

RESOLUTION NO. 10293

A RESOLUTION ADOPTING A CITIZENS PARTICIPATION PLAN FOR CITIZEN INPUT INTO APPLICATIONS FOR CDBG AND HOME FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND REPEALING RESOLUTION NO. 9890

WHEREAS, the City of Pueblo, Colorado has entered into Grant Agreements the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the Grant Agreements require the City of Pueblo, Colorado to comply with all federal regulations with respect to citizen participation; and

WHEREAS, the City Council has reviewed the Citizen Participation Plan attached hereto. NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF PUEBLO, COLORADO, that:

SECTION 1

In accordance with 24 CFR Part 91.105 (a), the City of Pueblo hereby adopts the Citizen Participation Plan, a copy of which is attached hereto, in accordance with Section 104 (a) (3) of the Housing and Community Development Act of 1974.

SECTION 2.

Resolution No. 9890 and Citizen's Participation Plan thereby adopted are repealed.

SECTION 3.

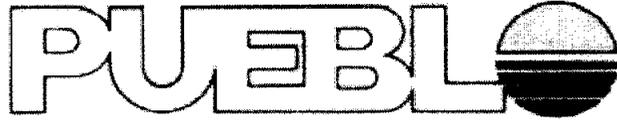
This Resolution shall become effective immediately upon final passage and approval.

INTRODUCED December 27, 2004

BY Michael Occhiato
Councilperson

APPROVED: 
PRESIDENT OF CITY COUNCIL

ATTESTED BY: 
CITY CLERK



Background Paper for Proposed
RESOLUTION

AGENDA ITEM # 7

DATE: December 27, 2004

DEPARTMENT: HOUSING AND CITIZEN SERVICES / ADA RIVERA CLARK

TITLE

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ISSUE

Should the City adopt an amended Citizen Participation Plan to comply with HUD regulations including a policy allowing an ADA Advisory Committee (ADA Task Force) to make CDBG funding recommendations for the installation of ADA curb ramps in the City.

RECOMMENDATION

Adopt the Citizen Participation Plan. Notice was published in the newspaper and a public meeting was held to obtain the views of citizens on the Citizens Participation Plan.

BACKGROUND

Public participation and consultation with public agencies is a requirement of the CDBG and HOME funding allocation process. The citizen participation process is a required component of the Consolidated Plan that specifies how CDBG and HOME funds will be spent by the City of Pueblo in meeting the national objectives of the CDBG program. The Citizen Participation Plan policy is intended to encourage citizen participation, either directly or indirectly through elected officials and public agencies in establishing priorities of the Consolidated Plan.

The attached Citizen Participation Plan will be used by City staff during the CDBG funding process and will continue to address the specifics of how and when the public will be notified, how they may provide comments, how long they will have to comment, and where documents will be available.

FINANCIAL IMPACT

Approval of the new Citizen Participation Plan does have a financial or budgetary impact.

**CITIZENS' PARTICIPATION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT BLOCK GRANT ACT OF 1974
AS AMENDED BY THE H. & C. D. ACT OF 1987**

I. The primary goal of a community's Citizen Participation Plan is to provide all citizens of the community with an adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the city of Pueblo's Consolidated Plan (CP) programs. This Citizen Participation Plan (CPP) sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the Consolidated Plan process. Local officials may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such people might otherwise be excluded, or should additional action be deemed necessary. This plan is effective and amended as of January 10, 2005 and shall continue to remain in effect until all Community Development Block Grant CDBG and HOME activities are completed or until it is superseded by a new plan.

II. In 1995, the Department of Housing and Urban Development (HUD) combined the CDBG and HOME application cycles thereby creating the Consolidated Plan process. The Consolidated Plan (CP) process is used to evaluate needs, set priorities, and allocate funds to implement projects using CDBG and HOME funds within a community. The CP process is more efficient by allowing for a more comprehensive approach to the evaluation of needs, the establishment of priorities and the allocation of funds by a community. Prior to finalizing the annual One Year Action Plan final statement of projects and activities to be funded with CDBG and HOME funds, all citizens of Pueblo will have an opportunity to participate in the development of that Consolidated Plan. This is a requirement of the Department of Housing and Urban Development (HUD) under the Community Development Block Grant and HOME Programs. This will be done by citizens' voicing opinions on how the funds should be used.

III. The City of Pueblo intends that its Community Development Block Grant and HOME Programs have the support of the largest possible number of people in the community. Emphasis is placed on opportunities for participation by low/moderate income persons and the organizations and agencies that serve low/moderate income persons with Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds. Activities to promote additional participation may include seeking out and consult with groups that represent special needs populations such as senior citizens, the disabled, and veterans, residents of low-income neighborhoods, minorities, residents of public housing and residents of assisted housing, posting of notices in blighted neighborhoods and in places frequented by low and moderate income persons, and holding public hearings in low and moderate income neighborhoods or areas of existing or proposed CDBG project activities. Surveys may be used to gather information and opinions from citizens that cannot attend meetings or to provide supplementary data.

IV. To facilitate participation in the Consolidated Plan development by community organizations, service agencies, citizens groups and the like, Pueblo maintains representation on the following committees: Citizen Advisory Committee (CAC), ADA Advisory Committee, and other advisory committees as the City may require, including those on Exhibit A.

The City will continue to have a Citizens' Advisory Committee (CAC) for input into the Community Development Block Grant and HOME program. The Citizens Advisory Committee has been established consisting of 12 members—three from each of the four quadrants of the City.

A. The City has been divided for planning purposes into four quadrants as follows:

1. North Quadrant – District 1 – the area lying north of the Arkansas River and west of the Fountain River.
2. East Quadrant – District 2 – the area lying east of the Fountain River and north of the Arkansas River and including the downtown area.
3. Near South Quadrant – District 3 – the area lying south of the Arkansas River and west of Prairie Avenue.
4. Far South Quadrant – District 4 – the area south of Rice Avenue and Arkansas River and east of Prairie Avenue.

B. The Citizens' Advisory Committee will meet to set its own organizational policy, assist with receiving, and reviewing applications and proposed funding allocation for various City of Pueblo CDBG and HOME programs. The CAC will conduct public meetings to allow citizen input on the annual adoption of the One –Year Action Plan and Consolidated Plan for CDBG and HOME funding.

The Citizen Advisory Committee will meet at times months in advance of the beginning of the planning year's Consolidated Plan adoption and fiscal year to prepare for the upcoming CDBG and HOME funding cycle. The meetings where citizens can submit applications for funding will be open to the public and will be adequately publicized in advance. The CAC will then meet as often as necessary to develop its final advisory recommendations on how the annual CDBG and HOME grant funds should be used. These advisory recommendations will be forwarded to City Council and will form the basis of the City Council's consideration as to the content of the One Year Action Plan final statement of objectives and activities.

C. The ADA Advisory Committee will meet to serve in an advisory capacity to the City Manager and professional staff in developing strategies, systems and guidelines and recommendations regarding access to City of Pueblo services and facilities for people with disabilities. Any recommendations or proposals advanced by the Committee shall be advisory in nature, and shall be given due consideration by the appropriate City staff for feasibility and implementation. The Committee, subject to City Council annual appropriations and without any requirement for the City Council to do so, shall

make recommendations for the use of \$400,000 of the City's annual block grant of CDBG funds. Expenditures of these funds shall be restricted to installation of ADA compliant curb ramps.

D. Other advisory committees will overview subsequent allocations of HOME funds.

E. Citizens may request to become a member of the Citizens' Advisory Committee by responding to advertisements published in the local newspaper advising the public and soliciting applications to fill vacancies on the Committee. Applications will be made available at the Department of Housing and Citizen Services. New members will be elected by a majority vote of current members of the Citizens' Advisory Committee. If any member of the Committee shall have three consecutive absences without a legitimate excuse, his/or her position on the Committee shall be declared vacant. A legitimate excuse is defined as illness, working, or being out of town. All efforts will be made, by members to avoid having a conflict of interest, thus membership criteria will be subject to citizens that do not have a material interest in the award of CDBG or HOME funds. Members that belong to outside agencies or organizations requesting funds should use discretion in the decision making process.

F. Except in case of appointments to fill non-expired terms, members shall serve for terms of four years, with such appointments being staggered so that no more than four regular vacancies occur at once, and so that no more than one regular vacancy in each of the four quadrants shall occur at once. Each Committee member shall serve until his term of office expires and a new election has been held by the Citizens Advisory Committee to fill the vacancy. Second 4-year terms and additional 4-year terms of existing members will be approved only by the majority vote of the Citizens' Advisory Committee members. The CAC shall meet annually to elect new officers prior to the beginning of each funding cycle.

G. The Citizen Advisory Committee shall, when making recommendations, consider those CDBG and HOME programs and projects that are consistent with the city Consolidated Plan except for (C) above. Applications will be presented to the Committee after review for compliance by city staff. Community requests for funding will be received from citizen applications, letters, phone calls and appearances made at one or more of the planned meetings or public hearings before City Council. All requests will be summarized and presented to the Committee by city staff with comments as to the eligibility, compliance and priority and consistency with the Consolidated Plan adopted by City Council. The Committee then sets its priorities based on the needs that have been expressed and an objective review of the applications.

H. After the City Council approval of the One Year Action Plan, the city will seek citizen input from residents of the project area in regards to project status and implementation. Anyone desiring information concerning the current members of the Citizens' Advisory Committee should contact Mrs. Ada Rivera Clark, Interim Director, Department of Housing & Citizen Services, City of Pueblo, 2631 E. 4th St., Pueblo, CO 81001; telephone: 553-2850

V. Standards of Participation

All aspects of Citizen participation shall be conducted in an open manner with freedom of access for all interested persons. Handicap accessibility will be sought in meeting places for the public. There shall be involvement of low- and moderate-income persons, members of minority groups, residents of areas where a significant amount of activity is proposed or ongoing, the elderly, the handicapped, the business community, and civic groups who are concerned about the program. The Citizens' Advisory Committee shall have substantial representation of low-and moderate-income citizens, members of minority groups, and members of groups representing special needs, other members of the community will also be represented to assure an objective citizen input process into the use of Consolidated Plan programs and projects.

A. The City shall make reasonable efforts to ensure continuity of involvement of citizens or citizen organizations throughout all stages of the program.

B. Citizens shall be provided adequate and timely information to enable them to be meaningfully involved in important decisions at various stages of the program. Where public meetings will be held that would not accommodate the number of citizens attending, the meeting may be re-scheduled to allow better participation.

C. Citizens, particularly low- and moderate-income persons and residents of blighted neighborhoods, shall be encouraged to submit their views and proposals regarding the Community Development Block Grant and HOME programs.

VI Scope of Participation

A. The City shall provide for the continuity of citizen participation throughout all stages of the program application process. Citizens shall be involved in development of the annual One Year Action Plan that includes the recommended final statement of objectives and activities including:

1. Loan committees to review specific projects and periodic neighborhood meetings with various groups.

2. The five year (5) Consolidated Plan, including the listed goals and objectives of housing, and community development action programs to address the rental and housing needs of low income families, including neighborhood revitalization.

3. Subsequent amendments and other changes in the above Plans, which propose new activities or alter the purpose, location or class of beneficiaries of activities in excess of 10 percent of the grant amount approved for the affected program year.

VII. The criteria for amendment to the One Year Action Plan.

A. Amendments To Consolidated Plan

The City will make every effort to obtain viable citizen input when Plan amendments are made which substantially impact the Plan. In such cases a public hearing will be held and notices will be given through the local newspaper of general circulation. Two weeks notice will be given for a public hearing and a 30-day comment period will be provided.

Substantial amendments are viewed as those that alter the One Year Action Plan elements in one of the following ways:

- a. To make a substantial amendment in allocation priorities or a substantial amendment in the method of distribution of funds;
- b. To carry out an activity, using funds from any program covered by the Consolidated Plan (including program income) not previously described in the Plan; or
- c. To substantially amend the purpose, scope, location or beneficiaries of an activity as defined in this Plan.
- d. Total funds recaptured from completed and closed out projects, greater than 10 percent of the City's entitlement grant, will be considered substantial and re-programmed as "excess funds" by the City. Allocation of these excess funds will follow the guidelines in this Plan and for projects consistent with the Consolidated Plan

Change will be considered substantial when the purpose of the original project has been changed to a new significant project scope, when the location of the original project has been significantly changed to a new location or when new project beneficiaries have replaced the beneficiaries of the original project. Administrative budget transfers to close or re-program funds (if there is no substantial change to the purpose, scope, location or beneficiaries of a project) are not considered substantial amendments

For substantial amendments input from citizens concerning the changes may be received at regularly scheduled local governing body meetings where such changes or amendments are considered. Public comment from citizens that are located in the immediate project area will be sought when the City will make substantial amendments.

B. Public Notice and Public Hearing for Substantial Amendment. There must be reasonable notice of a proposed Substantial Amendment so that residents have an opportunity to review and comment. The Citizen's Advisory Committee will review and comment on all substantial amendments. Notice will be made to the public via a publication in a newspaper of general circulation. A detailed written description of the proposed Substantial Amendment will be made available to the public. There will be a public hearing regarding the proposed Substantial Amendment conducted by the Director. In preparing a Final Substantial Amendment, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period.

C. Program implementation – The opinions of other citizens will be utilized in implementation of the Community Development Block Grant and HOME Programs. For example, a separate neighborhood organizations committee can be established to review housing rehabilitation loans

and grant policies in such neighborhood. Another example is in the design and use of new neighborhood revitalization projects and plans or input from organizations representative of the disabled community as to the location of curb and ramps. Residents around the project site will be consulted with regard to the design and changes to the implementation to a project that are substantial, such comments will have priority over other non-residents comments.

D. Assessment of Performance – Citizen and citizen organizations shall be given the opportunity to assess and submit comments on all aspects of the City’s Community Development Block Grant and HOME performance. They shall also be given the opportunity to assess projects and activities to determine whether objectives are achieved. Such comments and suggestions may be submitted at any time during the year to Mrs. Ada Rivera Clark, Interim Director, Department of Housing & Citizen Services, City of Pueblo, 2631 E. 4th St., Pueblo, CO 81001, telephone 553-2850.

VIII. Submission of Views and Proposal

The City shall provide for and encourage the submission of views and proposals regarding the Community Development Block Grant and HOME Program by citizens, particularly low- and moderate-income persons, and residents of blighted neighborhoods. This includes submission of such views:

- A. Directly to the City during the planning period prior to public hearings.
- B. To the Citizens Advisory Committee.
- C. At the public hearing with the City Council.

IX. Complaints

A. Persons wishing to object to projects or programs in the approval of the CDBG or HOME program to HUD Regional Office located 1670 Broadway, Denver, CO 80202-3607; telephone number: (303) 672-5414. HUD will consider objections made only on the following grounds: The City of Pueblo’s description of needs and objectives is plainly inconsistent with available facts and data; or the activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the City of Pueblo; or the program does not comply with the requirements of the HUD regulations or other applicable law; or the program proposes activities which are otherwise ineligible for funding under the Community Development Block Grant Program.

B. If any citizen or organization has a complaint or grievance regarding the City’s Community Development Block Grant Program, the citizen or organization should contact, Director, Department of Housing & Citizen Services, City of Pueblo, 2631 E. 4th St., Pueblo, CO 81001; telephone: 553-2850. Each complaint will be reviewed and attempts will be made to reach a satisfactory solution of the complaint. A response will be made to the complainant within 15 working days after the written complaint is received. If the complainant is not satisfied with the

response, he may appeal to the City Manager or his designee and produce copies of the complaint to any member of the City Council.

X. Technical Assistance

A. Technical assistance is available to any citizen or organization at any time throughout the year. This assistance can be obtained by contacting Mrs. Ada Rivera Clark, Interim Director, Department of Housing & Citizen Services, City of Pueblo, 2631 E. 4th St., Pueblo, CO 81001; telephone: 553-2850. Such assistance could include developing proposals and statements of views, information on Davis-Bacon wage requirements, environmental policies, equal opportunity requirement, and relocation provisions and like requirements.

XI. Adequate Information

A. The City of Pueblo shall provide full public access to program guideline information and undertake affirmative efforts to make adequate information available to citizens, especially to those of low and moderate-income and to those residing in lower-income or blighted neighborhoods.

B. At the time the City of Pueblo begins planning for the next program year, the following program information shall be provided to citizens through City press releases and or through public advertising notices:

1. The approximate amount of Community Development Block Grant Block Grant and HOME funds available to the City for community development projects and housing activities, public services, including administrative activities.

2. The range of activities that may be undertaken with these funds and the kinds of activities previously funded in the community.

3. The process to be followed in drawing up and approving the City's One Year Action Plan final statement of projects and activities and the schedule of meetings and hearings.

4. The role of citizens in the program.

5. A summary of other important program requirements and guidelines.

C. The City of Pueblo shall provide for full and timely disclosure of its program records and information, consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality. Documents relevant to the program shall be made available for inspection and copying in the office of the Department of Housing & Citizen Services during normal working hours for citizens' review upon written or verbal request. Such documents include the following:

1. All mailings and promotional material.

2. Records of hearings.

3. All key documents, including all prior applications and/or One Year Action Plan final statements of objectives and activities, letters of approval, grant agreements, the Citizen Participation Plan, the annual Comprehensive Annual Performance Evaluation Report (CAPER), and other grantee performance reports, reports required by HUD, and the proposed and approved One Year Action Plan final statement of projects and activities for the current year.

4. Copies of the regulations and materials governing the program.

5. Documents regarding other important program requirements, such as contracting procedures, environmental policies, fair housing and other equal opportunity requirements and relocation provisions.

D. When the One Year Action Plan is submitted to HUD, the City shall publish a notice in a newspaper of general circulation stating that the application has been submitted and is available to interested parties upon request and describing the requirements on citizen objections to the application.

E. The City shall make copies of the Citizen Participation Plan, the proposed and approved Statement, and the annual performance report available at locations conveniently located for persons affected by the program and accessible to the handicapped.

XII. Process and Policy for Development of Consolidated Plan and One-Year Action Plan

A. The City of Pueblo will complete each step described below prior to transmitting its submissions to the HUD Area Office.

1. Public Hearing - The City of Pueblo shall hold one or more public hearings to obtain the views of citizens on Community Development Block Grant and HOME programs.

2. (Draft) One Year Action Plan – The City of Pueblo shall develop a document designed as its “One Year Action Plan for Community Development Block Grant and HOME Funds” listing objectives and projected use of funds. The “One Year Action Plan” shall consist of proposed projects and programs to fund for the next year Community Development Block and HOME Grant year. This document shall be published in such manner to afford affected citizens an opportunity to examine its content and to submit comments on the draft Plan and on the Community Development Block and HOME Grant performance of the City of Pueblo.

3. Final One Year Action Plan statement – Upon completion of steps 1 and 2 above, the City of Pueblo shall consider any comments and views received and may, if deemed appropriate, modify the draft One Year Action Plan statement. The City shall then prepare and make available to the public its “Final One Year Action Plan” with a list of objectives and projected use of funds.

A. Notices – In order to give adequate notice of the public hearing, the City of Pueblo shall, within a reasonable time but not less than 10 days prior to City council public hearing, publish a notice of the hearing in a newspaper of general circulation. To encourage public participation notices of quadrant meetings will also be published. Such notices shall indicate the date, time, place, and procedures of the hearing and topics to be considered. Announcements of these hearings will also be made available to all interested parties through City press releases.

XIII. Bilingual

All notices of public hearings and summaries of basic information will be produced in Spanish, if needed, as well as English. Bilingual assistance shall be offered upon request at all public hearing held at regular meetings of City Council.

XIV. Contingency and Loan Option Activities

If the City of Pueblo sets aside more than 10% of its annual entitlement grant of CDBG funds in its One Year Action Plan for contingencies and/or local option activities, the citizen participation process shall be involved in the selection of such contingency or local option activities. Specifically, this means that the Citizens' Advisory Committee may submit advisory recommendations for these activities to the City Council.

XV. Responsibility of City Government

When the City is awarded Housing and Community Development grants, it enters into a contractual relationship with the US Department of Housing and Urban Development (HUD) to operate programs under specified HUD regulations. City officials are legally responsible to fulfill specified duties and activities pertaining to the established contract or contracts. It must be understood that the role of citizens is to advise and assist City officials in the development of the One Year Action Plan and Five year Consolidated Plan. Citizens serve as advisors and / or advocates only.