

**RESOLUTION NO. 2010-08**  
**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 Brown, Town Manager, 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;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Silver City that the following provisions be adopted, to the greatest extent feasible and consistent with existing Federal, State, and local laws and regulations:

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 Exhibit C.

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.

**APPROVED, PASSED, AND ADOPTED** this 9th day of March, 2010.

(Seal)

/s/

\_\_\_\_\_  
James R. Marshall, Mayor

Attest:

/s/

\_\_\_\_\_  
Ann L. Mackie, Town Clerk

**EXHIBIT A**  
**SECTION 3**  
**CONTRACTOR CERTIFICATION**

This is to certify that:

\_\_\_\_\_  
Business name (print)

Is a Section 3 Business as defined below:

- Is 51 percent or more owned by Section 3 residents; or
- Has permanent, full-time employees at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or
- Has a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to such businesses described above.

\_\_\_\_\_  
Contractors Signature

\_\_\_\_\_  
Date

**EXHIBIT B**  
**SECTION 3**  
**RESIDENT CERTIFICATION**

This is to certify that:

\_\_\_\_\_  
Resident's Name (print)

Is a Section 3 Resident as defined below:

- Lives within the metropolitan area or non-metropolitan county, and
- Income does not exceed 80 percent of the median (refer to HUD's Low/Moderate Income Limits); or
- Is a Public Housing Resident.

\_\_\_\_\_  
Residents Signature

\_\_\_\_\_  
Date

**EXHIBIT C**  
**SECTION 3 PLAN**

ANTICIPATED			HIRING 200	
PLANNED			ACTUAL	
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income City or County Residents	# of Positions Filled	Positions Filled by Lower Income City/County Residents

**EXHIBIT D**  
**SECTION 3 PLAN**

<b>Median Income 44,900</b>									
# In Hshld	1	2	3	4	5	6	7	8	
30%	9,400	10,750	12,100	13,450	14,550	15,600	16,700	17,750	
Very Low 50%	15,700	17,950	20,200	22,450	24,250	26,050	27,850	29,650	
60%	18,840	21,540	24,240	26,940	29,100	31,260	33,420	35,580	
Low 80%	25,150	28,700	32,300	35,300	38,750	41,650	44,500	47,400	
<b>Maximum Gross Rents by Bedroom Size</b>									
Bedrooms	0	1	2	3	4	5	6		
Low Home	392	420	505	583	651	718	785		
High Home	402	466	529	725	767	852	916		
<b>INFO ONLY</b>									
Fair market	402	466	529	745	767	882	997		
50%	392	420	505	583	651	718	785		
65%	491	528	636	725	789	852	916		