

RESOLUTION
Regarding Civil Rights
The County of Newton, Texas
Texas General Land Office Contract # 18-535-000-B279
Disaster Recovery Program Infrastructure Projects

Whereas, the County of Newton, Texas, (hereinafter referred to as "County of Newton") has been awarded Texas Community Development Block Grant (TxCDBG) funding through the Disaster Recovery Program Infrastructure Projects grant from the Texas General Land Office (hereinafter referred to as "GLO");

Whereas, the County of Newton, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the Community Development Block Grant Disaster Recovery activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the County of Newton, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the County of Newton, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the Texas Community Development Block Grant (TxCDBG) Disaster Recovery Program Infrastructure Projects area;

Whereas, the County of Newton, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

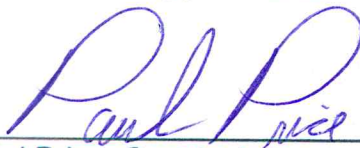
Whereas, the County of Newton, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the County of Newton, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the Texas Community Development Block Grant (TxCDBG) Disaster Recovery Program Infrastructure Projects contract, to affirmatively further fair housing;

NOW, THEREFORE, BE IT RESOLVED BY THE NEWTON COUNTY COMMISSIONERS THE COUNTY OF NEWTON, TEXAS, that the COUNTY OF NEWTON ADOPTS THE FOLLOWING:

1. Exhibit A - Citizen Participation Plan and Grievance Procedures;
2. Exhibit B - Section 3 Policy;
3. Exhibit C - Excessive Force Policy;
4. Exhibit D - Section 504 Policy and Grievance Procedures;
5. Exhibit E - Fair Housing Policy

Passed and approved this 9th day of July 2018.



Paul Price, County Judge

July 9, 2018

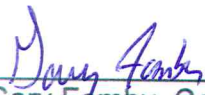
Date



William Fuller, County Commissioner Pct. 1



Thomas Gill, County Commissioner Pct. 2



Gary Fomby, County Commissioner Pct. 3



Wesley Thompson, County Commissioner Pct. 4

EXHIBIT A

THE COUNTY OF NEWTON TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM

Citizen Participation Plan and Grievance Procedures

These complaint procedures comply with the requirements of the Texas General Land Office's Texas Community Development Block Grant Disaster Recovery (TxCDBG DR) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the County of Newton, 110 Court Street, Newton, Texas 75966, (409) 379-5691 or (409) 379-5755, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the Texas Community Development Block Grant Disaster Recovery Housing projects.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG DR project, whether it is a proposed, ongoing, or completed TxCDBG DR project, may during regular business hours submit such complaint or grievance, in writing to the County Auditor, at P.O. Box 296, Newton, Texas 75966 or may call (409) 379-5755.
2. A copy of the complaint or grievance shall be transmitted by the County Auditor to the entity that is the subject of the complaint or grievance and to the County Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The County Auditor and County Attorney shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the Texas General Land Office for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the County shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of Texas Community Development Block Grant

Disaster Recovery funds. The County, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the County, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the County must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG DR Application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The County shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

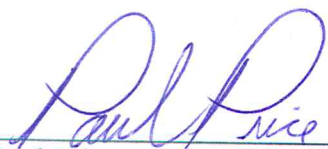
1. At a minimum, the County shall hold at least one (1) public hearing to prior to submitting the application to the Texas General Land Office.
2. The County shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG DR program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis

on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The County must comply with the following citizen participation requirements in the event that the County receives funds from the TxCDBG DR program:

1. The County shall also hold a public hearing concerning any substantial change, as determined by TxCDBG DR, proposed to be made in the use of TxCDBG DR funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG DR project, the County shall hold a public hearing and review its program performance including the actual use of the TxCDBG DR funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG DR project or for the closeout of the TxCDBG DR project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The County shall retain documentation of the TxCDBG DR project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.



Paul Price, County Judge

Date 7/9/18

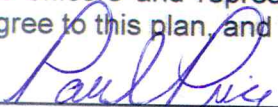
Exhibit B

Section 3 Policy

In accordance with 12 U.S.C. 1701u the **County of Newton** agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and 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 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG DR 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 or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG DR funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or GLO to the Grant Recipient.
- G. Submit reports as required by HUD or GLO regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of the federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of **Newton County**, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.



Paul Price, County Judge



Date

Exhibit C

Resolution No. 070918

Excessive Force Resolution

A resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations, including physically barring entrance to a facility or location which is the subject of such demonstrations, and providing penalties for violations thereof: In the following County of Newton, State of Texas, as follows:

ARTICLE I

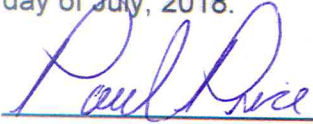
Section 1: It is the policy of the County of Newton to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. The county also prohibits the physical barring of any entrance to, or exit from, such a facility within its jurisdiction.

ARTICLE II

Section 1 It is the policy of the county to enforce this policy to the full extent allowed by law.

ARTICLE III

Passed and adopted by the Commissioners' Court of Newton County, State of Texas, on the 9th day of July, 2018.



Paul Price, County Judge

Attest:



Sandra Duckworth, County Clerk

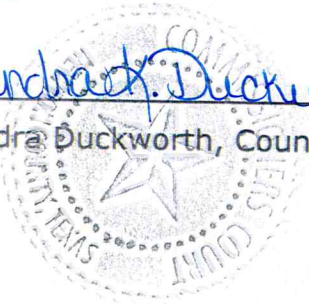


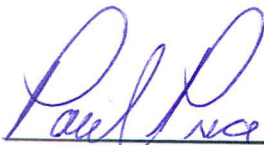
Exhibit D

Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), **Newton County** hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, 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 from the Department of Housing and Urban Development (HUD).
2. **Newton County** does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. **Newton County's** recruitment materials or publications shall include a statement of this policy in 1. above.
4. **Newton County** shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, **Newton County** shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG DR program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for **Newton County** to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to: **Elizabeth Holloway, County Auditor, 110 Court Street, Newton, Texas, 75966 (409) 379-5755**, who has been designated to coordinate Section 504 compliance efforts.

- c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
- e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by **Elizabeth Holloway, County Auditor, Civil Rights Officer**. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by **Elizabeth Holloway, County Auditor**, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the **County of Newton** relating to the complaints files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the **County of Newton** within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the **County of Newton** complies with Section 504 and HUD regulations.



Paul Price, County Judge

July 9, 2018

Date

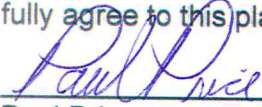
Exhibit E

Fair Housing Policy

In accordance with Fair Housing Act, the County of Newton *hereby* adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. Newton County *agrees to* affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. Newton County *agrees to* plan at least one activity during the contract term to affirmatively further fair housing.
3. Newton County will introduce and pass a resolution adopting this policy.

As officers and representatives of Newton County, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.



Paul Price

County Judge

Title

July 9, 2018

Date