

Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming, New Mexico on the 14<sup>th</sup> day of January 2016, the following proceedings were had and entered of record.

**Resolution #16-06**

**LUNA COUNTY SECTION 3 PLAN**

The County of Luna 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 County of Luna has appointed Danny Gonzales as the Section 3 Coordinator, to advise and assist key personnel and staff on Section 3 and to officially serve as focal point for Section 3 complaints.

Therefore, the County of Luna shall:

- I. Hiring
  - a. Advertise for all County positions in local newspapers.
  - b. List all County job opportunities with the State Employment Service.
  - c. Give preference in hiring to lower income persons residing in the County. This means that if two equally qualified persons apply and one is a resident of the County and one is not, the resident will be hired.
  - d. Maintain records of County hiring as recommended by this form sample.

County of Luna		HIRING 2015-2016		
PLANNED			ACTUAL	
Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income City or County Residents	# of Positions Filled	Positions Filled by Lower Income County Residents

## II. Contracting

- a. The County will compile a list of businesses, suppliers and contractors that are vendors of the County of Luna.
- b. These vendors will be contacted for quotes whenever the County requires supplies or services under a specific dollar amount as defined in the Luna County Procurement Guidelines. Legal notices for projects that require competitive bids will be published in the local newspaper to notify local companies of the prospective project.
- c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the County and one from outside the County, the contract will be awarded to the business located within the community.

## III. 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. 170. Section 3 requires that 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 provision of said Section 3 and the regulations 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 there-under 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 the 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 the 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 regulations 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 County shall require each prime contractor to prepare a written Section 3 plan as a part of their bids on all jobs exceeding \$100,000. All Section 3 plans shall be reviewed and approved by the County's Equal Opportunity Section 3 Compliance Officer and retained for monitoring by the state.

The County will maintain all necessary reports and will insure that all contractors and subcontractors submit required reports.

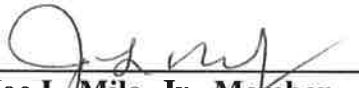
#### IV. LOWER INCOME CLARIFICATION

Lower income is considered as a family who resides in Luna County and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limits for Luna County. Information contained in the Section 3 Plan reflects the status of County employees regarding lower income considerations based on their salary paid by the County.

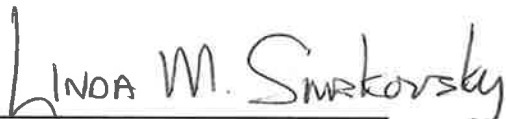
Done at Deming, New Mexico this 14<sup>th</sup> day of January, 2016.

Luna County Board of Commissioners

ATTEST:

  
Joe L. Milo, Jr., Member

  
Andrea Rodriguez County Clerk

  
Linda M. Smrkovsky, Member

  
R. Javier Diaz, Member

