

**APPROVAL OF CONSENT AGENDA** - Note: All matters listed under Item 11, Approval of Consent Agenda, are considered to be routine by the Town Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A.** Approval / Disapproval of Resolution No. 2015-02: Adopting a Fair Housing Policy.
- B.** Approval / Disapproval of Resolution No. 2015-03: Citizen Participation Plan CDBG Program.
- C.** Approval / Disapproval of Resolution No. 2015-04: Residential Anti-Displacement and Relocation Plan and Certification.
- D.** Approval / Disapproval of Resolution No. 2015-05: Section 3 Plan.
- E.** Approval / Disapproval of Resolution No. 2015-06: CDBG Procurement Policy.

**RESOLUTION NO. 2015-02**

**ADOPTING A FAIR HOUSING POLICY**

**WHEREAS**, fair and equal housing is a right guaranteed to all Americans; and

**WHEREAS**, the principle of fair and equal housing is not only a national law and policy, but a fundamental human entitlement; and

**WHEREAS**, all citizens have the right to live where they choose within their financial means; and

**WHEREAS**, people must not be denied housing because of race, color, religion, sex, national origin, handicap or family status; and

**WHEREAS**, the Town of Silver City acknowledges the importance of assuring fair and equal treatment to all citizens;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Silver City, Grant County, New Mexico, **APPROVED, PASSED, AND ADOPTED** the Fair Housing Policy this 21st day of January, 2015.

(Seal)

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Michael S. Morones, Mayor

Attest:

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Ann L. Mackie, Town Clerk

## **RESOLUTION NO. 2015-03**

### **TOWN OF SILVER CITY CITIZEN PARTICIPATION PLAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**WHEREAS**, in accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the Town of Silver City has prepared and adopted this Citizen Participation Plan; and

**WHEREAS**, the Town of Silver City 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 Town of Silver City's upcoming meetings, actions and hearings and circulate to newspapers, radio and television media.
2. Develop press releases on Town of Silver City's actions and hearings and circulate to newspapers, radio and television media.
3. Develop and maintain listing of groups and representatives of low and moderate income persons, and include on mailing list of announcements, notices and press releases, etc.; and

**WHEREAS**, the Town of Silver City 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, hearings, etc., should be conducted at times and locations conducive to public attendance, e.g., evenings, Saturdays; and

**WHEREAS**, the Town of Silver City 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 Town.

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 Town upon request.
2. Document technical assistance provided to such groups and have documentation available for review; and

**WHEREAS**, the Town of Silver City 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 and 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 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; and

**WHEREAS**, the Town of Silver City will provide timely written answers to written complaints and grievances within 15 days, if possible.

1. Adopt complaint handling procedures or policies to insure that complaints of grievances are responded to within 15 days, if possible.
2. Allow 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; and

**WHEREAS**, the Town of Silver City 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 interpreter available at the meeting and having briefing material available in the appropriate language.
2. Maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.

**NOW, THEREFORE, BE IT *RESOLVED*** that the Town Council of the Town of Silver City, Grant County, New Mexico, **APPROVED, PASSED, AND ADOPTED** the Citizen Participation Plan this 21st day of January, 2015.

(Seal)

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Michael S. Morones, Mayor

Attest:

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Ann L. Mackie, Town Clerk

**RESOLUTION NO. 2015-04**

**RESIDENTIAL ANTI-DISPLACEMENT AND  
RELOCATION PLAN AND CERTIFICATION**

Section 104(d) of the Housing & Community Development Act of 1974, as amended.

**WHEREAS**, the Town of Silver City must meet the CDBG requirements of adopting a residential anti-displacement and relocation plan and certification; and

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

**WHEREAS**, 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”; and

**WHEREAS**, local government 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; and

**WHEREAS**, the foregoing plan represents the effort of the Town of Silver City to comply with the requirements of Section 104(d) of the Act and is certified herewith; and

**WHEREAS**, the Town of Silver City herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing & Community Development Act of 1974, as amended, as described in 24 CFR 870.496 a(b); and

**WHEREAS**, 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 Town of Silver City 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;
6. The basis for concluding that each replacement unit will remain a low/moderate income dwelling unit for (10) years from the date of initial occupancy; and

**WHEREAS**, the Town of Silver City 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; and

**WHEREAS**, to the extent which the Town of Silver City 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 Town of Silver City will take the following steps to minimize the displacement of persons from their homes (this listing not all inclusive); and

**WHEREAS**, the following displacement strategy will be followed:

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 greatest 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 find alternate housing in the neighborhood.

5. Work with area landlords and real estate brokers to locate vacancies of households facing displacement.

C. Actions to Otherwise Mitigate Adverse Effects of Displacement

1. Use 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 the Town of Silver City that all persons displaced by CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Silver City, Grant County, New Mexico, **APPROVED, PASSED, AND ADOPTED** the Anti-Displacement and Relocation Plan this 21st day of January, 2015.

(Seal)

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Michael S. Morones, Mayor

Attest:

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Ann L. Mackie, Town Clerk



**RESOLUTION NO. 2015-05**

**SECTION 3 PLAN**

**WHEREAS**, the Town of Silver City is committed to comply with Section 3 of the Housing and Urban Development Act of 1968; and

**WHEREAS**, this Act encourages the use of small local businesses and the hiring of low income residents of the community; and

**WHEREAS**, the Town of Silver City has appointed Alex Brown, Town Manager, as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as a 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 the Section 3 plans; and

**WHEREAS**, the approval or disapproval of the Section 3 plan is the ultimate responsibility of the Town of Silver City; and

**WHEREAS**, the documentation of efforts will be retained on file for monitoring by the State.

**THEREFORE**, The Town of Silver City shall:

**1. Hiring**

- a. Advertise for all Town of Silver City positions in local newspapers.
- b. Give preference in hiring to lower income persons residing in Grant County.  
This means that if two equally qualified persons apply and one is a resident of Grant County and one is not, the resident will be hired.
- c. Maintain records of hiring as specified on this form:  
TOWN OF SILVER CITY  
Planned # of # of Positions to #of Positions filled  
Job Positions be filled by lower Positions by lower income  
Classification to be filled income residents filled residents

**2. Contracting**

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

### **3. Training**

The Town of Silver City shall maintain a list of all training programs operated by the Town and its agencies and will direct them to give preference to Town of Silver City residents. The Town of Silver City will also direct all CDBG sponsored training to provide preference to Town of Silver City 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 to the greatest extent feasible, opportunities for training and employment be given to 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 of 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 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 subcontractor 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 there under 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 of loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135. The Town of Silver City shall require each contractor to prepare a written Section 3 plan as part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the Town of Silver City Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the State. The Town of Silver City will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

**LOWER INCOME CLARIFICATION**

A family who resides in the Town of Silver City 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 Town of Silver City employees regarding lower income considerations based on their salary paid by the Town of Silver City.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Silver City, Grant County, New Mexico, **APPROVED, PASSED, AND ADOPTED** the Section 3 Plan this 21st day of January, 2015.

(Seal)

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Michael S. Morones, Mayor

Attest:

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Ann L. Mackie, Town Clerk

**RESOLUTION NO. 2015-06**

**TOWN OF SILVER CITY CDBG PROCUREMENT POLICY**

**WHEREAS**, no employee, officer or agent of the grantee shall participate in the selection or in the award or administration of a contract supported by CDBG funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the above has a financial or other interest in the firm selected for award; and

**WHEREAS**, no officer, employee or grantee shall solicit or accept gratuities, favors or anything of monetary value from the contractors, potential contractors or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value; and

**WHEREAS**, any alleged violations of these standards of conduct shall be referred to the District Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer. When violations of infractions appear to be substantial in nature, the matter may be referred to appropriate officials for criminal investigation and possible prosecution; and

**WHEREAS**, the grantee designated purchasing officer responsible for procurement of services, supplies, equipment or construction obtained with CDBG funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the grantee, an analysis to determine which approach would be the most economical shall be undertaken. Procurement requirements, however, may not be divided so as to constitute a small purchase; and

**WHEREAS**, the purchasing officer shall take affirmative steps to assure that small and minority firms and women's business enterprises are solicited whenever they are potential qualified sources. The purchasing officer shall also consider the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms and women's business enterprises. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses. Where possible, evaluation criteria will include a factor with an appropriate weight for these firms.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Silver City, Grant County, New Mexico, **APPROVED, PASSED, AND ADOPTED** the CDBG Procurement Policy this 21st day of January, 2015.

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Michael S. Morones, Mayor

Attest:

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Ann L. Mackie, Town Clerk