



RESOLUTION 2009-39

**A RESOLUTION RE-ADOPTING COUNTY CITIZEN PARTICIPATION PLAN,
SECTION 3 PLAN AND ANTI-DISPLACEMENT & RELOCATION PLAN**

WHEREAS, at a regularly scheduled meeting of the Board of Torrance County Commissioners held on April 23, 2008, the following was among the proceedings:

WHEREAS, the Board of Torrance County Commissioners deem it necessary to adopt a Citizen Participation Plan, a Section 3 Plan and an Anti-Displacement & Relocation Plan for the CDBG Program; and

WHEREAS, the citizens of Torrance County are encouraged to participate within their areas of jurisdiction with particular emphasis on participation by persons of low and moderate income;

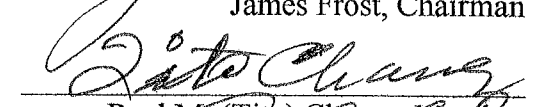
NOW, THEREFORE, BE IT RESOLVED that the Board of the Torrance County Commission re-adopt the Citizen Participation Plan, Section 3 Plan and Anti-Donation & Relocation Plan, throughout the County of Torrance.

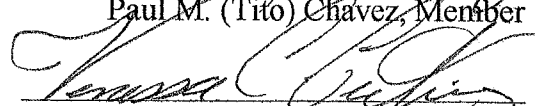
BE IT FURTHER RESOLVED that the plans be attached hereto.

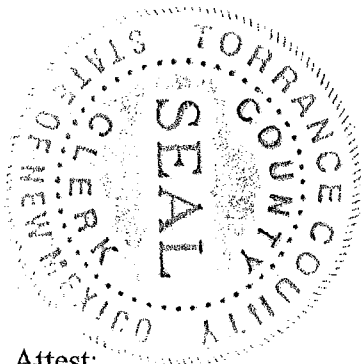
PASSED, APPROVED AND ADOPTED by the Governing Body at it's meeting of September 9, 2009.

TORRANCE COUNTY COMMISSION

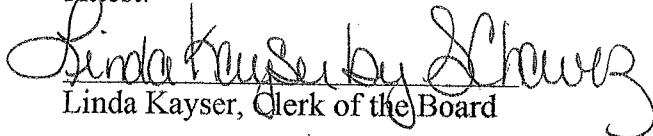

James Frost, Chairman


Paul M. (Tito) Chavez, Member


Venessa Chavez-Gutierrez, Member



Attest:


Linda Kayser, Clerk of the Board

CITIZEN PARTICIPATION PLAN

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN

Introduction

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the County of Torrance has prepared and adopted this Citizen Participation Plan.

Objective A

The County will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income. *Action items:*

1. *Adopt and circulate an Open Meetings Resolution which provides citizens with reasonable notice of County upcoming meetings, actions and functions.*
2. *Develop press releases on City/County meetings, actions and hearings and circulate to newspapers, radio and television media.*
3. *Develop and maintain listing of groups and representative of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.*

Objective B

The County will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds. *Action items:*

1. *Public notices, press releases, etc., should allow for a maximum length of notice to citizens.*
2. *Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.*
3. *Meetings, hearing, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays.*

Objective C

The County will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. *Note: the level and type of assistance is to be determined by the County. Action items:*

1. *Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the County upon request.*
2. *Document technical assistance provided to such groups and has documentation available for review.*

Objective D

The County will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program. *Action items:*

1. *Advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.*
2. *Conduct a minimum of two public hearings:*
 - a. *One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.*
 - b. *A second public hearing will be held to review program performances, past use of funds and make available to the public its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.*
3. *Publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.*

Objective E

The County will provide timely written answers to written complaints and grievances within 15 working days where practical. *Action items:*

1. *Adopt complaint handling procedures or policies to insure that complaints or grievances are responded to within 15 days, if possible.*
2. *Allow for appeal of a decision to a neutral authority.*

3. *File a detailed record of all complaints or grievances and responses in one central location with easy public access.*

Objective F

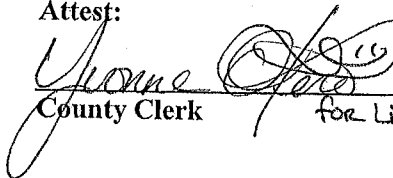
The County will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate. *Action items:*

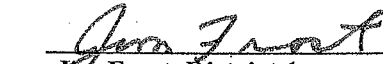
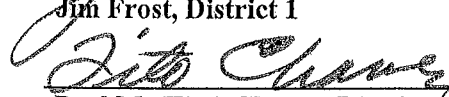

1. *Identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meeting and having briefing material available in the appropriate language.*
1. *Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.*

PASSED, ADOPTED AND APPROVED this 23rd day of April 2008.

TORRANCE COUNTY COMMISSION

Attest:


County Clerk
for Linda Kayser
T.C.C.


Jim Frost, District 1

Paul M. (Tito) Chavez, District 2

LeRoy M. Candelaria, District 3

RESIDENTIAL ANTI-DISPLACEMENT & RELOCATION ASSISTANCE PLAN

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN & CERTIFICATION

Section 104(d) of the Housing and Community Development Act of 1974, as Amended

Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242, approved February 5, 1988) amended section 104 of the Housing and Community Development Act of 1974 (the Act) by adding a new subsection (d).

The new subsection 104(d) of the Act provides that a grant under section 106 (CDBG Programs) may be made only if the grantee certifies that it is following a "residential anti-displacement and relocation plan."

Local governments, recipients under the State CDBG Program, must make this certification to the State. The requirement applies only to those recipients of CDBG funds awarded to the State by HUD after October 1, 1988.

ACCORDINGLY, the foregoing plan represents the effort of the Torrance County to comply with the requirements of Section 104(d) of the Act and is certified herewith:

PLAN AND CERTIFICATION

The County herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496 a(b).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the County will make public and submit to the Local Government Division of the Department of Finance and Administration the following information in writing:

1. A description of the proposed activity;
2. The location on a map and the approximate number of units, described by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for commencement and completion of the demolition or conversion;
4. The location on a map and the approximate number of dwelling units described by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source(s) of funding and a time schedule for the provision of replacement units; and
6. The basis for concluding that each replacement unit will remain a low/moderate-income dwelling unit for ten (10) years from the date of initial occupancy.

The County will provide relocation assistance, as described in 570.496-a to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

To the extent the County participates in Federal Assistance Programs wherein the following anti-displacement strategies can be applied, and consistent with the goals and objectives of activities assisted under the Act, the County will take the following steps to minimize the displacement of persons from their homes (this listing is not all inclusive):

DISPLACEMENT STRATEGY

A. Steps to Minimize or Prevent Displacement

1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation so as to provide the most convenience, safe and economically sound rehabilitation effort possible.
2. Assist in the identifying and locating of temporary relocation facilities in order to house families whose displacement will be of short duration, so that they can move back to their neighborhood after rehabilitation or new construction.
3. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent the placing of undue financial burdens on long-established owners or on tenants of multi-family buildings.
4. Counsel and advise homeowners and renters to understand the range of assistance that may be available to meet and protect their housing rights and interests.
5. In cooperation with neighborhood organizations, continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

B. Actions to Assist Displaced Persons to Remain in Their Present Neighborhoods

1. Provide lower-income housing in the neighborhood through HUD housing programs; purchase units as is; rehabilitate vacant units; or construct housing units.
2. Give priority in assisted housing units in the neighborhood to area residents facing displacement.
3. Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
4. Provide counseling and referral services to assist displacees in finding alternate housing in the neighborhood.
5. Work with area landlords and real estate brokers to locate vacancies or households facing displacement.

C. Actions to Otherwise Mitigate Adverse Effects of Displacement

1. Uses of public funds, such as CDBG, to pay moving costs and provide relocation

payments, or, to the extent permissible by local or state law require private developers to provide compensation to persons displaced by development activities.

2. Give displacees priority in obtaining subsidized housing.
3. Provide counseling and referral services to assist displacees to locate elsewhere in the community.

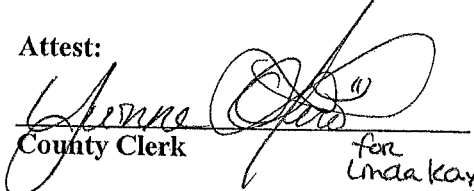
It shall be the policy of Torrance County that all persons displaced by CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;

PASSED, ADOPTED AND APPROVED this 23rd day of April 2008.

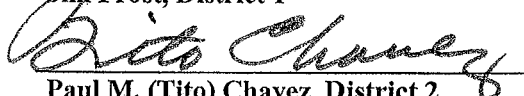
TORRANCE COUNTY COMMISSION


Attest:


County Clerk

for
Linda Kayser
T.C.C.


Jim Frost, District 1


Paul M. (Tito) Chavez, District 2


LeRoy M. Candelaria, District 3

SECTION 3 PLAN

CITY/COUNTY SECTION 3 PLAN

Torrance County is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The County has appointed Joy Ansley, County Manager as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point for Section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of their Section 3 plans. The approval or disapproval of the Section 3 plan is the ultimate responsibility of the County Manager. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the County shall:

1. Hiring
 - a. Advertise for all County positions in local newspapers
 - b. Give preference in hiring to lower income persons residing in the County. This means that if two equally qualified persons apply and one is a resident of the County and one is not, the resident will be hired
 - c. Maintain records of County hiring as specified on this form

| ANTICIPATED <u>22</u> HIRING 2008 | | | | |
|-----------------------------------|-----------------------------|--|-----------------------|---|
| PLANNED | | | ACTUAL | |
| Job Classification | # of Positions to be Filled | # of Positions to be Filled by Lower Income County Residents | # of Positions Filled | Positions Filled by Lower Income County Residents |
| Dispatcher | 3 | 3 | 3 | 3 |
| Sheriff Deputy | 4 | 1 | 3 | 1 |
| Clerical | 3 | 3 | 2 | 2 |
| Equipment Operator | 6 | 6 | 6 | 6 |
| Mechanic | 1 | 1 | 0 | 0 |
| Kennel Assistant | 2 | 2 | 1 | 1 |
| Appraiser | 1 | 1 | 0 | 0 |
| Emergency Manager | 1 | 1 | 0 | 0 |
| Records Manager | 1 | 1 | 1 | 1 |

2. Contracting

- a. The County will compile a list of businesses, suppliers and contractors located in the County.
- b. These vendors will be contacted for bid or quotes whenever the County requires supplies, services or construction.
- c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the County and one from outside the County, the contract will be awarded to the business located within the community.

3. Training

The County shall maintain a list of all training programs operated by the County and its agencies and will direct them to give preference to County residents. The County will also direct all CDBG sponsored training to provide preference to County residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there-under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or

knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The County shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the City's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.


The County will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION


A family who resides in Torrance County and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Albuquerque MSA. Information contained in our Section 3 Plan reflects the status of the County employees regarding lower income considerations based on their salary paid by the County.

PASS, ADOPTED AND APPROVED this 23rd day of April 2008.

TORRANCE COUNTY COMMISSION



Jim Frost, District 1

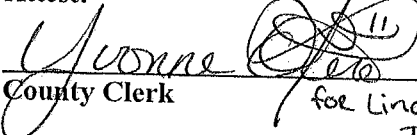


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Attest:



County Clerk
for Linda Kayser
T.C.C.