

RESOLUTION # R-20-27

**ADOPTION OF REQUIRED COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG)
ANNUAL CERTIFICATIONS AND COMMITMENTS**

WHEREAS, municipalities, counties or other entities that accept Community Development Block Grant (CDBG) funds must adopt certain required federal regulations; and

WHEREAS, the County of Grant (hereinafter referred to as the Grantee) wishes to ensure compliance with federal regulations by adopting the following required certifications and commitments:

Citizen Participation

certifies its commitment to citizen participation by preparing and adopting a Citizen Participation Plan that includes ways to encourage public input using various methods to reach the public and assures that citizens are provided reasonable notice and timely access to local meetings, per the Open Meetings Act (NMSA 1978, Chapter 10, Article 15)

Fair Housing

certifies its commitment to the Fair Housing Act of 1968 to affirmatively further fair housing, which prohibits discrimination in the sale, rental, leasing and financing of housing or land to be used for the construction of housing on the basis of race, color, religion, sex, disability, familial status, or national origin

Residential Anti-Displacement & Relocation Assistance certifies its compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, whose purpose is to provide uniform, fair, and equitable treatment for persons whose real property is acquired or for persons displaced as a result of a CDBG-funded project or activity

Section 3

certifies its commitment to Section 3, a provision of the Housing and Urban Development (HUD) Act of 1968, which requires recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their community

Procurement

certifies its compliance with federal procurement code (24 CFR Part 85.36) and New Mexico Procurement Code (§13-1-120 NMSA 1978) by adopting a procurement policy annually for CDBG projects

NOW, THEREFORE, BE IT RESOLVED, that the Grantee adopts the above CDBG certifications and commitments that must be adopted annually.

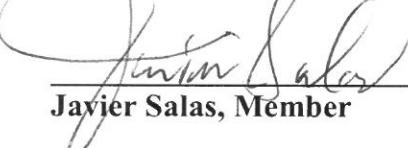
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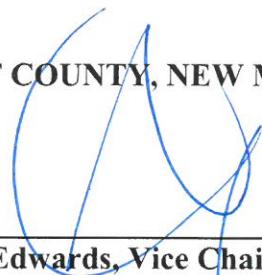
PASSED, ADOPTED, AND APPROVED this 20th day of August 2020.

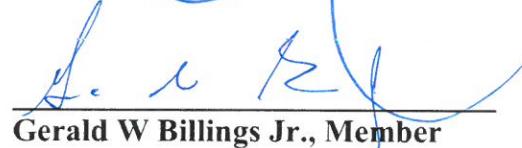
BOARD OF COUNTY COMMISSIONERS GRANT COUNTY, NEW MEXICO:


Chris M. Ponce, Chairman


Harry Browne, Member


Javier Salas, Member


Alicia Edwards, Vice Chair


Gerald W Billings Jr., Member

[SEAL]

Attest:


Marisa Castrillo, Clerk



EXHIBIT 1-T

SECTION 3 PLAN WITH REQUIRED ELEMENTS

The Grant 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 Grant County has appointed Michael Larisch 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 Grant County. Documentation of efforts will be retained on file for monitoring by the state.

Therefore, the Grant County shall:

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

Grant County ANTICIPATED/ACTUAL HIRES			2020 HIRING YEAR	
PLANNED			ACTUAL	
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income <u>Grant County</u> Residents	# of Positions Filled	Positions Filled by Lower Income <u>Grant County</u> Residents
Deputy	5			
Detention	5			

- Chart for Section 3 Plan **MUST** be filled out in its entirety.

2. Contracting

- a. The Grant County will compile a list of businesses, suppliers and contractors located in the Grant County.
- b. These vendors will be contacted for bid or quotes whenever the Grant 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 Grant County and one from outside the Grant County, the contract will be awarded to the business located within the community.

3. Training

The Grant County shall maintain a list of all training programs operated by the

Grant County and its agencies and will direct them to give preference to Grant County residents. The Grant County will also direct all CDBG sponsored training to provide preference to Grant 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. 170lu. 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 Grant 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 Grant 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 Grant County and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Grant County. Information contained in our Section 3 Plan reflects the status of the Grant County employees regarding lower income considerations based on their salary paid by the Grant County.



Chris M Ponce
County Commission Chairman

8/20/2020
Date