

## **RESOLUTION No. 2002-11**

A resolution of the Town of Cinco Bayou adopting an affirmative action policy as part of its participation in the Community Development Block Grant (CDBG) program.

**WHEREAS,** The Town of Cinco Bayou finds it in the best interests of the community to participate in the Community Development Block Grant (CDBG) program as a way to provide improvements needed for the benefit of everyone in the community; and

**WHEREAS,** adoption of certain plans and policies is required for eligibility for CDBG funding.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, THAT:**

The following plan is adopted as its

### AFFIRMATIVE ACTION POLICY

**1. AFFIRMATIVE ACTION PROCUREMENT OF MINORITY BUSINESS:**

It shall be the policy of the Town of Cinco Bayou, To require each department, agency, entity, or agent of the Town to promote and assist small and minority businesses in gaining entry to do business with the Town of Cinco Bayou. By assisting small and minority businesses, the Town will help to expand and develop the small and minority business section in and around the Town of Cinco Bayou.

For projects assisted by programs providing direct financial assistance from the U.S. Department of Housing and Urban Development (HUD), the Town will include the Section III clause of the Housing and Urban Development Act of 1968 in all contracts for work connected with the projects. The Town will also comply with the Section III clause, which requires:

1. To the greatest extent feasible, striving for 15% or a comparative equal to the minority percentage equivalent for the County whichever is lesser, opportunities for training and employment are given to low income project area residents,
2. To the greatest extent feasible, striving for 15% or a comparative equal to the minority percentage equivalent for the County whichever is lesser, contracts for work in connection with the project will be awarded to businesses located in, or owned in substantial part by persons residing in the project area,
3. Certifying that parties to the contract are under no obligation which would prevent them from complying,
4. Insuring that the contractor will send labor organizations with which he has had a collective bargaining agreement a notice stating his commitments under this section and post this notice in places available to employees,

5. Insuring that the contractor will include a Section III Clause of non-discrimination in every subcontract, and
6. Insuring that the contractor will not subcontract with anyone that has previously violated Section III requirements,
7. Obligate the contractor to provide a preliminary statement of work force needs prior to signing the contract;
8. Include Section III requirements in bid invitations and contract specifications;
9. Cooperate with the Secretary of Housing and Urban Development in obtaining compliance from the recipient's contractors;
10. Submit to compliance reviews by HUD when necessary; and
11. Permit HUD access to all required records, accounts, reports, books, etc.

## II. AFFIRMATIVE ACTION - EMPLOYMENT:

It shall be the policy of the Town of Cinco Bayou , Florida to insure that Equal Employment Opportunity practices are followed with each available job opening that should occur, in accordance with all State of Florida and Federal Statutes relating to non-discriminating in hiring practices:

1. The current employment of the Town of Cinco Bayou, Florida has 3 full time and full time equivalent employees which consist of      White males, 1 White females,      Black males,      Black females,      Hispanic males,      Hispanic females,      Asian/Pacific Islander males,      Asian/Pacific Islander females, 1 Native American males, and 1 Native American females.
2. As vacancies occur or new jobs are created, the Town shall give every consideration to minority and women applicants.
3. The Town assures that it will strive for employment percentages with future job openings that give equal consideration to minority applicants in order to attempt to maintain a percentage of minority employees that is representative and proportionate to the minority population of the County, if possible, without discrimination of non-minority applicants who also meet minimum job qualifications.
4. As new positions become available through termination, attrition or newly created jobs, the Town will make every effort to further the Town's future affirmative action. Hiring goals will be to advertise, recruit and hire with

equal consideration being given to minority applicants, attain a proportional percentage of minority employees relative to the Town's minority, female and low-income resident population who meet the minimum job qualifications and apply for job openings.

5. The Town's Council will abide by further affirmative action in its employment policy.

#### DEFINITIONS

1. **SMALL BUSINESS** - An independently owned and operated business concern which employs twenty-five (25) or fewer permanent full-time employees, and which has a net worth of not more than one million dollars as applicable to sole proprietorships; the one million dollar net worth requirements shall include both personal and business investments.
2. **MINORITY BUSINESS ENTERPRISES** - Any small business concern which is organized to engage in commercial transactions, which is at least fifty-one (51) percent owned by minority persons and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession.
3. **CERTIFIED MINORITY BUSINESS ENTERPRISE** - A business enterprise which has been certified by the State of Florida Department of General Services as a minority business enterprise in accordance with the provision of the Small and Minority Business Assistance Act of 1985.
4. **A MINORITY** - For employment consideration purposes, minority shall be defined as Black, American Indian, Alaskan native, Pacific Islander, Hispanic or female (Black or White).

#### ACTION PLAN

In that the Town of Cinco Bayou will continuously seek to administer programs funded in part or in total by allocations directly or indirectly from the U. S. Department of Housing and Urban Development, the Town will be bound by the provisions of Section III of the Housing and Urban Development Act of 1986, the Equal Opportunity Act, Executive Order 11246, and the Town's desire to enhance the opportunities for small and minority businesses and local businesses to participate in contracts with the Town.

To accomplish this objective, the Town Council establishes and implements the following steps to ensure the deployment of affirmative action in expenditures for contractual services, commodities and construction contracts:

1. To utilize the news media, Chamber of Commerce, State Department of General Services, local advertising, citizen advisory boards, regional planning councils,

listings by federal agencies, and other appropriate sources to identify small and minority business concerns for possible involvement with the Town contracts.

2. To maintain and update the listing of small and minority business concerns and notify them of contracting opportunities with the Town.
3. To maintain records (copies of memoranda, general correspondence, etc.) To document that all steps in the action plan have been followed.
  
4. To establish or utilize an existing position to function as the equal opportunity officer to coordinate implementation of the Affirmative Action Plan with operators of Town administered or Town funded projects and programs.

APPROVED:

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Sara Carroll, Mayor

ATTEST:

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Nell Webb, Town Manager/Clerk