

RESOLUTION NO. 2269

CITY OF ROSWELL SECTION THREE PLAN

A RESOLUTION ADOPTING A PLAN TO PROVIDE ENCOURAGEMENT FOR THE USE OF SMALL LOCAL BUSINESSES AND EQUAL EMPLOYMENT OPPORTUNITY FOR LOW INCOME RESIDENTS.

WHEREAS, the City of Roswell 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 business and the hiring of low income residents of the area, and

WHEREAS, the City of Roswell has appointed the City Manager or his designee as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially serve as focal point on Section 3 complaints, as the on-site monitoring of prime contractor's and sub-contractor's to insure the implementation and enforcement of their Section 3 plans, and

WHEREAS, the approval of disapproval of the Section 3 plan is the ultimate responsibility of the City and documentation of City efforts will be retained on file in the appropriate office for monitoring by the State;

BE IT RESOLVED that the City of Roswell and the governing body hereby adopt the following Section Three Plan herewith:

Therefore, the City shall:

1. Hiring

- (a) Advertise for all City positions at various locations including the New Mexico Department of Labor.
- (b) List all City job opportunities with the State Employment Services.
- (c) Comply fully as an Equal Opportunity Employer.
- (d) Maintain records of City hiring as specified on this form.

2. Contracting

- (a) The City will maintain a list of interested businesses, suppliers and contractors located in the City.
- (b) These vendors will be contacted whenever the City requires supplies, service or construction to solicit bids.

- (c) Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the City and one from outside the City, the contract will be awarded to the business located within the Community.

3. Training

The City shall maintain a list of training programs operated by the City and its agencies and will direct them to give preference to City residents. The City will also direct all Community Development Block Grant (CDBG) sponsored training to provide preference to City residents.

4. Community Development Block Grant Contracts

All CDBG bid packages and contracts shall include the following Section 3 language.

- (a) The work to be performed under this contract in 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 lower income 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 regulation issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 234 CFR and all applicable rule and orders of the Department issued thereunder proper 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 or 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 this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for 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 the 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

subcontract 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 thereunder prior to their 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 or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The City shall require each contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$10,000. All Section 3 plans shall be reviewed and approved by the City Equal Opportunity Section 3 Compliance Officer and maintained in said office for monitoring by the State.

The City of Roswell will maintain all necessary reports and will ensure that all contractors and subcontractors submit required reports.

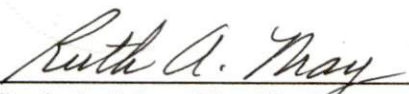
LOWER INCOME CLARIFICATION

A family who resides in Roswell and whose income does not exceed 80 percent of the countywide median is considered by the State to be a lower income family. The median family income for Chaves County, New Mexico is \$29,400 as prepared by HUD on December 10, 1994, therefore, a resident whose income does not exceed \$23,520 (80% of \$29,400) will be considered as lower income.

PASSED AND ADOPTED by the Roswell City Council this 9th day of March, 1995.


THOMAS E. JENNINGS, Mayor

ATTEST:


Ruth A. May, City Clerk