



CITIZEN PARTICIPATION PLAN FOR CDBG-I GRANTEES

CDBG-I Recipient/Grantee Name:	TOWN OF WHITAKERS
CDBG-I Recipient/Grantee Mailing Address:	P.O. BOC 727, WHITAKERS, NC 27891
CDBG-I Recipient/Grantee Physical Address (if different from mailing):	302 NW RAILROAD ST., WHITAKERS, NC 27891
Contact Person & Title:	THOMAS EVERETT, TOWN ADMINISTRATOR
Contact Email:	TEVERETT@TOWNOFWHITAKERS.ORG
Contact Phone Number:	252-437-4011
TDD#:	1-800-735-2962

I. PURPOSE AND INTRODUCTION

The **Town of Whitakers** has designed this community-wide Citizen Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) program.

This Plan is an essential element of the **Town of Whitakers'** present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the North Carolina Department of Environmental Quality – Division of Water Infrastructure (NCDEQ-DWI) and the Department of Housing and Urban Development (HUD). The Citizen Participation Plan is required by Section 104(a)(2) of the Housing and Community Development Act and by regulations at 24 CFR 570.486(a)(6).

The primary goal of this Citizen Participation Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the **Town of Whitakers'** CDBG program(s) and project(s).

The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized.

The plan is vitally important to the success of CDBG-funded activities undertaken by local units of general government. Compliance with the plan reduces the number of legal challenges and citizen complaints against the local government recipient.

Local units of general government must provide citizens with reasonable advance notice of and opportunity to comment on proposed activities in an application to the state; and for grants already made, the same opportunities must be provided for activities proposed to be added, deleted, or substantially changed from the original application to the state. Substantially changes include, but not limited to, purpose, scope, location or beneficiaries.



Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the **Town of Whitakers**.

2. SCOPE OF PARTICIPATION

The **Town of Whitakers** will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG program(s) undertaken by the **Town of Whitakers**. Local officials will make every effort to involve citizens in all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. Identification and assessment of housing and community development needs; determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- b. Changes and/or amendments to approved CDBG projects; and,
- c. Assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of the **Town of Whitakers** are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

3. CITIZEN PARTICIPATION CONTACT PERSON

Thomas Everett, Town Administrator has been designated Citizen Participation Coordinator by the **Mayor Esterine Gary-Pitt** and will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Citizen Participation Coordinator shall include, but not necessarily be limited to: disseminating information concerning proposed projects and the status of current project activities; coordinating various groups which may be participating in the community development process; receiving written comments; serving as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and, monitoring the citizen participation process and proposing such amendments to the Citizen Participation Plan as may be necessary.

The Citizen Participation Coordinator may be contacted at Town Hall, 302 NW Railroad St., Whitakers or (252) 437-4011 during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Citizen Participation Coordinator.



4. TECHNICAL ASSISTANCE

The staff of the **Town of Whitakers** shall provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance shall be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

Technical assistance may be obtained by contacting the **Mayor Esterine Gary-Pitt** of the **Town of Whitakers** or the Citizen Participation Coordinator.

5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low and moderate-income persons and residents of areas where CDBG activities are proposed or on-going.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG programs. Local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

5.1 PUBLIC HEARING TIMES AND LOCATIONS

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.

Public hearings will be scheduled for convenient times as determined by the **Town of Whitakers**. Public hearings may be held at any site which, in the opinion of the **Town of Whitakers** provides adequate access for citizen participation.

Hearings will normally be held at the Town Hall, 302 NW Railroad St., Whitakers. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with



disabilities. Hearings may, however, at the option of the **Town of Whitakers**, be held at an alternate location to be specified in the public hearing notice(s).

5.2 APPLICATION PUBLIC HEARING

One public hearing shall be held during any CDBG program fiscal year prior to the submission of an application to the NCDEQ-DWI for CDBG assistance. The primary purposes of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program; and, also to present for public comment and review the program activities which have been selected by the **Town of Whitakers** to resolve the identified needs.

An application public hearing will be held during the initial stage of program development to discuss items regarding community development and housing needs, the CDBG program, and the application process. The objective of citizen participation, at this stage, is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG application. Local officials will also entertain proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the **Town of Whitakers** during any fiscal year. Additional changes in community development or housing needs in the community as determined by local officials can be addressed by a community meeting where citizens can share their comments prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available for the fiscal year and for the funding round; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the process to be followed in developing a CDBG application; a statement that 100 percent of the CDBG funds will be used to benefit low-to-moderate income people; the schedule of meetings and hearings; location where the application can be reviewed; activities previously funded in the **Town of Whitakers** through the CDBG program; and, an identification of projects which could result in the relocation of area residences or businesses; and the actions that would be undertaken if such relocation were necessary; provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances. Furthermore, the effectiveness of the Citizen Participation Plan in allowing citizen participation in the community development process and potential changes and/or amendments to the Plan shall also be discussed at this meeting.

The **Town of Whitakers** may, at the option of local officials, review multiple CDBG project applications at one hearing when more than one application is to be submitted during the same fiscal year. Each such hearing shall be held prior to, and in preparation for, the application's approval by the **Town of Whitakers**.

A second objective of citizen participation during this stage is to inform citizens of the proposed project activities to be included in a CDBG application(s) and to solicit comments from citizens concerning these activities.



Citizens attending this hearing will be provided with information concerning the CDBG project(s) proposed including, but not necessarily limited to: the project application(s) to be submitted and the applicable CDBG fund; specific project activities to be included; the location of the project activities; the approximate cost estimate for the proposed activities; the estimate of local match required; the impact of the project on low and moderate income persons; and, the approximate application submittal date.

5.3 PROJECT AMENDMENT PUBLIC HEARINGS

The **Town of Whitakers**) will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the **Town of Whitakers**. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in dollar amount spent on any activity, changes in program beneficiaries, changes in the location of approved activities, addition to or deletion of project activities, and major budget shifts between approved activities.

To ensure adequate opportunity for citizen participation during CDBG programs, the **Town of Whitakers** shall hold a public hearing on all formal amendments which require the NCDEQ-DWI approval. For "local" amendments and changes for which the NCDEQ-DWI approval is not required, input from citizens concerning changes or amendments will be received at regularly scheduled **Town of Whitakers** meetings where such changes or amendments are considered.

5.4 ASSESSMENT OF PERFORMANCE (CLOSE-OUT) PUBLIC HEARINGS

This public hearing must be held after all third-party contracts' payments have been submitted.

Citizens of the **Town of Whitakers** will be provided with the opportunity to comment on the performance of local officials, the **Town of Whitakers** staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the **Town of Whitakers** in resolving identified community development and housing needs, and in achieving its community development goals and objectives. On-going community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.

At the conclusion of each CDBG project, a public hearing will be held to review program activities and to assess program performance. This hearing shall be held prior to the submission of the Performance Assessment Report and any other required closeout documents to the NCDEQ-DWI for a CDBG project. This hearing will be used to ensure community-wide participation in the evaluation of the CDBG program.

5.5 ADDITIONAL HEARINGS

Other public hearings may be held as deemed necessary by the **Town of Whitakers** in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.



5.6 PUBLIC HEARING ACCOMMODATIONS AND ACCESSIBILITY

VIRTUAL HEARINGS

During a declaration of a state of emergency by the Governor or General Assembly, and if a local unit of general government is concerned about significant public health risks that may result from holding an in-person public hearings, the local unit of general government may undertake a virtual public hearing (alone, or in concert with an in-person hearing) if:

- It allows questions in real time, with answers coming directly from the elected representatives to all "attendees." Therefore, members of the public must be entitled to participate and address the governing body during any telephonic or video-conference meeting.
- The governing body must post a written notice that gives the public a way to participate remotely, such as a toll-free dial-in number, and that includes an electronic copy of any agenda packet that officials will consider at the meeting.
- As with an in-person hearing, the grantee must select a virtual hearing method or platform that provides accessibility for persons with disabilities and limited English proficiency (LEP) to the greatest extent possible. These accommodations must be free to these populations.
- A governing body must provide the public with access to a recording of any telephonic or videoconference meeting.
- The local unit of government must document its efforts and the reason for them.
- Additional specific communication requirements and requirements for conducting remote meetings can be found in Article 1A of Chapter 166A and Article 33C of Chapter 143 of the General Statutes.

5.7 LIMITED ENGLISH PROFICIENCY RESIDENTS

The **Town of Whitakers** has followed the guidance provided in the Language Access Plan (LAP) to determine the need to undertake reasonable actions to facilitate the participation of persons with Limited English Proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.

5.8 PUBLIC HEARING NOTICE

Notice of public hearings must be published in a local newspaper of general circulation, in a non-legal section of the paper at least ten (10) days prior to the hearing date, but no more than 25 days prior to the meeting date. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed.



5.9 ACCESSIBILITY TO LOW AND MODERATE INCOME PERSONS

The public hearing procedures outlined herein are designed to promote participation by low and moderate-income citizens, as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s).

Local officials may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such persons may otherwise be excluded or should additional action be deemed necessary.

Activities to promote additional participation may include: posting of notices in blighted neighborhoods and in places frequented by low and moderate-income persons, and holding public hearings in low and moderate-income neighborhoods or areas of existing or proposed CDBG project activities.

5.10 ACCESSIBILITY TO PERSONS WITH DISABILITIES

The locations of all public hearings, as described herein, shall be made accessible to persons with disabilities. The **Town of Whitakers** shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance.

The **Town of Whitakers** shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more visually impaired persons will be in attendance.

Additionally, the **Town of Whitakers** shall provide reasonable accommodations whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.

6. PROGRAM INFORMATION

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the **Town of Whitakers** shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted or Limited English Proficiency neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the Citizen Participation Coordinator will keep all documents related to a CDBG program on file in the Town Hall located at 302 NW Railroad St., Whitakers. Information from the project files shall be made available for examination and duplication, on request, during regular business hours. CDBG program information and materials, concerning specific CDBG projects will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information concerning any CDBG project will be available at regularly scheduled council meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizen Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and



evaluation reports; other reports required by the NCDEQ-DWI and/or HUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the **Town of Whitakers**; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the **Town of Whitakers** disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the **Town of Whitakers** shall not disclose any information which may, in the opinion of the **Mayor Esterine Gary-Pitt**, be deemed of a confidential nature.

7. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

The public hearings scheduled, as described in this Citizen Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the **Town of Whitakers**.

Any citizen or citizen's group desiring to comment or object to any phase of the planning, development or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the **Mayor Esterine Gary-Pitt**. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the **Mayor Esterine Gary-Pitt**, then the aggrieved may appeal his/her case to the **Town of Whitakers**.

Local officials shall make every effort to provide written responses to citizen proposals or complaints within fifteen (15) working days of the receipt of such comments or complaints where practicable. Should the **Town of Whitakers** be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to the NCDEQ-DWI.

Citizens may, at any time, contact the NCDEQ-DWI and/or HUD directly to register comments, objections or complaints concerning the **Town of Whitakers** CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting the NCDEQ-DWI or HUD.

All comments or complaints submitted to the NCDEQ-DWI or the HUD shall be addressed in writing to:



NC Department of Environmental Quality
Division of Water Infrastructure / CDBG-I Unit
1633 Mail Service Center
Raleigh, North Carolina 27699-1633

Or:

U.S. Department of Housing and Urban Development
Community Planning and Development Division
Greensboro Field Office
1500 Pinecroft Road
Greensboro, North Carolina 27407

Records of all comments, objections and/or complaints by citizens concerning the **Town of Whitakers** CDBG program and subsequent action taken in response to those comments shall be maintained on file at **Town of Whitakers** and shall be made available for public inspection upon request.

8. AMENDMENTS

The **Town of Whitakers** may, from time-to-time, modify the provisions outlined herein through amendment to this Citizen Participation Plan. It shall be the policy of the **Town of Whitakers** to periodically review and discuss the effectiveness of this Citizen Participation Plan in allowing citizen participation in the community development process and in helping to meet the community development needs and goals identified by the citizens of the **Town of Whitakers**. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time.

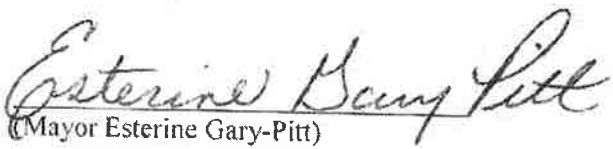
Amendments to the Plan will be made as necessary. All amendments shall be approved by resolution of the **Town of Whitakers** and shall be incorporated into this Plan.




9. AUTHORITY

No portion of this Citizen Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the **Town of Whitakers** in the development, implementation and execution of any Community Development Block Grant program.

ADOPTED this 6th day of July, 2020.


(Mayor Esterine Gary-Pitt)

ATTEST:


(Acting Town Clerk)



11. APPENDICES

SAMPLE APPLICATION PUBLIC HEARING NOTICE

Notice is hereby given that the City/Town/County will conduct a public hearing on [DATE] at [TIME] AM/PM, or as soon thereafter as the agenda will allow, at the [LOCATION] relative to the intention of the City/Town/County to apply for FY20XX CDBG funding under Title I of the Housing and Community Development Act.

City/Town/County intends to submit an application for a grant of approximately \$000 in CDBG Infrastructure funds to [project description -must match grant application and include all streets with proposed improvements and any alternative streets if time and budget allows].

The following is a tentative list of proposed activities and an estimated budget. The final application will be reviewed at the public hearing.

Infrastructure Improvements and
Grant Administration Estimated Budget _____

The proposed project will provide benefits to _____, _____% of whom are low and moderate income individuals based on [surveys or statistics] performed by _____ (use if surveyed). No individuals will be displaced nor will any require temporary relocation assistance as a result of the proposed project (this phrase may or may not be true for your particular project).

Citizens will be given the opportunity to provide oral and written comment on the City/Town/County's past and proposed use of CDBG funds at the public hearing. All interested citizens are encouraged to attend.

If additional information is needed, please contact the [Name & Title] at [Phone #]. Formal written complaints or comments concerning the application process that are submitted to the City/Town/County prior to or following the public hearing will be responded to within ten working days by [Date]. A copy of the completed project application will be available for public review after [Date], at the [Location].

Persons with disabilities or who otherwise need assistance should contact _____, at _____ or _____ (email address) (TDD # _____ or Relay North Carolina _____) by _____. Accommodations will be made for all who request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact [Name & Title], at [phone number], or at the [location] for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con [Name & Title], al [phone number] o en [location], de alojamiento para esta solicitud.



logo or tag line "Equal Housing Opportunity" is required



SAMPLE PERFORMANCE ASSESSMENT (CLOSE OUT) PUBLIC HEARING NOTICE

The City/Town/County will hold a public hearing on (date) at (location) to discuss the locality's Community Development Block Grant project, CDBG project number (project number) performance and closeout of this project. The above mentioned CDBG project awarded \$0.000 to the (locality) on (date). The (locality) used the funds to (project scope) which benefited % of low-moderate income citizens. The purpose of this public hearing is to review the performance, expenditures and activities that have been accomplished through the CDBG project. All activities are complete and the (locality) is in the process of closing the grant with the State of North Carolina.

The City/Town/County is interested in obtaining all citizens' input on the performance of local officials, the (City/Town/County) staff, consultants and administrators, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program.

Citizens will also be requested to assess the performance of the City/Town/County in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to attend in order to comment on the proposed activities.

Persons with disabilities or whom otherwise need assistance should contact (Insert Name) at (Insert Phone Number) or Relay North Carolina #711 by (date). Accommodations will be make for all whom request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request."

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud.



logo or tag line "Equal Housing Opportunity" is required



SAMPLE PROJECT AMENDMENT PUBLIC HEARING NOTICE

The (locality) will hold a public hearing on (date) at (location) to discuss the proposed project amendment the (locality's) Community Development Block Grant project, CDBG project number (project number). The (locality) submitted and received the CDBG funds in the amount of \$0.00 to conduct (scope of work). The proposed amendment will include (scope of work in amendment). The project and the amendment will still benefit the same % of LMI residents.

The (locality) is interested in obtaining all citizens' input on the proposed project amendment. Citizens will also be requested to assess the performance of the original grant of the (Town of Whitakers) in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to attend in order to comment on the proposed activities.

Persons with disabilities or whom otherwise need assistance should contact (Insert Name) at (Insert Phone Number) or Relay North Carolina #711 by (date). Accommodations will be make for all whom request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud.



logo or tag line "Equal Housing Opportunity" is required

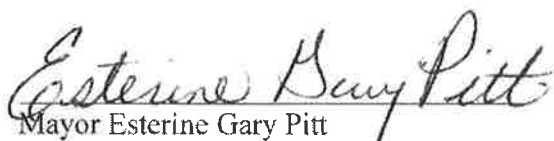
Excessive Force Policy

Town of Whitakers

June 6, 2019 to June 5, 2022

The *Town of Whitakers* hereby adopts an Excessive Force Policy that is in accordance with the applicable State of North Carolina and Federal Regulations, i.e., Section 519 of Public Law 101-144, (1990 HUD Appropriations Act) requiring units of government receiving CDBG funds to adopt and enforce Excessive Force Provision. The *Town*, as the recipient of Federal and/or State CDBG-I Grant Funds, acknowledges its responsibility to and will adhere to the aforesaid NC State and Federal Excessive Force Regulations. More particularly, the *Town* adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any and all individuals engaged in non-violent civil rights demonstrations, and is adopting and will enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within the *Town of Whitakers*.

Adopted this 6th day of June 2019.


Mayor Esterine Gary Pitt

ATTEST:


Linda Bonnette, Acting Town Clerk

Local Jobs Initiative
Section 3 Plan
Local Economic Benefit for Low- and Very Low-Income Persons

Town of Whitakers
June 6, 2019 to June 5, 2022

I. APPLICATION AND COVERAGE OF POLICY

The *Town* is committed to the policy that, to the greatest extent possible, opportunities for training and employment be given to lower income residents of the community development project area and contracts for work in connection with the federally assisted community development project be awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, the *Town of Whitakers* has developed and hereby adopts the following Plan:

The *Town* will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 C.R.F. Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development, and all applicable rules and orders of the Department issued thereunder

This Section 3 covered project area for the purposes of this grant program shall include the *Town* and portions of the immediately adjacent area.

The *Town* will be responsible for implementation and administration of the Section 3 plan. In order to implement the *Town's* policy of encouraging local residents and local businesses participation in undertaking community development activities, the *Town* will follow this Section 3 plan which describes the steps to be taken to provide increased opportunities for local residents and businesses

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

When in need of a service, the *Town* will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Administration, local directories and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source.

The *Town* will include the Section 3 clause and this plan in all contracts executed under this Community Development Block Grant (CDBG) Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources of subcontractors and suppliers. The Section 3 Plan and the Section 3 minimum numerical goals shall be mentioned in the pre-bid meetings and the preconstruction meetings.

The Section 3 minimum numerical goals shall be met by the *Town*, if the minimum numerical goals are not met, an explanation and the efforts taken by *Town* to meet the goals shall be described in the Annual Section 3 report. The report must be submitted along with the Annual Performance Report (APR) during the life of the grant.

Section 3 minimum numerical goals (the Section 3 regulations established thresholds and goals at 24 CFR 135.30):

Goals

- 30 % of the aggregate number of new hires shall be Section 3 residents
- 10 % of the total dollar amount of all covered construction shall be awarded to Section 3 business concerns.
- 3 % of the total dollar amount of all covered non-construction contracts shall be awarded to Section 3 business concerns.

A Section 3 business concern is defined as a business where

- 51% or more of the business is owned by Section 3 residents or
- 30% or more employed staff are Section 3 residents; or
- 25% of subcontracts are committed to Section 3 businesses.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Nash/Edgecombe County NCWorks agency (<https://www.ncworks.gov/vosnet/Default.aspx>) shall be notified and referred to the contractor.

Each contract for rehabilitation, replacement or new construction under the program, as applicable, for jobs having contracts in excess of **\$100,000** shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in the project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise the pertinent information regarding the project including all Section 3 required information. **Division of Water Infrastructure (DWI) should be contacted with the Bid Materials to distribute the information throughout their list serve to reach out the communities.**

II. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION

The *Town* will take the following steps to assure that low income residents and businesses within the community development project area and within the *Town* are used whenever possible: **(Describe below)**

- Notify NCWorks in Edgecombe/Nash Counties
- Endeavor to create and maintain a list of NC Licensed Contractors in the Town of Whitakers and contiguous area

- Require contractors to use local, qualified residents and businesses, where available
- Endeavor to incorporate Section 3 clauses into all covered solicitations and contracts

(Example: Place qualified residents and businesses on solicitation lists, assure that residents and businesses are solicited whenever they are potential sources of contracts, services or supplies; divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by residents and businesses; establish delivery schedule, where the requirements permit, which encourages participation by area for residents and businesses)

Please check the methods to be used for the Section 3 program in your community:

The **Town** will place a display advertisement in the local newspaper containing the following information:

- i. A brief description of the project
- ii. A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
- iii. An acknowledgement that under Section 3 of the Housing and Community Development Act, local residents and businesses will be utilized for jobs, contracts and supplies in carrying out the project to the greatest extent feasible.
- iv. A location where individuals interested in jobs or contracts can register for consideration
- v. A statement that all jobs will be listed through and hiring will be done through the local office of the NCWorks agency (<https://www.ncworks.gov/vosnet/Default.aspx>); a statement that all contracts will be listed with the North Carolina Division of Purchase and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, of which the **Town** will maintain a list for individuals and business concerns inquiring information.

Training and technical assistance will be provided by the local community college for low income residents requiring skills to participate in community development project activities. Referrals will be made to the community college, local Private Industry Councils, Job Training Partnership Act (29 U.S.C. 1579 (a)) (JTPA) Programs, and job training programs provided by local community action agencies as appropriate. Residents and businesses will be encouraged to participate in state and/or federal job training programs that may be offered in the area.

Low income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:

- i. Advertisement in the local newspaper
- ii. Posting of Section 3 Plan at the County Courthouse
- iii. County Board meeting when project activities and schedules are discussed
- iv. Open meetings of Project Advisory Committee when everyone in neighborhood is invited
- v. Notification to other agencies that provide services to low-income people.

Other (**describe**):

The **Town** will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

1. Encourage rehabilitation contractors to hire local area residents
2. Encourage public works contractors to hire local area residents

The **Town** will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area

1. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores

III. RECORDS AND REPORTS

The **Town** will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations, and permit authorized representatives of DWI, and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

The **Town** shall report annually the Section 3 numbers using the form HUD 60002 to DWI at the end of the calendar year as part of the Annual Performance Report (APR).

IV. MONITORING COMPLIANCE

The **Town** may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notice, and published information will be kept to document the implementation of the plan.


V. SECTION 3 COORDINATOR CONTACT INFORMATION

Please provide the main contact in case that any complaint is received or general information is requested by the general public on Section 3 compliance (**including name, phone number, address, and email**):

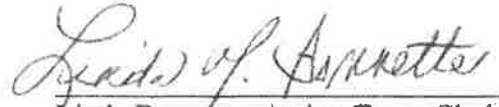
Linda Bonnette
Town Administrator
302 NW Railroad St
Whitakers, NC 27891

252-437-4011
lmbonn59@gmail.com

Adopted this 6th day of June 2019.


Esterine Gary Pitt, Mayor

ATTEST:


Linda Bonnette, Acting Town Clerk

HUD PORTAL SECTION 3:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/section3/section3

Town of Whitakers

Procurement Standards Policy and Plan

Policy:

The **Town of Whitakers** will comply with the terms and conditions of Federal funding that is awarded and accepted, including, but not limited to, the terms and conditions of the Grant Contract, and the *Procurement Policy of the North Carolina Department of Environmental Quality's Water Infrastructure Division, Community Development Block Grant-Infrastructure Program (Procurement Policy)*, attached. The States were advised by HUD to develop their own procurement policies, and the CDBG-Infrastructure Program has developed and adopted the attached policy as reference for its grantee communities, using the 2 CFR Part 200 federal regulations, supplemented with NC General Statutes 143-64.31, 143-129, and 143-131 as guidance. The **Town**, as the recipient of Federal CDBG funds, acknowledges its responsibility to and will adhere to the aforesaid Procurement Policy of the North Carolina Department of Environmental Quality's Water Infrastructure Division.

The **Town** will, to the extent applicable, follow methods of procurement, procure by contracting with small, minority firms, women's business enterprises, and labor surplus area firms, when those entities offer the best level of knowledge, skills and abilities for professional services, and when those entities offer the knowledge, skills and abilities and are the lowest cost responsive, responsible bidders in building trade and related services. Additionally, the **Town** will demonstrate contract cost and price awareness and adhere to awarding agency contract provisions (2 CFR Part 200, Appendix II, except for items F and J, which were not adopted by the CDBG-Infrastructure Program, as allowed under 2 CFR Part 200.101(d)(1)).

Plan:

All procurement of goods and services by the **Town** with CDBG grant funds shall be accomplished in accordance with the requirements of the *Procurement Policy*, and HUD implementing regulations at 24 CFR Part 570.489 (g) and (h), which prohibits cost plus a percentage of construction cost method of contracting for services. In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, Executive Orders, and implementing regulations including the Section 3 clause, per 24 CFR 570.489(g) and 24 CFR 135.38, or the North Carolina General Statutes Chapter 143 applying to procurement in general by North Carolina municipalities and counties.

When Federal and State regulations are different, the more restrictive regulation shall apply to the procurement in question, as outlined in the *Procurement Policy*. Additionally, the **Town** will adhere to the following guidelines during procurement of goods and services using Federal funds:

- In all cases where goods or services are procured based on one bid or proposal received, the **Town** will follow established principles to verify the reasonable cost of the procurement and shall contact the State Agency supervising the grant program before making any contract award based on non-competitive negotiation. *The Town shall follow all noticing and advertising requirements prior to accepting the single source respondent. Written permission from the CDBG-I Program shall be obtained prior to entering into a single source contract.*
- Section 3 certified businesses, and historically underutilized businesses, including women-owned and minority-owned enterprises shall be included on bidders' or professional services' lists maintained by the **Town**. Firms shall be solicited for all competitive negotiations, small purchases,

and informal and formal bids when such firms are potential competitive sources for goods and services.

Professional Services Contracts: Professional services shall be procured through the use of Request for Proposals (administrative services) or Request for Qualifications (engineering services). Respondents offering administrative services shall be selected on the basis of the best qualified respondent *for the price*. Respondents offering engineering services shall be selected on the basis of the best qualified respondent, *without regard for price*. A written selection procedure shall be used to evaluate respondents, and those records maintained in the procurement files.

The **Town** shall develop a written scope of work for each service to be awarded on the basis of competitive negotiation, which shall include descriptions of tasks to be completed, project timetables, and an outline of fee proposal requirements. The selected engineering services respondent and the **Town** shall then enter into competitive negotiations to arrive at a mutually agreeable price for engineering services. All contracts awarded through competitive negotiations shall be awarded strictly on the basis of the written selection procedure.

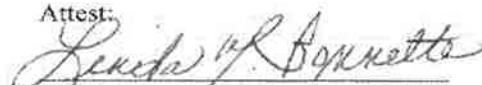
Construction Services: Construction services shall be competitively bid using sealed bids, with the award going to the lowest responsive, responsible bidder. A minimum of three bids shall be received prior to opening the sealed bids.

- Prior to any contract award, the **Town** shall verify the contractor's eligibility to participate in a federally assisted program.
- No consultant or bidder shall assist in the development of the Request for Proposals nor in the Request for Qualifications posting in which the consultant or bidder has a direct or indirect interest.
- No consultant or bidder shall assist in the evaluation of proposals or bid packages for contracts in which that consultant or bidder has a direct or indirect interest. The **Town** shall adhere to all applicable Federal and State conflict of interest regulations in making contract awards.
- The **Town** shall request references or check references of contractors or firms who are awarded contracts with Federal grant funds and will request a written warranty for all goods and services provided through the small purchase's procedure.
- The **Town** shall not award any contract for federally-assisted projects on a contingency or cost-plus-percentage of construction basis.
- The **Town** shall hold a pre-bid meeting and a pre-construction meeting for each construction project bid competitively using CDBG-Infrastructure funds. Evaluation criteria for the bids may add points for attending the pre-bid meeting of contractors, but it is not a prerequisite.

Adopted this 6th day of June 2019.



Mayor Esterine Gary Pitt

Attest:


Linda Bonnette, Acting Town Clerk

Fair Housing Complaint Procedure

Town of Whitakers

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and the North Carolina Fair Housing Act. In an effort to promote fair housing and that the rights of housing discrimination victims are protected, **Town of Whitakers** has adopted the following procedures for receiving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in the **town** may do so by informing the **town administrator** of the facts and circumstance of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the **town administrator** shall acknowledge the complaint within 15 days in writing and inform the Division of Water Infrastructure and the North Carolina Human Relations Commission about the complaint.
3. The **town administrator** shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the **town**.
4. The **town administrator** shall **publicize** in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

It is the policy of the **Town of Whitakers** to implement the CDBG program to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, age, sex, familial status, or marital status.

If you have any questions about the complaint procedure or would like to register a complaint of fair housing discrimination please contact the **Town at 252-437-4011** or at 302 N. Railroad Street, Whitakers, NC 27891 or, for the hearing impaired, **TTY assistance** is available at **711 or 800-735-2962** and providing the facts and circumstances of alleged discriminatory act or practice.

This information is available in Spanish or any other language upon request. Please contact Thomas Everett at 252-437-4011 or at 302 N. Railroad Street, Whitakers, NC 27891 for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Thomas Everett al 252-443-4011 252-437-4011 o en 302 N. Railroad Street, Whitakers, NC 27891 de alojamiento para esta solicitud.

