

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO. C-2623

COUNCIL SPONSOR: BINDER/DAVIS PROVIDED BY: PRESIDENT/ CAO

A RESOLUTION AUTHORIZING KEVIN DAVIS, PRESIDENT OF ST. TAMMANY PARISH TO ENTER INTO A COOPERATIVE ENDEAVOR AGREEMENT WITH THE STATE OF LOUISIANA, OFFICE OF COMMUNITY DEVELOPMENT, FOR THE PURPOSE OF OBTAINING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR RECOVERY FROM HURRICANES GUSTAV AND IKE, TO DEVELOP A PROGRAM FOR ST. TAMMANY PARISH TO UTILIZE SUCH FUNDS, AND TO PROVIDE PUBLIC NOTICE OF SUCH PROGRAM PURSUANT TO A CITIZEN PARTICIPATION PLAN.

WHEREAS, St. Tammany Parish sustained damage from Hurricanes Gustav and Ike due to Hurricane force winds and storm surge; and

WHEREAS, in response to the damage sustained by St. Tammany Parish and other parishes in Louisiana, federal funds have been appropriated to address the damages and aid parishes with recovery; and

WHEREAS, in order to access these federal funds, St. Tammany Parish must enter into a cooperative endeavor agreement with the State of Louisiana, Office of Community Development; and

WHEREAS, the Parish should evaluate damages from Gustav and Ike to determine a program for the most effective use of these federal funds; and

WHEREAS, pursuant to state and federal regulations, the Parish is required to provide notice of this funding opportunity to the public and to solicit comments from the public pursuant to a Citizen Participation Plan.

THEREFORE, ST. TAMMANY PARISH COUNCIL, HEREBY RESOLVES that Parish President, Kevin Davis, is authorized to enter into a cooperative endeavor agreement for the purpose of obtaining federal funding through the State of Louisiana, Office of Community Development, that the President through his staff and Parish departments shall evaluate damages sustained by Hurricanes Gustav and Ike to determine a program for the use of such federal funding for recovery, subject to the approval of state and federal authorities, and that the Parish shall publish notice and solicit comments for development of this program pursuant to a Citizen Participation Plan (Plan is attached as Exhibit "A").

BE IT FURTHER RESOLVED THAT the Parish President is hereby authorized to take all actions necessary, including entering into all agreements or negotiations in furtherance of the actions authorized herein, and all acts previously taken by the Office of the Parish President in furtherance of the actions or agreements contemplated herein are hereby ratified and approved.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY \_\_\_\_\_, SECONDED BY \_\_\_\_\_

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS RESOLUTION WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA FORD, COUNCIL CLERK

## **CITIZEN PARTICIPATION REQUIREMENTS FOR LOCAL GOVERNMENTS PARTICIPATING IN THE LCDBG PROGRAM**

To ensure applicant and subrecipient compliance with Section 508 of the Housing and Community Development Act of 1974, as amended, the citizen participation requirements for units of general local governments applying for or receiving Disaster Recovery funds from the State are as follows:

Each applicant shall provide citizens with adequate opportunity to participate in the planning, implementation, and assessment of the CDBG program. The applicant shall provide adequate information to citizens, hold a minimum of one public hearing at the initial stage of the planning process to obtain views and proposals of citizens, and provide opportunity to comment on the applicant's previous community development performance.

All units of local government which receive CDBG funds must have a written and adopted Citizen Participation Plan which:

1. provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
2. provides citizens with reasonable and timely access to local meetings, information, and records relating to the State's proposed method of distribution, as required by regulations of the Secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended, and the unit of local government's proposed and actual use of CDBG funds;
3. provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;
4. provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the disabled;
5. provides for a timely written answer to written complaints and grievances, within fifteen working days where practicable;
6. identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;
7. Establishes procedures and policies to ensure non-discrimination, based on disabilities, in programs and activities receiving federal financial assistance as required by Section 504 of the Rehabilitation Act of 1973, as amended.

The plan must be made available to the public at the beginning of the planning stage, i.e., the first public hearing. The plan must include procedures that meet the following requirements:

### **Scheduling and Providing Notices of Public Hearings**

In order to provide adequate notice of all public hearings, a minimum of five calendar days notice shall be given. The hearing may be convened on the fifth day excluding the date the notice was published. The applicant must provide citizens with reasonable and timely access to all hearings. The location and time of these hearings must be scheduled in such a manner as to be convenient to potential or actual beneficiaries. Citizens must be made aware of where they may submit their views and proposals should they be unable to attend any public hearing. Where a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter must be present to accommodate the needs of the non-English speaking citizen and this must be so stated in the public notice. Additionally, all notices for public hearings shall state that accommodations for persons with disabilities will be provided.

A public hearing must be scheduled early in the planning process to ensure adequate public participation and still have time to develop an application. Citizens, with particular emphasis on persons of low and moderate income, and those who are residents of slum and blighted areas, must be encouraged to submit their views and proposals regarding community development and housing needs.

Citizens must be provided with the following information at the public hearing prior to application submittal to the state, and these items must be included in the first public notice as items to be discussed at the hearing:

1. The amount of funds available for proposed community development and housing needs;
2. The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
3. The plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided to persons actually displaced as a result of such activities;
4. If applicable, the applicant must provide citizens with information regarding the applicant's performance in prior LCDBG programs funded by the State.

Written minutes of the hearing and an attendance roster must be kept for review by State officials. Nothing in these requirements shall be construed to restrict the responsibility and authority of the applicant for the development of the application.

A second notice regarding the content of the application must be published after the first public hearing has been held but before the application is submitted. This notice must be published a minimum of seven calendar days prior to application submittal, and must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities, and the amount of funds to be used for each activity. Citizens must be given the opportunity to submit comments on the proposed application. The notice must state the proposed submittal date of the application, and provide the location at which, and hours when, the application is available for review.

Applicants must submit a notarized proof of publication of each public notice with the application.

#### Technical Assistance

The applicant must provide technical assistance to facilitate citizen participation where requested, particularly to groups representative of persons of low to moderate income. The level and type of technical assistance shall be determined by the applicant/recipient based upon the specific need of the community's citizens.

#### Amendments

The recipient must involve citizens in amendments to the Disaster Recovery program. This may be done by means of a public hearing or a public notice prior to the submittal of the request for a program amendment to the State.

#### Complaint Procedures

Each applicant/recipient must have written citizen and administrative complaint procedures. The written Citizen Participation Plan must provide citizens with information relative to these procedures or, at a minimum, provide citizens with the information relative to the location and hours at which they may obtain a copy of these written procedures.

All written citizen complaints which identify deficiencies relative to the applicant/recipient's community development program will merit careful and prompt consideration by the applicant/recipient. All good faith attempts will be made to satisfactorily resolve the complaints at the local level. Complaints must be filed with the Chief Elected Official who will investigate and review the complaint. A written response from the Chief Elected Official to the complainant will be made within fifteen working days, where practicable. A copy will be forwarded to the Office of Community Development, Division of Administration.

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The complainant must be made aware that if she or he is not satisfied with the response, a written complaint may be filed with the Office of Community Development, Division of Administration. All citizen complaints relative to Fair Housing/Equal Opportunity violations involving discrimination will be forwarded to the following address for disposition: Louisiana Department of Justice, Public Protection Division, Post Office Box 94095, Baton Rouge, Louisiana 70804-9095. The telephone numbers for that office are 1-800-273-5718 (voice) or 1-225-342-7412.

The Plan must also state that persons wishing to object to approval of a Disaster Recovery application by the State may make such objection known to the Office of Community Development, Division of Administration in writing. The State will consider objections made only on the following grounds:

1. The applicant's description of needs and objectives is plainly inconsistent with available facts and data;
2. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant; and
3. The application does not comply with the requirements set forth in the Disaster Recovery Plan and amendments to the plan or other applicable laws.

Such objections should include both identification of the requirements not met and, in the case of objections relative to item 1 on the previous page; the complainant must supply the data which she or he relied upon.

#### Performance Hearings

Prior to close-out of the disaster recovery program, the recipient must have a public hearing to obtain citizen views and to respond to questions relative to the recipient's performance. This hearing shall be held after adequate notice, at times and locations convenient to actual beneficiaries and with accommodations for the disabled and non-English speaking persons provided.

Documentation must be kept at the local level to support compliance with the aforementioned requirements.