

RESOLUTION NO. 2009-08

SECTION 3 PLAN

WHEREAS, The Town of Silver City is committed to comply with Section 3 of the Housing and Urban Development Act of 1968; and

WHEREAS, This Act encourages the use of small local businesses and the hiring of low income residents of the community; and

WHEREAS, The Town of Silver City has appointed Alex C. Brown, Town Manager-Finance Director, as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as a focal point for section 3 complaints, and as the on-site monitor of prime contractors and sub-contractors to insure the implementation and enforcement of the Section 3 plans; and

WHEREAS, The approval or disapproval of the Section 3 plan is the ultimate responsibility of the Town of Silver City; and

WHEREAS, Documentation of efforts will be retained on file for monitoring by the State.

THEREFORE, The Town of Silver City shall:

1. Hiring

- a. Advertise for all Town of Silver City positions in local newspapers.
- b. Give preference in hiring to lower income persons residing in Grant County.
This means that if two equally qualified persons apply and one is a resident of Grant County and one is not, the resident will be hired.
- c. Maintain records of hiring as specified on this form:
TOWN OF SILVER CITY
Planned # of # of Positions to #of Positions filled
Job Positions be filled by lower Positions by lower income
Classification to be filled income residents filled residents

2. Contracting

- a. The Town of Silver City will compile a list of businesses, suppliers and contractors located in Grant County.
- b. These vendors will be contacted for bids or quotes whenever the Town of Silver City requires supplies, services or construction.
- c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within Grant County and one from outside the County, the contract will be awarded to the business located within the County.

3. Training

The Town of Silver City shall maintain a list of all training programs operated by the Town and its agencies and will direct them to give preference to Town of Silver City residents. The Town of Silver City will also direct all CDBG sponsored training to provide preference to Town of Silver City residents.

4. CDBG Contracts

All CDBG bid proposals and contracts shall include the following Section 3 language:

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provision of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued there under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under the Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants of employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or recipient of federal financial assistance, take appropriate action pursuant to subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135, and will not let any subcontractor unless the subcontractor has first provided it with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued there under prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns.

Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors and assigns to those sanctions specified by the grant of loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135. The Town of Silver City shall require each contractor to prepare a written Section 3 plan as part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the Town of Silver City Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the State. The Town of Silver City will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in the Town of Silver City and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Grant County. Information contained in our Section 3 Plan reflects the status of the Town of Silver City employees regarding lower income considerations based on their salary paid by the Town of Silver City.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Silver City, **APPROVED, PASSED, AND ADOPTED** the Section 3 Plan this 24th day of March, 2009.

(Seal)

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk