



TO: VERNA JACKSON, GRANTS AND REPORTING SPECIALIST
FROM: ANDREA H. DUENAS, ASSISTANT CITY ATTORNEY **AHD**
THROUGH: SARA HEDGES, CITY ATTORNEY *SH*
RE: PUBLIC SERVICE AGENCY GRANT AGREEMENT FOR YOUTH EMPOWERED TO PROSPER, INC.
CAO RLS FILE: 24-202
DATE: MAY 16, 2024

I have reviewed the above Request for Legal Services seeking approval of a Grant Agreement to disburse funds to Youth Empowered to Prosper, Inc. The funds were received by the City pursuant to a Federal Community Development Block Grant ("CDBG"). You have indicated there are time constraints with approving this Grant Agreement, therefore expedited review has occurred. As previously recommended, the template for this Grant Agreement should be reviewed and updated annually for changes in the law.

A. Grant Agreement Template

The Grant Agreement Template was provided by this office in January of 2024 (pursuant to RLS 23-362). It is my understanding that several grants to CDBG Subrecipients are "in the pipeline," and each will require a similar agreement.

I made the following changes to the Grant Agreement and ask that you update your Grant Agreement Template to incorporate these changes:

1. Typographical and clerical errors were corrected;
2. Paragraph formatting was changed for readability;
3. Page Numbering Font was changed for consistency;
4. Paragraph 6-H-ii was revised to eliminate the Subrecipient's ability to terminate the Grant Agreement for convenience;
5. Paragraph 17 was revised to include the exhibits in the agreement.

B. Grant Agreement between City and Subrecipient Youth Empowered to Prosper, Inc.

1. Name of Subrecipient:

The Subrecipient's Application lists the Subrecipient as "Youth Empowered to Prosper," but Sunbiz lists the legal name of the corporation as "Youth Empowered to Prosper, Inc."

I changed the Subrecipient's name in the opening paragraph of the Grant Agreement to its legal name according to Sunbiz.

2. Affirmation that Activity Meets a CDBG National Objective:

Paragraph 1 of the Grant Agreement requires an affirmation by the Subrecipient that its activities meet one of the CDBG program's "National Objectives." The choices are:

- (a) to benefit low- and moderate-income persons;
- (b) to aid in the prevention or elimination of slums or blight; or
- (c) to meet community development needs having a particular urgency, as defined in 24 CFR 570.208

The Subrecipient's Application states that its activities meet Objective (a) (benefit low- and moderate-income persons), but the draft Grant Agreement states that the Subrecipient's activities will meet Objective (c) (meet community development needs having a particular urgency).

** Please confirm with the Subrecipient which National Objective its activities will meet and revise the Agreement at paragraph 1, if necessary. **

C. Exhibit "A" to Grant Agreement

It is my understanding that the Grant Agreement Template is intended to include an Exhibit "A" which contains the Scope of Project. The proposed Exhibit "A" received with this RLS contained information unrelated to the Scope of the Project. I have revised the Exhibit accordingly and eliminated the superfluous information. Please use this revised version as your Exhibit "A" Template for future Grant Agreements.

In addition, because the Subrecipient's Application is not included in the Grant Agreement, I added some language from the Application to Exhibit "A" to more fully describe the Scope of Project.

D. Initial Concerns Raised by City Attorney's Office Regarding the Identity of the Subrecipient

Based on conversations with the Grants Department, this Office has confirmed that the Grants Department recognizes and understands all of the following:

- The Subrecipient is Youth Empowered to Prosper, Inc., a Not-For-Profit Corporation.
- The Grant funds will be spent to build a playground at 602 E. Weatherby Road which is owned by City of Faith, Inc., a Not-For-Profit Corporation.
- The playground will be used by children enrolled in a daycare/preschool called Kids In The City Academy, a Not-For-Profit Corporation.

You have indicated that the Grants Manager has reviewed the above relationships and has approved this dynamic. As such, this Office has not conducted a legal analysis into this proposed dynamic, although concerns should be noted.

With the suggested changes, and upon confirmation of the "National Objective" information highlighted above at A-2, the Grant Agreement and Exhibit "A" are approved as to form and correctness. For your convenience, I uploaded "Redline" and "Changes Accepted" versions of both documents as well as the Subrecipient's Application.

If you have any questions about how to proceed, please do not hesitate to contact this office.

/ahd