

Town of Saratoga

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Documents Included in File

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EQUAL HOUSING OPPORTUNITY RESOLUTION

WHEREAS, the Town, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, the Civil Rights Act of 1964 prohibits all racial discrimination in the sale or rental of property;

WHEREAS, The Fair Housing Act (Act) declares a national policy of fair housing throughout the United States, making illegal any discrimination in the sale, rental and financing of housing, or making dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin or disability;

WHEREAS, Executive Order 12892, Equal Opportunity in Housing, as amended (*Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing*), provides that programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) shall be administered in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the design and delivery of Federal programs and activities; and

WHEREAS, North Carolina State Fair Housing Act, prohibits unlawful discriminatory housing practices for any person in real estate transactions, because of race, color, religion, sex, national origin, handicapping condition, or familial status; unlawful discriminatory housing practice to discriminate in land-use decisions or in the permitting of development based on race, color, religion, sex, national origin, handicapping condition, familial status, or, except as otherwise provided by law, the fact that a development or proposed development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of area median income.

NOW THEREFORE, BE IT RESOLVED:

The Town hereby endorses an Affirmatively Furthering Fair Housing Plan that ensures equal opportunity and fair housing for all persons to rent, purchase, obtain financing and enjoy all other housing attributes, that is affordable, safe, decent, free of unlawful discrimination and accessible as required on a non-discriminatory basis as provided by state and federal statutes and regulations.

In addition, the Town will take meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with the civil rights and fair housing laws.



PASSED BY THE BOARD OF COMMISSIONERS SARATOGA, NORTH CAROLINA.

Adopted this 6th day of October 2021.

ATTEST:


(Charles T. Hawkins, Mayor)


Town Clerk

FAIR HOUSING COMPLAINT PROCEDURE

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and the North Carolina Fair Housing Act. In an effort to promote fair housing and that the rights of housing discrimination victims are protected, Town of Saratoga has adopted the following procedures for receiving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in the town may do so by informing the town clerk of the facts and circumstance of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the town clerk shall acknowledge the complaint within fifteen (15) working days in writing and inform the Division of Water Infrastructure and the North Carolina Human Relations Commission about the complaint.
3. The town clerk shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the town.
4. The town clerk shall publicize in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

It is the policy of the Town of Saratoga to implement the CDBG program to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, sex, familial status, or disability.

If you have any questions about the complaint procedure or would like to register a complaint of fair housing discrimination, please contact Brenda Wilson, Town Clerk, at 252-238-3487 or saratoga@saratoganc.org, or for the hearing impaired, TDD assistance is available at (1-800-735-2962) and providing the facts and circumstances of alleged discriminatory act or practice.

This information is available in Spanish or any other language upon request. Please contact Brenda Wilson at 252-238-3487 or at 6904 Main Street, Saratoga, NC 27873 for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Brenda Wilson al 252-238-3487 o en 6904 Main Street, Saratoga, NC 27873 de alojamiento para esta solicitud.




Adopted this 6th day of October 2021.

ATTEST:



(Charles T. Hawkins, Mayor)



(Town Clerk)

SECTION 3 ACTION PLAN RESOLUTION

Town of Saratoga

WHEREAS, the Town of Saratoga was awarded a CDBG-Infrastructure (CDBG-I) grant from the North Carolina Department of Environment Quality (NCDEQ), Division of Water Infrastructure, by virtue of this awarded, the Town of Saratoga is required by the North Carolina Department of Environmental Quality and Section 3 of the Housing and Urban Development Act of 1968 to adopt a Section 3 Action Plan; and

WHEREAS, the Section 3 Action Plan is intended to ensure, to the greatest extent feasible, will provide job training, employment and contracting opportunities generated by the U.S. Department of Housing and Urban Development projects be given to low-income workers of the Section 3 project area, and that contracts for work in connection with this project be awarded to qualified Section 3 Business Concerns;

WHEREAS, if awarded, it is the intention of the Town of Saratoga to implement its Community Development Block Grant – Infrastructure (CDBG-I) projects in accordance with all program regulations including the said Section 3 requirements.

NOW, THEREFORE, BE IT RESOLVED that the Town of Saratoga adopts the name grant program Section 3 Action Plan, which is attached hereto as “Attachment A” and made a part hereof.

ADOPTED this the 6th day of October 2021 at Saratoga, North Carolina



Charles T. Hawkins, Mayor

ATTEST:



Town Clerk

“ATTACHMENT A”

GRANTEE SECTION 3 ACTION PLAN

In accordance with 12 U.S.C. 1701u the Town of Saratoga agrees to implement the following steps, which, to the greatest extent feasible, will provide job training, employment and contracting opportunities for Section 3 workers and Section 3 businesses of the area in which the project is being carried out.

- A. Pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 workers and businesses.
- B. Assign duties related to implementation of this plan to a designated Section 3 Coordinator. This Coordinator is: Brenda Wilson, Town Clerk, 252-238-3487, 6904 Main Street, Saratoga, NC 27873, saratoga@saratoganc.org.
- C. Identify projected employment, training, and contracting opportunities as the recipient of federal funds and to facilitate the training and employment of Targeted Section 3 workers, Section 3 workers and contracting with Section 3 businesses.
- D. Notify and recruit Section 3 workers and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG grant awards through the use of: public hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce, NCWorks; local advertising media including public signage; project area committees and citizen advisory boards and meetings; local HUD offices; regional planning agencies; public and private institutions operating within or serving the project area; and all other appropriate referral sources.
- E. Include Section 3 information in procurement solicitations, incorporate Section 3 clauses in contractual documents, and review Section 3 information at the pre-bid meeting and preconstruction conference and then monitor contractor compliance.
- F. Maintain a list of those eligible Section 3 business concerns for utilization in CDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general grant recipient procurement needs.
- G. Maintain a list of those persons who have identified themselves as Section 3 workers and contact those persons when hiring/training opportunities are available through either the grant recipient or contractors.
- H. Require all bidders, and their subcontractors, to submit a written Section 3 Affirmative Action Plan with their bids. In addition, require submission of and monitor all prime contractors and subcontractors' forms and reports to document actual accomplishments and compliance.

- J. Maintain records, including copies of correspondence, memoranda, reports, contracts, etc., which document that the above action steps have been taken and any barriers encountered. And submit reports and qualitative information on accomplishments as required.
- K. To the extent feasible, additional affirmative steps and qualitative efforts will be taken to encourage and utilize Section 3 workers and businesses and to reach employment, training, and contracting numerical benchmarks.

As the chief local official, I have read and fully agree to this Section 3 Action Plan and agree to actively pursue full implementation of this program.



Charles T. Hawkins, Mayor

October 6, 2021
Date



EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PLAN

WHEREAS, the **Town**, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, Section 109 of Title 1 of the Housing and Community Development Act of 1974; Title VII of Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Age Discrimination Act of 1975; the Equal Employment Opportunity Act; the Immigration Reform and Control Act of 1986; the Vietnam Era Veterans' Readjustment Act of 1974, amended to Jobs for Veterans Act in 2002; Federal Executive Orders 11246, 11625, 12432, and 12138; Section 3 of the Housing and Urban Development Act of 1968; N.C.G.S. 126-16 (Equal Employment Opportunity); N.C.G.S 143-422.2 (Equal Employment Practice Act); N.C.G.S 168A-5-11 (Handicapped Persons Protection Act); N.C.G.S. 75B 1-7 (Discrimination in Business); N.C.G.S. 95-151(OSHA); N.C.G.S. 95-28.1; N.C.G.S. 127B-10-15 (Discrimination Against Military Personnel); N.C.G.S. 130A-148(i); N.C.G.S. 126-16; N.C.G.S. 143-48 and 143-128; and all applicable federal and other state regulations.

WHEREAS, the **Town** maintains the policy of providing equal employment opportunities for all persons regardless of race, color, creed, religion, sex, national origin, physical or mental disability, age, genetic information, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupational qualifications for employment.

NOW THEREFORE, BE IT RESOLVED:

SECTION 1: In furtherance of this policy, the **Town** prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

SECTION 2: The **Town** shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

SECTION 3: Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the **Mayor and/or other persons designated by the Chief Elected Official** to assist in the implementation of this policy statement.



- SECTION 4: The **Town** shall develop a self-evaluation mechanism to provide periodic examination and evaluation. Every two years the results of the self-evaluation reporting on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the **Mayor**. Records presented to the **Mayor** shall be maintained in the files and will be provided to NCDEQ/Division of Water Infrastructure as needed.
- SECTION 5: The **Town** is committed to this policy and is aware that with its implementation, the community will receive positive benefits through the greater utilization and development of all its human resources.
- SECTION 6: The **Town** shall include the Equal Employment Opportunity logo and/or the phrase affirming Equal Employment Opportunity on all the CDBG documents intended to be shared with the staff and the public.
- SECTION 7: The **Town** shall obtain commitment from contractors that they will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, physical or mental disability, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment. Contractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, physical or mental disability, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- SECTION 8: The **Town** shall obtain commitment from Contractors that will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, national origin, physical or mental disability, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

PASSED BY THE **BOARD OF COMMISSIONERS, SARATOGA, NORTH CAROLINA.**




State of North Carolina
Department of Environmental Quality
Division of Water Infrastructure (DWI)
CDBG-Infrastructure Program

Adopted this 6th day of October 2021.

ATTEST:



(Charles T. Hawkins, Mayor)



Town Clerk



Procurement Policy and Plan for CDBG-I Grantees

WHEREAS, the **Town** will comply with the terms and conditions of federal funding that is awarded and accepted, including, but not limited to, the terms and conditions of the Grant Contract, and the *Procurement Policy of the North Carolina Department of Environmental Quality's Water Infrastructure Division, Community Development Block Grant-Infrastructure Program (CDBG-I Procurement Policy)*, attached;

WHEREAS, the States were advised by Housing and Urban Development (HUD) to develop their own procurement policies, and the CDBG-Infrastructure Program has developed and adopted the attached policy (*CDBG-I Procurement Policy*) as reference for its grantee communities, using portions of 2 CFR Part 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements of Federal Awards," supplemented with NC General Statutes 143-64.31, 143-129, and 143-131; and 24 C.F.R. § 570.489(g), which explicitly prohibit cost plus a percentage of cost and percentage of construction cost methods of contracting. In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, executive orders, and implementing regulations including the Section 3 clause, per 24 C.F.R. 570.489 (g) and 24 C.F.R. 135.38;

WHEREAS, the **Town**, as the recipient of Federal CDBG funds, acknowledges its responsibility to and will adhere to the aforesaid *CDBG-I Procurement Policy* of the North Carolina Department of Environmental Quality's Division of Water Infrastructure;

WHEREAS, the **Town** will, to the extent applicable, follow methods of procurement, procure by contracting with small, minority firms, women's business enterprises, and labor surplus area firms, when those entities offer the best level of knowledge, skills and abilities for professional services, and when those entities offer the knowledge, skills and abilities and are the lowest cost responsive, responsible bidders in building trade and related services; and

WHEREAS, the **Town** will demonstrate contract cost and price awareness and adhere to awarding agency contract provisions (2 CFR Part 200, Appendix II, except for items F and J, which were not adopted by the CDBG-Infrastructure Program, as allowed under 2 CFR Part 200.101(d)(1));

NOW THEREFORE, BE IT RESOLVED;

SECTION 1: All procurement of goods and services by the **Town** with CDBG grant funds shall be accomplished in accordance with the requirements of the *CDBG-I Procurement Policy*, and HUD implementing regulations at 24 CFR Part 570.489 (g) and (h), which prohibits cost plus a percentage of construction cost method of contracting for services.



SECTION 2: In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, Executive Orders, and implementing regulations including the Section 3 clause, per 24 CFR 570.489(g) and 24 CFR 135.38, or the North Carolina General Statutes Chapter 143 applying to procurement in general by North Carolina municipalities and counties.

SECTION 3: When Federal and State regulations are different, the more restrictive regulation shall apply to the procurement in question, as outlined in the *CDBG-I Procurement Policy*

SECTION 4: The **Town** will adhere to the following guidelines during procurement of goods and services using Federal funds:

- A. In all cases where goods or services are procured based on one bid or proposal received, the **Town** will follow established principles to verify the reasonable cost of the procurement and shall contact the State Agency supervising the grant program before making any contract award based on non-competitive negotiation. The **Town** shall follow all noticing and advertising requirements prior to accepting the single source respondent. Written permission from the CDBG-I Program shall be obtained prior to entering into a single source contract.
- B. Section 3 certified businesses, and historically underutilized businesses, including women-owned and minority-owned enterprises shall be included on bidders' or professional services' lists maintained by the **Town**. Firms shall be solicited for all competitive negotiations, small purchases, and informal and formal bids when such firms are potential competitive sources for goods and services.

SECTION 5: The **Town** will adhere to the following guidelines during procurement of professional service contracts:

- A. Professional services shall be procured through the use of Request for Proposals (administrative services) or Request for Qualifications (engineering services). Respondents offering administrative services shall be selected on the basis of the best qualified respondent for the price. Respondents offering engineering services shall be selected on the basis of the best qualified respondent, without regard for price. A written selection procedure shall be used to evaluate respondents, and those records maintained in the procurement files.
- B. The **Town** shall develop a written scope of work for each service to be awarded on the basis of competitive negotiation, which shall include descriptions of tasks to be completed, project timetables, and an outline of fee



proposal requirements. The selected engineering services respondent and the **Town** shall then enter into competitive negotiations to arrive at a mutually agreeable price for engineering services. All contracts awarded through competitive negotiations shall be awarded strictly on the basis of the written selection procedure.

SECTION 6: The **Town** will adhere to the following guidelines during procurement of construction contacts:

- A. Construction service contracts shall be competitively bid using sealed bids, with the award going to the lowest responsive, responsible bidder. A minimum of three bids shall be received prior to opening the sealed bids.

SECTION 7: Additionally, the **Town** will adhere to the following guidelines during all procurement:

- A. Prior to any contract award, the **Town** shall verify the consultant and/or contractor's eligibility to participate in a federally assisted program.
- B. No consultant or bidder shall assist in the development of the Request for Proposals, in the Request for Qualifications, nor the construction bid posting in which the consultant or bidder has a direct or indirect interest.
- C. No consultant or bidder shall assist in the evaluation of proposals or bid packages for contracts in which that consultant or bidder has a direct or indirect interest. The **Town** shall adhere to all applicable Federal and State conflict of interest regulations in making contract awards.
- D. The **Town** shall request references or check references of contractors or firms who are awarded contracts with Federal grant funds and will request a written warranty for all goods and services provided through the small purchase's procedure.
- E. The **Town** shall not award any contract for federally assisted projects on a contingency or cost-plus-percentage of construction basis.
- F. The **Town** shall hold a pre-bid meeting and a pre-construction meeting for each construction project bid competitively using CDBG-Infrastructure funds. Evaluation criteria for the bids may add points for attending the pre-bid meeting of contractors, but it is not a prerequisite.

PASSED BY THE **BOARD OF COMMISSIONERS, SARATOGA NORTH CAROLINA.**



State of North Carolina
Department of Environmental Quality
Division of Water Infrastructure (DWI)

Adopted this 6th day of October 2021.



Charles T. Hawkins, Mayor

ATTEST:



Town Clerk



SECTION 504 SELF – EVALUATION INFORMATION 24 CFR PART 8

INTRODUCTION

The following is a checklist of general requirements that recipients should consider in their self-evaluation efforts under Section 504 of the Rehabilitation Act of 1973, as amended. It should be used in conjunction with the United States Department of Housing and Urban Development (HUD)'s regulations at 24 CFR Part 8.

This checklist is designed to serve as a working guidance tool to help recipients focus on key issues that could affect the accessibility of their programs and practices. In developing answers to the questions, a recipient will be preparing most of the information that Section 504 requires. Use of the checklist should also assist a recipient in pinpointing areas where action is likely to be required to achieve compliance with Section 504. It should be emphasized, however, that this checklist is for reference purposes, and is not intended as a substitute for individual judgment or analysis of the pertinent regulations issued pursuant to Section 504. Any information in this checklist cannot be used as a sole basis for determining compliance with Section 504.

The government wide regulations do not prescribe a specific form. This self-evaluation was compiled from material by the Thompson Publishing Group *Section 504 Compliance Handbook*, the Department of Justice Civil Rights Division Technical Assistance Guide (TAG), report on *Section 504 Self-Evaluation* of U.S Department of Housing and Urban Development conducted programs and activities, and other HUD Region IV state checklists.

REQUIREMENTS:

CDBG-I Grant Contract:

Per the CDBG-I Grant Contract, recipients must comply with the provision of Section 504 of the Rehabilitation Act of 1973, as amended, and HUD implementing regulations at 24 C.F.R., Parts 8 and 9. Recipients must complete the Section 504 Survey and adopt a Grievance Procedure, as well as complete a Transition Plan, if applicable.

The Grant contract requires recipients to complete the Section 504 Survey and Transition Plan (if applicable), covering policies, practices, and physical accessibility and notify affected persons that it does not discriminate on the basis of the handicap. Compliance with the plan must be documented, including the information made public and the means used to make it public.

24 CFR 8.51:

- (a) Each recipient shall, within one year of July 11, 1988, and after consultation with interested persons, including individuals with handicaps or organizations representing individuals with handicaps:
 - (1) Evaluate its current policies and practices to determine whether, in whole or in part, they do not or may not meet the requirements of this part;



- (2) Modify any policies and practices that do not meet the requirements of this part; and
- (3) Take appropriate corrective steps to remedy the discrimination revealed by the self-evaluation.

(b) A recipient that employs fifteen or more persons shall, for at least three years following completion of the evaluation required under paragraph (a)(1) of this section, maintain on file, make available for public inspection, and provide to the responsible civil rights official, upon request:

- (1) a list of the interested persons consulted;
- (2) a description of areas examined and any problems identified; and
- (3) a description of any modifications made and of any remedial steps taken.

ADDITIONAL INFORMATION

HUD Portal on Section 504 can be found here:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504faq

INSTRUCTIONS

COMPLETING THE EVALUATION

The questions in the evaluation are a guide to ensure Section 504 compliance. Answer each question with Yes, No, N/A, a description, list, or explanation. If a question does not apply to your local government, then write “N/A” next to the question and explain.

Some questions require identification of modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, questions will require that additional information be supplied to complete the evaluation process.

Please be sure to attach the local government grievance procedure and current nondiscrimination policy (e.g. excerpts from Human Resources personnel policies).

The survey itself does not need to be adopted, but the grievance procedure and nondiscrimination policy do.

SUBMITTING DOCUMENTS TO THE STATE

It is recommended to not have the survey as grant number or program specific so it can be used for multiple grants for the local government. If a survey is indicated as grant number or program specific, it is only applicable for that specific grant.

Should a local government have multiple grants, one (1) hardcopy of the survey needs to be submitted to Division of Water Infrastructure (DWI) for *each* grant file. It is recommended to reevaluate the survey every few years (such as 3 three years).



State of North Carolina
Department of Environmental Quality
Division of Water Infrastructure (DWI)

TECHNICAL ASSISTANCE

There is no prior approval of the completed survey by Compliance Specialist. Should the local government need technical assistance it is recommended to email Colleen Simmons at colleen.simmons@ncdenr.gov or 704-235-2202 with questions or contact your Grant Representative.



**SECTION 504 SELF - EVALUATION FORM
 24 CFR PART 8**

I. RECIPIENT INFORMATION	
CDBG-I Recipient/Grantee Name:	TOWN OF SARATOGA
CDBG-I Recipient/Grantee Mailing Address:	PO BOX 206 SARATOGA, NC, 27872
CDBG-I Recipient/Grantee Physical Address <i>(if different from mailing):</i>	6904 MAIN STREET SARATOGA, NC 27873
Name of Local Government Staff Person Responsible for Self-Evaluation and Coordinating Section 504 Compliance:	BRENDA WILSON
Title:	TOWN CLERK/FINANCE OFFICER
Department:	ADMINISTRATION
Email:	SARATOGA@SARATOGANC.ORG
Phone Number:	252-238-3487
Date Survey/Evaluation Completed:	OCTOBER 6, 2021

II. PROGRAM POLICY

This section evaluates the program local government policies and their effect on individuals with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write “N/A” next to the question and explain.

1. Describe briefly the local government programs and services, including their purpose, scope, activities, and participants.

Saratoga, as a Local Government, is a Municipal Corporation of the State of North Carolina – amongst other things, it provides Municipal water, sewer and electric service, recreation, planning, and zoning activities, along with Customer Service representatives. It owns and maintains a Municipal building, recreation facilities, and public water distribution and sewer collection.

2. How does your agency incorporate provisions to ensure equal opportunity for individuals with disabilities into its policy and program initiatives?

(e.g., Guidelines highlight equal opportunity for persons with disabilities under important information, review criteria, and/or Equal Opportunity issues are discussed with policy and/or service groups; Office undertakes specific effort to enhance equal opportunity for people with disabilities, by: Equal Opportunity for people with disabilities is a consideration



when the office conducts special initiatives such as research, studies, symposia and/or future planning efforts.)

Yes No (explain below) N/A (explain below)

Click or tap here to enter text.

3. Does your agency provide opportunities when developing or amending its policies for qualified people with disabilities to participate as? Check applicable responses and explain efforts.

- Staff - Specify efforts:* Employment ads are disability sensitive-referencing municipalities Section 504 consciousness. Will place Equal Opportunity topic on Town Council agenda for future Town Council discussion regarding and additional needs as the case may be or the need arise.
- Consultants/Panelists - Specify efforts:* Consultant ads are disability sensitive-referencing municipalities Section 504 consciousness.
- Other - Specify efforts:* Public Works, and administrative facilities, town recreational facilities, and Wilson County EMS, along with other facilities, generically are ADA Friendly.

4. How does your agency support any needed accommodations for visitors, staff, or other meeting participants who may have disabilities? (e.g., certified sign language or oral interpreter, a reader or taping printed material). Check applicable responses and explain if "other" is selected.

- Funds are set aside in the agency's administration budget for use by all offices?
- Access accommodation as line-item in the office's budget?
- Other (Specify): Signing or other interpreters, written materials and recordings, printed and posted notifications. Depending upon demand and funding, i.e. attendance, the Town would consider investigating the procurement of microphone adapters and headphones to facilitate the hearing impaired at Town board meetings, etc. Possibly, it may be addressed in the 2021-22 Municipal Budgets.

5. Is your agency able to modify its programs/activities, if necessary, to provide reasonable accommodations to individuals (staff or the public) with disabilities?

- Yes: The majority, if not all, of the municipality owned and operated public facilities, where required, are reasonably ADA accessible.



No – Explain: Click or tap here to enter text.

6. Is agency staff aware that programs/activities may have to be modified in order to accommodate individuals with disabilities?

Yes: Municipal records reflect cognizance for the need to facilitate the requirements of all people with disabilities. The Municipal Building and Playground were redesigned, designed and built to facilitate people with special needs.

No – Explain: Click or tap here to enter text.

7. Does your agency notify individuals with disabilities that they may request reasonable accommodations, including modification of office policies? If so, please identify how such notification is provided, and to whom (public or staff)?

Yes: Advertised public hearing notices state that both Town Boards and Town will accommodate persons with disabilities by providing accessibility to those who may be handicapped or disabled. Municipal business area sidewalks, as limited as they may be, are partially ADA compliant. Town staff has been instructed, at least informally, to help individuals with disabilities when they come across such individuals while pursuing town business.

No – Explain: Click or tap here to enter text.

8. Are there any instances where your agency has been unable to modify a policy because such modification would either fundamentally alter the nature of the program, or result in an undue financial or administrative burden?

Yes - Explain: Click or tap here to enter text.

No – Explain: No such instance has arisen.

9. Is access for people with disabilities a consideration when your agency undertakes special policy related efforts?

Yes: Municipal Parks and Recreation Facilities, as well as municipally owned facilities of public assemblage.

No – Explain: Click or tap here to enter text.

10. Do you have staff members who serve on an emergency evacuation committee to assist visitors and staff with disabilities?

Yes: No such committee exists. Wilson County Sheriff's Department, locally based Fire Department, and Wilson County EMS provide this service.



No – Explain: Click or tap here to enter text.

11. Do staff members receive training in emergency evacuation?

Yes: See #9 above.

No – Explain: Click or tap here to enter text.

12. Please complete the chart below, using the following instructions (add more rows to the below table as needed):

- Identify all of the policies and practices from your completed program policy section that do not or may not meet the requirements of Section 504 and may create barriers for individuals for individuals with disabilities.
- List all proposed actions or actions that have been or will be taken by your Agency to modify your policies/practices to ensure compliance with Section 504.
- Has the proposed action/action been identified as a financial and administrative burden? If so, how the conclusions were reached and list any alternative actions that may be taken that do not constitute a financial and administrative burden.
- List target dates for which action may be taken by your Agency to modify your policies/practices.

Barrier Identified	Proposed Actions/Modification to Remove Barrier	Could the action result in an undue financial/admin. burden or alter the nature of the Program/Activity (if yes, please identify how the conclusion was reached and list any alternative actions)	Target date of action
Town Park and Improvements	ADA compliant	Not presently as same is presently funded by town funds and NC Parks and Recreation Trust Funds	Click or tap here to enter text.
Municipal Infrastructure	To the extent required and feasible, ADA compliance requirements are met	Click or tap here to enter text.	Click or tap here to enter text.
Sidewalks	Curb cuts to be visited in downtown area to extent economically feasible	Click or tap here to enter text.	Click or tap here to enter text.

III. PROGRAM ACCESS

This section evaluates the program local government access for individuals with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write “N/A” next to the question and explain.



1. Describe the analysis of all programs and activities and all aid, benefits and services to determine the degree to which they are accessible to qualified handicapped persons:

The Town's recreation facilities have, to date, enjoyed NC PARTF funding, which requires ADA Compliance, and handles CDBG-I grant funding, to the extent that it is other than water and sewer lines.

2. Describe methods that have been used to involve handicapped persons (or organizations representing handicapped persons) in the development of activities designed to achieve program accessibility:

As previously stated elsewhere in the document, the Town of Saratoga has, in all new construction over the recent past, planned, designed and developed municipal projects to accommodate people with disabilities/special needs.

3. Are there boards, councils or similar bodies on which program participants sit?

Yes - List steps to ensure equal opportunities for selection to, and participation in, such boards by persons with disabilities: Click or tap here to enter text.

No – Please explain: Saratoga is a rather small community and does proffer information regarding its affinity to assisting those with special needs/handicapped individuals by posters, legal ads, and town staff.

4. Does the local government notify participants, applicants, beneficiaries, employees, unions of professional organizations, and the general public (posted notices, newspaper ads, office memoranda, etc.) that the grantee does not discriminate on the basis of disability in its federally assisted programs and activities?

Yes - Briefly describe the methods used to notify the public about non-discrimination policies: Signage, posters, town staff, legal ads, and publicly funded contracts and related documents.

No- Modification or corrective action: Click or tap here to enter text.

IV. PUBLIC OUTREACH

This section evaluates the local government's public outreach for individuals with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.



COMMUNICATION AND NOTIFICATION

1. **Does the recipient engage in any meetings or oral presentations, printed materials, advertisements, or other methods to recruit program participants, or otherwise inform persons or the program's existence?**

Yes- Describe briefly the activities involved and the materials used. Public Hearings, activities, municipal contracts, posters, signage, and legal ads.

No – Explain Click or tap here to enter text.

2. **Has the local government taken appropriate steps to ensure effective communication with applicants, program participants, and members of the public by providing auxiliary aids where necessary so that individuals with speech, vision, or hearing impairments can have the opportunity to participate in, and enjoy the benefits of local government programs and activities?**

Yes- Proceed to Question 3

No- Modification or corrective action: Click or tap here to enter text.

3. **Describe approaches and special procedures adopted to ensure effective communications with project beneficiaries and/or members of the general public with disabilities, especially those vision, speech, and hearing impairments (*Methods include, but are not limited to: provision or auxiliary aids or presentation or materials in alternative formats qualified sign language and oral interpreters, readers, or the use of taped, large print, closed-captioned video, and Braille materials.*)**

Availability of funding on case-by-case basis.

4. **Describe how the local government advertises to the public availability of auxiliary aids and services for effective communication to participate in the local government programs and services.**

Programmatic signs and ads, public hearings, legal ads, and the Upper Coastal Plain Council of Governments Workforce Development.

5. **Describe how the local government will ensure that meetings, hearings, and conferences will be accessible for individuals with communication disabilities.**

Public notices provide, in part, “anyone requiring special assistance should contact Town Clerk ahead of scheduled meeting.”

6. **Describe how an individual with a disability may request assistance and express their preference for auxiliary aids and services from the local government.**



By phone, orally in person, faxing, and email.

7. Describe how the local government will provide auxiliary aids or services on request.

To the extent feasible and practical, accommodate reasonable request.

8. List steps to ensure inclusion or a notice of the recipient's compliance with Section 504 in all materials and advertisements.

The Town, in all of its Public Hearing notices, requests for quotations, request for proposals, and CDBG-I Grant Related Contracts, states that the Funding for this Grant is from the Federal Government under the Community Development Block Grant Program, and that those benefitting financially or materially, and any other way, are to act in accordance and subject to Section 504.

9. Has the local government installed a reader, developed Braille materials, audio recordings or other similar services and devices for persons with impaired vision?

Yes

No - Modification or corrective action: The Town plans to discuss need for such materials at an upcoming Board Meeting.

10. Does the recipient provide services or information to the general public over the telephone?

Yes- There is a teletypewriter (TTY - also referred to as a Telecommunication Device for the Deaf - TDD) or other equally effective system available so that public entities can communicate with individuals with hearing or speech impairments?

NO- List steps to ensure effective communications with individuals with hearing or speech impairments. *This can include providing a TTY or relying on a third-party relay service. The Justice Department encourages public entities that have extensive phone contact with the public to have TTYs to assure more immediate access.*

Hearing or speech impaired individuals can use the TTY# listed below.

11. What is the TTY/TDD number listed in directories and disseminated information?

1-800-735-2962

12. Is signage concerning the location of TTY-equipped pay phones or portable TTYs available?

Yes



No - Modification or corrective action: Click or tap here to enter text.

13. Are all 911 emergency response centers equipped with TTYs or other equally effective technology to make the service accessible to individuals with hearing or speech impairments? Separate, seven-digit phone numbers and/or reliance on a third-party relay service is not an acceptable alternative for making 911 services accessible.

Yes

No- Modification or corrective action: Click or tap here to enter text.

14. Is signage at inaccessible entrances directing people with disabilities to an accessible entrance or a location with information about an accessible entrance?

Yes

No- Modification or corrective action: Click or tap here to enter text.

15. What steps, if any, have been taken to ensure that all of the programs' web site(s) are accessible?

N/A

16. List all local government activities where a sign language and/or oral interpreter, readers, and assistive listening devices might be needed to ensure that persons with hearing and visual impairments can fully participate in the program or activity (e.g. securing services in expeditious manner, department responsible for ensuring such services, policy source and date, date policy distributed to staff).

No history of past need.

INFORMATION DISSEMINATION

1. Can copies of written materials be reasonably obtained by individuals with disabilities?

Yes No

2. Have disability groups been included in the dissemination process?

Yes No (No such groups are known to exist in the Town as of October 2021).

3. Does the local government use all available print and broadcast media to ensure that all individuals with disabilities receive appropriate notification?

Yes No



4. Does the local government disseminate information to all agencies or organizations that deal with persons with disabilities in the local government service jurisdiction?

Yes No

5. Does all of the information disseminated by the local government include current non-discrimination policies?

Yes No

If there are NOs to any of the above questions (#1-5), you must provide a modification or corrective action below:

Click or tap here to enter text.

PRINTED MATERIALS

1. Are written materials including posters with non-discrimination notices placed in physically accessible locations?

Yes No

2. Can small print of posted announcements be read from a wheelchair?

Yes No

3. Are all words in printed materials clearly legible?

Yes No

4. Would color blind individuals be able to distinguish all contents in printed materials?

Yes No

5. Are representations of disabled individuals free of patronizing stereotypes?

Yes No

6. Do graphics in printed material permit easy reading of the contents?

Yes No

7. Is all necessary program information included in printed material?



Yes No

8. Are procedures for providing program access to disabled individuals stated clearly?

Yes No

9. Do all appropriate local government documents include policy statements about non-discrimination on the basis of disabilities?

Yes No

10. Are the Section 504 contact person's name, address, and phone number listed in printed material?

Yes No

If there are NOs to any of the above questions (#1-10), you must provide a modification or corrective action below:

Click or tap here to enter text.

V. PROGRAM ELIGIBILITY/ADMISSION CRITERIA

This section evaluates the local government's program eligibility and admission criteria for individuals with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

1. Are there any limitations on the number of qualified persons with disabilities who may participate in or be admitted to the program?

Yes - List steps to be taken to eliminate the limitations. Click or tap here to enter text.

No

2. Has the local government examined all policies pertaining to program eligibility and admission criteria to determine if they had the purpose or effect of excluding or limiting the participation of individuals with disabilities in local government's programs and activities?

Yes

No- Modification or corrective action: Click or tap here to enter text.



3. Has the local government, in examining its polices on program eligibility and admission criteria, paid particular attention to those incorporating or establishing: (1) physical or mental fitness or performance requirements; (2) safety standards; (3) testing requirements; (4) educational requirements; (5) work experience requirements; (6) income level requirements (7) credit rating requirements; (8) requirements based on disability; (9) requirements that prohibit participation because of disability; and (10) insurability requirements?

Yes

No- Modification or corrective action: Click or tap here to enter text.

4. Has the local government altered or eliminated policies that have the direct or indirect effect of excluding or limiting the participation of individuals with disabilities in local government's programs and activities?

Yes - List any policies that have been altered or eliminated. Click or tap here to enter text.

No - Modification or corrective action: Click or tap here to enter text.

N/A - Explain (e.g. no such policies found in review), then proceed to Question 6. Click or tap here to enter text.

5. Has the local government communicated the policy changes to staff members and the public?

Yes

No- Modification or corrective action: Click or tap here to enter text.

6. Are any criteria or tests used in the admission process?

Yes – Proceed to Question 7

No - Proceed to Question 8

7. List all criteria (e.g., good health, residency requirements, letters of recommendation) and tests (including the skill, level of achievement, or other factors being tested, whether they are written or oral tests and the method of administration) used in the admissions process, that have or could have a disproportionately adverse impact on program applicants with disabilities. Discuss briefly the potential negative impact for each and indicate how they relate to the program. Discuss alternative criteria or tests that will be used to ensure nondiscrimination. The use of a criterion or test may have to be suspended as long as this does not result in an undue hardship or fundamental alteration to the program.

Click or tap here to enter text.



- 8. List steps to be taken to make potential program participants, including those with hearing and vision impairments and learning disabilities, aware of alternative testing/criteria and interview processes.**

Will advise on a case-to-case basis and provide assistance to the extent feasible.

- 9. List steps to provide admission forms in alternative formats.**

See #8 above.

- 10. List steps to ensure that applicants are not asked pre-admission inquiries as to the nature and extent of a disability, and that no forms or other written materials make mandatory inquiries related to disability.**

See attached Town of Saratoga Employment Application.

VI. PROGRAM PARTICIPATION

This section evaluates the local government's program participation for individuals with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

- 1. Are post-admission inquiries made regarding disability status to make accommodations for persons with disabilities?**

- Yes - List steps to ensure that information is gathered voluntarily, not used to adversely affect any person with a disability and kept confidential. Click or tap here to enter text.
 No

- 2. Is there an orientation for new participants?**

- Yes - Describe briefly the orientation and materials used, and list steps to ensure effective communications and usable materials in alternative formats for all participants. Click or tap here to enter text.
 No

- 3. Review all written materials, tools, equipment or other aids or devices used for the program. Do any need modification?**



- Yes - List steps such as the provision of auxiliary aids and equipment modification to ensure that program materials and equipment are accessible and usable. Click or tap here to enter text.
- No

4. Would any steps pose an undue financial or administrative burden?

- Yes- List alternative methods of providing accessibility that would not impose an undue financial or administrative burden. Click or tap here to enter text.
- No

5. Are any of the following services or benefits provided to program participants? (Check all that apply. If none provided, proceed to Question 6.)

- Transportation services
- Health services and insurance/benefits
- Housing
- Counseling services
- Employment services
- Food services
- Financial aid
- Social, recreational or athletic activities

6. List steps to ensure that information concerning program schedules and activities are effectively communicated to all program participants, including those with impaired vision, speech, and hearing.

- **List steps to ensure that:**
 - **The service/benefit is equally effective for and usable by persons with disabilities.**
 - **The administration of the service/benefit will be free from discrimination based on disability.**
 - **Communications will reach all persons, including those with hearing and sight impairments.**
 - **Effective application procedures to receive the services exist for persons with disabilities, including those with hearing and vision impairments**

Case-by-case basis depending upon the nature and extent of impairment.

VII. EMPLOYMENT POLICY AND PRACTICE

This section evaluates the local government's employment policy and practices to ensure equal opportunity employment for persons with disabilities. Please respond to the following questions



with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write “N/A” next to the question and explain.

GENERAL

- 1. Describe and discuss safeguards that have been used to ensure that all employment decisions are made without discrimination on the basis of handicap, and that such decisions do not limit, segregate or classify applicants or employees based on handicap in a way that adversely affects their opportunities or status.**

Town Personnel Policy and Employment Application

- 2. Describe procedures that have been established to make certain that there are no formal relationships regarding employment (e.g. those with labor unions, employment agencies, and so forth) that have the effect of discriminating against qualified persons with disabilities.**

None

- 3. Does the local government have 15 or more employees (full or part-time)?**

Yes No

- 4. Do the local government’s hiring and promotion practices prohibit discrimination against otherwise qualified handicapped individuals (not a separate policy)?**

Yes- Proceed to Question 5.

No - Modification or corrective action: Click or tap here to enter text.

- 5. Analyze the following aspects of employment and describe any alterations to make certain that no discrimination based on disability exists, including discrimination that occurs due to an inaccessible facility:**

- **Recruiting and advertising.**
- **Processing applications.**
- **Interviewing and orientation.**
- **Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring.**
- **Rates of pay or any other form of compensation and changes in compensation.**
- **Job assignments, job classifications, organizational structures, position descriptions, lines of progression and seniority lists.**
- **Leaves of absence, sick leave or any other leave.**
- **Fringe benefits (opportunities for and financial support of training opportunities, conferences, health and insurance benefits) available by virtue of employment, regardless of whether they are administered by the recipient.**



- **Selection and financial support for training, including apprenticeship, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training.**
- **Employer-sponsored activities, including social and recreational programs.**
- **Any other term, condition or privilege of employment.**

To the extent applicable, the Employment Application referred to in VII. A. 1 above, State Statutes, and Town Ordinances regulate the bullets above.

EMPLOYMENT CRITERIA

1. **Does the local government administer tests which accurately reflect the applicant's or employee's job skills or aptitude rather than the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test is designed to measure)?**

Yes - Please answer Question 2.

No - Modification or corrective action: Click or tap here to enter text.

N/A - Explain (e.g. no such test/criteria used), then proceed to Next Section: *Pre-Employment Inquiries*. No such text/criteria used.

2. **What employment tests or criteria are used for judging potential employees and describe procedures to ensure that these criteria or tests do not discriminate against persons with disabilities, unless they are shown to be consistent with job necessity?**

Click or tap here to enter text.

3. **If the local government uses an employment test or other criteria for selection that screens out or tends to screen out individuals with disabilities, can the local government show that the test score or other selection criteria is job related?**

Yes - Please answer Question 4.

No - Modification or corrective action: Click or tap here to enter text.

N/A - Explain (e.g. no such test/criteria used), then proceed to Next Section: *Pre-Employment Inquiries*. Click or tap here to enter text.

4. **Describe methods to identify the job-related characteristics of tests and criteria used in employment decisions, since job-related tests are permitted even if they screen out persons with disabilities.**

Click or tap here to enter text.



PRE-EMPLOYMENT INQUIRIES

1. Describe steps to ensure that no pre-employment inquiries are made as to whether an applicant is a person with a disability or as to the nature or severity of a disability. Is the local government aware that it cannot make a pre-employment inquiry or conduct a medical examination of an applicant to determine whether the individual is a person with disability unless the local government is undertaking affirmative action efforts or conditioning an offer of employment on the results of a medical examination given to all prospective employees in the same job category?

- Yes - Proceed to Question 2.
 No - Modification or corrective action: Click or tap here to enter text.

2. Does your organization conduct or require any medical examinations after making conditional offers of employment? Has the local government informed job applicants that an employment offer may be conditioned on the results of a medical examination if all entering employees in a job category must take an examination regardless of disability, and the examination accurately reflects the employee's job skills?

- Yes - Proceed to Question 3.
 No - Modification or corrective action: Click or tap here to enter text.

3. Has the information obtained by the local government concerning the medical condition or history of job applicants been collected and maintained on separate forms and accorded confidentially as medical records?

Yes - Describe procedures to ensure that (a) all entering employees in that position are subject to medical exams, (b) all offers of employment are conditional based on the results of the exams, (c) the medical results gathered are not used in a discriminatory manner, and (d) all information gathered is kept confidential. Click or tap here to enter text.

No- Modification or corrective action: All job application information is treated as confidential – both medical and non-medical.

4. Review job application forms and interview questions to ensure that applicants are not asked about the existence of or nature or severity of a disability. Inquiries about the candidate's ability to perform job functions are permitted. Ensure that applicants are not asked about their relationship or association with an individual with a disability. List any job forms and questions that were amended.

N/A

5. Review existing job descriptions for each job position in your organization. Determine the essential and marginal functions of job positions in the organization and identify



what job accommodations can be made, when necessary, for an applicant or employee. List any job descriptions that were amended.

Job descriptions review to be conducted when such need arises.

6. Describe any training or other measures taken to ensure that employees and supervisors do not subject individuals with disabilities to discrimination because insensitivity or lack of knowledge.

N/A

7. When the local government is undertaking affirmative action efforts, voluntary or otherwise, and inviting applicants for employment to indicate whether and to what extent they are disabled, does the local government meet the following conditions:

a. State clearly either orally or in writing that the requested information is intended for the local government's affirmative action efforts? Yes No

b. State clearly that the information is being requested on a voluntary basis, that it will be kept confidential and that refusal to give the information will not subject the applicant or employee to any adverse treatment? Yes No

If there are NOs to any of the above questions (#a –b) you must provide a modification or corrective action: Click or tap here to enter text.

VIII. OUTSIDE PERSONS AND ORGANIZATIONS

This section evaluates the local government's use and interaction with outside persons and organizations persons with disabilities. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

1. List below all outside persons and organizations that are involved in the provision of any aid, benefit or service for the program as discussed in Sections II through IX. Include secondary recipients in your discussion.

No private funding.

2. List steps to inform those listed in Question Number #1 of the organization's commitment to nondiscrimination on the basis or disability.

Town projects with Federal and/or State Funding require ADA Compliance, NC PARTF projects require ADA Compliance



- 3. List those persons or organizations from Question Number #1 that receive significant assistance from the organization in the provision of aids, benefits or services to program participants. For example, list organizations which rent or otherwise use your facilities; that depend on your organization for informing its participants of the aid, benefit or service; that have employees of your organization spending time to assist in or coordinate the provision of the aid, benefit or service; and so forth.**

See #1 above.

- 4. List steps to ensure that persons or organizations listed in Question Number #3 do not discriminate on the basis of disability in the provision of any aid benefit or service to your program participants. Such steps may include changes in the program, facility alterations, and/or changes in or discontinuation of the relationship.**

Contractors and sub-contractors involved in the Federally Funded projects are subject to US Department of Labor, US Department of Commerce, HUD and IRS monitoring to ensure compliance.

IX. USE OF CONTRACTORS

This section evaluates the local government's use of contractors. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

- 1. List contractors that are used by the local government to conduct programs or activities on behalf of the agency.**

Any and all contractors and sub-contractors on Federally Funded projects. The Town, in Conjunction with the Upper Coastal Plain COG, when administering Town Grants, endeavors to monitor compliance.

- 2. Describe steps that have been taken to ensure that local government procurement officials understand Section 504 requirements as they apply to contractors.**

The 504 requirements are part of Federally Funded pre-bid and pre-construction meetings, bid documents, the bid itself, and resulting contracts & sub-contracts.

- 3. Provide language included in a local government contract to ensure that contractors are aware of their obligations to take steps to facilitate the participation of individuals with handicaps in programs and activities they operate on behalf of the agency.**

Relevant contracts, and more particularly, construction related, have a paragraph 9 which encompasses Section 504 of the Rehabilitation Act of 1973



4. Indicate the appropriate policy source to include information about Section 504 requirements as they apply to contractors.

Section 504 of the Rehabilitation Act of 1973 and Town's adoption on October 6, 2021.

5. Give a date that the policy was established and distributed to staff and give a citation for the policy.

October 6, 2021

X. GRIEVANCE PROCEDURES

This section evaluates the local government's grievance procedures. Please respond to the following questions with either a Yes, No, N/A, a description, list, or explanation when appropriate. If a question does not apply to your local government, then write "N/A" next to the question and explain.

1. What procedures have been established to ensure that at least one person has been designated to coordinate compliance with Section 504?

The adoption of a Grievance Procedure in accordance with the Americans with Disabilities Act, as amended and supplemented.

2. Have there been obvious difficulties or complaints about the local government services from individuals with disabilities?

Yes – Proceed to Question 3

No - Proceed to Question 4

3. Describe how resolution of complaints and steps to resolve concerns/complaints is documented?

Click or tap here to enter text.

4. What written procedures have been established to ensure that appropriate initial and continuing steps to notify participants, beneficiaries, applicants, etc. that the local government does not discriminate on the basis of handicap (24 CFR 8.54)?

See #1 above.

5. Does the local government have a written grievance procedure/policy for handling the prompt and equitable resolution of any complaints of discrimination based on disability?



- Yes - **ATTACH** a copy of the current local government policy which should include the date the policy was established, the date the policy was distributed to staff, and the citation for the policy.
- No - Modification or corrective action: Click or tap here to enter text.

6. Has the local government adopted procedures that incorporate due process standards and allow for prompt resolution of any complaints or alleged discrimination based on disabilities (24 CFR 8.53)?

- Yes - **ATTACH** a copy of your current grievance procedures and the name of the person or unit responsible for receiving and processing complaints.
- No - Modification or corrective action: Click or tap here to enter text.

7. Has the local government notified staff and program participants about the grievance procedures?

- Yes
- No - Modification or corrective action: Click or tap here to enter text.

8. Is the grievance procedure and/or nondiscrimination policy published in the newspaper at least once a grant cycle (or once a year)?

- Yes
- No - Modification or corrective action: The aforesaid Grievance Procedure is adopted at a Public Meeting of the Town Board, memorialized in the Town Board minutes in a manner of public record.

9. Does the grievance procedure inform individuals of their rights to file a complaint with a state or federal agency and include the agency's addresses?

- Yes
- No - Modification or corrective action: Click or tap here to enter text.



THE PROHIBITION OF THE USE OF EXCESSIVE FORCE FOR CDBG-I GRANTEES

WHEREAS, the **Town**, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, Title 1 of the Housing and Community Development Act (HCDA) of 1974, Section 519 of Public Law 101-144, and 1990 HUD Appropriations Act requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations;

WHEREAS, all recipients of CDBG funds are further required to follow a policy enforcing applicable federal, state and local laws against physically barring entrances or exists to a facility that is the subject of a non-violent demonstration;

WHEREAS, **Town** endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy; and

WHEREAS, the failure to enforce such policy may cause the **Town** to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED:

SECTION 1: It is the Policy of the **Town** that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and non-violent civil rights demonstrations within its boundaries.

SECTION 2 It is the Policy of the **Town** to enforce applicable federal, state and local laws against the physical barring of an entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction.

SECTION 3: The **Board of Commissioners** will coordinate with the local law enforcement agency(ies) to implement this Resolution.


PASSED BY THE **BOARD OF COMMISSIONERS, TOWN OF SARATOGA, NORTH CAROLINA.**



State of North Carolina
Department of Environmental Quality
Division of Water Infrastructure (DWI)

Adopted this 6th day of October 2021.

ATTEST:



Charles T. Hawkins, Mayor



Town Clerk



RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

This Residential Anti-Displacement and Relocation Assistance Plan is prepared by the **Town** in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹ projects.

MINIMIZE DISPLACEMENT

Consistent with the goals and objectives of activities assisted under the Act, the **Town** will take the following steps to minimize the direct and indirect displacement of persons from their homes:

(The steps provided below are examples only, each jurisdiction must determine the actions it will take based on local needs and priorities, select one or multiple steps or describe others steps below)

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.



- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.

CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.
- Other: (Describe) Comply with the terms and condition of the Grant Award and Grant Contract between the Town of Saratoga and the State of North Carolina.

A. Relocation Assistance to Displaced Persons

The **Town** will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

B. One-for-One Replacement of Lower-Income Dwelling Units

The **Town** will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing the **Town** to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the **Town** will make public by describe how, such as publication in a newspaper of general circulation and submit to State CDBG Program(s) North Carolina Department of Environmental Quality (NC DEQ) the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;



- 4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. [*See also 24 CFR 42.375(d)*].
- 5. The source of funding and a time schedule for the provision of the replacement dwelling units;

The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and

- 6. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the **Town** will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

C. Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the **Town** may submit a request to the State (NC DEQ) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

D. Contacts

The name and phone number of the office is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. *N/A Infrastructure Only*

The name and phone number of the office is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use. *N/A Infrastructure Only*

Adopted this 6th day of October 2021.

ATTEST:


Charles T. Hawkins, Mayor


Brenda Wilson
Town Clerk

**SECTION 504 COMPLIANCE OFFICER/GRIEVANCE PROCEDURE
COMMUNITY DEVELOPMENT BLOCK GRANT**

Town of Saratoga
6904 Main Street
Saratoga, NC 27873

The Town of Saratoga has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) and by United States Department of Housing and Urban Development regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794).

Section 504 states, in part, that "no otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Complaints should be addressed to: Brenda Wilson, Town Clerk, PO Box 206, Saratoga, NC 27873 Ph. 252-238-3487, saratoga@saratoganc.org, who has been designated to coordinate Section 504/ADA compliance efforts.

1. A complaint should be filed in writing or verbally (alternate methods of communication such as personal interview, tape recording, Braille, etc. are acceptable), contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 180 days after the complainant becomes aware of the alleged violation. (Processing allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, will follow a filing of a complaint. The investigation will be conducted by Brenda Wilson, Town Clerk, with assistance from the Upper Coastal Plain Council of Governments, who shall be appointed by the chief elected official. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by Brenda Wilson, Town Clerk and a copy forwarded to the complainant no later than 30 days its filing.
5. The Section 504/ADA coordinator will maintain the files and records of the Town of Saratoga relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 15

business days to Town of Saratoga Board of Commissioners. The request for reconsideration may be mailed to PO Box 207, Saratoga, NC 27873 or hand delivered at 6904 Main Street, Saratoga, NC 27873. The request will be promptly reviewed, and a final determination issued.

7. If the citizen is dissatisfied with the local response, they may write to the North Carolina Department of Environmental Quality (DEQ), Division of Water Infrastructure (DWI), 1633 Mail Service Center, Raleigh, North Carolina, 27699-1633, Phone: (919) 707-9057, TDD: (800) 735-2962. DEQ will respond only to written comments within **ten (10)** calendar days of the receipt of the comments.
8. The right of a person to a prompt and equitable resolution of the filed complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 or ADA complaint with the U.S. Department of Housing and Urban Development (HUD). Using this grievance procedure is not a prerequisite to the pursuit of other remedies.
9. These rules will be construed to protect the substantive rights of interested persons, meet appropriate due process standards, and assure that Town of Saratoga complies with the ADA, Section 504 and their implementing regulations.

This information is available in Spanish or any other language upon request. Please contact Brenda Wilson at 252-238-3487 or at 6904 Main Street, Saratoga, NC 27873 for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Brenda Wilson al 252-238-3487 o en 6904 Main Street, Saratoga, NC 27873 de alojamiento para esta solicitud.



Adopted this 6th day of October 2021.



Charles T. Hawkins, Mayor

ATTEST:


Town Clerk



CITIZEN PARTICIPATION PLAN FOR CDBG-I GRANTEES

CDBG-I Recipient/Grantee Name:	TOWN OF SARATOGA
CDBG-I Recipient/Grantee Mailing Address:	PO BOX 206 SARATOGA, NC 27873
CDBG-I Recipient/Grantee Physical Address (if different from mailing):	6904 MAIN STREET SARATOGA, NC 27873
Contact Person & Title:	BRENDA WILSON TOWN CLERK/FINANCE OFFICER
Contact Email:	SARATOGA@SARATOGANC.ORG
Contact Phone Number:	252-238-3487
TDD#:	1-800-735-2962

I. PURPOSE AND INTRODUCTION

The Town has designed this community-wide Citizen Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) program.

This Plan is an essential element of the Town’s present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the North Carolina Department of Environmental Quality – Division of Water Infrastructure (NCDEQ-DWI) and the Department of Housing and Urban Development (HUD). The Citizen Participation Plan is required by Section 104(a)(2) of the Housing and Community Development Act and by regulations at 24 CFR 570.486(a)(6).

The primary goal of this Citizen Participation Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the Town’s CDBG program(s) and project(s).

The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized.

The plan is vitally important to the success of CDBG-funded activities undertaken by local units of general government. Compliance with the plan reduces the number of legal challenges and citizen complaints against the local government recipient.

Local units of general government must provide citizens with reasonable advance notice of and opportunity to comment on proposed activities in an application to the state; and for grants already



made, the same opportunities must be provided for activities proposed to be added, deleted, or substantially changed from the original application to the state. Substantially changes include, but not limited to, purpose, scope, location or beneficiaries.

Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the Town.

2. SCOPE OF PARTICIPATION

The Town will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG program(s) undertaken by the Town. Local officials will make every effort to involve citizens in all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. Identification and assessment of housing and community development needs; determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- b. Changes and/or amendments to approved CDBG projects; and,
- c. Assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of the Town are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

3. CITIZEN PARTICIPATION CONTACT PERSON

Brenda Wilson, Town Clerk has been designated Citizen Participation Coordinator by the Mayor and will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Citizen Participation Coordinator shall include, but not necessarily be limited to: disseminating information concerning proposed projects and the status of current project activities; coordinating various groups which may be participating in the community development process; receiving written comments; serving as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and, monitoring the citizen participation process and proposing such amendments to the Citizen Participation Plan as may be necessary.

The Citizen Participation Coordinator may be contacted at Saratoga Town Hall, 252-238-3487 during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Citizen Participation Coordinator.



4. TECHNICAL ASSISTANCE

The staff of the Town shall provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance shall be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

Technical assistance may be obtained by contacting the Mayor of the Town or the Citizen Participation Coordinator.

5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low- and moderate-income persons and residents of areas where CDBG activities are proposed or on-going.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG programs. Local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

PUBLIC HEARING TIMES AND LOCATIONS

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.



Public hearings will be scheduled for convenient times as determined by the Town. Public hearings may be held at any site which, in the opinion of the Town provides adequate access for citizen participation.

Hearings will normally be held at the Town Hall located at 6904 Main Street, Saratoga, NC 27873. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with disabilities. Hearings may, however, at the option of the Town, be held at an alternate location to be specified in the public hearing notice(s).

APPLICATION PUBLIC HEARING

One public hearing shall be held during any CDBG program fiscal year prior to the submission of an application to the NCDEQ-DWI for CDBG assistance. The primary purposes of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program; and also to present for public comment and review the program activities which have been selected by the Town to resolve the identified needs.

An application public hearing will be held during the initial stage of program development to discuss items regarding community development and housing needs, the CDBG program, and the application process. The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG application. Local officials will also entertain proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the Town during any fiscal year. Additional changes in community development or housing needs in the community as determined by local officials can be addressed by a community meeting where citizens can share their comments prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available for the fiscal year and for the funding round; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the process to be followed in developing a CDBG application; a statement that 100 percent of the CDBG funds will be used to benefit low-to-moderate income people; the schedule of meetings and hearings; location where the application can be reviewed; activities previously funded in the Town through the CDBG program; and, an identification of projects which could result in the relocation of area residences or businesses; and the actions that would be undertaken if such relocation were necessary; provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances. Furthermore, the effectiveness of the Citizen Participation Plan in allowing citizen participation in



the community development process and potential changes and/or amendments to the Plan shall also be discussed at this meeting.

The Town may, at the option of local officials, review multiple CDBG project applications at one hearing when more than one application is to be submitted during the same fiscal year. Each such hearing shall be held prior to, and in preparation for, the application's approval by the Town.

A second objective of citizen participation during this stage is to inform citizens of the proposed project activities to be included in a CDBG application(s) and to solicit comments from citizens concerning these activities.

Citizens attending this hearing will be provided with information concerning the CDBG project(s) proposed including, but not necessarily limited to: the project application(s) to be submitted and the applicable CDBG fund; specific project activities to be included; the location of the project activities; the approximate cost estimate for the proposed activities; the estimate of local match required; the impact of the project on low and moderate income persons; and, the approximate application submittal date.

PROJECT AMENDMENT PUBLIC HEARINGS

The Town will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the Town. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in dollar amount spent on any activity, changes in program beneficiaries, changes in the location of approved activities, addition to or deletion of project activities, and major budget shifts between approved activities.

To ensure adequate opportunity for citizen participation during CDBG programs, the Town shall hold a public hearing on all formal amendments which require the NCDEQ-DWI approval. For "local" amendments and changes for which the NCDEQ-DWI approval is not required, input from citizens concerning changes or amendments will be received at regularly scheduled Town meetings where such changes or amendments are considered.

ASSESSMENT OF PERFORMANCE (CLOSE-OUT) PUBLIC HEARINGS

This public hearing must be held after all third-party contracts' payments have been submitted.

Citizens of the Town will be provided with the opportunity to comment on the performance of local officials, the Town staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the Town in resolving identified community development and housing needs, and in achieving its community development goals and objectives. On-going community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.



At the conclusion of each CDBG project, a public hearing will be held to review program activities and to assess program performance. This hearing shall be held prior to the submission of the Performance Assessment Report and any other required closeout documents to the NCDEQ-DWI for a CDBG project. This hearing will be used to ensure community-wide participation in the evaluation of the CDBG program.

ADDITIONAL HEARINGS

Other public hearings may be held as deemed necessary by the Town in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.

6. PUBLIC HEARING ACCOMMODATIONS AND ACCESSIBILITY

VIRTUAL HEARINGS

During a declaration of a state of emergency by the NC Governor or NC General Assembly; and authorized by the CARES Act (*Part III.B.4. (a)(ii) Virtual Hearings*), published in the Federal Register on August 20, 2020, and applicable since August 7, 2020; as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, the CARES Act authorizes virtual hearings in lieu of in-person public hearings for fiscal year 2020 CDBG grants.

- Local governments may use online platforms to hold virtual hearings that facilitate public access to all questions and responses and provide timely responses from local officials.
 - Virtual hearing methods could include, but are not limited to conference calls, Google Hangouts, Adobe Connect, Facebook Live, a video streaming service (WebEx, Zoom, etc.), local community television stations, live streaming on county/city website, or other virtual platforms can help accommodate these meetings. A call-in option that does not require internet connection is strongly recommended.
 - A local government must provide the public with access to a recording of any telephonic or videoconference meeting.
- All virtual hearings held shall provide reasonable notification and access for citizens, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.
- Local governments must take appropriate actions to encourage the participation of all residents, including the elderly, minorities, persons with limited English proficiency, as well as persons with disabilities. Therefore, a virtual hearing method or platform must be selected and appropriate accommodations made for those individuals that may not have access to phone or internet so they can participate in the hearing.
- Whether hearings are in-person or virtual, local governments must take appropriate steps to ensure effective communication with persons with disabilities consistent with the requirements of accessibility laws, such as Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.



- Thus, a local government must provide appropriate auxiliary aids and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access and participate in such hearings.
 - These may include effective methods that make aurally delivered information available to individuals who are deaf or hard of hearing, and visually delivered materials available to individuals who are blind or have low vision.
 - The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place.
 - In determining what types of auxiliary aids and services are necessary, a local government shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services should be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
 - For virtual hearings, such steps should include ensuring that information is provided on an accessible website, that e-mails and other digital notifications are accessible, and that the application or platform used to host the hearing is also accessible. Additional services such as audio description or captioning may also be needed to provide effective communication in a digital context.
 - There are some helpful guidelines for ensuring the accessibility of web-based and digital materials are available through the World Wide Web Consortium's Web Accessibility Initiative at <https://www.w3.org/WAI/>. Examples of auxiliary aids and services that may be necessary when conducting hearings online can be found at 28 CFR 35.104.
- Local governments are highly encouraged to use various forms of social media, and we will accept public comments in written form (i.e. emailed comments, mailed, comments collected via social media, and other communication types made possible by web-based platforms or digital materials).
- Local governments must document their efforts and the reason for them and update their citizen participation plans as soon as possible to add the use of virtual hearings if the plan doesn't already mention them.
- Additional information on public hearing requirements can be found in Appendix B: Public Hearings.
- Local governments should consult with their attorney before undertaking such meetings to ensure conformance with the NC Senate Bill 704.

Additional legal resources are:

- Session Law 2020-3: Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (COVID-19)
<https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S704v6.pdf>
- School of Government's summary of Session Law 2020-3:
<https://canons.sog.unc.edu/new-rules-for-meetings-of-public-bodies-during-state-level-declared-emergencies/>



LIMITED ENGLISH PROFICIENCY RESIDENTS

The Town has followed the guidance provided in the Language Access Plan (LAP) to determine the need to undertake reasonable actions to facilitate the participation of persons with Limited English Proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.

PUBLIC HEARING NOTICE

Notice of public hearings must be published in a local newspaper of general circulation, in a non-legal section of the paper at least ten (10) days prior to the hearing date, but no more than 25 days prior to the meeting date. Each notice of a hearing shall include the time, date, place, and topics and procedures to be discussed.

ACCESSIBILITY TO LOW-AND MODERATE-INCOME PERSONS

The public hearing procedures outlined herein are designed to promote participation by low- and moderate-income citizens, as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s).

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 persons may otherwise be excluded or should additional action be deemed necessary.

Activities to promote additional participation may include: 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.

ACCESSIBILITY TO PERSONS WITH DISABILITIES

The locations of all public hearings as described herein shall be made accessible to persons with disabilities. The Town shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance.

The Town shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more visually impaired persons will be in attendance.

Additionally, the Town shall provide reasonable accommodations whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.



7. PROGRAM INFORMATION

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the Town shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted or Limited English Proficiency neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the Citizen Participation Coordinator will keep all documents related to a CDBG program on file in the Saratoga Town Hall. Information from the project files shall be made available for examination and duplication, on request, during regular business hours. CDBG program information and materials, concerning specific CDBG projects will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information concerning any CDBG project will be available at regularly scheduled council meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizen Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by the NCDEQ-DWI and/or HUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the Town; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the Town disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the Town shall not disclose any information which may, in the opinion of the Mayor, be deemed of a confidential nature.

8. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

The public hearings scheduled, as described in this Citizen Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the Town.

Any citizen or citizen's group desiring to comment or object to any phase of the planning, development or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the Mayor. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the Mayor, then the aggrieved may appeal his/her case to the Town.



Local officials shall make every effort to provide written responses to citizen proposals or complaints within fifteen (15) working days of the receipt of such comments or complaints where practicable. Should the Town be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to the NCDEQ-DWI.

Citizens may, at any time, contact the NCDEQ-DWI and/or HUD directly to register comments, objections or complaints concerning the Town CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting the NCDEQ-DWI or HUD.

All comments or complaints submitted to the NCDEQ-DWI or the HUD shall be addressed in writing to:

NC Department of Environmental Quality
Division of Water Infrastructure / CDBG-I Unit
1633 Mail Service Center
Raleigh, North Carolina 27699-1633

Or:

U.S. Department of Housing and Urban Development
Community Planning and Development Division
Greensboro Field Office
1500 Pinecroft Road
Greensboro, North Carolina 27407

Records of all comments, objections and/or complaints by citizens concerning the Town CDBG program and subsequent action taken in response to those comments shall be maintained on file at Town and shall be made available for public inspection upon request.

9. AMENDMENTS

The Town may, from time to time, modify the provisions outlined herein through amendment to this Citizen Participation Plan. It shall be the policy of the Town to periodically review and discuss the effectiveness of this Citizen Participation Plan in allowing citizen participation in the community development process and in helping to meet the community development needs and goals identified by the citizens of the Town. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time.

Amendments to the Plan will be made as necessary. All amendments shall be approved by resolution of the Town and shall be incorporated into this Plan.



10. AUTHORITY

No portion of this Citizen Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the Town in the development, implementation and execution of any Community Development Block Grant program.

ADOPTED this 6th day of October 2021.



Charles T. Hawkins, Mayor

ATTEST:



Town Clerk



SAMPLE APPLICATION PUBLIC HEARING NOTICE

Notice is hereby given that the City/Town/County will conduct a public hearing on [DATE] at [TIME] AM/PM, or as soon thereafter as the agenda will allow, at the [LOCATION] relative to the intention of the City/Town/County to apply for FY20XX CDBG funding under Title I of the Housing and Community Development Act.

City/Town/County intends to submit an application for a grant of approximately \$000 in CDBG Infrastructure funds to [**project description -must match grant application and include all streets with proposed improvements and any alternative streets if time and budget allows**].

The following is a tentative list of proposed activities and an estimated budget. The final application will be reviewed at the public hearing.

Infrastructure Improvements and
Grant Administration Estimated Budget _____

The proposed project will provide benefits to _____, ____% of whom are low- and moderate-income individuals based on [surveys or statistics] performed by _____ (use if surveyed). No individuals will be displaced nor will any require temporary relocation assistance as a result of the proposed project (this phrase may or may not be true for your particular project).

Citizens will be given the opportunity to provide oral and written comment on the City/Town/County's past and proposed use of CDBG funds at the public hearing. All interested citizens are encouraged to attend.

If additional information is needed, please contact the [Name & Title] at [Phone #]. Formal written complaints or comments concerning the application process that are submitted to the City/Town/County prior to or following the public hearing will be responded to with **fifteen (15)** working days by [Date]. A copy of the completed project application will be available for public review after [Date], at the [Location].

Persons with disabilities or who otherwise need assistance should contact _____, at _____ or _____ (email address) (TDD # _____ or Relay North Carolina _____) by _____. Accommodations will be made for all who request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact [Name & Title], at [phone number], or at the [location] for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con [Name & Title], al [phone number] o en [location], de alojamiento para esta solicitud.



logo or tag line "Equal Housing Opportunity" is required



SAMPLE PERFORMANCE ASSESSMENT (CLOSE OUT) PUBLIC HEARING NOTICE

The City/Town/County will hold a public hearing on (date) at (location) to discuss the locality's Community Development Block Grant project, CDBG project number (project number) performance and closeout of this project.

The above mentioned CDBG project awarded \$0.000 to the (locality) on (date). The (locality) used the funds to (project scope) which benefited % of low-moderate income citizens. The purpose of this public hearing is to review the performance, expenditures and activities that have been accomplished through the CDBG project. All activities are complete and the (locality) is in the process of closing the grant with the State of North Carolina.

The City/Town/County is interested in obtaining all citizens' input on the performance of local officials, the City/Town/County staff, consultants and administrators, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program.

Citizens will also be requested to assess the performance of the City/Town/County in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to attend to comment on the proposed activities. **Formal written complaints or comments concerning the project performance that are submitted to the City/Town/County prior to or following the public hearing will be responded to with fifteen (15) working days by [Date].**

Persons with disabilities or whom otherwise need assistance should contact (Insert Name) at (Insert Phone Number) or Relay North Carolina #711 by (date). Accommodations will be make for all whom request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request."

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con (Insert Name) al (Insert Phone Number) o en (Insert physical location) de alojamiento para esta solicitud.



logo or tag line "Equal Housing Opportunity" is required



SAMPLE PROJECT AMENDMENT PUBLIC HEARING NOTICE

The **(locality)** will hold a public hearing on **(date) at (location)** to discuss the proposed project amendment the **locality's** Community Development Block Grant project, CDBG project number (project number). The **locality** submitted and received the CDBG funds in the amount of \$0.00 to conduct **(scope of work)**. The proposed amendment will include **(scope of work in amendment)**. The project and the amendment will still benefit the **same % of LMI residents**.

The **locality** is interested in obtaining all citizens' input on the proposed project amendment. Citizens will also be requested to assess the performance of the original grant of the **(Town)** in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to attend in order to comment on the accomplished activities. **Formal written complaints or comments concerning the project amendment that are submitted to the City/Town/County prior to or following the public hearing will be responded to with fifteen (15) working days by [Date].**

Persons with disabilities or whom otherwise need assistance should contact **(Insert Name)** at **(Insert Phone Number)** or Relay North Carolina #711 by **(date)**. Accommodations will be make for all whom request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact **(Insert Name)** at **(Insert Phone Number)** or at **(Insert physical location)** for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con **(Insert Name)** al **(Insert Phone Number)** o en **(Insert physical location)** de alojamiento para esta solicitud.



logo or tag line "Equal Housing Opportunity" is required



**MODIFIED NOTICE OF PUBLIC HEARING
RELATIVE TO APPLICATION
BY CITY/TOWN/COUNTY
FOR FUNDING UNDER THE HOUSING AND COMMUNITY
DEVELOPMENT ACT OF 1974, AS AMENDED**

Notice is hereby given that the **CITY/TOWN/COUNTY** will conduct an in-person and/or virtual public hearing on _____ at _____ AM/PM, or as soon thereafter as the agenda will allow, at the LOCATION OF IN-PERSON HEARING relative to the intention of the _____ to apply for FY_____ CDBG funding under Title I of the Housing and Community Development Act. The public hearing will be virtual through xxxx and conference call. The live hearing can be accessed at xxxx and the Conference Call-In number is xxxxx and the conference code is xxxxx.

CITY/TOWN/COUNTY intends to submit an application for a grant of approximately \$xxxx in CDBG Infrastructure funds to xxxx (project description -must match grant application and include all streets with proposed improvements and any alternative streets if time and budget allows).

The following is a tentative list of proposed activities and an estimated budget. The final application will be reviewed at the public hearing.

Infrastructure Improvements Activities and Grant Administration Estimated Budget

The proposed project will provide benefits to xxx, xx% of whom are low- and moderate-income individuals based on (surveys or statistics) performed by xxx (use if surveyed). No individuals will be displaced nor will any require temporary relocation assistance as a result of the proposed project (this phrase may or may not be true for your particular project).

Due to public health and safety concerns amid the Covid-19 and Executive Order XXX restricting the number of persons allowed to gather in public places the meeting will be CLOSED to the public.

However, citizens are asked and encouraged to submit written comments on past and proposed use of CDBG funds. All interested citizens are encouraged to participate in the following ways:

1. Present your comments at the public hearing.
2. Send written comments to NAME at LOCATION or at xxx@gmail. All comments received 24 hours (or less) prior to the hearing will be read into the record.

Also, all citizens are encouraged to view and listen to the hearing online via live video at xxxxx; in addition, following the hearing, the recording of the public hearing will be made available.

If additional information is needed, please contact the NAME at CONTACT INFORMATION. Formal written complaints or comments concerning the application process that are submitted to the NAME AFTER THE ABOVE WRITTEN COMMENT prior to or following the public hearing will be responded to within **fifteen (15)** working days by NAME. A copy of the completed project



application will be available for public review after xxxx, at the LOCATION (if public building is closed to public, make other accommodations – website, etc.).

Persons with disabilities or who otherwise need assistance should contact XXXX, at XXXX or EMAIL ADDRESS, (TDD # XXX or Relay North Carolina XXX) by XXXX. Accommodations will be made for all who request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact NAME at XXX, or at the XXX for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con NAME, al phone number o en Location, de alojamiento para esta solicitud.



logo or tag line “Equal Housing Opportunity” is required



MODIFIED SAMPLE PERFORMANCE ASSESSMENT (CLOSE OUT) PUBLIC HEARING NOTICE

The City/Town/County will hold an in-person and/or virtual public hearing on (date) at (location) to discuss the locality's Community Development Block Grant project, CDBG project number (project number) performance and closeout of this project. The public hearing will be virtual through xxxx and conference call. The live hearing can be accessed at xxxx and the Conference Call-In number is xxxxx and the conference code is xxxxx.

The above mentioned CDBG project awarded \$0.000 to the (locality) on (date). The (locality) used the funds to (project scope) which benefited % of low-moderate income citizens. The purpose of this public hearing is to review the performance, expenditures and activities that have been accomplished through the CDBG project. All activities are complete and the (locality) is in the process of closing the grant with the State of North Carolina.

The City/Town/County is interested in obtaining all citizens' input on the performance of local officials, the City/Town/County staff, consultants and administrators, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program.

Citizens will also be requested to assess the performance of the City/Town/County in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to participate in order to comment on the accomplished activities.

Due to public health and safety concerns amid the Covid-19 and Executive Order XXX restricting the number of persons allowed to gather in public places the meeting will be CLOSED to the public or attendance will be reduced. However, citizens are asked and encouraged to submit written comments on past and proposed use of CDBG funds. All interested citizens are encouraged to participate in the following ways:

1. Present your comments at the public hearing.
2. Send written comments to NAME at LOCATION or at xxx@gmail. All comments received 24 hours (or less) prior to the hearing will be read into the record.

Also, all citizens are encouraged to view and listen to the hearing online via live video at xxxxx; in addition, following the hearing, the recording of the public hearing will be made available.

Persons with disabilities or whom otherwise need assistance should contact (Insert Name) at (Insert Phone Number) or Relay North Carolina #711 by (date). Accommodations will be make for all whom request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact (Insert Name) at (Insert Phone Number) or at (Insert physical location) for accommodations for this request.”



Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con **(Insert Name)** al **(Insert Phone Number)** o en **(Insert physical location)** de alojamiento para esta solicitud.



logo or tag line “Equal Housing Opportunity” is required



MODIFIED SAMPLE PROJECT AMENDMENT PUBLIC HEARING NOTICE

The **(locality)** will hold an in-person and/or virtual public hearing on **(date)** at **(location)** to discuss the proposed project amendment the **locality's** Community Development Block Grant project, CDBG project number **(project number)**. The public hearing will be virtual through xxxx and conference call. The live hearing can be accessed at xxxx and the Conference Call-In number is xxxxx and the conference code is xxxxx.

The **locality** submitted and received the CDBG funds in the amount of \$0.00 to conduct **(scope of work)**. The proposed amendment will include **(scope of work in amendment)**. The project and the amendment will still benefit the same % of LMI residents.

The **locality** is interested in obtaining all citizens' input on the proposed project amendment. Citizens will also be requested to assess the performance of the original grant of the **(Town)** in resolving identified community development and housing needs, and in achieving its community development goals and objectives. All citizens, including those in the targeted area, are encouraged to attend in order to comment on the proposed activities.

Due to public health and safety concerns amid the Covid-19 and Executive Order XXX restricting the number of persons allowed to gather in public places the meeting will be CLOSED to the public or attendance will be reduced. However, citizens are asked and encouraged to submit written comments on past and proposed use of CDBG funds. All interested citizens are encouraged to participate in the following ways:

1. Present your comments at the public hearing.
2. Send written comments to NAME at LOCATION or at xxx@gmail. All comments received 24 hours (or less) prior to the hearing will be read into the record.

Also, all citizens are encouraged to view and listen to the hearing online via live video at xxxxx; in addition, following the hearing, the recording of the public hearing will be made available.

Persons with disabilities or whom otherwise need assistance should contact **(Insert Name)** at **(Insert Phone Number)** or Relay North Carolina #711 by **(date)**. Accommodations will be make for all whom request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact **(Insert Name)** at **(Insert Phone Number)** or at **(Insert physical location)** for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con **(Insert Name)** al **(Insert Phone Number)** o en **(Insert physical location)** de alojamiento para esta solicitud.



logo or tag line “Equal Housing Opportunity” is required



PUBLIC HEARING DISCUSSION CHECK LISTS

Application Public Hearing:

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to:

- The goals and objectives of the CDBG program
- The total amount of CDBG funds available for the fiscal year and for the funding round
- The location of the project activities
- The range of activities which may be undertaken (Specific project activities to be included)
- The approximate cost estimate for the proposed activities
- Process to be followed in developing a CDBG application
- A statement that 100 percent of the CDBG funds will be used to benefit low-to-moderate income people
- The schedule of meetings and hearings
- The role of citizens in program planning, implementation, and assessment
- Location where the application can be reviewed
- Activities previously funded in the (Town) through the CDBG program
- An identification of projects which could result in the relocation of area residences or businesses, and the actions that would be undertaken if such relocation were necessary
- Provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances.
- The project application(s) to be submitted and the applicable CDBG fund
- The impact of the project on low and moderate income persons
- The approximate application submittal date



Project Amendment Public Hearing:

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to:

- Initial project scope and budget
- Reason for amendment
- The location of the project activities
- The range of activities which may be undertaken (Specific project activities to be included)
- The approximate cost estimate for the proposed activities
- Process to be followed after public hearing
- LMI statement
- The role of citizens in program planning, implementation, and assessment
- Activities previously, or newly proposed, funded in the (Town) through the CDBG program
- Provide citizens with contact information such as address, telephone number, and dates for submitting complaints or grievances.
- The impact of the project on low and moderate income persons
- The approximate amendment submission date



Project Closeout Public Hearing:

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to:

- Initial project scope and budget
- Any project amendments and change orders
- Final project financials (CDBG received/expended; deobligated amount, if any; local funds, if any)
- Final project accomplishments and performance (description of LF, connections, improvements, etc. and where)
- The benefits of the project on low and moderate income persons (LMI statement)



CODE OF CONDUCT POLICY FOR CDBG-I GRANTEES

WHEREAS, the **Town**, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, the conflict of interest provisions, including but not limited to those found at N.C. General Statutes § 14-234, 2 C.F.R. § 200.317-318, 320-321, 323-326, 24 C.F.R. § 570.489 (g) and (h), and 24 C.F.R. § 570.611 must be carried out;

WHEREAS, certain limited exceptions to the conflict of interest rules listed in 24 C.F.R. § 570.489 may be granted in writing by Housing and Urban Development (HUD) and/or NCDEQ upon written request and the provision of information specified in 24 C.F.R. § 570.489(h)(ii)(4);

WHEREAS, no persons described in this policy who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter;

WHEREAS, the conflict of interest provisions of this policy apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds; and

WHEREAS, the failure to adhere and enforce this policy may cause the **Town** to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED, by the **Town's** Board of **Commissioners** that the **Town** will pass and adhere to this policy.

Adopted this the 6th day of October 2021 in Saratoga, North Carolina.



Charles T. Hawkins, Mayor

ATTEST:



Brenda Wilson, Town Clerk



LANGUAGE ACCESS POLICY AND PLAN FOR CDBG-I GRANTEES

PURPOSE

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964, and clarified in Executive Order 13166, requires units of general local government (UGLG) to ensure individuals with limited English proficiency (LEP) have meaningful access to federally funded programs and services. These individuals are protected from the national origin discrimination under Title VI. All recipients of federally funded assistance are expected to make reasonable efforts to provide this language assistance.

MEANINGFUL OPPORTUNITIES

All CDBG recipients are required to take reasonable steps to ensure meaningful access to their programs and activities. The methodology recommended by HUD to properly prepare a Limited English Proficiency Plan is as follows:

1. Conduct a four factor analysis;
2. Develop a Language Access Plan (LAP); and
3. Provide appropriate language assistance.

DEFINITIONS

Limited English Proficient (LEP) Individual.

Any prospective, potential, or actual beneficiary of services from the local unit of government whose primary language is not English and who has a limited ability to speak, read, write, or understand English are entitled to language assistance with respect to a particular service, benefit, or encounter. May be citizens or non-citizens.

Meaningful Access.

The ability to access programs and participate in services or activities.

Title VI Compliance Officer.

The person or persons responsible for administering compliance with the Title VI LEP policies.

ADDITIONAL INFORMATION AND RESOURCES

Additional LEP resources can be found at these websites:

- <https://www.lep.gov/>
- http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/pro motingfh/lep-faq



POLICY AND PLAN FOR PROVIDING MEANINGFUL COMMUNICATION WITH PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

In order to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the **Town** will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the unit of general local government (UGLG) has to ensure LEP individuals can communicate effectively.

1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE(S)

FOUR FACTOR ANALYSIS

CDBG recipients must first assess and evaluate four factors when determining how to best serve eligible LEP persons. These factors include:

1. The number or proportion of LEP persons eligible to be served/encountered in an eligible service population (town/city/or county level);
2. The frequency with which LEP individuals come in contact with the CDBG program;
3. The nature and importance of the program, activity, or service provided by the CDBG program to people's lives; and
4. The (financial and human) resources available to the grantee/recipient and costs of language service options.

Factor 1. The number or proportion of LEP persons eligible to be served/encountered in an eligible service population.

To determine the number or proportions of LEP persons served in **Town of Saratoga**, use the most recent American Community Survey data and complete the below table. *Attach maps and/or relevant data to this LAP. All data or maps provided must be accurately sourced.*

Grantee Population (<i>5 years and older</i>)	402 (2019 ACS estimate)
LEP Population (<i>speaking English "not well" or "not well at all"</i>):	2 (2019 ACS estimate)
<u>Languages Spoken:</u>	English and Spanish
1. More than 5% of the eligible population or beneficiaries and has more than 50 in number; or	No
2. More than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or	No
3. More than 1,000 individuals in the eligible population in the market area or among current beneficiaries.	No



Factor 2. The frequency with which LEP persons come into contact with the CDBG program.

This frequency with which a program engages with the public can vary depending upon the type of assistance. For CDBG grants, grantees must engage with the public at these critical steps:

- When notifying the public about a grant award application and its proposed activities
- When notifying the public about the grant award and its funded activities
- When seeking applicants to participate in the program (i.e., seeking new connections/ hookups for water/sewer services)
- When seeking qualified contractors to bid on projects
- When working with homeowners selected for assistance
- When notifying the public on their civil rights and complaint procedures
- When notifying the public about the grant closeout and its accommodations

Provide below a description of how your community engages with the public and how frequently does this occur.

The Town, at its Board Meetings, accepts a report as to the status of the funded CDBG projects. Construction Project signs are erected in the Project Area during the construction process. Legal and non-legal ads are placed for compliance and construction purposes, depending on the nature of the application grant, income and need surveys are solicited and obtained. NCWorks is notified of the funded CDBG-I projects.

Factor 3. The nature and importance of the programs, activities, or services to people's lives

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP persons, the more likely the need for language services. The obligations to communicate rights to a person who is being evicted differ, for example, from those to provide recreational programming. A CDBG recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual.

Provide below answers to the following questions: 1) What is the nature of the program? e.g. Providing improved water and sewer services; 2) What is the importance of the program? 3) Would denial or delay of access to services or information could serious or even life-threatening implications for the LEP individual?

Note: In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents, but existing or planned target areas exist, the recipient must evaluate whether there are LEP households within the target areas that may need notification or other LAP services. The recipient's evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary to reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for grants with limited rehabilitation activities (new connections/hookups) where eligible applicants for assistance may need application or other documents translated to take advantage of available services



- 1) To extend and construct its municipal sanitary sewer collection system
- 2) to eliminate 22+/- failing non-code compliant septic systems which currently discharge effluent into a subsystem that pollutes the Neuse River Sub-basin
- 3) yes.

Factor 4. Resources available to grantee/recipient and costs.

Town takes all reasonable steps to ensure meaningful access for LEP persons to CDBG programs and activities. The availability of resources, however, may limit the provision of language assistance services in some instances. “Reasonable steps” may cease to be reasonable when the costs imposed substantially exceed the benefits. **Town’s** LAP balances the needs of the LEP community with the funding resources available. If resources limit the provision of services already laid out in this document, **Town** will keep record of both the service requested and financial reasoning for the limitation.

Language assistance measures that **Town** might provide to LEP persons are outlined in Section 2 below.

2. LANGUAGE ASSISTANCE MEASURES

The type of language assistance necessary to provide meaningful access will vary depending on the type of communication **Town** staff is having with the LEP person (i.e., phone, in-person, or written communication) and in some circumstances more than one method will work. Regardless of how the language assistance is provided, **Town** recognizes the importance of providing such services in a timely manner and in an appropriate place. Failure to do so may effectively delay or deny LEP residents’ access to CDBG programs and services. **Town** staff understands that the extent of the **Town** obligation is to provide both oral and written translations is dependent on the four-factor analysis conducted by the community.

“I SPEAK” CARDS

Language-specific cards should inform the reader on the use of the card on one side, while instructing staff (on the other side and in their vernacular language) which procedures to follow to assist the card holder. The “I Speak” card in Spanish, for example, would read in Spanish as follows: “The language I speak is Spanish. Please find someone who is fluent so that I may communicate effectively. Thank you.”

The **Town** will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or “I speak cards,” <http://www.lep.gov/resources>) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.



OBTAINING A QUALIFIED INTERPRETER

List the current name, office telephone number, office address and email address of the local Title VI compliance officer(s):

Brenda Wilson, Town Clerk
252-238-3487
6904 Main Street
Saratoga, NC 27873
saratoga@saratoganc.org

Note: The Unit of General Local Government (UGLG) must notify the Division of Water Infrastructure (DWI) CDBG-I Compliance Specialist immediately of changes in name or contact information for the local Title VI compliance officer.

Check all methods that will be used.

- Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff (*provide the list*): insert information here
- Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language. Identify the organization (s) name(s) with whom you have contracted or made arrangements. **The staff will contact a known local bilingual capable person (Ricky Montes at 252-289-8634) for translation assistance.**
- Have/has agreed to provide qualified interpreter services. The organization's (or organizations') telephone number(s) is/are insert number here and the hours of availability are insert hours here.
- Other (*describe*): Describe here

UGLG Staff.

All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

Family Member or Friend as an Interpreter.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file.



If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

WRITTEN TRANSLATIONS

The **Town** has chosen to follow the Safe Harbor rule, contained in HUD's final guidance, to assist in determining when to provide translations of vital documents. The Safe Harbor rule for written translation of vital documents is based on the number and percentages of the market area-eligible population or current beneficiaries and applicants that are LEP. According to the Safe Harbor Rule:

HUD would expect translation of vital documents to be provided when the eligible LEP population in the market area or current beneficiaries exceeds 1,000 persons or if it exceeds 5% of the eligible population or beneficiaries along with more than 50 people. In cases where more than 5% of the eligible population speaks a specific language, but fewer than 50 persons are affected, there should be a translated written notice of the person's right to an oral interpretation.

As such, the **Town**'s eligible LEP population or current beneficiaries is:

- Exceeds 1,000 persons. Therefore, vital documents will be translated.
- More than 5% of the eligible LEP population or current beneficiaries and more than 50 in number. Therefore, vital documents will be translated.
- More than 5% of the eligible population or current beneficiaries and 50 or less in number. Therefore, there will be a translated written notice of the person's right to an oral interpretation of vital documents.
- 5% or less of the eligible population or current beneficiaries and less than 1,000 in number. Therefore, vital documents will not be translated at this time but, rather, a translated written notice of the person's right to an oral interpretation will be provided.

Note: In the case where the overall jurisdiction numbers fall below the threshold to provide translated written documents, but existing or planned target areas exist, the recipient must evaluate whether there are LEP households within the target areas that may need notification or other LAP services. The recipient's evaluation should use local knowledge or data or other relevant data in conducting its evaluation and should indicate its conclusions regarding the steps necessary to reach out to these households in the language they speak to ensure that adequate notification is achieved. This evaluation will be particularly important for grants with limited rehabilitation activities (new connections/hookups) where eligible applicants for assistance may need application or other documents translated to take advantage of available services.



When translation of vital documents is needed, the **Town** will submit documents for translation into frequently encountered languages. Ensure records are kept of those documents that apply to your local unit of government.

Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

VITAL DOCUMENTS

The **Town** has chosen to follow the Safe Harbor rule, contained in HUD's final guidance, in determining vital documents. **Town's** has identified those vital documents for each federally funded program that directly faces LEP individuals and for which a delay in service provision might significantly, negatively impact the wellness of any individual that program serves.

Town has prioritized those documents for which either the following statements are true, according to direct program contacts:

- 1) Without this document, an individual could not access the program;
- 2) This document allows access to a major activity within the program.

These vital documents include:

- Public Notices – public meetings and public hearings;
- Notices of Intent to Request the Release of Funds;
- Findings of No Significant Impact;
- Bid Documents and Notices;
- Fair Housing Information;
- Civil Rights Notices;
- Applications for Assistance;
- Income Surveys; and
- Complaint Procedures.

NOTICE TO LEP PERSONS

The **Town** will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. For example, the notification will include, in the primary language of the applicant/recipient, the following language:

*“Important: If you need help reading this, ask the **Town** for an interpreter for assistance. An interpreter is available free of charge.”*

Minimum Required Phrases.

The **Town** shall include at minimum the following phrases in English and Spanish in any document requesting public comments, or notifying the community of any modifications/amendments to the CDBG program during the life of the grant, including but not limited to, public hearing



notifications, citizen participation documents, fair housing notices and documentation, Environmental Review notifications, among other documents:

“This information is available in Spanish or any other language upon request. Please contact Brenda Wilson at 252-238-3487 or at 6904 Main Street, Saratoga, NC 27873 for accommodations for this request.”

*“Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Brenda Wilson al 252-238-3487 o en 6904 Main Street, Saratoga, NC 27873 de alojamiento para esta solicitud.” **

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

*Note: The address and name itself in the Spanish sentence above should not be translated (e.g. “Charlie” should not be translated to “Carlos”; “Main Street” should not be translated to “Calle Principal”)

MINIMUM REQUIRED NOTICES AND SIGNS

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited, to the main lobbies, waiting rooms, etc.

Saratoga Town Hall Foyer located at 6904 Main Street, Saratoga, NC 27873

Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations

Newspaper – Wilson Times – 126 Nash Street E., Wilson, NC 27893

3. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the **Town** will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the **Town** will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

COMPLIANCE PROCEDURES, REPORTING AND MONITORING

1. Reporting:

The **Town** will complete an annual compliance report and send this report to DWI. The form can be found at on the Division of Water Infrastructure website under CDBG-I Reports.

2. Monitoring:



The **Town** complete a self-monitoring report on a semi-annual basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the Division of Water Infrastructure upon request. The **Town** will cooperate, when requested, with special reviews by the Division of Water Infrastructure.

APPLICANT/RECIPIENT COMPLAINTS OF DISCRIMINATORY TREATMENT

1. Complaints:

The **Town** will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint.

- a. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
- b. The form can be found on the Division of Water Infrastructure website under CDBG-I Compliance and Reporting Information.
- c. The **Town** will maintain records of any complaints filed, the date of filing, actions taken and resolution.
- d. The **Town** will notify the appropriate section within Division of Water Infrastructure of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

2. Resolution of Matter:

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice (DOJ). This notice will be provided in the primary language of the individual with Limited English Proficiency. If not resolved by Division of Water Infrastructure, then complaint will be forwarded to U.S. Department of Justice (DOJ) and U.S. Department of Housing and Urban Development (HUD) Field Office.

SUBMITTED AND ADOPTED BY:

Charles T. Hawkins, Mayor
Chief Elected Official's Name Printed

Charles T. Hawkins
Signature of Chief Elected Official

October 6, 2021
Date