

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** October 1, 2012

**SUBJECT:** Adoption of New CDBG Plans and Reports on behalf of the 2011 Scattered Site Housing Project and Future CDBG Grants that will be effective from October 2012 – October 2015

**PRESENTER:** Anthony Starr, AICP, Planning Director

**ATTACHMENTS:**

1. A Resolution to Adopt the Required CDBG Policies, Procedures and Plans for the County's Programs
2. A Fair Housing Resolution
3. A Project Budget Ordinance

#### **SUMMARY OF REQUEST:**

Henderson County received \$400,000 of Community Development Block Grant funds from the N.C. Department of Commerce's Division of Community Investment and Assistance (CI) in June of 2012. As a requirement of this grant and other current CDBG grants that were awarded to the County, the Board of Commissioners is asked to consider the approval of the necessary compliance plans and reports that must be updated prior to releasing the funding conditions for this grant. Specifically, these include 1) a Resolution to Adopt the Required CDBG Policies, Procedures and Plans for the County's Programs, 2) a Fair Housing Resolution, and 3) a Project Budget Ordinance.

The Policies, Procedures and Plans can be adopted under one motion by the Board. The Fair housing resolution and the project budget ordinance each require separate action.

#### **PUBLIC NOTICE:**

None required.

#### **BOARD ACTION REQUESTED:**

Planning Staff recommends that the Board of Commissioners approve and individually adopt the resolutions the resolutions, plans, policies and the ordinance in the order presented as required on behalf of the County's current and future CDBG projects.

#### **Suggested Motion:**

I move to approve and individually adopt the resolutions, plans, policies and the ordinance in the order presented as required on behalf of the County's current and future CDBG projects.



**HENDERSON COUNTY'S  
RESOLUTION  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS  
OCTOBER 2012 – OCTOBER 2015**

WHEREAS, Henderson County has been awarded Community Development Block Grant funds from the North Carolina Department of Commerce, Division of Community Investment and Assistance; and

WHEREAS, Henderson County desires to adopt and maintain current Community Development Program Policies, Procedures, and Plans as listed in Attachment A and individually attached to this Resolution; and

NOW, THEREFORE, BE IT RESOLVED, Henderson County hereby adopts Community Development Program Policies, Procedures, and Plans as herein contained.

Adopted this the   1st   day of  October , 2012.

---

Tommy Thompson, Chairman

ATTEST:

---

Terry Wilson, Clerk to the Board



**ATTACHMENT A**  
**Policies, Procedures, Plans, etc. for**  
**Henderson County's CDBG Programs**

1. Fair Housing Complaint Procedure - This procedure states how the County will handle complaints of housing discrimination and the steps that will be undertaken to resolve these complaints.
2. Equal Employment Opportunity and Procurement Plan - This plan certifies that the County will comply with all nondiscrimination laws and regulations in employment, and will take action in the areas of enforcement, education and removal of barriers and impediments that affirmatively further equal access in procurement.
3. Procurement Policy – This policy outlines the three methods of procurement to be used within this project for the award of contracts and for purchases made.
4. Residential Anti-Displacement and Relocation Plan - This plan states how the County 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 and Community Development Act of 1974 and what steps the County will take to replace these units.
5. Citizens Participation Plan - This plan states that the County will provide for and encourage citizen participation and will provide technical assistance to groups representative of persons of low and moderate income who request such assistance.
6. Citizens Participation Procedure for Complaints - This plan states the procedures developed by the County to handle complaints received involving the Community Development Block Grant or any HUD-funded programs.
7. Code of Conduct - This policy states that no public official, employee, officer or agent of the County shall participate in the selection, the award or the administration of a contract supported by federal funds if a conflict of interest, real or apparent, is involved.
8. Section 504 Plan & the 504 Grievance Procedure – The County's 504 Self Evaluation and the 504 Grievance Procedure documents the hiring policies and practices of the County and describes how citizens can file a grievance concerning 504. Section 504 preceded the American's with Disabilities Act (ADA) and deals with handicapped access to public facilities. It mirrors the more recent requirements adopted under ADA regulations, but is applicable only to public facilities.



**HENDERSON COUNTY  
FAIR HOUSING COMPLAINT PROCEDURE  
OCTOBER 2012 – OCTOBER 2015**

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 and by the North Carolina State Fair Housing Act. In an effort to promote fair housing and to ensure that the rights of housing discrimination victims are protected, Henderson County has developed the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in Henderson County may do so by informing the County's Planning Director of the facts and circumstances of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the County Manager shall acknowledge the complaint within 10 days in writing and inform the North Carolina Human Relations Commission about the complaint.
3. When a housing complaint cannot be resolved at the local level, the County's Planning Director shall offer assistance to the North Carolina Human Relations Commission in the investigation and reconciliation of all housing discrimination complaints, which are based on events occurring in Henderson County.
4. The County shall publicize in the local paper and on the County's website that the County's Planning Director is the local official to contact with housing discrimination complaints.



**HENDERSON COUNTY**  
**Equal Employment and Procurement Plan**  
**OCTOBER 2012 – OCTOBER 2015**

Henderson County maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, Henderson County prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

Henderson County shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the Board of Commissioners' Chairman to assist in the implementation of this policy statement.

Henderson County shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the Board of Commissioners' Chairman.

The County is committed to this policy and is aware that with its implementation, the County will receive positive benefits through the greater utilization and development of all its human resources.

Adopted this   1st   day of   October  , 20  12  .

---

Tommy Thompson, Chairman

ATTEST:

---

Terry Wilson, Clerk to the Board



**HENDERSON COUNTY  
PROCUREMENT POLICY FOR THE  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS  
OCTOBER 2012 – OCTOBER 2015**

In the procurement of supplies, equipment or services in Henderson County's Community Development Block Grant Program, the following policies shall apply:

- 1) Small purchase procedures. These are relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies, or other property, costing in the aggregate not more than \$25,000. Under this procurement method, price or rate quotations shall be obtained from an adequate number of qualified sources. Miscellaneous professional services, office supplies and equipment may be secured by this method.
- 2) In competitive sealed bids (formal advertising), sealed bids shall be publicly solicited and a firm, fixed, price contract shall be awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is lowest in price.
- 3) In competitive negotiations proposals shall be requested from a number of sources and the Request for Proposals shall be publicized. All aspects of the competitive negotiations shall be carried out in conformance with 24 CFR Part 85. The general administrative contract, appraisal contract, surveying contract and all other required services related to the program implementation shall be awarded utilizing this method. Under this method special consideration shall be given to experience, technical abilities, and familiarity with the services to be provided. Price shall not be the sole consideration for award of contract.

All procurement efforts shall include the solicitation of bids from qualified small, female, and minority-owned business firms.

In all cases, procurement under this Policy must conform to the requirements for procurement set forth in 24 CFR Part 85.

An adequate record of procurement must be maintained to ensure that these policies and the requirements of 24 CFR Part 85 have been followed in their entirety.



**HENDERSON COUNTY  
RESIDENTIAL ANTI-DISPLACEMENT  
AND RELOCATION ASSISTANCE PLAN  
OCTOBER 2012 – OCTOBER 2015**

In order to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974, Henderson County adopts the following plan:

Henderson County will replace all occupied and vacant occupiable very-low or low-income dwellings 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 and Community Development Act of 1974, as amended, as described in 24 CFR 570.606 (b)(1).

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 HUD the following information in writing:

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

The County will provide relocation assistance, as described in 570.606 (b)(2), 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.



**HENDERSON COUNTY  
CITIZENS PARTICIPATION PLAN  
OCTOBER 2012 – OCTOBER 2015**

Henderson County provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income that are residents of low and moderate-income neighborhoods and/or slum and blight areas. The County provides citizens with reasonable and timely access to local information and records relating to the grantee's proposed use of funds. This is done through the County's Board of Commissioners' meetings, which are advertised in the local newspaper.

The County provides technical assistance to facilitate citizen participation, when requested. Such assistance is provided to groups representative of persons of low-and moderate-income that request assistance in developing proposals. The level and type of type of assistance will be determined by the applicant.

The County provides for public hearings to obtain citizens views and to respond to proposals and questions at all stages of the community development program, including one hearing to receive citizen input as to the housing, community and economic development needs of its citizens, one hearing prior to the submission of any application for CDBG funding from the North Carolina Division of Community Investment and Assistance, and one hearing at the close-out of the grant program. Adequate notice is given for these meetings at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped. Any published advertisement issued by Henderson County includes the State TDD telephone number (1-800-735-2962).

Henderson County provides for timely written answers to written complaints and grievances. A response will be made within 10 calendar days. (See attached Complaint Procedure)

Henderson County will provide a translator for non-English speaking residents for public hearings when the County is notified that any non-English speaking resident will attend the public hearing. An interpreter will be provided for hearing impaired residents. A minimum of 48-hour notice to the Clerk to the Board is required for interpretation services, which may be needed for all County public hearings.





**HENDERSON COUNTY  
CITIZEN PARTICIPATION  
PROCEDURE FOR COMPLAINTS  
OCTOBER 2012 – OCTOBER 2015**

Henderson County has developed a procedure to process complaints, which may be received involving the 2011 CDBG Scattered Site Housing Project or any other HUD-funded program. There are two basic forms of complaint procedures: 1) verbal complaints which will be dealt with informally by the County's Planning Office (PO), and 2) written complaints which will be dealt with formally with a set of procedures including appeals.

All written complaints received by Congressional staff, local elected officials, the Clerk to the Board, and the PO will be logged in as received by the PO. Within a ten-day period following the receipt of this complaint, a response will be developed by the PO, reviewed by the Clerk to the Board, and mailed to the party who wrote the complaint. This response will include property documentation and background of the case in question, the proposed action, and the time frame in which the complaint will be addressed.

In the event this response is unsatisfactory to the person making the complaint, that party will be referred to the North Carolina Division of Community Investment and Assistance (CI), specifically the CI Representative serving the County. The CI Representative will respond in writing to the complaint and the County with a decision or recommendation for resolution. The written recommendation made by CI's staff representative will be final in all cases.

It is the responsibility of the person making the complaint to furnish documents, provide documentation to support allegations, provide counsel if desired, inform in writing to the PO if they are represented by a third party, and attend the meeting involving a review of their complaint.



**HENDERSON COUNTY  
COMMUNITY DEVELOPMENT CODE OF CONDUCT  
OCTOBER 2012 – OCTOBER 2015**

**HATCH ACT**

No employee or agent of the County may perform any function during work hours that is considered political activity. This includes: soliciting votes, transporting voters, distributing campaign materials, working on or developing campaign materials, etc.

**DISCRIMINATION**

No person shall, on the grounds of race, color, religion, national origin, handicap or familial status, Vietnam Era Veteran status or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity funded in whole or in part with federal funds.

**ENGAGEMENT IN PROCUREMENT**

No employee, officer or agent of the County shall participate in the selection or award of administration of a contract supported by federal funds if a conflict of interest, real or apparent would be involved. Such a conflict would arise when:

- a) The employee, officer, or agent;
- b) Any member of his immediate family;
- c) His or her partner; or
- d) 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.

The grantee's officers, employees, or agent shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

**CONFLICT OF INTEREST**

No employee or agent shall influence or attempt to influence the outcome of any case or matter in which he has a direct interest either personally or in the person of any relative by blood or marriage. Employees or agents so involved shall abstain from dealing with such matters; they may provide information at the request of the Board of Commissioners, but shall not attempt to influence the decisions of the Board of Commissioners.



**HENDERSON COUNTY  
SECTION 504  
COMPLIANCE OFFICER/GRIEVANCE PROCEDURE  
OCTOBER 2012 – OCTOBER 2015**

Henderson County, North Carolina, hereby designates Steve Wyatt, County Manager, or his designee, to serve as Section 504 Compliance Officer throughout the implementation of Henderson County's Community Development Block Grant Programs.

Citizens may file Section 504 grievances at any point in the program. The County will respond in writing to written citizen grievances. Citizen grievances should be mailed to Steve Wyatt, County Manager, Henderson County, 1 Historic Courthouse Square, Suite 2, Hendersonville, NC 28792. The County will respond to all written citizen grievances within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a grievance concerning any action prohibited under Section 504, a meeting with the compliance officer to discuss the grievance will be scheduled. The meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the grievance, a reply will be made, in writing, within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may write to the North Carolina Division of Community Investment & Assistance (CI), 4313 Mail Service Center, Raleigh, NC 27699. CI will respond only to written comments within ten (10) calendar days of the receipt of the comments.



**HENDERSON COUNTY  
SECTION 504/SELF-EVALUATION SURVEY  
ATTACHMENTS**

**Attachment A**

The County uses newspaper advertisements and posts information on publicly accessible bulletin board to notify all persons including the disabled of their rights under the County-funded or directed government projects. The County informs all job applicants that the County is an Equal Employment Opportunity Employer and does not discriminate against anyone for any reason including the disabled in considering the applicant for employment.

There are presently no organizations representing disabled persons located within the County. The County plans to establish contact with organizations in surrounding jurisdictions that may be formed to serve the County in the future. The County will continue to consult with individuals interested in the special needs of handicapped and disabled persons.

The County has hiring policies to assure that no person, disabled or otherwise, is discriminated against when being considered for employment with the County.

**Attachment B**

The County provides for translators, people to sign for the hearing impaired, and any other auxiliary services necessary to participate if notified prior to meetings, visits, or hearings in the County's office.

The County utilizes the State's Relay Number for the Deaf – TDD Number (1-800-735-8262) to make County services available to the hearing impaired.

**Attachment C**

A copy of the County's personnel manual, which includes this HR policy, has been placed in the CDBG program files.



**FAIR HOUSING RESOLUTION  
HENDERSON COUNTY, NORTH CAROLINA  
OCTOBER 2012 – OCTOBER 2015**

**WHEREAS**, Henderson County seeks to protect the health, safety and welfare of its residents; and

**WHEREAS**, citizens seek safe, sanitary, and habitable dwellings in all areas of the County; and

**WHEREAS**, Henderson County finds the denial of equal housing opportunities because of religion, race, color, sex, familial or handicap status, or national origin legally wrong and socially unjust; and

**WHEREAS**, the denial of equal housing opportunities in housing accommodations is detrimental to public welfare and public order; and

**WHEREAS**, Henderson County finds the practice of discrimination against a citizen in housing a denial of his equal rights and his equal opportunity to seek a better living and develop community pride;

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of HENDERSON County, North Carolina, that

- Section 1. Henderson County has declared it an official policy that there shall not be discrimination in the terms or conditions for buying or renting housing within the County.
- Section 2. All business groups and individual citizens of the County are urged to respect and implement this policy.
- Section 3. The County Manager or his designate, of Henderson County is the official authorized by the County to (1) receive and document complaints regarding housing discrimination in the County; and (2) refer such complaints to the North Carolina Human Relations Commission for investigation, conciliation and resolution.

Adopted this the   1st   day of   October  , 2012.

---

Tommy Thompson, Chairman

---

Attest: Terry Wilson, Clerk to the Board



**HENDERSON COUNTY'S  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
2011 CDBG SCATTERED SITE HOUSING GRANT  
PROJECT BUDGET ORDINANCE**

**BE IT ORDAINED** by HENDERSON County's Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Budget Ordinance is hereby adopted:

Section 1. The project authorized is the Community Development Block Grant Program described in the work statement contained in the Grant Agreement between this unit and the North Carolina Department of Commerce, Division of Community Investment and Assistance. This project is more familiarly known as the 2011 CDBG Scattered Site Housing Project.

Section 2. The officers of the County are hereby directed to proceed with the Grant Project within the terms of the Grant document(s), the rules and regulations of the Department of Commerce's Division of Community Investment and Assistance and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

Community Development Block Grant:	<u>\$400,000.00</u>
TOTAL	\$400,000.00

Section 4. The following amounts are appropriated for the project:

C-1 (Full Rehab) Activities:

Rehabilitation	\$324,000.00
Planning	\$7,000.00
Administration	<u>\$29,000.00</u>
TOTAL C-1 PROJECT BUDGET	\$360,000.00

L-1 (Emergency Repair) Activities:

Rehabilitation	\$36,000.00
Administration	<u>\$4,000.00</u>
TOTAL L-1 PROJECT BUDGET	\$40,000.00

Section 5. The Finance Director is hereby directed to maintain, within the grant project fund, sufficient detailed accounting records to provide the accounting to the grantor agency required by the Grant Agreement(s) and federal and state regulations.

Section 6. Requests for funds should be made to the grantor agency in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7. The Finance Director is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Finance Director is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board of Commissioners.

Section 9. Copies of this Grant Project Budget Ordinance shall be made available to the Finance Director for direction in carrying out this project.

Section 10. The Finance Director is hereby authorized to transfer funds from one line item to another line item without further approval by the Board of Commissioners, subject to the regulations of the North Carolina Department of Commerce, Division of Community Investment & Assistance.

Adopted this the   1st   day of   October  , 2012.

---

Tommy Thompson, Chairman

---

Attest: Terry Wilson, Clerk to the Board