

RESOLUTION NO. R-76-4

RESOLUTION OF CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, AUTHORIZING FILING OF COMMUNITY DEVELOPMENT APPLICATION, APPROVING PLANS, MAKING CERTAIN ASSURANCES TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND AUTHORIZING MAYOR TO CERTIFY CONTENTS OF THIS RESOLUTION.

WHEREAS, the City of Conway is desirous of continuing in the undertaking of a variety of community improvement activities with funds to be received under the provisions of Title I of the Housing and Community Development Act of 1974, and has prepared for this purpose a Community Development Program Application containing a three-year Community Development Plan, a proposed current year Program and Budget, a revised Housing Assistance Plan, and environmental assessment pertaining to the requested project activities; and

WHEREAS on the basis of the City Council's review of materials related to the Community Development Program Application, and in light of its desire to continue Community Development Program activities and projects, the City Council hereby determines that the public interest will be served by making the findings, determinations, approvals, and authorizations contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

1. That the Application for Federal assistance on Form HUD-7015 (11-75), dated May 11, 1976; and the Community Development Program on Form HUD-7015.1; and the Community Development Budget on Form HUD-7015.5 accompanying said Discretionary Application are hereby approved and the Mayor is authorized to file said forms with the Department of Housing and Urban Development.

2. That the annual and three-year goals for publicly assisted housing contained in the revised Housing Assistance Plan are hereby approved as representative of the City's desire for the expansion of housing for low- and moderate-income families and for providing Housing Assistance Payments to low- and moderate-income families.

3. That the Department of Housing and Urban Development is hereby assured that the City of Conway possesses legal authority to apply for the grant, and to execute the proposed Program.

4. That the Department of Housing and Urban Development is hereby assured that the City Council of the City of Conway has with this resolution duly adopted or passed as an official act a resolution authorizing the filing of the Application, including all understandings and assurances contained therein, and hereby directs and designates the Mayor as the authorized representative of the applicant to act in connection with the Application and to provide such additional information as may be required.

5. That the City of Conway has complied with all the requirements of OMB Circular No. A-95 as modified by Section 570.400(d) and that either

- (i) any comments and recommendations made by or through clearinghouses are attached and have been considered prior to submission of the application; or
- (ii) the required procedures have been followed and no comments or recommendations have been received.

6. That prior to submission of its application, the applicant has:

- (i) provided citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements;
- (ii) held at least two public hearings to obtain the views of citizens on community development and housing needs; and
- (iii) provided citizens an adequate opportunity to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and otherwise to participate in the development of the application.

7. That the chief executive officer, the Mayor, of the City of Conway:

- (i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 insofar as the provisions of such Act apply to the applicant's proposed program pursuant to 24 CFR 570.603; and
- (ii) is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

8. That the Community Development Program has been developed so as to give maximum feasible priority to activities which will benefit low- or moderate-income families or aid in the prevention or elimination of slums or blight.

9. That the City will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7, as they relate to the application, acceptance and use of Federal funds for this federally-assisted program.

10. That the City will administer and enforce the labor standards requirements set forth in Section 570.605 and HUD regulations issued to implement such requirements.

11. That the City will comply with all requirements imposed by HUD concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Federal Management Circular 74-7.

12. That the City will comply with the provisions of Executive Order 11296, relating to evaluation of flood hazards.

13. That the City will comply with:

- (i) Title VI of the Civil Rights Act of 1964 (PL88-352) and the regulations issued pursuant thereto (24CFR, Part I), which provides that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
- (ii) Title VIII of the Civil Rights Act of 1968 (PL90-284) as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services within the applicant's jurisdiction.

- (iii) Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 CFR 570.601), which provides that no person in the United States shall, on the ground of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with Title I funds.
- (iv) Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with Federal assistance.
- (v) Executive Order 11246, and all regulations issued pursuant thereto (24 CFR Part 130), which provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal or federally-assisted contracts. Such contractors and subcontractors shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation and selection for training and apprenticeship.
- (vi) Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing in the area of the project.

14. That the City will:

- (i) In acquiring real property in connection with the Community Development Block Grant Program, be guided to the greatest extent practicable under State law, by the real property acquisition policies set out under Section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646) and the provisions of Section 302 thereof;
- (ii) Pay or reimburse property owners for necessary expenses as specified in Section 303 and 304 of the Act; and
- (iii) Inform affected persons of the benefits, policies, and procedures provided for under HUD regulations (24 CFR Part 42).

15. That the City will:

- (i) Provide fair and reasonable relocation payments and

assistance in accordance with Sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and applicable HUD regulations (24 CFR Part 42), to or for families, individuals, partnerships, corporations or associations displaced as a result of any acquisition of real property for an activity assisted under the program;

- (ii) Provide relocation assistance programs offering the services described in Section 205 of the Act to such displaced families, individuals, partnerships, corporations or associations in the manner provided under applicable HUD regulations;
- (iii) Assure that, within a reasonable time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to such displaced families and individuals in accordance with Section 205(c)(3) of the Act, and that such housing will be available in the same range of choices to all such displaced persons regardless of their race, color, religion, national origin, sex, or source of income;
- (iv) Inform affected persons of the benefits, policies, and procedures provided for under HUD regulations; and
- (v) Carry out the relocation process in such a manner as to provide such displaced persons with uniform and consistent services, including any services required to insure that the relocation process does not result in different or separate treatment to such displaced persons on account of their race, color, religion, national origin, sex, or source of income.

16. That the City will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

17. That the City will comply with the provisions of the Hatch Act which limit the political activity of employees.

18. That the City will give HUD and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.

19. That in light of the Environmental Impact Assessment made of the various projects and activities, the City Council hereby finds and determines with regard to the projects and activities listed below that the Request for Release of Funds for them is not an action which may significantly affect the quality of human environment; that

the Mayor is hereby authorized as of the date of this resolution to prepare the required Notice of Finding of No Significant Effect on the Environment; and upon the expiration of a specified period for receipt of comments, the Mayor may file with the Department of Housing and Urban Development the Request for Release of Funds and Certification for the following projects and activities:

Third Avenue Street Improvement, and drainage improvements to ditch from Ingram Street east to city limits.

20. That based on the Environmental Impact Assessment the City Council hereby determines that the following activities to be undertaken during the Third Year of the Community Development Program are exempt from the environment review requirement:

Planning and Management Development

21. That this resolution shall take effect immediately.

  
\_\_\_\_\_  
Mayor

DATE PASSED: May 11, 1976