

**The City of Wolfforth**

**As approved by**

**the**

**City Council**

**Policy Manual for Federal Awards**

**(CDBG, CDBG-DR, CDBG-MIT)**

## Policy:

### Purpose

The purpose of this policy is to establish uniform guidelines for the administration and implementation of projects funded by the Texas General Land Office (TxGLO) and Community Development Block Grant Disaster Recovery (CDBG-DR) programs.

As a recipient of CDBG-DR and CDBG-MIT from the TxGLO, the City of Wolfforth must ensure all CDBG-DR and/or CDBG-MIT funded activities are conducted in a manner that ensures equal opportunity and access to all people in accordance with civil rights, equal opportunity, and affirmative action laws, regulations, and requirements. The City is required to have written policies in place to promote fair and equal access to housing and employment opportunities for Section 3 residents, minority, and female-owned businesses. Documentation must be available to ensure Historically Underutilized Businesses (HUBs) are informed of contract opportunities whenever they are a potential resource. This section presents strategies and procedures for documenting and complying with these regulations.

The City of Wolfforth’s Comprehensive Plan and agency business plans encourage the pursuit of external funding to address community needs, gaps in service and to diversify funding streams used to deliver City services. Consistent, effective, Citywide systems are used to pursue and manage grants in accordance with generally accepted accounting principles, federal, state and local regulations, and procedures set forth below.

Civil Rights laws applicable to CDBG-Dr and CDBG-MIT programs which the City of Wolfforth must adhere to are set forth, but not limited to, the statutes and Executive Orders below:

Statute/Executive Order	Description
Title VI of the Civil Rights Act of 1964	No person shall be excluded from participation, denied program benefits, or subjected to discrimination based on: <ul style="list-style-type: none"> <li>• Race</li> <li>• Color</li> <li>• National Origin</li> </ul>
Title VIII of the Civil Rights Acts of 1968, as amended (Fair Housing Act)	Prohibits discrimination in housing based on: <ul style="list-style-type: none"> <li>• Race</li> <li>• Color</li> <li>• Religion</li> <li>• Sex</li> <li>• National Origin</li> <li>• Age</li> </ul>

	<ul style="list-style-type: none"> <li>• Familiar status</li> <li>• Disability (physical and/or mental)</li> </ul>
Section 3 of the Housing and Urban Development Act of 1968, as amended	<p>To the greatest extent possible, provide training, employment, contracting, and other economic opportunities to:</p> <ul style="list-style-type: none"> <li>• Low and very low-income people; and</li> <li>• That provide economic; opportunities to low and very low-income persons</li> </ul>
Section 504 of the Rehabilitation Act of 1973, as amended and Section 508	<p>504 - requires agencies to provide individuals with disabilities an equal opportunity to participate in their programs and benefit from their services</p> <p>508- requires Federal agencies to ensure that people with disabilities (both employees and members of the public) have comparable access to and use of electronic information technology</p>
The Age Discrimination Act of 1975, as amended	No person shall be excluded from participation, denied program benefits or subjected to discrimination based on age.
Executive Order 13166	Improving access to services for persons with Limited English Proficiency.
Equal Access to Housing in HUD programs § 5.105 (a)(2) (i-ii)	Ensure that housing across HUD programs is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.
Americans with Disabilities Act (ADA)	Legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else.
Architectural Barriers Act of 1968	Requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by people with disabilities.

## Procedures:

### Civil Rights

It is the policy of the City of Wolfforth, Texas, established by the City Council, to provide equal opportunity in, and equal access to City government employment for all qualified people regardless of veteran status, age, or disability. The City of Wolfforth government is an equal opportunity employer and no qualified individual with a disability or on the basis of a disability will be subject to discrimination in the recruitment, hiring, training, compensation, promotion, career development, or other employment practices.

It is the policy of the City of Wolfforth to provide equal opportunity and equal access to City services, programs, activities, and facilities for all qualified individuals with disabilities. In compliance with the Americans with Disabilities Act of 1990, as amended (ADA), no qualified individual with a disability or on the basis of a disability shall be excluded from participation in or be denied the benefits of the services, programs, activities or all aspects of employment of The city of Wolfforth government.

**Retaliation is prohibited:** Any person who feels that he/she has been retaliated against for exercising his/her rights under this policy should report such actions immediately to the City Administrator.

The City Manager and Mayor will designate a Civil Right Officer (CRO) who will serve as the Section 504 Coordinator, Equal Opportunity Officer and Fair Housing Officer. The City aggressively supports Equal Opportunity in employment, programs, services, activities and facilities; and the City maintains Equal Opportunity Action Programs for persons with disabilities. More information about the City's Equal Opportunity Action plan including the procedure to investigate and resolve complaints of unlawful discrimination or violations of the City Policy may be obtained by contacting:

The City of Wolfforth  
CIVIL RIGHTS OFFICER: Terri Robinette  
Address: 302 Main St Wolfforth, TX 79382  
Phone#: 806-855-4120

### Publish Citizen Participation and Civil Rights Notices

The City will publish notices regarding Citizen Participation, Complaint Procedures, Section 504, AFFH and all rights and responsibilities associated with federal grant funding received. The following are methods the City might utilize to publish notices:

- Newspaper advertisement\* (documented with tear sheet/full-page advertisement/photocopy with publisher's identification and date/publisher's affidavit).
- Public posting at both the city hall/courthouse and at least one location within the target area (documented with affidavit of posting and copy of the notice); or
- Public posting in courthouse/city hall and on subrecipient's website during the term of the contract (documented with affidavit of posting and copy of the notice as well as screen shots of the posting).

\*Newspaper notices are considered valid if published within two years prior to the City's contract start date. This means that published notices can be used for multiple CDBG-DR and/or CDBG-MIT projects with contract periods that occur consecutively.

### **Citizen Participation Plan and Procedures**

As a recipient of funding for CDBG-DR and CDBG-MIT, the City encourages citizen participation (see Section 104(a) (2) of the Housing and Community Development Act and 24 CFR 570.486) except where waivers or alternative requirements are provided. The City will:

- Prepare and adopt an Outreach and Marketing and Citizen Participation Plan. As part of this plan, procedures will include methods for encouraging citizen participation and should provide citizens the email, address, phone number, and times for submitting complaints; and
- Develop grievance procedures. The written complaint procedures shall also provide for a timely written response to complaints and grievances, within 14 working days where practicable.

### **Complaints and Appeals**

The goal of the City of Wolfforth is to provide an opportunity to resolve complaints in a timely manner, usually within 14 business days as expected by HUD, if practicable, and to provide the parties filing the complaint/appeal the right to participate in the process and appeal a decision when there is reason for an applicant to believe their application was not handled according to program policies. All applications, guidelines, and websites will include details on the right to file a complaint or appeal, and the process for filing a complaint or an appeal.

Complainants can appeal program decisions or violations by the City or City employee related to one of the following activities:

- A violation of Civil Rights
- An ADA violation.
- A violation of Fair Housing.

Citizens may first file a written complaint through the City by mailing the submission to the following address:

The City of Wolfforth  
Attention: Terri Robinette

In the event citizens are not satisfied with the outcome of their complaints, they can file a complaint or appeal a decision to the Texas General Land Office Community Development and Revitalization department.

Texas General Land Office Community Development and Revitalization Department  
P.O. Box 12873 Austin, Texas  
78711-2873

If the complainant is not satisfied by the City's or the State's determination a formal complaint may then be addressed directly to the Department of Housing and Urban Development (HUD) at:

U.S. Department of Housing & Urban Development  
Fort Worth Regional Office  
307 W. 7th Street, Suite 1000  
Fort Worth, TX 76102

The City of Wolfforth operates in Accordance with the Federal Fair Housing Law (The Fair Housing Amendments Act of 1988). Anyone who feels he or she has been discriminated against

may file a complaint of housing discrimination: 1-800-669-9777 (Toll Free) or [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing).

### **Fraud, Waste, or Abuse of Government Funds**

The City of Wolfforth's Fraud, Waste and Abuse (FWA) Policy is established to facilitate the development of internal controls that will provide for the detection, prevention, and reporting of fraud, waste and abuse directed against the City Government.

It is the intent of this policy to:

- Promote awareness of the potential for fraud, waste, and abuse and provide guidelines and assign responsibility for the development of adequate internal controls and systems.
- Ensure compliance with ethical standards, which govern the conduct of employees, vendors, consultants, contractors, and all other outside agencies/parties doing business with City entities.
- Communicate the City's desire to eliminate unethical practices, while creating an environment in which employees and citizens are encouraged and comfortable in the reporting of fraud, waste, or abuse.

Federal and Texas laws protect employees from retaliatory or adverse personnel action for disclosing certain information including, but not limited to, violations of laws, actions which create and present a danger to the public's health, safety, or welfare and suspected acts of ethical violations, fraud, mismanagement, waste and abuse of public funds and positions.

The City Manager has the primary responsibility for investigation of all suspected inappropriate activity as defined in this policy.

All allegations of fraud involving any federal funds will be investigated immediately after being brought to the attention of the City's Professional Standards Section.

To avoid mistaken accusations or prematurely alerting suspected individuals of an investigation, all inquiries from suspected individuals and their attorneys or representatives should be directed to the HUD Chief Inspector General (CIAO/IG). Contact may be made directly or anonymously. All City departments/employees are required to comply with the above policy.

Nothing in this directive or policy shall be construed to interfere with, limit, restrict, or otherwise impair the City Manager or any officials' ability to manage, train, assign, or discipline their employees.

Complaints regarding fraud, waste, or abuse of government funds should be forwarded to the U.S. Department of Housing and Urban Development Office of Inspector General Fraud Hotline (phone: 1-800-347-3735 or email: [hotline@hudoig.gov](mailto:hotline@hudoig.gov)).

### **Recordkeeping/Reporting/Retention**

The City will maintain records documenting compliance with fair housing, equal opportunity, and civil rights requirements. Documentation must be obtained concerning:

1. Employment in each local government operating unit which performs CDBG-DR/MIT funded projects.
2. The local government's affirmative actions to further fair housing.
3. For direct benefit activities, records relating to people who have participated

- in any CDBG-DR/MIT funded program.
4. For area-wide activities, information on the area and the services provided.
  5. Age, handicapped status, gender of heads of households, and number of elderly citizens benefiting from the project.
  6. Handicapped status of people displaced as a result of CDBG activities.
  7. Actions undertaken to meet Section 3 requirements and the written Section 3 Plan.
  8. Information on each business that receives a contract or subcontract of \$10,000 or more paid with CDBG-DR/MIT funds, including identification of women-owned businesses.
  9. The affirmative actions the local government has taken to overcome the effects of prior discrimination in administering a CDBG-DR/MIT funded program.
  10. All applications, procurement, vendor contracts, and financial records. All files, documents, and associated project records shall be retained for a period of three (3) years following the close-out of a CDBG-DR/MIT agreement.

### **Civil Rights**

As a recipient of CDBG-DR/MIT funds, the City will comply with federal and state civil rights, fair housing, equal opportunity and equal employment opportunity regulations and requirements. The City of Wolfforth agrees to adopt policies related to all of the following:

- Equal Opportunity (EO)/Non-discrimination: The City will ensure it includes statements that the City is an Equal Opportunity Employer in job postings, applications, and in all contracts greater than \$10,000.
- Section 3 Economic Opportunity policy: The City will adopt a policy based on the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended and make available to the public.
- Excessive Force: The City will adopt a policy limiting the use of excessive force during non-violent civil rights demonstrations and pass a resolution prohibiting Excessive Force.
- Participation by HUB's, Minority, Small Business, and Women-owned Businesses: take all necessary steps to affirmatively assure HUBs, small and minority businesses, women's business enterprises, and labor surplus firms are notified of bidding opportunities and utilized whenever possible.
- Section 504 of the Rehabilitation Act of 1974: The City will adopt a policy against discrimination based on disability, adopt written grievance procedures concerning Section 504, and pass a resolution (See 24 CFR 8.53). The City will also establish procedures for providing auxiliary aids to allow individuals with disabilities to obtain information concerning the existence and location of CDBG accessible services, activities, and facilities.
- Affirmatively Furthering Fair Housing (AFFH): The City will conduct at least one Fair Housing activity each year of the grant period and maintain documentation of the activity.
- Limited English Proficiency (LEP) Standards: The City will establish a plan for determining if there is a need for LEP services and, if applicable, how appropriate language assistance will be given. Refer to Census Bureau Data to determine the need for LEP services. For written translation guidance, determine whether the size of the language group requires the translation of key documents such as Citizen Participation notices and/or other notices.

### **Equal Opportunities/Non-discrimination**

The City is an Equal Opportunity Employer and communicates to the public in job postings, applications, and in all contracts greater than \$10,000.

#### **Section 3**

It is the policy of The City of Wolfforth to ensure that economic opportunities generated from U.S. Department of Housing and Urban Development (HUD) funded projects, to the greatest extent feasible, will be directed to low and very low-income persons, particularly those receiving assistance for housing, and the businesses that provide economic opportunities to these persons.

The City will utilize its policies with the intent to direct opportunities to residents and businesses by requesting all contractors and subrecipients of funding make a good faith effort to provide equal employment opportunity to all employees and applicants for employment disability, veteran's, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

The City will implement this policy, in accordance with Section 3 of the Housing and Urban Development Act of 1968, through awarding contracts to contractors, vendors, professional service providers, consultants and suppliers, to create employment and business opportunities for residents and other qualified low- and very low-income people.

This policy will ensure that, in good faith, the City will have a reasonable level of success in the recruitment, employment, and utilization of Section 3 workers and other eligible people and Section 3 business concerns working on contracts partially or wholly funded with the HUD monies.

The City shall examine and consider a contractor's professional service provider, consultant, or vendor's potential for success by providing employment and business opportunities to Section 3 workers and business concerns prior to acting on any proposed contract award.

The City of Wolfforth intends to demonstrate compliance with Section 3 by meeting HUD's numeric benchmarks for labor hours, or by reporting qualitative efforts showing the attempts at encouraging Section 3 participation.

The City of Wolfforth will demonstrate compliance goals with Section 3 by providing employment opportunities and job training to lower income residents. The City will apply Section 3 goals "to the greatest extent feasible". The following steps will be implemented to demonstrate Section 3 compliance:

- Prepare and make available to the public Section 3 policies.
- Include the subrecipient's Section 3 Policy and Procedures in all construction contracts.
- Contractors and subcontractors must document efforts to comply with subrecipient's Section 3 goals.

To meet the required Section 3 goals to the greatest extent feasible, the City will undertake the following types of activities to recruit and enlist participation

- Post advertisements of employment opportunities in the service area, identifying the positions, qualification requirements, and where to obtain additional information about the application process.
- Contact community organizations and resident organizations to request assistance in notifying residents of the employment positions to be filled.
- Sponsor a job informational meeting in the service area of the project.
- Conduct job interviews and job application workshops for residents of the service area.

- Arrange for a location in the service area where job applications may be collected by the subrecipient or contractor representative.
- Consult with state and local agencies administering Job Training Partnership Act (JTPA), probation and parole agencies, unemployment compensation programs, etc., to assist with recruiting Section 3 residents for employment.
- Advertise job opportunities through the local media, such as community television networks, newspapers of general circulation, and radio.
- Employ a job coordinator or contract with a business concern to undertake the efforts to match eligible and qualified Section 3 residents with the employment positions.
- Where there are more qualified Section 3 residents than there are positions to be filled, maintain a file of eligible qualified Section 3 residents for future employment positions.
- Contact local education institutions to provide job counseling, education, and related programs; and/or
- After selection of bidders, but prior to execution of contracts, incorporate into the contract a negotiated provision for a specific number of Section 3 residents to be trained or employed on the Section 3 project.
- If the City is unable to meet these Section 3 goals, the City will demonstrate why it was not feasible. The City will provide documentation including what efforts were undertaken and why those goals were deemed unattainable. The following are examples of efforts that City will attempt to utilize in reaching the specified goals for employment and contracting:
  - The use of small purchase procedures such as soliciting quotations from a minimum of three (3) qualified sources (contract may not exceed the small purchase threshold). At the time of solicitation, inform the parties of the Section 3 requirements of the contract with sufficient specificity; the time within which quotations must be submitted; and the information that must be submitted. A valid attempt to obtain three quotes from qualified sources must be made and documented.
  - In determining the responsibility of potential contractors, consider their past records of Section 3 compliance and their current plans for the pending contract.
  - Utilize minority contractor associations and community organizations to assist in identifying Section 3 businesses who may be potential bidders.
  - Advertise contracting opportunities by posting notices concerning work to be contracted in common areas of housing development.
  - Provide written notice to all known Section 3 business concerns of the contracting.
  - Follow up with Section 3 businesses that have expressed interest in contracting opportunities and provide additional information.
  - Coordinate pre-bid meetings at which Section 3 business concerns could be informed of the upcoming contracting opportunities.
  - Provide workshops on contracting procedures and specific contract opportunities in a timely manner so that Section 3 business concerns can take advantage of upcoming contracting opportunities.
  - Advise Section 3 businesses as to where they may seek assistance to overcome limitations such as inability to obtain bonding, lines of credit, financing, or insurance.
  - Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways to facilitate the participation of Section 3 businesses.
  - Where appropriate, break out contract work items into economically feasible units to facilitate participation of Section 3 business concerns.
  - Contact agencies administering HUD supported programs and notify these agencies of contracting opportunities.
  - Advertise contracting opportunities through trade association papers and local media such as television, newspapers, and radio.

- Develop a list of eligible Section 3 business concerns; and/or
- Establish numerical goals (dollar amounts and number of awards) for contracts to Section 3 business concerns.

The City of Wolfforth is required to maintain documentation and report Labor hours and any qualitative efforts attempted monthly.

The following items are required to be reported to show Section 3 Compliance (24 CFR 75):

#### Employment

1. Total labor hours worked during reporting period.
2. Total labor hours worked by Section 3 workers during reporting period.
3. Total labor hours worked by Targeted Section 3 workers during reporting period.

Section 3 does not mandate certification or evidence of a person's Section 3 status; however, the City has the right to request documentation which will support reporting for Section 3. Documentation examples might be the receipt of public assistance, evidence of participation in a public assistance program, residency in a public housing development, evidence of a Section 8 certificate, voucher assistance, participation in JTPA, and/or receipt of welfare assistance. Documentation does not have to be proof of income.

#### **Women-Minority-Small Owned Businesses (W/MBE) and Historically Underutilized Businesses**

In accordance with 2 CFR 200.321, the City will take steps to ensure that minority, Women and small businesses, and historically underutilized business firms are used when possible. The City will make sure to retain documentation to ensure Historically Underutilized Businesses (HUBs) are informed of contract opportunities whenever they are a potential resource. Affirmative steps will include:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists.
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources.
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises.
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.
- Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- Requiring Prime Contractors, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(l) through (5) of this section.

#### **Excessive Force and Barring Entry**

As a recipient of CDBG funds, The city of Wolfforth will adhere to the following provisions of 42 United States Code 5304(1)(1), enacted as Section 104 of the Housing and Community Development Act of 1974 and 42 United States Code 5304(1)(2), enacted as Section 104 of the Housing and Community Development Act of 1974:

- It is the policy of the City of Wolfforth to prohibit the use of excessive force by the law

enforcement agency within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations in public spaces.

- It is the policy of the City of Wolfforth to enforce applicable State and local laws, if those laws exist, against physically barring entrance to or exit from a public facility or public location which is the subject of such nonviolent civil rights demonstration within its jurisdiction with due and proper consideration given to the extent and limits of the City's power and authority to do so.

**Fair Housing**

The City of Wolfforth is committed to Affirmatively Furthering Fair Housing (AFFH). The City will conduct at least one Fair Housing activity each year it is a recipient of CDBG-DR/Mit funding. The City has a webpage on their website dedicated to AFFH and is providing brochures for residents of the community.

***Chapter 2 – 205 - Limited English Proficiency – City already has this policy***

***Chapter 2 – 206 – ADA Compliance - City has this policy already***

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**Approval Dates**

Effective Date:

Date Due for Review:

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**Policy Author**

Grants Section/Grants Administrator