

COUNTY OF TYLER, TEXAS

Section 3 Plan

Section 3 Purpose

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), as amended, requires that the County of Tyler, Texas, ensure that training, employment and other economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be given to low- and very low- income persons, particularly those who are recipients of governmental assistance for housing, and to businesses that provide economic opportunities for these persons.

County of Tyler, Texas Responsibilities

The County will ensure that the contractors and subcontractors performing work on Section 3 funded activities are in compliance with the Section 3 requirements as well as meeting or exceeding the numerical goals as outlined in the HUD Act.

To fulfill this responsibility the County has appointed a Section 3 Coordinator whose responsibilities are compliance and monitoring of all Section 3 activities for CDBG Disaster Recovery Program funded projects.

The initial steps that must be taken by the Coordinator to ensure that the County and its contractors meet or exceed the designated numerical goals will be to complete the following requirements:

- Coordinate and/or conduct outreach opportunities to Section 3 businesses
- Coordinate training for Department staff members semi-annually
- Notify contractors of Section 3 responsibilities
- Certify Section 3 businesses – contractor responsibility
- Certify Section 3 residents – contractor responsibility
- Document Section 3 compliance actions
- Participate in the pre-bid, pre-construction, bid opening and or construction meetings to ensure that Section 3 business concerns are addressed
- Ensure that the Section 3 clause is noted in all contracts with required goals*
- Prepare, create and/or submit required Section 3 Reports to the GLO

Further discussion of the list requirements are detailed throughout the Plan. The minimum numeric goals are:

- Thirty percent (30%) of total number of new hires as Section 3 Residents (i.e. 1 out of 3 new hires);
- Ten percent (10%) of all awarded construction contracts, awards to Section 3 Business Concerns;
- Three percent (3%) of all awarded non-construction contracts, awards to Section Business Concerns;

All contractors of \$100,000.00 or more are subject to Section 3. All potential contractors must be made aware of, and must agree to meet these requirements when preparing bids. Failure to meet or exceed these goals will result in a non-compliant bid. The only exceptions that will be considered are as follows:

- Contractor does not intend to perform any project specific hiring;
- Contractor does not intend to subcontract any project specific work;
- Local subcontractors, those located within the County in which the project is based, decline the work;
- No qualified subcontractors are located within the County

Types of economic opportunities available under Section 3:

- Jobs and employment opportunities
- Training and educational opportunities
- Contracts and business opportunities

Section 3 Residents

Types of recipients receiving economic opportunities under Section 3 that should be given priority in hiring for training and employment are those who are:

- Persons in public assisted housing including persons with disabilities
- Persons in the affected project neighborhood
- Participants in HUD Youth-build programs
- Where the Section 3 project is assisted under the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 *et seq.*), homeless persons residing in the service area or neighborhood in which the Section 3 covered project is located.

A resident seeking Section 3 preference shall submit a Section 3 Resident Certification Form to the Section 3 Coordinator or the contractor or subcontractor to verify and approve the certification.

According to HUD, a Self-Certification is an acceptable means for establishing eligibility as a Section 3 Resident. However, recipients may utilize acceptable supporting documentation with the Section 3 Resident Certification Form to include:

- Proof of residency in a public housing development
- Evidence of participation in a HUD Youthbuild program operated in the metropolitan (or non-metropolitan City) where the Section 3 covered assistance is spent
- Copy of Section 8 voucher certificate or voucher
- Evidence of eligibility or participation in a federally-assisted program for low- and very-low- income persons
- Evidence that the individual resides in the Section 3 area and is a low or very-low income person, as defined in Section 3(b)(2) of the U.S. Housing Act of 1937

Section 3 Business Concern

All Section 3 covered contractors shall provide information to the County to determine if a business qualifies for Section 3 designation by performing a Section 3

Business Concern Certification.

A Section 3 Business Concern is one that is:

- Ownership of fifty one percent (51%) or more by Section 3 Residents; or
- Employs at least thirty percent (30%) of employees who qualify as Section 3 Residents (or within 3 years of the date of first employment with the business concern were Section 3 Residents); or
- Commits to subcontract in excess of twenty five percent (25%) of the dollar award of all subcontracts to be awarded to business concerns that meet one of the first two qualifications above.

The County will include the "Contractor Certification of Section 3 Compliance Notice", in all bid packets. Additionally, the County will incorporate the Section 3 Clause into all solicitations and any contracts or subcontracts in excess of \$100,000 (24 CFR Part 135.38).

Preference for Section 3 Business Concerns:

Preference shall be awarded to Section 3 Business Concerns according to the following system:

- Where the Section 3 Covered Contract is to be awarded based upon the lowest price, the contract shall be awarded to the qualified Section 3 Business Concern with the lowest bid. The award shall be made to the source with the lowest bid, but Section 3 goals shall be required for all bidders.

Contractor Requirements

In responding to Bids all contractors and subcontractors are required to comply with the County of Tyler, Texas' Section 3 Plan. The contractor and the County will review the Section 3 Plan procedures and applicable forms that the contractor will use to report progress toward Section 3 goals.

Direct employment of qualified candidates

All general contractors and/or sub-contractors shall ensure that thirty percent (30%) of new hires will be Section 3 residents. During the development of the contract, the contractor will negotiate with the County for the number of Section 3-qualified candidates to be employed. The contract will obligate the contractor to achieve no less than the numerical goal established during the negotiation. Additionally, the contractor and/or sub-contractor will provide employed Section 3 residents with applicable training and/or educational opportunities.

Guidelines for Direct Employment

- Contractors should provide job opportunities for skilled and unskilled workers.
- Contractors should maintain employment for candidates throughout the duration of a project (candidates will be employees of the contractor or subcontractor, not the County.)
- All contracts using IHA resident workers and low- and very low- income persons

who live in the County where a HUD assisted project is located under Section 3 are subject to the Davis-Bacon Act Wage Rate and the current HUD Form 52158, Maintenance Wage Rate Determination.

- All Contractors and Subcontractors will be required to post all new hire opportunities with the local Workforce Solutions Center, WorkinTexas.com, and the County's Section 3 Coordinator.

Compliance and Monitoring of Section 3

The Section 3 Coordinator will analyze and evaluate the contractor's compliance with requirements and obligations set forth in the contract. In the event that a review reveals a contractor has not complied with Section 3 requirements, the County will undertake efforts to help the contractor achieve compliance.

In the event the contractor encounters a problem with a Section 3 employee (employee walks off job or quits; termination; job performance; attendance; tardiness; drug or alcohol use), the contractor should fully document the situation and immediately provide the documentation to the County Section 3 Coordinator.

Ongoing failure or refusal to comply with the Section 3 Plan and contract may result in payment being withheld by the County until compliance is achieved or termination of the contract. Debarment or suspension of the contractor or limited denial of participation pursuant to 24 CFR Part 135 may result, when applicable.

Reports

The contractor and or sub-contractor shall submit monthly reports regarding the status of each Section 3 participant. An annual report will also be requested from each contractor and/or subcontractor in connection to the performance of each project. This Annual Report will document the efforts and success of all Section 3 participants and subcontractors working under the general contractor, in reaching the percentage goals for employment and business opportunities established in these policies.

Failure to Meet Required Goals

The contractor will be given 30 days to achieve compliance otherwise thereafter payment from the County will stop. The contract may be terminated after 60 days.

Training and/or outreach efforts

The County will conduct the following trainings:

- Conduct training for Department staff members semi-annually.
- Conduct training for contractors at pre-bid conferences and pre-construction meeting.

Reporting Requirements

The County will document actions taken to comply with the employment, training, and contracting requirements of Section 3; the results of actions taken, and impediments encountered. Records will include job vacancies, solicitation of bids or proposals, selection materials, and contracting documents (including scope of work and contract amount), in accordance with Federal and State procurement laws and regulations.

The County will submit to the GLO:

- Section 3 Monthly Progress Report
- Section 3 Annual Summary Report

Contractors will submit to the County:

- Monthly Employment Utilization Report
- Training and Educational Documentation

Filing Complaints

Complaints regarding the County's Section 3 Program must be submitted in writing to the Section 3 Coordinator. All complaints must include the complainant's name, address, telephone number, and a brief narrative detailing the complaint, including but not limited to, the date of the alleged violation and the date the alleged violation was discovered. Complaints shall be filed within 30 calendar days after the complainant becomes aware of any alleged violation.

The Section 3 Coordinator will investigate every complaint. All parties involved will have the opportunity to submit testimony and/or evidence as may be available and relevant to the complaint. The Section 3 Coordinator will issue a written determination within 30 days after the filing of the complaint.

Filing a complaint does not terminate a contractor's Section 3 requirements. Contractors remain accountable for fulfilling the agreed upon Section 3 requirements.

All complaints should be submitted to:

The applicant Section 3 Coordinator

Office hours are between 8:00 a.m. and 4:30 p.m. except on posted holidays.

County Representative Signature

Date

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the County of Tyler hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the County of Tyler to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the County of Tyler to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The County of Tyler will introduce and pass a resolution adopting this policy.

As officers and representatives of the County of Tyler, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

County Judge

Title

Date

09/01/2016

Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), the County of Tyler hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The County of Tyler does not discriminate on the basis of handicap in admission or access to, or treatment of employment in, its federally assisted programs and activities.
3. The County of Tyler's recruitment materials or publications shall include a statement of this policy in 1. above.
4. The County of Tyler shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part.8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the Disaster Recovery program, the County of Tyler shall ensure that they are provided with the information necessary to understand and participate in the Disaster Recovery program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the County of Tyler to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to: County Judge, 100 West Bluff Street, Woodville, Texas 75979, 409-283-2141, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

- d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
- e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the County Judge. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the County Judge, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the County of Tyler relating to the complaints files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the County of Tyler within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the County of Tyler complies with Section 504 and HUD regulations.

County Judge

Signature/Title

Date

Limited English Proficiency Plan

Name Grantee:	Tyler County
Community Population:	21,766
LEP population:	290 (1.4%)
Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries	N/A

Program activities to be accessible to LEP persons:	
<input type="checkbox"/>	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
<input type="checkbox"/>	Publications regarding CDBG-DR application, grievance procedures, complaint procedures, answers to complaints, notices, notices of rights and disciplinary action, and other vital hearings, documents, and program requirements
<input type="checkbox"/>	Other program documents: _____

Resources available to Grant Recipient:	
<input type="checkbox"/>	Translation services: County staff is available to provide translation of documents. County will provide a translator upon request.
<input type="checkbox"/>	Interpreter services: County will provide a professional interpreter for official County business and public hearings upon request.
<input type="checkbox"/>	Other resources: _____

Language Assistance to be provided:	
<input type="checkbox"/>	Translation (oral and/or written) of advertised notices and vital documents for: Public hearings, civil rights notices and policies
<input type="checkbox"/>	Referrals to community liaisons proficient in the language of LEP persons as requested by LEP persons
<input type="checkbox"/>	Public meetings conducted in multiple languages if requested by LEP persons prior to the public meeting as per the notice regarding the meeting.
<input type="checkbox"/>	Notices to recipients of the availability of LEP services: included in public notices for hearings, civil rights policies and advertisement of public services
<input type="checkbox"/>	Other services: _____

Signature - Chief Elected Official or Civil Rights Officer

Fair Housing Policy

In accordance with Fair Housing Act, the County of Tyler hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. The County of Tyler agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. The County of Tyler agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. The County of Tyler will introduce and pass a resolution adopting this policy.

As officers and representatives of the County of Tyler, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

County Judge

Title

Date

**THE COUNTY OF TYLER
CITIZEN PARTICIPATION PLAN
GLO HURRICANE HARVEY INFRASTRUCTURE/BUY-OUT/ACQUISITION PROGRAM**

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the GLO's Community Development Block Grant Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the County of Tyler, 200 W. Bluff Street, Room 102, Tyler, Texas 75979, 409-283-2141 during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the GLO project(s).

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG project, whether it is a proposed, ongoing, or completed CDBG project, may during regular business hours submit such complaint or grievance, in writing to the County Judge, Jacques Blanchette, at the address above, or may call 409-283-2141.
2. A copy of the complaint or grievance shall be transmitted by the County Judge to the entity that is the subject of the complaint or grievance and to the County Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The County Judge shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the Tx CDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the County shall provide technical assistance to groups that are representative of persons of low and moderate income in developing proposals for the use of disaster funds. The County, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the County, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the disaster project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the County must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing. (There will be a 30-day comment period).
4. A public hearing, if held prior to the submission of an application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The County shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. The County may hold at least one (1) public hearing to prior to submitting the application to GLO if it deems such hearing to be needed for public comment.
2. The County shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. If a public hearing is held, it shall include a discussion with citizens as outlined in the applicable GLO application guide to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the GLO program, and the use of past GLO contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing. The County must hold the application for public comment at least 30 days prior to submission.

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The County must comply with the following citizen participation requirements in the event that the County receives funds from the GLO program:

1. The County shall also hold a public hearing concerning any substantial change, as determined by GLO, proposed to be made in the use of GLO funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the GLO project, the County shall hold a public hearing and review its program performance including the actual use of the GLO funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the GLO project or for the closeout of the GLO project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The County shall retain documentation of the GLO project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of five (5) years from closeout of the grant to the state by H.U.D. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Milton Powers, Tyler County Judge

Date