

ATTACHMENT A

**TOWN OF CARRBORO
FY2011 CDBG SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE (SBEA) PROGRAM
RESOLUTION APPROVING ADMINISTRATIVE GUIDELINES AND POLICIES
Draft Resolution No. 41/2012-13**

WHEREAS, the Town of Carrboro wishes to carry out its FY2011 CDBG Small Business Entrepreneurial Assistance (SBEA) Program in accordance with established state and federal administrative guidelines.

NOW, THEREFORE, the Town of Carrboro Board of Aldermen hereby collectively adopts the following resolutions, guidelines, plans and policies, and resolves that they be utilized during the administration of the Town's FY2011 CDBG Small Business Entrepreneurial Assistance (SBEA) program:

1. Financial Management Resolution
2. Citizen Participation Plan
3. Residential Antidisplacement and Relocation Assistance Plan
4. Local Economic Benefit for LMI Persons (Section 3) Plan
5. Equal Employment and Procurement Policy
6. Policy Concerning Code of Conduct
7. Fair Housing Policy
8. Section 519 Policy (Prohibiting Use of Excessive Force)
9. Designation of Labor Standards Enforcement Officer
10. Language Access Plan

TOWN OF CARRBORO
FY2011 CDBG SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE (SBEA) PROGRAM
FINANCIAL MANAGEMENT RESOLUTION
Draft Resolution No. 40/2012-13

WHEREAS, the Town of Carrboro has received a FY 2011 CDBG Small Business Entrepreneurial Assistance (SBEA) Program Grant in the amount of \$171,700, and has a commitment of other revenues to the FY2011 CDBG-SBEA Program; and

WHEREAS, the North Carolina Administrative Code regulations require that the Town designate a Grant Finance Officer and a depository for CDBG funds;

NOW, THEREFORE, the Town of Carrboro hereby resolves the following:

- (1) Arche McAdoo, Finance Director, will serve as the Grant Finance Officer, and will be responsible for financial management of the program according to the requirements of the North Carolina Administrative Code and North Carolina General Statute requirements.
- (2) BB&T, in Chapel Hill, NC, is hereby designated as the official depository for revenues budgeted for the FY 2011 CDBG-SBEA program.

TOWN OF CARRBORO, NC CITIZEN PARTICIPATION PLAN

This plan describes how the Town of Carrboro will involve citizens in the planning, implementation and assessment of the Community Development Block Grant – Small Business and Entrepreneurial Grant Program (CDBG-SBEA). CDBG funds must be used for projects which benefit low and moderate-income persons and aids in the elimination and prevention of slums and blight. The regulations give ultimate responsibility for the design and implementation of the program to local elected officials and also require that citizens be given an opportunity for meaningful involvement on a continuing basis.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the CDBG-SBEA program, including program planning, implementation and assessment. Persons of low- and moderate-income are especially encouraged to participate. There will be two (2) primary mechanisms for citizen involvement:

1. To provide input during public hearings or community meetings; and
2. To provide individual comments, complaints or inquiries submitted directly to the Program Administrator, Annette D. Stone, AICP at 301 West Main Street, Carrboro, NC, 27510.

PROGRAM IMPLEMENTATION

Citizen participation in program implementation will primarily occur during the public comment portion of the public hearings and through consultation with the Town of Carrboro. The Town will seek public comment on all proposed projects. Persons wishing to object to the approval of an application by the Division shall submit to Division their objections in writing at the NC Department of Commerce, Community Investment and Assistance, 4013 Mail Service Center, Raleigh, NC 27699-4013, Attention: Citizen Participation Matter. Program amendments, budget revisions and program modifications will be discussed in open meetings and public comment will be invited. If program amendments require approval from the North Carolina Department of Commerce, a public hearing shall be held specifically on the amendment.

PROGRAM ASSESSMENT

A Town shall conduct a public hearing to assess the program performance during the grant closeout process and prior to the actual closeout. The Town shall continue to solicit and respond to citizen comment until such time as the grant program is closed out.

Comments should be submitted in writing to the Economic and Community Development Director, Annette D. Stone, AICP at 301 W. Main Street, Carrboro, NC 27510. The ECDD will respond in writing within ten (10) days. If the response is unsatisfactory, the complainant should write directly to the Chief Elected Official, Mayor Mark Chilton. The Mayor shall respond within ten (10) days.

If the citizen is still dissatisfied, he/she should write to the NC Department of Commerce, Community Investment and Assistance, 4013 Mail Service Center, Raleigh, NC 27699-4013, Attention: Citizen Participation Matter. Program staff will also be available during normal business hours to respond to any citizen inquiries or complaints at 919-571-4900.

The Citizen Participation Plan will be subject to annual review and proposed revision, to occur in the period between the performance hearing and the public hearing on the subsequent year's application.

TECHNICAL ASSISTANCE

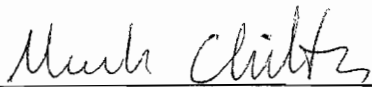
Technical Assistance will be provided to citizen organizations and groups of low/moderate income persons or target area residents upon request to the Town of Carrboro. Assistance could be provided in the form of local presentations, informational handouts, and research of a specific issue or other short-term efforts.

PUBLIC INFORMATION

The Town of Carrboro will also undertake public information efforts to promote citizen participation. These efforts will include the following:

1. Public Notice of all Public Hearings will be published in the non-legal section of the local newspaper at least ten (10) days before the scheduled hearing. These notices will indicate the date, time, location and topics to be considered.
2. Orientation Information will be provided at the first public hearing. The Program Administrator(s) will make a presentation which covers: (a) the total amount of CDBG funds available and the competitive basis for award; (b) the range of eligible activities; (c) the planning process and the schedule of meetings and hearings; (d) the role of citizens in the program and (e) a summary of other program requirements, such as the environmental policies, fair housing provisions and contracting procedures.
3. A Public File containing program documentation will be available for review at the Town Economic and Community Development office at 301 W. Main Street during normal business hours. Included will be copies of the Application, Environmental Review Record, the Citizen Participation Plan and the Annual Performance Report. Other program documents are also available for citizen review on request at the Town Economic and Community Development office consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality.
4. Public Hearings an interpreter will be provided for all non-English speaking individuals and/or deaf individuals with 24 hours notice.

ADOPTED, this the 24th day of April, 2012.



Mayor



Town Clerk

TOWN OF CARRBORO
FY2011 CDBG SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE (SBEA) PROGRAM
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

In accordance with requirements of the Housing and Community Development Act of 1974, hereinafter referred to as "the Act", as amended, the Town of Carrboro hereby certifies that it shall adhere to the following guidelines and procedures to minimize adverse impacts from residential displacement required as a result of programmed activities in its FY2011 CDBG Small Business Entrepreneurial Assistance (SBEA) Program.

- 1) The Town of Carrboro will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.488.

For the CDBG program, the term "vacant occupiable" or "suitable for rehabilitation" means a unit which is no worse than moderate according to the needs gradient scale published in the FY2011 CDBG Small Business Entrepreneurial Assistance (SBEA) Program Application Guidelines, may be brought up to Section 8 HQS for an expenditure of less than \$4,000 in rehabilitation costs, and will have an expected useful life of at least 10 years with routine maintenance upon completion of the rehabilitation. In addition, a vacant unit may be classified as "not occupiable" if it has been condemned, is condemnable or otherwise unsuitable for human habitation under the local government's housing code or redevelopment plan.

For occupied units, "low and moderate-income dwelling unit" means a unit that either is occupied by a low or moderate income family, or rents for an amount that would be affordable to a low or moderate income family (that is, rent and utilities would not exceed 30% of the gross monthly income of a family that would occupy the unit without overcrowding).

For vacant units, a "low-moderate income dwelling unit" means a unit whose fair market rent would make it affordable to a low or moderate income family, as calculated above.

- 2) All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the town will make public and submit to the Office of Community Investment and Assistance (CI) the following information in writing:
 - a. A description of the proposed assisted activity;
 - b. A general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
 - c. A time schedule for the commencement and completion of the demolition or conversion;
 - d. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
 - e. The source of funding and a time schedule for the provision of replacement dwelling units; and

- f. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.
- 3) The Town will provide relocation assistance, as described in 24 CFR 570.488, to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.
- 4) Consistent with the goals and objectives of activities assisted under the Act, the Town will take the following steps to minimize the displacement of persons from their home:
 - a. The Town will avoid demolition of occupied, severely deteriorated residential structures where possible through substantial rehabilitation as opposed to clearance.
 - b. The Town will rehabilitate vacant, occupiable residential structures within the FY2011 CDBG Small Business Entrepreneurial Assistance (SBEA) Program as affordable housing for displaced tenants to minimize neighborhood disruption caused by clearance activities.
 - c. The Town will attempt to locate comparable replacement housing in or near the neighborhood where demolition activities occur to further minimize neighborhood disruption caused by clearance activities.

Adopted this 20th day of November, 2012.

David Andrews, Town Manager

ATTEST:

Catherine C. Wilson, Town Clerk

Residential Antidisplacement and
Relocation Assistance Certification

I hereby certify that the Town of Carrboro has adopted and is following a written Residential Antidisplacement and Relocation Assistance Plan that conforms with the requirements of Section 104(d) of the Housing and Community Development Act of 1974, as amended, as detailed in CPD Notice 88-33.

David Andrews, Town Manager
Name and Title of Certifying Official

Signature of Certifying Official

11-20-2012
Date

TOWN OF CARRBORO
FY2011 CDBG SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE (SBEA) PROGRAM
LOCAL ECONOMIC BENEFIT FOR LOW AND VERY LOW INCOME PERSONS PLAN

To insure that to the greatest extent possible contracts for work are awarded to business concerns located in or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, the Town of Carrboro (hereinafter called the "town") has developed and hereby adopts the following Section 3 Plan:

1. This Section 3 Plan shall apply to services needed in connection with the FY2011 CDBG Small Business Entrepreneurial Assistance (SBEA) Program grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.
2. The Section 3 project area for the purpose of the FY2011 CDBG-SBEA Program shall include all of Orange County, including the Town of Carrboro.
3. When in need of a service, the town will identify suppliers, contractors, or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and the Small Business Administration local offices. Word of mouth recommendations shall also be used as a source. Where deemed necessary, listings from any agency noted above shall be distributed to prime contractors as potential sources of subcontractors and suppliers.
4. The town will include required Section 3 clauses in all contracts executed under this CDBG Program. Where deemed necessary, listings from any agency noted in No. 3 above shall be included as well as sources of subcontracts and suppliers.
5. The general contractor for sewer line construction shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.
6. All jobs will be listed through and hiring will be done through the local office of the North Carolina Employment Security Commission; all contracts will be listed with the North Carolina Historically Underutilized Business (HUB) office and the North Carolina Interactive Purchasing System (IPS); potential employees and businesses may seek development and training assistance through various state and local agencies.

7. Early in the project, prior to any contracting, major purchases or hiring, the town will develop a listing of jobs, supplies and contracts likely to be utilized during the project. The town will advertise in a local newspaper. This advertisement will be placed prominently in the newspaper as a display ad and contain the following information:
 - a. A brief description of the project.
 - b. A listing of jobs, contracts, and supplies likely to be utilized in carrying out the project.
 - c. An acknowledgment that under Section 3 of the Housing and Community Development Act, local persons and businesses will be utilized for jobs, contracts, and supplies in carrying out the CDBG project to the greatest extent feasible.

Adopted this 20th day of November, 2012.

David Andrews, Town Manager

ATTEST:

Catherine C. Wilson, Town Clerk

TOWN OF CARRBORO
FY2011 CDBG SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE (SBEA) PROGRAM
EQUAL EMPLOYMENT AND PROCUREMENT POLICY

A. GENERAL EQUAL EMPLOYMENT AND PROCUREMENT POLICY

The Town of Carrboro maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, sexual orientation, or gender identity.

In furtherance of this policy, the town prohibits any retaliatory action of any kind taken by any employee of the town 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.

The town shall strive for greater utilization of all persons by identifying previously under utilized groups in the work force, such as minorities, women, and the handicapped, and by making special efforts toward their recruitment, selection, development, upward mobility, and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the Town Manager and/or other persons designated by the Town of Carrboro Board of Aldermen to assist in the implementation of this policy statement.

The town shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of equal employment opportunity and affirmative action will be presented to the Town of Carrboro Board of Aldermen by the Town Manager.

The town is committed to this policy and is aware that with its implementation the town will receive positive benefits through the greater utilization and development of all its human resources.

B. PROCUREMENT POLICY FOR FEDERAL GRANT PROGRAMS

All procurement of goods and services by the Town of Carrboro with CDBG grant funds shall be accomplished in accordance with the regulations of either Section 85.36 of 24CFR85, "Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments," or the North Carolina General Statutes applying to procurement in general by North Carolina municipalities/ counties.

When the federal and state regulations are different, the more restrictive regulations shall apply to the procurement in question. Additionally, the town will adhere to the following guidelines during procurement of goods and services with federal funds:

1. In all cases where goods or services are procured on the basis of one bid or proposal received, the town will follow established principles included in OMB Circular A-87 to verify the reasonable cost of the procurement, and shall contact the state agency supervising the grant program before making any contract award on the basis of non-competitive negotiation.
2. Disadvantaged, women-owned, and minority-owned enterprises shall be included on bidders' or professional services' lists maintained by the town, and such firm(s) 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.

3. The town shall develop a written statement 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 statement of work shall also include a written selection procedure. All competitive negotiations shall be awarded strictly on the basis of written selection procedures, and cost shall not be the sole or more important factor in selection of services through the use of competitive negotiation.
4. Prior to any contract award, the town shall verify the contractor's eligibility to participate in a federally-assisted program.
5. No consultant or bidder shall assist in evaluation of proposals or bid packages for contracts in which that consultant or bidder has an indirect or direct interest. The town shall adhere to all applicable federal and state conflict of interest regulations in making contract awards.
6. 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 small purchase requests.
7. The town shall not award any contracts for federally-assisted projects on a contingency or cost plus percentage of cost basis.

Adopted this 20th day of November, 2012.

David Andrews, Town Manager

ATTEST:

Catherine C. Wilson, Town Clerk

TOWN OF CARRBORO
FY2011 CDBG SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE (SBEA) PROGRAM
POLICY CONCERNING CODE OF CONDUCT FOR OFFICERS, EMPLOYEES OR AGENTS

BE IT RESOLVED BY THE TOWN OF CARRBORO BOARD OF ALDERMEN:

Section 1: No employee, officer or agent of the Town of Carrboro shall knowingly solicit or accept any form of gratuity from any person, firm or organization whereby such gratuity shall in any way persuade or affect the outcome of the award of any contract of which any part is supported by federal funds.

Section 2: No employee, officer or agent of the Town of Carrboro shall participate in the selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, member of his/her immediate family, his/her partner, or an organization which employs, or is about to employ, any of the above individuals, has a financial or other interest in the firm selected for award.

Section 3: No employee, officer or agent of the Town of Carrboro shall solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

Section 4: If any employee, officer or agent shall knowingly violate any of the provisions of this policy, such employee, officer or agent will be subject to such disciplinary measures as may be deemed appropriate by the Town of Carrboro Board of Aldermen or Town Manager including, but not limited to, suspension without pay, demotion, or dismissal.

Section 5: If any contractor or his agent violates any provision of this policy, such violation will constitute grounds for action deemed appropriate by the Town Manager including, but not limited to, withdrawal from consideration of any proposal or bid submitted by such contractor, withdrawal of award, or rescission of contract.

This policy shall become effective from and after its adoption by the Town of Carrboro Board of Aldermen in an open meeting.

If any part of this policy shall be found to be in conflict with any federal or State of North Carolina law, then that portion of the policy can be amended to comply with the federal or state law without affecting the validity of the other portions.

Adopted this 20th day of November, 2012.

David Andrews, Town Manager

ATTEST:

Catherine C. Wilson, Town Clerk

TOWN OF CARRBORO
FY2011 CDBG SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE (SBEA) PROGRAM
FAIR HOUSING POLICY

WHEREAS, the Town of Carrboro desires that the citizens of the town be afforded the opportunity to attain the national objective of a decent, safe and sound living environment; and

WHEREAS, the Town of Carrboro deplores discrimination in the provision of housing on the basis of race, religion, color, creed, sex, national origin, young children in a family, or handicapping conditions; and

WHEREAS, the Town of Carrboro desires that every citizen be afforded the opportunity to select a home of his or her choice; and

WHEREAS, the Town of Carrboro wishes to ensure that programs and activities undertaken by the town relating to housing and urban development be administered in a manner to affirmatively further fair housing as required by Title VIII of the Civil Rights Act of 1968, as amended; 24 CFR 107, Nondiscrimination and Equal Opportunity in Housing under Executive Order 11063; and the North Carolina State Fair Housing Act, NCGS, Chapter 41A;

NOW, THEREFORE, to accomplish the above, the Town of Carrboro does adopt the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in the Town of Carrboro may do so by informing Carrboro Economic and Community Development Director at (919) 918-7319, or NC Human Relations Commission (919) 733-7996, TDD# (919) 733-7996 (or Relay North Carolina TT# 1-800-735-2962 or 711) of the facts and circumstances of the alleged discriminatory act or practice;
2. Upon receiving a housing discrimination complaint, the Carrboro Economic and Community Development Director shall inform the North Carolina Human Relations Commission about the complaint within ten (10) calendar days. The town shall then assist the Commission and the complainant in filing an official written housing discrimination complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII.
3. The Town of Carrboro shall offer assistance to the Commission in the investigation and conciliation of all housing discrimination complaints which are based upon events occurring in the town.
4. The Carrboro Economic and Community Development Director shall publicize within the town that she is the local official to contact with housing discrimination complaints.

Adopted this 20th day of November, 2012.

David Andrews, Town Manager

ATTEST:

Catherine C. Wilson, Town Clerk

TOWN OF CARRBORO
FY2011 CDBG SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE (SBEA) PROGRAM
POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT OFFICIALS
AGAINST INDIVIDUALS ENGAGED IN NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS

WHEREAS, the Town of Carrboro wishes to carry out its existing and subsequent CDBG programs in accordance with Section 519 of Public Law 101-144 (the 1990 HUD Appropriations Act),

NOW, THEREFORE, the Town of Carrboro adopts the following policy: The use of excessive physical force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations is prohibited.

The use of excessive force is any degree of physical action beyond mere restraint. The use of physical force shall be restricted to the amount of force which is reasonable and apparently necessary to effect a lawful arrest or in defense of self or others.

Striking or any form of restraint in which injury occurs shall be considered use of force. Additionally, the pointing of any firearm directly at any person shall be deemed use of force.

Mere restraint is defined as physically overpowering without striking or using weapons. Scuffling, holding, tackling, etc., may or may not be mere restraint, depending upon the circumstances. Whenever doubt exists as to whether the level of restraint used constitutes use of force, the immediate supervisor will be notified of the incident and will make a determination.

Additionally, the Town of Carrboro will pursue a policy of enforcing applicable state laws against physically barring entrance to or exit from a facility or location that is the subject of a nonviolent civil rights demonstration within its jurisdiction and in accordance with Section 519 of P.L. 101-144.

Adopted this 20th day of November, 2012.

David Andrews, Town Manager

ATTEST:

Catherine C. Wilson, Town Clerk

TOWN OF CARRBORO

SECTION 519 CERTIFICATION

Town of Carrboro

Grantee

301 West Main Street, Carrboro, NC 27510

Grantee's Address

11-C-2342

Grant Number

I hereby certify that the Town of Carrboro has adopted and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and has adopted and is enforcing a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction in accordance with Section 519 of Public Law 101-144 (the 1990 HUD Appropriations Act).

David Andrews, Town Manager

Typed Name and Title of Certifying Official

Signature of Certifying Official

November 20, 2012

Date

TOWN OF CARRBORO
FY2011 CDBG SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE (SBEA) PROGRAM
DESIGNATION OF LABOR STANDARDS ENFORCEMENT OFFICER

To ensure that all public works construction activities included in the Town of Carrboro's FY2011 CDBG Small Business Entrepreneurial Assistance (SBEA) Program are completed with due attention to all federal labor standards regulations, the Town of Carrboro hereby designates J. Reed Whitesell, Project Manager with Holland Consulting Planners, Inc., as Labor Standards Enforcement Officer for its FY2011 CDBG Small Business Entrepreneurial Assistance (SBEA) Program.

Adopted this 20th day of November, 2012.

David Andrews, Town Manager

ATTEST:

Catherine C. Wilson, City Clerk

Providing Meaningful Communication with Persons with Limited English Proficiency

*Town of Carrboro
Effective November 20, 2012 – November 20, 2014*

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, 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 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

POLICY:

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the Town of Carrboro 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 agency has to ensure LEP individuals can communicate effectively.

DEFINITIONS:

Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.

Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

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

Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

PROCEDURES:

1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE

The Town of Carrboro will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or “I speak cards,” provided by Community Investment and Assistance (CI)) 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.

2. OBTAINING A QUALIFIED INTEPRETER

List the current name, office telephone number, office address and email address of the Title VI compliance officers:

Annette Stone
Economic and Community Development Director
301 West Main Street
Carrboro, NC 27510
Telephone (919) 918-7319
astone@townofcarrboro.org

(Note: The agency must notify the CI Compliance Office immediately of changes in name or contact information for the 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
- 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.

Institute for Cultural and Language Education
101 E. Weaver Street, Suite G1
Carrboro, NC 27510
(919) 933-0398

Have/has agreed to provide qualified interpreter services. The agency's telephone number is (919) 933-0398 and the hours of availability are 9:00 a.m. – 5:00 p.m.

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.

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.

3. PROVIDING WRITTEN TRANSLATIONS

- i. The Town of Carrboro will set benchmarks for translation of vital documents into additional languages.
- ii. When translation of vital documents is needed, the Town of Carrboro will submit documents for translation into frequently-encountered languages.
- iii. 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.

4. PROVIDING NOTICE TO LEP PERSONS

The Town of Carrboro will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. Example: The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

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.

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.

- Town Hall, 301 W. Main Street
- Recreation & Parks Department, Police Department, 100 N. Greensboro Street
- Public Works Department, 100 Public Works Drive

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.

- Town website: www.ci.carrboro.nc.us
- Newspaper: The Herald Sun, Durham, NC

5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, The Town of Carrboro 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 of Carrboro 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.

I. Compliance Procedures, Reporting and Monitoring

A. Reporting

The agency will complete an annual compliance report and send this report to CI. (Format will be supplied by CI)

B. Monitoring

The agency will complete a self-monitoring report on a quarterly 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 CI upon request.

The agency will cooperate, when requested, with special review by CI.

II. Applicant/Recipient Complaints of Discriminatory Treatment

A. Complaints

The agency 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 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. The form can be found at <http://www.nccommerce.com/cd/community-investment/forms-resources/compliance-plans-and-templates>.

The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.

The agency will notify the appropriate section within CI of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Resolution of Matter

If the matter cannot be resolved by informal means, the individual will be informed of his or her right to appeal further to CI. This notice will be provided in the primary language of the individual with Limited English Proficiency.

The CI Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.

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. This notice will be provided in the primary language of the individual with Limited English Proficiency.

If not resolved by CI, then complaint will be forwarded to Department of Justice (DOJ), Department of Housing and Urban Development (HUD) Field Office.

SUBMITTED AND ADOPTED BY:

David Andrews

Name of Town Manager

Signature of Town Manager

November 20, 2012

Date