

RESOLUTION #2024-31

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA ADOPTING A POLICY RELATING TO THE EMPLOYMENT OF SMALL, WOMEN OWNED AND MINORITY BUSINESSES FOR USE IN ADMINISTERING COMMUNITY DEVELOPMENT BLOCK GRANTS; ADOPTING A POLICY RELATING TO THE EMPLOYMENT OF MINORITIES BY THE TOWN OF EATONVILLE; PROVIDING DEFINITIONS; DEFINING AN ACTION PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Eatonville desires to establish a policy supporting small, women owned and minority businesses, and

WHEREAS, the Town Council of the Town of Eatonville recognizes an opportunity to affirmatively support small, women owned and minority business in those programs directly funded by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Town Council of the Town of Eatonville desires to bring the percentage of minorities employed by the Town more closely in line with its percentage of minorities who live in the Town; and

WHEREAS, the Town Council of the Town of Eatonville recognize the need to adopt an action plan to implement such goals; and

WHEREAS, the Town Council of the Town of Eatonville recognizes the Town as an Equal Employment Opportunity Employer.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:

1. Policy Relating to the Employment of Small, Women Owned and Minority Businesses.

It shall be the policy of the Town Council of the Town of Eatonville when soliciting for projects that involve Community Development Block Grant federal funding to require each department, agency, entity, or agent of the Town to promote and assist small, women owned and minority businesses in gaining entry to do business with the Town of Eatonville. By assisting small, women owned and minority businesses, the Town will help to expand and develop the small, women owned and minority section in and around the Town of Eatonville.

For projects assisted by programs providing direct financial assistance from the U.S. Department of Housing and Urban Development (hereinafter "HUD"), the Town will include the Equal Employment Opportunity/ Affirmative Action Clause and the Section III clause of the Housing and Urban Development Act of 1968 in all contracts for work connected with the projects. The Town will also comply with the Equal Employment

Opportunity/ Affirmative Action Clause and the Section III clause in the administration of Community Development Block Grant programs, which requires:

1. To the greatest extent feasible, opportunities for training and employment are given to low-income project area residents;
2. To the greatest extent feasible, contract for work in connection with the project will be awarded to businesses located in, or owned in substantial part by persons residing in the project area;
3. Certifying that parties to the contracts are under no obligation, which would prevent them from complying;
4. Ensuring that the contractor will send labor organizations with which he or she has had a collective bargaining agreement a notice stating his or her commitments under this section and post this notice in places available to employees;
5. Per 41 CFR § 60-741.5(a), the Town shall ensure the “Equal Employment Opportunity/ Affirmative Action Clause” (EEO/AA clause) is incorporated in set forth in all contracts or subcontracts that meet the definition of "Federally-assisted construction contract" in 41 CFR 60-1.3, and shall require all prime contractors include the EEO/AA clause (see Appendix A to this policy) in every subcontract;
6. Ensuring that the contractor will include a “Section III Clause” (see Appendix B to this policy) in every subcontract;
7. Ensuring that the contractor will not subcontract with anyone that has previously violated “Equal Employment Opportunity/ Affirmative Action” or “Section III” requirements;
8. Obligate the contractor to provide a preliminary statement of work force needs prior to signing the contract;
8. Include “Equal Employment Opportunity/ Affirmative Action” and “Section III” requirements in Community Development Block Grant bid invitations and contract specifications;
9. Cooperate with the Secretary of Housing And Urban Development in obtaining compliance from the recipient of the grant’s contractors;
10. Submit to compliance reviews by the HUD when necessary; and
11. Permit HUD access to all required records, accounts, reports, books, etc.

It is understood however, that while every opportunity will be afforded to small and minority businesses to enable them to bid on the Town of Eatonville’s Community Development Block Grant federally funded projects, contracts will continue to be awarded to the lowest or best responsible bidder.

2. Policy Relating to the Employment of Minorities by The Town of Eatonville.

It shall be the goal of the Town Council of the Town of Eatonville to attempt to increase the percentage of minority Town employees at the rate of .1 percent of the Town's total employee base, per year until the percentage of minority Town employees is equal to that of the minority Town population.

The Town of Eatonville is an equal opportunity employer. No person shall be unlawfully excluded from consideration for employment because of race, creed, color, religion, national origin, ancestry, sex, age, veteran status, familial status, disability or genetics. The Town will attempt to attain the goal by doing the following:

1. The Town will advertise every open position in a newspaper of general circulation within the Town prior to filling the open position when the position has not already been filled through existing procedures or policies providing for promotion from within and from Job Service applicants.

2. Stating in every advertisement that the Town is an equal opportunity employer and does not discriminate in its hiring practice.

While The Town of Eatonville will attempt to attain the minority employment goal stated herein the following is understood:

1. The Town of Eatonville will attempt to hire the best qualified person for each available position, regardless of race.

2. While the Town of Eatonville will attempt to attain the employment goal set forth herein; the goal is only that and the Town accepts no liability if the goal stated herein is not reached.

3. Definitions.

1. **SMALL BUSINESS**-An independently owned and operated business concern which employs twenty-five (25) or fewer permanent full-time employees, and which has a net worth of not more than one million dollars as applicable to sole proprietorships; the one-million-dollar net worth requirement shall include both personal and business investments.

2. **WOMEN BUSINESS ENTERPRISES**-Any small business concern which is organized to engage in commercial transaction, which is at least fifty-one (51) percent owned by women and whose management and daily operations are controlled by such person. A minority business enterprise may primarily involve the practice of a profession.

3. **MINORITY BUSINESS ENTERPRISES**-Any small business concern which is organized to engage in commercial transactions, which is at least fifty-one (51) percent owned by minority persons and whose management and daily operations are

controlled by such person. A minority business enterprise may primarily involve the practice of a profession.

4. CERTIFIED MINORITY BUSINESS ENTERPRISES-A business enterprise which has been certified by the State of Florida Department of General Services to be a minority business enterprise in accordance with the provision of the Small and Minority Business Assistance Act of 1985.

5. MINORITY PERSON-A person whose race is Black, American Indian, Alaskan Native, Asian or Pacific Islander.

4. Action Plan.

In that the Town of Eatonville will continuously seek to administer programs funded in part or in total by allocations directly or indirectly from the U.S. Department of Housing and Urban Development, the Town desires to enhance the opportunities for small and minority businesses and local businesses to participate in Community Development Block Grants with the Town.

To accomplish this objective, the Town Council of the Town of Eatonville, Florida, establishes and implements the following steps to facilitate the deployment of affirmative action in expenditures for contractual services, commodities and construction contracts on Community Development Block Grant federally funded projects:

1. To utilize the news media, State Department of General Services list of small, women owned or minority business concerns, local advertising services, citizen's advisory boards, regional planning Councils, listings by federal agencies, and other appropriate sources to identify small, women owned and minority business concerns for possible involvement with the Town Community Development Block Grant federally funded contracts.

2. To maintain and update the listing of small, women owned and minority business concerns and notify them of Community Development Block Grant federally funded contracting opportunities with the Town.

3. To maintain records (copies of memoranda, general correspondence, etc.) to document that all steps in the action plan have been followed.

4. To establish or utilize an existing position to function as the equal opportunity officer to coordinate the implementation of the Affirmative Action Plan with operators of Community Development Block Grant federally funded Town administered projects and programs.

5. The Human Resource Manager is appointed by the Town Council as the Town's Equal Employment Opportunity (EEO) Coordinator who may be contacted by telephone at (407) 623-8911 or by email at hr@townofeatonville.org. Contact information for the EEO Coordinator shall be maintained on the Town's website or advertised quarterly in a newspaper serving Eatonville and shall provide the name, telephone number and email address advising where complaints may be made. The EEO Coordinator will maintain a

log of all complaints, responses, referrals and resolutions. The Town will additionally provide this information in its Quarterly Status Reports to FloridaCommerce within 10 days following the end of each quarter.

6. Pursuant to § 60-741.44(i) The Town's EEO Coordinator will annually review and, if applicable recommend updates to the Town's affirmative action program to the Town Administrator and Town Council;

7. Within 30 days following a request from the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP), the Town will submit its affirmative action program, unless the request provides for a different time. The Town will also make the affirmative action program promptly available on-site upon OFCCP's request;

8. The Town's Affirmative Action Policy Statement is hereby amended to state that its employees and applicants will not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any of the following activities:

- A. Filing a complaint;
- B. Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of section 503 or any other Federal, State, or local law requiring equal opportunity for individuals with disabilities;
- C. Opposing any act or practice made unlawful by section 503 or its implementing regulations in this part, or any other Federal, State or local law requiring equal opportunity for individuals with disabilities; or
- D. Exercising any other right protected by section 503 or its implementing regulations in this part.

9. The Town will ensure that its personnel processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees with known disabilities for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.

10. The Town will ensure that its personnel processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees with known disabilities for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.

11. The Town's Human Resource Officer will annually review all physical and mental job qualification standards to ensure that, to the extent qualification standards tend to screen out qualified individuals with disabilities, they are job-related for the position in question and are consistent with business necessity.

12. The Town will follow its Human Resource policy and Section 504 policy to ensure that employees are not harassed on the basis of disability.

13. The Town will undertake appropriate outreach and positive recruitment activities such as those listed in 41 CFR § 60-741.44 (f) (1-4) of that are reasonably designed to effectively recruit qualified individuals with disabilities.

14. The Town will make its Affirmative Action policy available to all Town employees. The Town is not and will not be a party to collective bargaining agreements.

15. The Town will ensure that its external auditor, assesses the Town's compliance with 41 CFR § 60-741.44(h)(1). The assessment will:

- a. Measure the effectiveness of the contractor's affirmative action program;
- b. Indicate any need for remedial action and implement actions to improve plan and results to additional efforts;
- c. Determine the degree to which the contractor's objectives have been attained;
- d. Determine whether known individuals with disabilities have had the opportunity to participate in all company sponsored educational, training, recreational, and social activities;
- e. Measure the contractor's compliance with the affirmative action program's specific obligations; and
- f. Document the actions taken to comply with the obligations of paragraphs (h)(1)(i) through (v) of this section, and retain these documents as employment records subject to the recordkeeping requirements of [§ 60-741.80 Recordkeeping](#).

5. Effective Date.

This resolution shall take effect immediately upon its adoption.

DULY PASSED AND ADOPTED by the Town Council of the Town of Eatonville, Florida at a regular meeting on this 15th day of October 2024.

Angie Gardner, Mayor

ATTESTED:

Veronica King, Town Clerk