



## REQUEST FOR BOARD ACTION

ITEM NO. 10

**DATE OF MEETING:** December 9, 2013

**REQUESTED BY:** Mr. Skip Green

**SHORT TITLE:** Resolution Authorizing Adoption of Required CDBG Policies, Programs and Procedures.

**BACKGROUND:** Pender County Board of County Commissioners has previously indicated its desire to assist in economic development efforts within the County and has held two public hearings concerning the State of North Carolina's Community Development Block Grant (CDBG) Program and a proposed application for Community Development Block Grant funding to benefit the Pender Commerce Park and its first tenant RC Creations, LLC. The Pender County Board of County Commissioners wishes the County to pursue a formal application for a \$750,000 Community Development Block Grant to assist in the construction of the waste water treatment plant (WWTP) that will serve the Pender Commerce Park including RC Creations, LLC and commits to invest monies to complete the WWTP project including a \$400,000 Golden Leaf Economic Catalyst Grant.

The Pender County Board of Commissioners certifies by this resolution that it will meet all federal regulatory and statutory requirements of the Community Development Block Grant Program, and hereby adopts the following attached policies and guidelines for Pender County's CDBG Programs: 1) Citizen Participation Plan; 2) Section 3 Plan; 3) Equal Opportunity and Procurement Plan; 4) Procurement Policy; 5) Code of Conduct; 6) Residential Anti-displacement and Relocation Assistance Policy; 7) Section 519 Policy; 8) Property Acquisition Policy; 9) Labor Standards Officer; 10) Section 504 Compliant/Procedure; 11) Fair Housing; 12) Language Access Plan.

The County of Pender formally adopts the following attached policies and guidelines for the County CDBG-ED RC Creations Project: 1) CDBG Assessment Policy

**SPECIFIC ACTION REQUESTED:** To consider a resolution authorizing adoption of the required CDBG Policies, Programs and Procedures.

**COUNTY MANAGER'S RECOMMENDATION:**

Respectfully recommend approval.



**RESOLUTION**

**NOW THEREFORE BE IT RESOLVED** that the Pender County Board of Commissioners formally adopts the required CDBG Policies, Programs and Procedures (attached).

**AMENDMENTS:**

**MOVED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**APPROVED** \_\_\_\_\_ **DENIED** \_\_\_\_\_ **UNANIMOUS**

**YEA VOTES:** Brown \_\_\_ McCoy \_\_\_ Tate \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_  
George R. Brown, Jr., Chairman 12/9/13  
Date

\_\_\_\_\_  
ATTEST 12/9/13  
Date

**County of Pender  
Community Development Block Grant Program  
Citizen Participation Plan**

**I. CITIZEN PARTICIPATION PLAN:**

This plan describes how the County of Pender will involve citizens in the planning, implementation and assessment of the Community Development Block Grant (CDBG) program. The funds must be used for projects which benefit low and moderate-income persons and aids in the elimination and prevention of slums and blight. The program is intended to assist governments in understanding neighborhood improvement programs. The regulations give ultimate responsibility for the design and implementation of the program to local elected officials and also requires that citizens be given an opportunity to serve in a key advisory role to these elected officials.

**II. SCOPE OF CITIZEN PARTICIPATION:**

Citizens will be involved in all stages of the CDBG program, including program implementation, assessment of performance and design of changes in the Citizen Participation Plan. There will be three (3) general mechanisms for their involvement:

1. To serve as an advisory committee to the project;
2. To attend or hold public hearings or community meetings; and
3. To provide individual citizen efforts in the form of comments, complaints or inquiries submitted directly to the Program Administrators or designated County official.

**III. PROGRAM IMPLEMENTATION:**

Citizen participation in program implementation will occur primarily through consultation with the County. The County will be asked to review and comment on specific guidelines for approved projects. They will also meet to review any program amendments, budget revisions and program modifications. All such changes will be discussed with the County and their comments considered prior to taking action. If program amendments require approval from the North Carolina Department of Commerce, a public hearing shall be held specifically on the amendment. Citizens May also be involved in implementation of projects specifically requiring citizen participation, such as self-help projects. Their roles will be defined as the project develops. Technical assistance will be available as needed.

**IV. PROGRAM ASSESSMENT:**

Program assessment activities by citizens will occur in a variety of ways. A performance hearing will be held thirty to sixty (30 to 60) days prior to the start of planning for the next program year. The Program Amendment will be asked to provide citizen commentary for the Grantee Performance Report.

Citizens shall be involved in the determination of priorities and community needs. The views and proposals of citizens concerning community needs and priorities, especially the views of low and moderate income persons and members of minority groups shall be solicited through two public hearings held prior to the submission of a CDBG Application.

Adequate notice of public hearings shall be provided in a timely manner and in such a way as to make them accessible and understandable to all citizens. Notices for required public hearings shall appear in the nonlegal section of a local newspaper at least once prior to the date of the public hearing. Notices shall be published not less than ten days nor more than twenty-five days before the date fixed for the hearing. Such notices shall indicate the time, date, place and a brief description of the topic of the public hearing.

During these public hearings citizens shall be encouraged to submit views and proposals regarding community needs. Comments May be either oral or written.

Citizens are invited to submit comments on all aspects of program performance through out the program year. Written comments May be presented at public hearings or they May be mailed in for consideration prior to the hearing. In any case, written comments for public hearing consideration must be received no later than the date and prior to the time of the public hearing.

All comments should be addressed to:

Mickey Duvall, Manager County of Pender 805 South Walker Street/PO Box 5 Burgaw, North Carolina 28425
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The Citizen Participation Plan will be subject to annual review and proposed revision, to occur in the period between the performance hearing and the public hearing on the subsequent year's application.

**V. PUBLIC INFORMATION:**

The County of Pender will also undertake public information efforts to promote citizen participation. These efforts will include the following:

**REQUIRED PUBLIC HEARINGS**

1. **Planning Stage.** Prior to the preparation of an application a public hearing shall be held to explain the CDBG program and obtain views and proposals of citizens in regard to community development needs.
2. **Application Stage.** Prior to the submission of a CDBG application a public hearing shall be held to explain the CDBG proposed application's activities, design, impact and costs. Citizen views and comments obtained at this public hearing will be considered for incorporation into the final CDBG application.
3. **Amendment Process.** A public hearing will be held in accordance with North Carolina Department of Commerce, CDBG Rule .0910 of Subchapter 13L prior to the submission of an amendment if it is required by the Commerce Finance Center.
4. **Annual Program Assessment.** A performance hearing will be held 30 to 60 days prior to the start of planning for the next program year. Citizens will be invited to submit comments on all aspects of program performance through the program year. This hearing will include comments on the performance of the Citizen Participation Plan.
5. **Project Closeout.** During the grant closeout period the County will hold a public hearing to access the program's performance. All public hearings shall be conducted with freedom of access for all citizens.

If citizens require technical assistance to understand any aspect of the CDBG program they are to contact the County. The County will utilize the CDBG program's "Language Access Plan" to provide interpreters for any non-English speaking and/or deaf resident requiring a translator to understand or comment on the CDBG program.

**VI. PUBLIC FILE:**

As provided in Rule .0911 of Subchapter 19L, North Carolina Community Development Block Grant Program Regulations, the County shall make public Community Development records and information consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality.

A Public File containing program documentation will be available for review at the County of Pender Municipal Building during normal business hours. Included will be copies of the Application, Environmental Review Record, the Citizen Participation Plan and the Annual Performance Report. Other program documents are also available for citizen review on request at the County of Pender Municipal Building consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality.

Documents shall be on file for public inspection.

**TYPES OF DOCUMENTS AVAILABLE FOR REVIEW**

1. Mailings and promotional materials;
2. Records of public hearings; Key documents including the application, letters of approval, grant agreement, written Citizen Participation Plan, performance reports, other reports required by the Commerce Finance Center.
3. Copies of the regulations, notices, transmittals, and issuance's governing the CDBG program; and
4. Documents regarding other important program requirements such as contracting procedures, environmental policies, fair housing, and other equal opportunity requirements, relocation provisions, and the A-95 review process.

***Copies of these documents are subject to a copy fee of .25 cents per page.***

All information contained in CDBG files other than the preceding listed information, **NAMELY information pertaining to the employment, income, bank deposits and other assets, martial status, and total assets of beneficiary (ies) employees (seeking employment, hired and/or retained) and the economic development beneficiary (ies), will be maintained in accordance with the requirements of G.S. 160A-168 and will be open to public inspection only in the following cases:**

1. The Chairman of the County Board of County Commissioners, County Commissioner, County Manager, and County Attorney may examine all materials on file.
2. By court order of competent jurisdiction, designated person may examine all material on file.
3. An official of an agency of the State or Federal government, or any political subdivision of the State, May inspect any portion of the file when such inspection is deemed by County Officials as listed above as necessary and essential to the pursuance of a proper function of the inspecting agency.

***Each individual requesting access to confidential information will be required to submit satisfactory proof of identity; and a record will be made of each disclosure and placed in the respective file.***

**VII. TECHNICAL ASSISTANCE**

Technical Assistance will be provided to citizen organizations and groups of low/moderate income persons or target area residents upon request to the County of Pender. Such assistance will support citizen efforts to develop proposals, define policy and organize for the implementation of the program. It is expected that such assistance will be provided directly by the County in response to their request. Assistance could be provided in the form of local presentations, informational handouts, research of a specific issue or other short-term efforts.

**VIII. GRIEVANCE PROCEDURE:**

The County will use the following procedures to process citizen complaints. Citizens May make comments at any point in the program including planning, implementation and closeout. The County will respond in writing to written citizen comments. Citizen comments should be mailed to:

Mickey Duvall, Manager County of Pender 805 South Walker Street/PO Box 5 Burgaw, North Carolina 28425
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The County shall respond in writing to written comments within ten (10) calendar days after the receipt of the comments. See section The response shall outline the action taken regarding the comments and the reasons for the action.

If the response is unsatisfactory, the complainant should write directly to George Brown, Chairman at the above address. He shall respond within ten (10) days.

If the citizen is still dissatisfied, he/she should write to North Carolina Department of Commerce, Commerce Finance Center, 4318 Mail Service Center, Raleigh, North Carolina 27699-4318, Attention: Program Representative, requesting an investigation of the problem. Program staff will also be available during normal business hours to respond to any citizen inquiries or complaints.

Adopted December 9, 2013.

\_\_\_\_\_  
George Brown, Chairman

SEAL

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Glenda Pridgen, Clerk to the Board

**County of Pender**  
**Community Development Block Grant Program**  
**Local Jobs Initiative**  
**Section 3 Plan**  
**Local Economic Benefit for Low- and Very Low-Income Persons**  
**December 9, 2013 – October 1, 2015**

**I. APPLICATION AND COVERAGE OF POLICY**

The County of Pender is committed to the policy that, to the greatest extent possible, opportunities for training and employment be given to lower income residents of the community development project area and contracts for work in connection with federally assisted community development project be awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, the County of Pender has developed and hereby adopts the following Plan:

The County will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 CFR Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development, and all applicable rules and orders of the Department issued thereunder

This Section 3 covered project area for the purposes of this grant program shall include the County of Harnett.

The County will be responsible for implementation and administration of the Section 3 plan. In order to implement the County policy of encouraging local residents and businesses participation in undertaking community development activities, the County will follow this Section 3 plan which describes the steps to be taken to provide increased opportunities for local residents and businesses

This Section 3 Plan shall apply to services needed in connection with the CDBG grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

When in need of a service, the County will identify certified Section 3 business suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the North Carolina Division of Community Investment (CI), Compliance staff and the North Carolina Department of Administration Interactive Procurement System (IPS)'s "Search for Registered Vendors" link.

The County will include the Section 3 clause and this plan in all contracts executed under this Community Development Block Grant (CDBG) Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources of

subcontractors and suppliers. The Section 3 Plan shall be mentioned in the pre bid meetings and preconstruction meetings.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Harnett County Employment Security Commission shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise the pertinent information regarding the project including all Section 3 required information. Community Investment and Assistance (CI) will be contacted with the Bid Materials to distribute the information throughout their list serve to reach out the communities.

## **II. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION**

The County will take the following steps to assure that low income residents and businesses within the community development project area and within Harnett County are used whenever possible:

(Describe below)

1. The County will directly solicit Section 3 businesses using CI and IPS certified Section 3 business listings.
2. Assure that potential construction bidders make a "best faith" effort to use certified Section 3 businesses using CI and IPS data bases.

Please check the methods to be used for the Section 3 program in your community:

The County will place a display advertisement in the local newspaper containing the following information:

- i. A brief description of the project
- ii. A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
- iii. An acknowledgement that under Section 3 of Housing and Community Development Act, local residents and businesses will be utilized for jobs, contract and supplies in carrying out the project to the greatest extent feasible.

Residents and businesses will be encouraged to participate in applicable state, federal, and/or community action agencies job training programs that may be offered in the area.

Low income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:

- i. Advertisement in the local newspaper
- ii. Posting of Section 3 Plan at the County Municipal Building
- iii. County Board of County Commissioners meeting when project activities and schedules are discussed

The County will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

1. Encourage rehabilitation contractors to hire local area residents
2. Encourage public works contractors to hire local area residents

The County will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area

1. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores

### **III. RECORDS AND REPORTS**

The County will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations, and permit authorized representatives of CI, and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

The County shall report annually the Section 3 numbers using the form HUD 60002 to CI at the end of the calendar year as part of the Annual Performance Report (APR).

### **IV. MONITORING COMPLIANCE**

The County may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notice, and published information will be kept to document the implementation of the plan.

**V. COMPLAINTS CONTACT**

Please provide the main contact in case that any complaint is received from the general public on Section 3 compliance (including name, phone number, address, and email):

**Mickey Duvall, Manager**  
**County of Pender**  
805 South Walker Street  
PO Box 5  
Burgaw, North Carolina 28425  
Phone: 910-230-3500  
[mduvall@pendercountync.gov](mailto:mduvall@pendercountync.gov)

Adopted December 9, 2013.

\_\_\_\_\_  
George Brown, Chairman

SEAL

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Glenda Pridgen, Clerk to the Board

**County of Pender  
Community Development Block Grant Program  
Equal Employment and Procurement Plan**

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

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

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

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the County's Human Resource Director to assist in the implementation of this policy statement.

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

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

Adopted December 9, 2013.

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George Brown, Chairman

SEAL

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Glenda Pridgen, Clerk to the Board

**County of Pender  
Community Development Block Grant Program  
Procurement Policy**

The County of Pender (County) shall use the following guidelines in the procurement of services and supplies, which will be financed whole or in part by Federal funds as applicable by program regulations.

**1. OFFICE SUPPLIES AND EQUIPMENT**

The County will use the Small Purchase Procedure for the procurement of supplies (aggregate shall not exceed \$10,000). The County shall prepare a list of the supplies that are anticipated to be needed during the startup and course of the project. This list will be given to at least three vendors in the general area. The County shall select the supplier/vendor based upon the low bid for the total purchase.

**2. PROFESSIONAL SERVICES**

The County shall use the Competitive Negotiation Procedure for the procurement of professional services. The following guidelines will apply:

a. A notice soliciting professional service proposals will be placed in a newspaper with local circulation at least 14 days prior to the selection date.

b. A Request for Proposal will be developed and sent to at least three interested firms or individuals known to provide the solicited professional services. The Request will follow the procurement guidelines as expressed by Federal program guidelines and set forth clearly the requirements that the offeror shall be expected to fulfill.

c. Proposals must contain cost of service expressed as a lump sum cost or a not to exceed cost with hourly rates. Note: Engineering firms are **exempt** from having to include a lump sum or not-to-exceed statement in their proposals.

d. An adequate number of responses from qualified sources must be received in order to proceed with the selection process. If this is not the case, then the County must follow the above-described procedure for a second time and expand the area of circulation of the advertisement. On the second solicitation, any response May

be reviewed for selection, but the County need not be obligated to accept the single proposal and May elect to begin the process again.

e. Awards will be made to the responsible firm/person having the ability to perform successfully under the terms and conditions of the proposed procurement. Factors to be considered in the award of contract include: contractor integrity; record of past performance, experience; education; familiarity with the subject matter and with the County, etc. Contract award cannot be based upon evaluation of cost of service alone. Once a candidate has been selected, the County at its option May negotiate the cost of service.

Proposals will be reviewed on the following bases.

1. CONTENT REVIEW: Each proposal received will be evaluated to determine how the respondent addressed the scope of services. Review should include a look for clarity, project understanding, feasibility and staffing qualifications to administer the service. The proposal which most clearly meets this review should be ranked highest and should receive a 20 point score. The average proposal should receive a 10 point score. Proposals which contain poor contents should receive a 1 point score. If no proposal is assessed to have superior contents or exceptionally poor contents, the rankings should be consistent at 5 points.

2. PERFORMANCE REVIEW: Proposals should be reviewed and reference calls should be made to assess past performance. The individual/firm determined to have the most superior performance based upon successfully working on similar projects will receive a 20 point score. Average performance should receive a 10 point score. Poor performance should receive a 1 point score. If no proposal is assessed to have superior contents or exceptionally poor contents, the rankings should be consistent at 5 points.

2. BONUS POINTS: Bonus points May be assigned to the scores as applicable for the following:

- a) Disadvantaged firms (minority ownership at least 51% of business)\  
1 point
- b) Small Business (<\$100,000 annually) 1 point
- c) Local Business (Section 3 Area) 1 point
- d) Section 3 Business 1 point

4. **COST OF SERVICE:** Cost of service shall be negotiated with the firm selected on the basis of the above criteria.

The County shall negotiate price with the firm having the highest ranking. In the event that a price cannot be negotiated with the highest-ranking firm, the County will negotiate with the firm having the next highest ranking. This process will continue until a reasonable price has been negotiated with the professional firm having the highest point total. At this time the firm will be awarded the contract. The County has the right to reject any or all proposals.

3. **CONTRACTUAL SERVICES OVER \$2,000:**

These services, including but not limited to contractors for public works activities and housing rehabilitation, shall be secured through the bidding procedure as outlined in OMB Circular A-102, Attachment O.

Adopted December 9, 2013.

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George Brown, Chairman

SEAL

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Glenda Pridgen, Clerk to the Board

**County of Pender  
Community Development Block Grant Program  
Code of Conduct**

No employee, officer or agent of the County shall participate in the selection, or in the award of administrative purchases or conflicts if a conflict of interest, real or apparent, would be involved. Such conflict would arise when:

- a. the employee;
- b. officer or agent;
- c. any member of his/her immediate family;
- d. his or her partner; or
- e. an organization that employs, or is about to employ, any of the above,

**has a financial or other interest in the firm selected for award.**

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

Acceptance of gifts, other than items of nominal value such as advertising novelties, is prohibited. Officials shall not become obligated to any vendor and must not conclude any County transaction from which they may personally benefit.

Violators of the above standards will be subject to disciplinary action up to and including dismissal and/or prosecution to the extent permitted by State and local regulations.

Adopted December 9, 2013.

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George Brown, Chairman

SEAL

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Glenda Pridgen, Clerk to the Board

**County of Pender  
Community Development Block Grant Program  
Guideform Residential Antidisplacement and Relocation Assistance Plan Under  
Section 104 (d) of the Housing and Community Development Act of 1974 as  
Amended**

The County of Pender (County) recognizes that during the course of administering a CDBG program it sometimes becomes necessary to relocate businesses and residences, as applicable. In the event that it should become necessary, the following Plan is provided as a guideform for any antidisplacement or relocation assistance that May be required.

**UNDER THIS PLAN THE COUNTY** will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(1).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the County will make public and submit to the North Carolina Department of Commerce the following information in writing.

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

The County will provide relocation assistance as described in its adopted "Optional Coverage Relocation Policy" and as described in the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(2) to each household displaced by the demolition of housing or by the conversion of a dwelling to another use as a direct result of CDBG assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the County will take the following steps to minimize the displacement of persons from their homes:

**STEPS TO MINIMIZE THE DISPLACEMENT OF PERSONS FROM THEIR HOMES**

1. Prior to the initiation of public work activities the County will emphasize the approval of routes that will not result in the displacement of persons from their homes. Prior to considering the approval of a public works project that will displace a person from their home, the County's engineering firm will provide a description of alternate design (route) considerations and why the proposed route that will displace a person from their home(s) is the best option.

In the event that the displacement of persons from their homes does occur, the County will follow procedures of 49 CFR Part 24 "*Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs; Final Rule and Notice*" regulations and its adopted "Optional Coverage Relocation Policy" as May be applicable to the individual situation.

Adopted December 9, 2013.

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George Brown, Chairman

SEAL

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Glenda Pridgen, Clerk to the Board

**County of Pender**  
**Community Development Block Grant Program**  
**Resolution to Prohibit Excessive Force By Law Enforcement**  
**Section 519**

**Whereas,** the County of Pender is applying for a Small Cities Community Development Block Grant (CDBG) administered by the North Carolina Department of Commerce, and

**WHEREAS,** the Small Cities Community Development Block Grant Program requires that the County has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies in accordance with Section 519 of Public Law 101-144, (the HUD Appropriations Act).

**NOW THEREFORE BE IT RESOLVED BY THE COUNTY OF PENDER COUNTY BOARD OF COUNTY COMMISSIONERS THAT:**

1. As policy the County of Pender prohibits the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations and will enforce this policy as permitted by applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction in accordance with Section 519 of Public Law 101-144, (the 1990 HUD Appropriations Act).

Adopted December 9, 2013.

\_\_\_\_\_  
George Brown, Chairman

SEAL

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Glenda Pridgen, Clerk to the Board

**County of Pender  
Community Development Block Grant Program  
Section 519 Certification**

County of Pender  
Grantee

805 South Walker Street/PO Box 5, Burgaw, North Carolina 28425  
Grantee's Address

I hereby certify that the County of Pender has adopted and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations and has adopted and is enforcing a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction in accordance with Section 519 of Public Law 101-144, (the 1990 HUD Appropriations Act).

SEAL

George Brown, Chairman  
Typed Name and Title of Certifying Official

\_\_\_\_\_  
Signature of Certifying Official

December 9, 2013  
Date

**County of Pender  
Community Development Block Grant Program  
Property Acquisition Policy**

**Whereas,** the County of Pender is applying for a Small Cities Community Development Block Grant (CDBG) administered by the North Carolina Department of Commerce, and

**WHEREAS,** the acquisition of real property, easements, and rights of way are eligible activities under the rules and regulations regarding the Community Development Block Grant Program administered by the State of North Carolina.

**NOW THEREFORE BE IT RESOLVED BY THE COUNTY OF PENDER COUNTY BOARD OF COUNTY COMMISSIONERS THAT:**

1. The County of Pender will follow the procedures outlined in Section .0301 of the North Carolina Community Development Block Grant Program Regulations (15 NCAC 13L) to acquire property using Community Development Block Grant funds.

Adopted December 9, 2013.

\_\_\_\_\_  
George Brown, Chairman

SEAL

\_\_\_\_\_  
Glenda Pridgen, Clerk to the Board

**County of Pender  
Community Development Block Grant Program  
Labor Standards Officer**

**Whereas,** the County of Pender is applying for a Small Cities Community Development Block Grant (CDBG) administered by the North Carolina Department of Commerce, and

**Whereas,** the use of these funds requires that Federal Davis Bacon requirements be met on construction activities financed all or in part using CDBG funds.

**NOW THEREFORE BE IT RESOLVED BY THE COUNTY OF PENDER'S COUNTY BOARD OF COUNTY COMMISSIONERS THAT:**

1. Skip Green, Skip Green and Associates, Inc. is designated as the County of Pender's Labor Standards Officer to review and check for Federal labor compliance as required by CDBG regulations.

Adopted December 9, 2013.

\_\_\_\_\_  
George Brown, Chairman

SEAL

\_\_\_\_\_  
Glenda Pridgen, Clerk to the Board

**County of Pender**  
**Community Development Block Grant Program**  
**Section 504**  
**Compliance Officer/Greviance Procedure**

The County of Pender County Board of County Commissioners, North Carolina, hereby designates the County Manager to serve as the Section 504 Compliance Officer throughout the implementation of the County of Pender's Community Development Block Grant Program.

Citizens with Section 504 grievances may do so at any point in the program. The County will respond in writing to written citizen grievances. Citizen grievances should be mailed to the County Manager, PO Box 5, Burgaw, NC 28425. The County will respond to all written citizen grievances within ten (10) calendar days of receipt of the comments.

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

If the citizen is dissatisfied with the local response to a Small Cities Community Development Block Grant – Economic Development Program, he/she should write to the North Carolina Department of Commerce, Commerce Finance Center, 4313 Mail Service Center, Raleigh, North Carolina 27699-4313, Attention: George Sherrill, Section Chief or the Division of Community Investment and Assistance, 4301 Mail Service Center, Raleigh, North Carolina 27699-4301, Attention: Richard Self, Director.

If the citizen is dissatisfied with the local response to a non-Economic Development Small Cities Community Development Block Grant Program, he/she should write to the Division of Community Investment and Assistance, 4301 Mail Service Center, Raleigh, North Carolina 27699-4301, Attention: Richard Self, Director

The NC Department of Commerce will respond only to written comments within ten (10) calendar days of the receipt of the comments.

Adopted December 9, 2013.

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George Brown, Chairman

SEAL

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Glenda Pridgen, Clerk to the Board

PENDER COUNTY

Fair Housing Policy

WHEREAS, Pender County desires that the citizens of the County be afforded the opportunity to attain the national objective of decent, safe and sound living environment; and

WHEREAS, Pender County deplores discrimination in the provision of housing on the basis of race, religion, color, creed, sex, national origin, young children in a family, or handicapping conditions; and

WHEREAS, Pender County desires that every citizen be afforded the opportunity to select a home of his or her choice; and

WHEREAS, Pender County wishes to ensure that programs and activities undertaken by the County relating to housing and urban development be administered in a manner to affirmatively further fair housing as required by Title VIII of the Civil Rights Act of 1958, as amended; 24 CFR 107, Nondiscrimination and Equal Opportunity in Housing under Executive Order 11063; and the North Carolina State Fair Housing Act, NCGS, Chapter 41A;

NOW, THEREFORE, to accomplish the above, Pender County does adopt the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in Pender County may do so by informing Pender County Housing Authority Director at (910) 259-1202, or NC Human Relations Commission (919) 807-4420, Toll-Free (866) 324-7474, TDD4t. (919) 807-4420 (or Relay North Carolina TTY# 3-800-735-2962) of the facts and circumstances of the alleged discriminatory act or practice;
2. Upo  
n receiving a housing discrimination complaint, the Pender County Housing Authority Director shall acknowledge the complaint with ten (10) days in writing and inform the North Carolina Human Relations Commission atout the complaint. The County shall then assist the Commission and the complainant in 'tiling an official written housing discrimination complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII.
3. Pen  
der County shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based upon events occurring in the County.
4. The  
Pender County Housing Authority Director shall publicize within the County that she is the local official to contact with housing discrimination complaints.

Adopted December 9, 2013.

\_\_\_\_\_  
George Brown Chairman

ATTEST: \_\_\_\_\_  
Glenda Pridgen, Clerk to the Board

**Providing Meaningful Communication with Persons with Limited English Proficiency**

**County of Pender**

**July 9, 2013 through July 9, 2015**

*The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.*

**POLICY:**

In order to avoid discrimination on the grounds of national origin the County of Pender will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the County has to ensure LEP individuals can communicate effectively.

**DEFINITIONS:**

**Limited English Proficient (LEP) individual** – Any prospective, potential, or actual recipient of benefits or services from the County who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with County staff.

**Title VI Compliance Officer:** The person or persons responsible for administering compliance with the Title VI LEP policies.

**Substantial number of LEP:** 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the County and speak a primary language other than English and have limited English proficiency.

**PROCEDURES:**

**1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

The County of Pender will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or "I speak cards," provided by Community Investment and Assistance (CI)) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

**2. OBTAINING A QUALIFIED INTEPRETER**

List the current name, office telephone number, office address and email address of the Title VI compliance officer:

Ms. Judith Herring Pender County Housing Authority Director 805 South Walker Street/PO Box 5 Burgaw, North Carolina 28425 (910) 259-1370
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***(Note: The County must notify the CI Compliance Office immediately of changes in name or contact information for the Title VI compliance officer.)***

**Check all methods that will be used:**

- Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff ***(provide the list)***;
- Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

***(Identify the agency(s) name(s) with whom you have contracted or made arrangements)***

Pender County Department of Social Services (NEED)  
Have/has agreed to provide qualified interpreter services. The agency's (or agencies') telephone number(s) is/are ***(insert number (s))***, and the hours of availability are ***(insert hours)***.  
(NEED)

Other (*describe*):

**All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.**

### **3. PROVIDING WRITTEN TRANSLATIONS**

- i. When translation of vital documents is needed, the County of Pender will submit documents for translation into frequently-encountered languages.
- ii. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, for LEP individuals.

### **4. PROVIDING NOTICE TO LEP PERSONS**

The County of Pender will inform LEP persons of the availability of language assistance, by providing written notice in languages LEP persons will understand. Example: The notification will include, in the primary language of the applicant/recipient, the following language: IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE COUNTY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.

All interpreters and translators needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry at the County of Pender Municipal Building.

Notification will also be provided by an annual notification in a local newspaper.

### **5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION**

#### **I. Compliance Procedures, Reporting and Monitoring**

##### **A. Reporting**

The County will complete an annual compliance report and send this report to CI. (Format will be supplied by CI)

B. Monitoring

The County will complete a self-monitoring report on a quarterly basis, using a standardized reporting system (attached). These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the CI upon request.

The County will cooperate, when requested, with special review by the CI.

**II. Applicant/Recipient Complaints of Discriminatory Treatment**

A. Complaints

The County will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy. The form can be found at <http://www.nccommerce.com/cd/community-investment/forms-resources/compliance-plans-and-templates>.

The County will maintain records of any complaints filed, the date of filing, actions taken and resolution.

The County will notify the appropriate section within CI of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Resolution of Matter

If the matter cannot be resolved by informal means, the individual will be informed of his or her right to appeal further to CI. This notice will be provided in the primary language of the individual with Limited English Proficiency.

The CI Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.

If not resolved by CI, then complaint will be forwarded to Department of Justice (DOJ), Department of Housing and Urban Development (HUD) Field Office.

Adopted December 9, 2013.

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George Brown, Chairman

SEAL

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Glenda Pridgen, Clerk to the Board

**COUNTY OF PENDER  
RC CREATIONS CDBG-ED  
PROJECT PUBLIC FACILITY ASSESSMENT POLICY**

The County of Pender (County) is required, as a condition of a Community Development Block Grant for Economic Development (CDBG-ED) to construct infrastructure improvements to adopt an assessment policy. The assessment policy delineated herein is designed to give the County a mechanism to equitably provide sewer service to future users as a result of CDBG-ED funding.

1. Future users shall be required to pay the County an assessment fee of \$500 to connect to the County sewer infrastructure that is treated by the Pender Commerce WWTP financed in part using CDBG-ED grant funds. This fee shall be paid in full prior to connection to the designated sewer facilities.
2. The assessment fee required in Section 1 shall not be imposed on any business that is owned by low and moderate-income individuals, or any residence that is owned or occupied by low and moderate-income individuals. This assessment fee shall be waived by the County for any business that ties into the service that presently employs greater than 60% low and moderate-income persons and/or will create new jobs of which low and moderate-income persons will fill 60% of positions.
3. The County reserves the right to reduce the assessment fee charged to any future users based on the economic impact on the County's overall economy.
4. All revenue generated by this assessment policy prior to completion of the project shall be used to reduce the amount of the CDBG-ED funds. Fifty percent (50%) of all revenue generated by the assessment policy thereafter shall, for a period of five (5) years, be returned to the CDBG Program at the Commerce Finance Center for funding of future economic development projects. The fifty percent (50%) retained by the County shall be used to finance future capital improvements to the County's water or water systems with priority placed upon improvements to benefit persons of low and moderate income.

Adopted December 9, 2013.

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George Brown, Chairman

SEAL

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Glenda Pridgen, Clerk to the Board