



**RESOLUTION 09-35
SECTION 3 PLAN**

WHEREAS, the Town of Taos is committed to comply with Section 3 of the Housing and Urban Development Act of 1968; and

WHEREAS, in accordance with CDBG Regulations the Town's Section 3 Plan must be updated annually; and

WHEREAS, this Act encourages the use of small local businesses and the hiring of low income residents of the community; and

WHEREAS, the Section 3 Coordinator will oversee implementation and enforcement of this plan in the areas of (1) Hiring (2) Contracting (3) Training (4) CDBG Contract language

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Taos that it

HEREBY endorses and supports such a program for the citizens of the Town of Taos and nearby Taos area as indicated in the attached Section 3 Plan, which is hereby adopted.

PASSED, APPROVED and ADOPTED, this 14th day of July 2009, at the regular meeting of the Town Council.

Mayor Pro Tem Rudy C. Abeyta no vote
(Mayor Pro Tem Abeyta conducted the meeting in the absence of the Mayor, therefore, he did not vote.)

Councilmember A. Eugene Sanchez yes
Councilmember Amy J. Quintana yes
Councilmember Michael A. Silva yes

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney

TOWN OF TAOS – SECTION 3 PLAN

The Town of Taos is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The Town of Taos has appointed the Human Resources Director as the Section 3 Coordination / Compliance Officer, to advise and assist key personnel and staff on Section 3, to officially serve as focal point on Section 3 complaints, as the on-site monitoring of prime contractors and sub-contractors to ensure the implementation and enforcement of Section 3. The approval or disapproval of the Section 3 Plan is the ultimate responsibility of the Town. Documentation of Town efforts will be retained on file in the appropriate office for monitoring by the State.

Therefore, the Town of Taos shall:

1. Hiring

- a. Advertise for all Town Positions in local newspaper, except those listed as exempt employees, and those filled by vacancy promotions.
- b. List all Town job opportunities with the State of New Mexico Employment Service, except those listed as exempt employees, and those filled by vacancy promotions.
- c. Preference in hiring will be given to lower income persons residing in the Town. This means that if two equally qualified persons apply and one is a lower income resident of the Town and one is not, the resident will be hired.
- d. Maintain records of Town hiring as specified on this form.

Anticipated Town Hiring
Hiring 2010

Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income Town Residents	# Positions Filled	#Position Filled by Lower Income Town Residents

2. Contracting

- a. The Town will compile a list of businesses, suppliers and contractors located in the Town.
- b. These vendors will be contacted whenever the Town requires supplies, services or construction to solicit bids or quotes.

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

3. Training

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

4. CDBG Contracts

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

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provisions of said Section 3 and the regulation issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the

applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulation under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The Town shall require each contractor to prepare a written Section 3 Plan as a part of their bids on all jobs exceeding \$100,000.00. All Section 3 Plans shall be reviewed and approved by the Town's Equal Opportunity Section 3 Compliance Officer (Human Resources Director) and maintained in said office for monitoring by the State.

The Town of Taos will maintain all necessary reports and will ensure that all contractors and subcontractors submit required reports.

LOWER INCOME CLARIFICATION

A family who resides in Taos and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Taos County. Information contained in our Section 3 Plan reflects the status of Town employees regarding lower income considerations based on their salary paid by the Town.

Darren M. Cordova, Mayor

Date

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney