations, SIDs), if reimbursement is approved for a construction phase on a project with a total cost greater than \$200,000, then a contract between the applicant and LPSNRD must be completed to outline the requirements of the cost-share reimbursement for the project.

- Construction projects greater than a total cost of \$200,000 are required to be maintained by the applicant for a minimum of 5 years after the project completion. The maintenance requirement will be included in the interlocal agreement/ contract requirements. The LPSNRD may periodically inspect projects to verify that the applicant is performing regular, ongoing maintenance. If the applicant removes the project prior to the end of the five-year period, then the LPSNRD will require the applicant to repay all or a portion of the cost-share money paid to applicant.
- A letter requesting reimbursement, contractor pay application signed off by the Engineer of Record, copies of all bills paid, and proof of payment through canceled/cashed checks will be required for reimbursement while construction is ongoing. A final payment in this scenario will need a letter requesting final reimbursement, listing the total project cost minus any other sources of funds, as-built plans signed off by the engineer, and copies of all bills paid and proof of payment through canceled/cashed checks.
- Applicants may include construction observation services during this phase. Construction observation is typically completed by the Engineer of Record to ensure the contractor is completing the work to the plans and specifications.

Note: In some circumstances, depending on the size of the construction project, the LPSNRD may hold a defined amount of money for the final payment. There may be additional retainage held until the final payment/project is completed. Depending on the project size, the specific amount of retainage would be included in the Interlocal Agreement, contract, or LPSNRD CAP approval notification letter to the applicant, once approved by the LPSNRD Board of Directors. The maximum LPSNRD cost-share limit for this phase is \$200,000 and is subject to availability of CAP funding in the LPSNRD budget at the time of application approval.

Other Implementation:

1. There is no completion deadline for projects delayed due to weather or other justified circumstances. LPSNRD staff will communicate with the applicant regularly for status updates on the applicant's project so that LPSNRD staff can keep the LPSNRD Board of Directors informed of CAP project progress.
2. For planning and fiscal responsibility, the LPSNRD annually prepares budgetary constraints of its programs, including the CAP. Funding assistance for CAP projects for each fiscal year will be on a first come, first served basis.
3. Where applicable, the LPSNRD staff and/or LPSNRD Board of Directors will review project task costs to determine eligibility for cost share. Examples of items ineligible for cost-share include (but are not limited to):
 - Riprap under a public infrastructure bridge. This is considered "bridge armoring" and a maintenance operation. This is not considered a public benefit.
 - Dredging lakes. This is not considered a public benefit, but is considered a benefit to the applicant.

Note: In general, items that are considered maintenance or operation tasks are not eligible and are considered the responsibility of the applicant.

4. Applicants may use other funding assistance (such as grants) while also receiving assistance from the LPSNRD CAP. If additional funding is obtained, then the LPSNRD will cost share up to 50% of the portion of the project for the actual dollar amount the applicant is paying minus any other funding assistance.
 - Example: Total Project cost = \$100,000. The applicant has \$30,000 in additional funding from outside sources. The applicant would pay \$70,000. The LPSNRD could potentially cost share up to 50% of the remaining funds paid by the applicant, and the LPSNRD would reimburse the applicant \$35,000.
5. If an approved CAP project results in higher than initially applied and approved for CAP cost-share, the applicant shall notify the LPSNRD as soon as possible and request an amendment to the approved cost-share for up to 50% of the increase paid by the applicant. In this instance, the LPSNRD Board of Directors is not obligated to approve an increase in cost-share for the project, but will determine whether or not to approve this additional amount.
6. If the project does not start within one year of the LPSNRD Board of Directors approval date, the LPSNRD reserves the right to cancel the cost-share application. The applicant will be required to reapply and restart the application process for consideration.
7. Applicants or their representatives are only allowed to apply for project cost-share, once every two years.