

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE CITY OF  
OELWEIN, IOWA ADOPTING  
POLICIES COMPLIANT TO THE  
2022 CDBG GRANT FOR WATER/SEWER IMPROVEMENTS

WHEREAS, the City of Oelwein was awarded Community Development Block Grant funds from the Iowa Economic Development Authority and;

WHEREAS, the City of Oelwein wishes to comply with all State and Federal regulations in connection with the grant award, and;

WHEREAS, the City of Oelwein acknowledges that the below mentioned policies are part of the regulations;

NOW, THEREFORE, BE IT RESOLVED, that the City of Oelwein adopt the following policies and authorize the Mayor to sign and the City Administrator to attest:

1. Code of Conduct
2. Procurement Policy
3. Equal Opportunity Policy Statement
4. Excessive Force
5. Residential Antidisplacement and Relocation Assistance Plan
6. Affirmative Action Plan
7. Affirmative Fair Housing Policy

Passed, approved and adopted this 24 day of October, 2022.

\_\_\_\_\_  
Brett DeVore, Mayor

Attest:

\_\_\_\_\_  
Dylan Mulfinger, City Administrator

Recorded October 25, 2022.

\_\_\_\_\_  
City Administrator

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the Resolution as read be adopted, and upon roll call there were:

AYES      NAYS      ABSENT      ABSTAIN

Stewart  
Weber  
Lenz  
Garrigus  
Seeders  
Payne

## **Policies for Adoption as required by CDBG rules**

1. **Code of Conduct** – basically states that if you have a conflict of interest in the award of any contract under this grant, you will remove yourself from voting on the award.
2. **Procurement Policy**- states that you will procure for services, construction, and supplies in the manner set forth in this policy. Most likely you are operating this way now.
3. **RARA** – states that we will, to the best of our ability, not relocate any persons in connection with this grant.
4. **Equal Opportunity Policy Statement** – states that you do not discriminate in your hiring practices.
5. **Excessive Force** – states that you will not use excessive force to bar anyone from peacefully protesting.
6. **Affirmative Action Program** – states that you will not discriminate in your hiring practices and that none of your contractors will either. Specific contract language will be included in each of their contracts.
7. **Affirmative Fair Housing Policy** – states that you will do all you can to further fair housing and that you won't discriminate.

# CODE OF CONDUCT

## PURPOSE

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 2 CFR Part 200.318 and other applicable federal and state standards, regulations, and laws.

## APPLICATION

This Code of Conduct applies to all officers, employees, or agents of the City of Oelwein engaged in the award or administration of contracts supported by federal grant funds.

## REQUIREMENTS

No officer, employee, or agent of the City of Oelwein shall participate in the selection, award, or administration of a contract supported by federal grant 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/her immediate family;
- c. His/her partner; or

An organization which employs or is about to employ any of the above; or, has a financial or other interest in the firm selected for award.

The City of Oelwein officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

## FRAUD, WASTE AND ABUSE

The City of Oelwein has zero tolerance for the commission or concealment of acts of fraud, waste, or abuse. All officers, employees, or agents shall notify the City of Oelwein of suspected actions. Allegations of such acts will be investigated and pursued to their logical conclusion, including legal action where warranted. Concerns may be reported to the City of Oelwein, 20<sup>th</sup> Avenue SW, Oelwein, IA 50662 or 319-283-5440.

## REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City of Oelwein's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

Passed and adopted this 24 day of October, 2022

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Brett Devore, Mayor

ATTEST:

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Dylan Mulfinger, City Administrator

# Certification of Compliance CDBG Procurement Standards

CDBG Applicant/Recipient: City of Oelwein

Application year: 2022

## 2 CFR 200.319 Competition.

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals **must** be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

I certify that I am the chief elected official and that the community listed above did not violate the above competition statute when competitively procuring engineering or administrative services as part of the potential CDBG award.

Signature: \_\_\_\_\_

Printed Name: Brett Devore, Mayor

Date: October 24, 2022

## **Community Development Block Grant Subrecipient Procurement Policies and Procedures**

2 *CFR* 200.317 provides that subrecipients of a state that are administering federal funds will follow sections 200.318 (General procurement standards) through 200.326 (Contract provisions). However, 24 *CFR* 570.489(g), set out in full below, enables states that administer Community Development Block Grant funds to adopt procurement standards other than those set out in 2 *CFR* Part 200 for units of local government that are subrecipients of CDBG funds.

*24 CFR 570.489 (g) Procurement.* When procuring property or services to be paid for in whole or in part with CDBG funds, the State shall follow its procurement policies and procedures. The State shall establish requirements for procurement policies and procedures for units of general local government, based on full and open competition. Methods of procurement (e.g., small purchase, sealed bids/formal advertising, competitive proposals, and noncompetitive proposals) and their applicability shall be specified by the State. Cost plus a percentage of cost and percentage of construction costs methods of contracting shall not be used. The policies and procedures shall also include standards of conduct governing employees engaged in the award or administration of contracts. (Other conflicts of interest are covered by § 570.489(h).) The State shall ensure that all purchase orders and contracts include any clauses required by Federal statutes, Executive orders, and implementing regulations. The State shall make subrecipient and contractor determinations in accordance with the standards in 2 *CFR* 200.330.

The State of Iowa, in its administration of the CDBG, hereby establishes the following procurement standards for subrecipients of CDBG funding that are units of local government.

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### **Procurement Standards**

#### **General** (Replaces 2 *CFR* 200.318)

Subrecipients of the CDBG program must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

The subrecipient alone shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the subrecipient of any contractual responsibilities under its contracts.

#### **Conflicts of interest in awarding contracts** (Replaces 2 *CFR* 200.318)

The subrecipient must maintain written standards of conduct covering and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the subrecipient

may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

If the subrecipient has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the subrecipient must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the subrecipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

IEDA may terminate contracts with any CDBG subrecipient that violates this policy and may require full repayment of funds issued to the subrecipient.

**Best Cost** (Replaces 2 CFR 200.318)

The subrecipient's procedures must avoid acquisition of unnecessary or duplicative items.

Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

The subrecipient is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

**Responsible Contractors** (Replaces 2 CFR 200.318)

The subrecipient must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

Awards must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

The subrecipient must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following:

1. rationale for the method of procurement
2. selection of contract type
3. contractor selection or rejection
4. the basis for the contract price.

**Competition** (Replaces 2 CFR 200.319)

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals shall be excluded from competing for such procurements. IEDA will consider requests for waivers of this provision. The subrecipient must make a sufficient showing that the number of contractors that provide the goods or services is insufficient that it is necessary to not exclude contractors that developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals.

Examples restrictions on competition include but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business;
2. Requiring unnecessary experience and excessive bonding;
3. Noncompetitive pricing practices between firms or between affiliated companies;
4. Noncompetitive contracts to consultants that are on retainer contracts;
5. Organizational conflicts of interest;
6. Specifying only a “brand name” product instead of allowing “an equivalent” product to be offered and describing the performance or other relevant requirements of the procurement; and
7. Any arbitrary action in the procurement process.

The subrecipient must conduct procurement in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal or State of Iowa law expressly mandates or encourages geographic preference. Nothing in this section preempts state licensing laws.

When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion, provided that an appropriate number of qualified firms remain, given the nature and size of the project, to compete for the contract.

The subrecipient must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided. When it is impractical or not reasonably feasible to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

**Types of Procurement** (Replaces 2 CFR 200.320-based on Iowa Code section 11.118)

1. **Small:** Estimated annual value does not exceed \$5,000 and does not exceed \$15,000 for multiyear contracts: For supplies and services only. The subrecipient does not need to solicit competitive quotations if the subrecipient considers the price to be reasonable. To the extent practicable, the subrecipient must distribute such procurement equitably among qualified suppliers.
2. **Simple:** Estimated annual value exceeds \$5,000 but less than \$50,000 per year and does not exceed \$150,000 for multiyear contracts: For non-engineering and

architectural services and supplies only. The subrecipient may use an informal competitive selection process to engage a service provider. Informal selection means price or rate quotations must be obtained from an adequate number of qualified sources. The subrecipient may contact the prospective service providers in person, by telephone, fax, email or letter. The subrecipient should solicit at least three prospective service providers. The sub recipient must justify, to IEDA's satisfaction, contacting fewer than three service providers. The justification shall be included in the contract file.

3. **Professional:** Estimated annual value exceeds \$50,000 per year and exceeds \$150,000 for multiyear contracts: For supplies and services and ALL engineering and architectural services, a subrecipient shall use a formal *competitive selection* process to procure the goods or services.

4. **Sealed bids:** (formal advertising): The sealed bid method is the preferred method for procuring construction. Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. A complete, adequate, and realistic specification or purchase description will be developed before bidding.

The following requirements apply:

1. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, and the invitation for bids must be publicly advertised (not required for nonprofit entities);
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. All bids will be opened at the time and place prescribed in the invitation for bids, and the bids must be opened publicly;
4. The subrecipient shall enter into a firm fixed price contract award with the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
5. Any or all bids may be rejected if there is a sound documented reason.

Competitive Selection Process: The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when a sealed bidding process is not appropriate. If this method is used, the following requirements apply:



1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. Proposals must be solicited from an adequate number of qualified sources;
3. The subrecipient must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
4. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
5. The subrecipient may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

Noncompetitive proposals: Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- (1) The item is available only from a single source. This type of procurement is referred to as sole-source procurement;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- (4) After solicitation of a number of sources, competition is determined inadequate. This type of procurement is referred to as single-source procurement.

Responsible unit: IEDA project managers verified via monitoring and/or state auditor

**Targeted Small Businesses – Minority, Disabled, and Woman Owned Businesses** (Replaces 2 CFR 200.321)

The subrecipient must take all necessary affirmative steps to ensure that minority businesses, women's business enterprises, businesses owned by disabled persons, and labor surplus area firms are used when possible.

Affirmative steps must include:

- (1) Placing qualified small and minority businesses, small women's business enterprises, and small businesses owned by disabled persons on solicitation lists. Link to a directory of Targeted Small Businesses in Iowa: <https://iowaeda.microsoftcrmportals.com/tsb-search/>;

- (2) Ensuring that Targeted Small Businesses are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by Targeted Small Businesses;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by Targeted Small Businesses;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration, the Minority Business Development Agency of the Department of Commerce and the Iowa Economic Development Targeted Small Business Program <https://www.iowaeconomicdevelopment.com/tsb>; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

#### **Recycled Content and Products** (Replaces 2 CFR 200.322)

When appropriate, specifications shall include requirements for the use of recovered materials and products.

The specifications shall not restrict the use of alternative materials, exclude recovered materials, or require performance standards that exclude products containing recovered materials unless the subrecipient seeking the product can document that the use of recovered materials will impede the intended use of the product.

#### **Cost Analysis and Contract Price** (Replaces 2 CFR 200.323)

The subrecipient must perform a cost or price analysis in connection with every procurement action in excess of the small, simple and professional acquisition thresholds, including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the subrecipient must make independent estimates before receiving bids or proposals.

The subrecipient must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the subrecipient under 2 CFR 200.402 - 406.

The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

## **Review of Procurement Documents and Procurement System** (Replaces 2 CFR 200.324)

The subrecipient must make available upon request pre-procurement review; procurement documents, such as requests for proposals or invitations for bids; or independent cost estimates, when:

1. Requested by IEDA;
2. The procurement is expected to exceed the small, simple and professional acquisition thresholds and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
3. The procurement, which is expected to exceed the small, simple and professional acquisition thresholds, specifies a “brand name” product;

**IEDA Certification:** The subrecipient may request that IEDA certify that its procurement system meets these standards.

**Self-certification:** The subrecipient may self-certify its procurement system. Such self-certification shall not limit IEDA’s right to review and survey the system. If a subrecipient self-certifies its procurement system, the IEDA may rely on written assurances from the subrecipient that it is complying with these standards. The subrecipient must cite specific policies, procedures, regulations, or standards as compliant with these requirements and make its system available for review.

## **Bonding** (Replaces 2 CFR 200.325)

For construction or facility improvement contracts or subcontracts for public improvement projects and multi-family residential buildings, the minimum requirements shall be as follows:

- a. A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- b. A performance bond for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- c. A payment bond for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to ensure that the contractor will pay as required by law all persons supplying labor and material in the execution of the work provided for in the contract.

The subrecipient may petition IEDA to accept its bonding policy, provided that IEDA has made a determination that the Federal interest is adequately protected.

Recipients are expected to comply with all state requirements regarding bonding requirements for public improvement projects: <https://www.legis.iowa.gov/docs/code/2019/573.pdf>  
Recipients should consult with their legal counsel to determine how state requirements may impact their CDBG project.

**Contract Provisions** (Replaces 2 CFR 200.326)

The subrecipient's contracts must contain the applicable provisions set out in Appendix II of the CDBG Management Guide

**ACKNOWLEDGEMENT AND ADOPTION**

*As a recipient of Community Development Block Grant (CDBG) funds, the City of Guttenberg adopts the State of Iowa's CDBG Procurement Policies and Procedures and agrees to apply all policies and procedures to CDBG funded projects within the City of Guttenberg*

*Adopted by the City of Oelwein on 24 day of October, 2022*

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*Brett Devore, Mayor*

ATTEST:

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*Dylan Mulfinger, City Administrator*

## EQUAL OPPORTUNITY POLICY STATEMENT

DATE: October 24, 2022

It is the policy of the City of Oelwein to provide equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

The Mayor has ultimate responsibility for the overall administration of the affirmative action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the Mayor's responsibility. The Mayor will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by the City of Oelwein. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administered by the City of Oelwein because of race, creed, color, religion, sex, national origin, age, disability, political affiliation, sexual orientation, or citizenship has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by Dylan Mulfinger, City Administrator, who can be contacted at City of Oelwein, 20 2<sup>nd</sup> Avenue SW, Oelwein, IA 50662 and 319-283-5440.

This Equal Opportunity Policy of the City of Oelwein shall be posted in conspicuous places within the facility, distributed to all employees, contractors and to the persons of all advisory and policymaking groups.

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Brett Devore, City of Oelwein Mayor

## **POLICY ON THE PROHIBITION OF THE USE OF EXCESSIVE FORCE**

WHEREAS, the City of Oelwein has received federal funding through the Community Development Block Grant (CDBG) program; and,

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, the City of Oelwein endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOLVED, the City of Oelwein hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, the City of Oelwein agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. The City of Oelwein further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that the City of Oelwein has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by Dylan Mulfinger, City Administrator, who can be contacted at City of Oelwein, 20 2<sup>nd</sup> Avenue SW, Oelwein, IA 50662 and 319-283-5440.

Adopted by the City of Oelwein this 24 day of October, 2022

Signed: \_\_\_\_\_  
Brett Devore, Mayor

## RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

This Residential Anti-displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Oelwein in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG<sup>1</sup>, UDAG and/or HOME-assisted projects.

### Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, the City of Oelwein will take the following steps to minimize the direct and indirect displacement of persons from their homes: *(The steps provided below are examples only, each jurisdiction must determine the actions it will take based on local needs and priorities.)*

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305)).
- Target only those properties deemed essential to the need or success of the project.

### Relocation Assistance to Displaced Persons

The City of Oelwein will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the [CDBG and/or HOME] Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

### One-for-One Replacement of Lower-Income Dwelling Units

The City of Oelwein will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the [CDBG and/or HOME] Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing the City of Oelwein to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City of Oelwein will make public by

<sup>1</sup> CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

publication in a newspaper of general circulation and submit to HUD [the State, under the State CDBG and/or HOME Program(s)] the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 42.375(d).
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the City of Oelwein will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

### **Replacement not Required Based on Unit Availability**

Under 24 CFR 42.375(d), the City of Oelwein may submit a request to HUD (or to the State, if funded by the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

### **Contacts**

The City of Oelwein (319-283-5440), is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The City of Oelwein (319-283-5440), is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Adopted by the City of Oelwein this \_\_\_\_\_ day of \_\_\_\_\_, 2022

Signed:

\_\_\_\_\_  
Brett Devore, Mayor

\_\_\_\_\_  
Attest: Dylan Mulfinger, City Administrator



**CITY OF OELWEIN, IOWA  
AFFIRMATIVE ACTION PLAN**

PURPOSE: This plan is designed to assure compliance with Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968; Section 109, Housing & Community Development Act of 1974; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Americans with Disabilities Act; Executive Orders 11063 and 11246 and all other applicable federal, state and local laws particularly the Iowa Civil Rights Act of 1965; Iowa Code Section 19B.7, and Iowa Code Chapter 216.

**I. GENERAL**

- A. City of Oelwein  
20 2<sup>nd</sup> Avenue SW  
Oelwein, IA 50662
- B. The total population of the City of Oelwein is 5,920 (2020 Census); (Included in this total are 395 minority persons, which constitutes 6.67% of the total population.)
- C. The City of Oelwein is a local governmental entity.
- D. The City of Oelwein does not operate any branch offices.
- E. Total employment of the City of Oelwein is currently: 127-persons, with 39-full-time, 88-part-time

**II. POLICY**

- A. We recognize that we are morally and legally committed to nondiscrimination in employment. Any person who applies for employment will not be discriminated against because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.
- B. This program is designed and will be utilized to correct the efforts of systemic discrimination relative to female and minority employment. The employment policies and practices of the undersigned are to recruit and to hire employees without discrimination, and to treat them equally with respect to compensation and opportunities for advancement. However, we realize the inequities associated with employment upgrading, contracting and subcontracting for minorities and will direct our efforts to correcting any deficiencies to the maximum extent possible.
- C. We submit this program to assure compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Iowa Civil Rights Act of 1965, and their amendments; Executive Order 11246 and/or other subsequent orders that may pertain to this program of equal employment opportunity and merit employment policies, fully realizing that our qualifications and/or merit systems should be reevaluated and revised, if necessary.
- D. We agree to assert leadership within the City of Oelwein, and to put forth the maximum effort possible to achieve full employment and utilization of the capabilities and productivity of all our citizens without regard to race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

### III. AFFIRMATIVE ACTIONS

#### A. Recruitment

1. The City of Oelwein will recruit on the basis of qualifications and shall assure prospective employees for permanent employment or for filling of temporary vacancies that they will be given fair and impartial consideration without regard to race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.
2. The City of Oelwein will recruit qualified minority and female applicants for all job categories with particular emphasis in occupations at the higher levels of skill and responsibilities by utilizing, as appropriate, the following courses of action:
  - a. Maintain a file composed of (a) minority and female applicants who are qualified for any position, and (b) minority and female applicants whose qualifications have not been established; and to which file all job openings will be referred prior to consulting other recruitment sources.
  - b. Use the phrase, An Equal Opportunity Employer, in all printed or published, radio or television advertising relating to employment.
  - c. Utilize the "Job Bank" computer relay system of the Iowa Employment Security Commission which flashes job openings daily in this reasonable referral area.
  - d. Encourage employee referral of minority and female applicants.

#### B. Training and Development

1. The City of Oelwein shall work to assure that all employees are provided equal opportunities for on-the-job training, attendance at universities or other training institutions at the expense of the City of Oelwein and/or with released time for attendance and for the development of their skills as city employees without regard to race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.
2. The Equal Employment Opportunity Officer will encourage all women, minorities and disadvantaged employees to increase their skills and job potentials through participation in training and education programs offered by the city and by other institutions and organizations in cooperation with the city.

#### C. Transfer, Layoff, Demotion, Termination or Recall

1. The City of Oelwein shall work to assure all employees equal and fair treatment in the areas of transfer, demotion, layoff, termination or recall without regard to race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.
2. The proposed transfer, layoff, demotion, termination or recall of any employee of the city will be monitored and agreed on by the Equal Employment Opportunity Officer to assure that the proposed action is taken without regard to race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

#### D. Conditions of Work and Related Benefits

1. The City of Oelwein assures that all employees will be treated fairly and equally, and judged only on merit and seniority in the areas of promotion, pay and compensation without regard to race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

2. The City of Oelwein assures that all employees will be treated fairly and equally in the areas of labor relations, work assignments, use of facilities and opportunities to serve on committees or decision-making bodies, without regard to race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.
3. The City of Oelwein assures that all employees will be treated fairly and equally in the areas of leave policies and fringe benefits without regard to race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.
4. The City of Oelwein assures that there will be no disparity in the compensation received by employees for performing equivalent work.

#### **IV. CONTRACTS**

It is the policy of the City of Oelwein to require all contractors, subcontractors, suppliers and vendors who do business with the city to take whatever affirmative actions are necessary to assure equal employment opportunities in all aspects of their employment practices and policies irrespective of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship or sexual orientation.

All contractors, subcontractors, vendors, and suppliers who have contracts of \$10,000 or more, shall, in the contract documents:

1. Assure non-discriminatory recruiting
2. Assure non-discriminatory hiring
3. Assure maximum use of apprenticeship and other training to help equalize opportunity for minority persons
4. Assure non-discriminatory placement and promotion
5. Assure non-discriminatory pay, other compensation and working conditions
6. Assure non-discriminatory demotion, layoff, or termination

All contractors, subcontractors, vendors, and suppliers who have contracts of \$100,000 or more, shall develop and submit to the City of Oelwein a copy of a written affirmative action program for approval.

In order to assure contractor's compliance with equal opportunity requirements, the City of Oelwein shall evaluate progress made by the contractor under his affirmative action program and will observe the contractor's performance on a continuing basis. Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through conciliation and persuasion. The contractor will be required to make a specific commitment, in writing, to correct any such deficiencies, including precise action and dates for completion.

#### **V. EQUAL OPPORTUNITY OFFICER**

- A. The Equal Employment Officer for this agency shall be the duly elected Mayor. The Mayor has the power to delegate such duties, and may, from time to time, do so.
- B. The EEO Officer shall be responsible for interpreting, initiating and justifying the activities in this program as they relate to policies and affirmative actions, including contract compliance.
- C. We submit this program to assure compliance with:
  1. The Civil Rights Act - Title VI of the Civil Rights Act of 1964
  2. The Fair Housing Act - Title VIII of the Civil Rights Act of 1968
  3. Section 109, Housing and Community Development Act of 1974

4. Executive Orders 11625, 12432, 12138 and OMB Circular A-102, Attachment O, Paragraph 9(a)
5. Section 3 of the Housing and Urban Development Act of 1968, as amended
6. Section 504 of the Rehabilitation Act of 1973, as amended
7. Age Discrimination Act of 1975, as amended
8. Americans with Disability Act (ADA)
9. Executive Order 11063, as amended by Executive Order 12259
10. Executive Order 11246
11. Prohibition of the Use of Excessive Force
12. Iowa Civil Rights Act of 1965
13. Iowa Code Section 19B.7
14. Iowa Code chapter 216

PASSED, APPROVED AND ADOPTED THIS 24 day of October, 2022

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Brett Devore, Mayor

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ATTEST: Dylan Mulfinger, City Administrator

## AFFIRMATIVE FAIR HOUSING POLICY

This notice is published pursuant to the requirements of Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with federal assistance, and with Title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the provision of housing because of race, color, creed, religion, sex, national origin, disability or familial status.

The City of Oelwein, Iowa advises the public that it will administer its assisted programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.

The City of Oelwein shall assist individuals who believe they have been subject to discrimination in housing through the resources of the Iowa Civil Rights Commission or the U.S. Department of Housing and Urban Development.

The City of Oelwein has designated the following (person or office) as the contact to coordinate efforts to comply with this policy. Inquiries should be directed to:

**NAME:** Dylan Mulfinger, City Administrator  
**OFFICE:** City of Oelwein  
**ADDRESS:** 20 2<sup>nd</sup> Avenue SW  
**CITY/STATE/ZIP CODE:** Oelwein, IA 50662  
**PHONE NUMBER:** 319-283-5440  
**HOURS:** Monday, Tuesday, Thursday and Friday from 8:30 am to 4:30 pm  
and Wednesday from 8:30-Noon



**EQUAL HOUSING  
OPPORTUNITY**

Date: October 24, 2022

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Brett Devore, Mayor

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Attest: Dylan Mulfinger, City Administrator