



Planning & Development Department
800 E. Overland St., Suite 200
El Paso, Texas 79901

AGENDA ITEM

To: Commissioners' Court

From: Jack Alayyan

Date: November 10th, 2008

Re: Agenda Item –adopt Citizen Complaint Procedures for the Planning & Development Department Grants.

Approve and adopt the Section 504 Internal Grievance Procedures required by the Office of Rural Community Affairs under Texas Community Development Program Contract(s) No. 728129 & 728095.

Background:

The Section 504 Internal Grievance Procedures provide for prompt an equitable resolution of complaints alleging discrimination under any program or activity receiving federal financial assistance as described in 24 CFR Subpart A Sec. 8.4(a) implementing Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794) and must be adopted as part of the required implementation procedure for the Office of Rural Community Affairs (ORCA) under the Texas Community Development Program Grants.

Excessive Force Policy

**Resolution No. _____
Excessive Force Resolution**

A resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations, including physically barring entrance to a facility or location which is the subject of such demonstrations, and providing penalties for violations thereof: In the following County of El Paso, State of Texas, as follows:

ARTICLE I

Section 1:

It is the policy of the County of El Paso to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. The city/county also prohibits the physical barring of any entrance to, or exit from, such a facility within its jurisdiction.

ARTICLE II

Section 1

It is the policy of the County of El Paso to enforce this policy to the full extent allowed by law.

Passed and adopted by the City Council/Commissioners' Court of _____, State of Texas, on the _____ day of _____, 20__.

Anthony Cobos
County Judge

Attest:

A1008



**Designation Form for Section 504
Equal Opportunity/Fair Housing Officer**



City/County: EL PASO COUNTY TxCDBG Contract # 728129

Address: 800 E Overland suite 200

El Paso Texas 79901

Telephone Number: (915) 543-3845

I, Anthony Cobos County Judge, do hereby appoint Jack Alayyan,
(Chief Elected Official) (Name and Title)

As the Fair Housing/Equal Opportunity/Section 504 Standards Officer for the County of El Paso
The Fair Housing/Equal Opportunity/Section 504 Standards Officer shall be responsible for the
oversight and compliance of fair housing and equal opportunity activities to be performed by the
County of El Paso, as required by the Texas Community Development Block Grant Program
Contract No.728129.

The Fair Housing/Equal Opportunity/Section 504 Standards Officer is responsible for being
familiar with and adhering to all civil rights laws and regulations pertaining to the Texas
Community Development Block Grant Program, including those described in the TxCDBG
Implementation Manual and those listed on Exhibit D of the TxCDBG contract.

Fair Housing/Equal Opportunity/Section 504 Standards Officer: _____
(Signature)

Appointed by: _____
(Signature)

Date: _____

Fair Housing Ordinance

DECLARATION OF POLICY

It is hereby declared to be the policy of the County of El Paso to bring about through fair, orderly and lawful procedures, the opportunity of each person to obtain housing without regard to race, color, religion, sex, national origin, physical or mental handicap, or familial status.

It is further declared that such policy is established upon a recognition of the inalienable rights of each individual to obtain housing without regard to race, color, religion, sex, national origin, physical or mental handicap, or familial status and further that the denial of such rights through considerations based on these protected classes is detrimental to the health, safety and welfare of the inhabitants of the city and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of government to prevent.

Definitions

As used in this ordinance the following words and phrases shall have the meanings respectively ascribed to them in this section unless the context requires otherwise:

Director means the director of the human relations department or authorized assistant.

Discriminatory housing practice means an act which is unlawful under this ordinance.

Dwelling means any building, structure or portion thereof which is occupied as, or designed and intended for occupancy as, a residence by one or more persons and any vacant land which is offered for sale or lease for the construction or location thereof of any such building, structure or portion thereof.

Family means a single individual or a group of individuals living together under one common roof.

Major life activities means functions such as, but not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Person means one of more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

Physical or mental handicap means any physical or mental impairment which substantially limits one or more major life activities.

Physical or mental impairment shall include:

Notices of Non-discrimination

Notice #1 (required)

Note: Contractor Localities are required to publish this notice in a newspaper of general circulation in their community.

Policy of Nondiscrimination on the Basis of Handicapped Status

The County of El Paso does not discriminate on the basis of handicapped status in the admission or access to, or employment in, its program or activities. Jack Alayyan has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's (HUD) regulations implementing Section 504 (24 CFR Part 8. dated June 2, 1988).

Notice #2 (required)

Equal Employment Opportunity Statement

The County of El Paso does not discriminate on the basis of color, national origin, sex, religion, age and handicapped status in employment or the provision of services.

*The County of El Paso has adopted complaint and grievance procedures regarding its Texas Community Development Block Grant Programs. These procedures outline the steps for a citizen to follow if s/he wishes to file a written complaint about proposed TxCDBG activities. The City will make every effort to respond fully to such complaints within ten (10) working days. Citizens may obtain a copy of these written procedures at the County of El Paso between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. Citizens may also request the procedures be mailed to them by calling [Jack Alayyan Director of Planning & Development Dept.] at (915)543-3845

Section 3" Compliance in the Provision of Training, Employment and Business Opportunities.

The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Office 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 area and contracts for work in connection with the project be awarded to business concerns that are located in, or owned in substantial part by persons residing in the area of the project.

The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 C.F.R. 235, and all applicable rules and orders of the Office 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 that would prevent them from complying with these requirements.

The contractor will send to each labor organization or representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his/her 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.

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 C.F.R. Part 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 C.F.R. Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

Section 504 Grievance Procedure

The County of El Paso has adopted an internal grievance procedure providing for prompt an equitable resolution of complaints alleging any action prohibited by the U.S. Department of Housing and Urban Development regulations (24 CFR Subpart A Sec. 8.4(a) implementing Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794). Section 504 states, in part that "No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

Complaints should be addressed to: [**Jack Alayyan Director of Planning & Development Department, 800 E Overland Suite 200 El Paso TX, 79901 (915) 543-3845**] who has been designated to coordinate Section 504 compliance efforts.

A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

A complaint should be filed within ten (10) working days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).

An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Jack Alayyan. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Jack Alayyan, and a copy forwarded to the complainant no later than ten (10) working days after its filing

The Section 504 coordinator shall maintain the files and records of the County of El Paso relating to the complaints files.

The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within ten working days to the County of El Paso.

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

These rules shall be construed to protect the substantive rights of interested persons; to meet appropriate due process standards and assure that the County of El Paso

Section 504 Self-Evaluation Form

Contractor Locality: El Paso County TCDP Contract No: 728129

Brief Description of Project:

This current application to ORCA to provide upgraded/improved water service to approximately 86 households in Western Village would actually be Phase II of a two-phased program to improve water service to this community. Phase I was proposed in 2004 and was approved by ORCA for funding in 2005 as Contract # 725289. Phase I consists of installation of approximately 3,600 feet of water line to serve a total of 53 residences along Elk Way and Bosque, Tranquility, Sumter, Statesburg and Dixie Roads; complete with fire hydrants, private service lines and inspections. The Elk Way portion of this project has been completed by EPWU and is in operation now. CSA Construction of El Paso has been identified as the lowest, responsive bidder for the remaining water lines (Bosque through Dixie), and construction was completed on April 3rd, 2007

1. Identify individual(s) responsible for collecting information for the Section 504 Self-Evaluation Review.

Mrs. Betsy Keller, Human Resources Director
Mr. Manny Lucero, Interim Facilities Manager
Mr. Jack Alayyan, Planning & Development Director

2. Identify the individual(s) with handicaps and/or organizations (representing persons with handicaps) that were consulted for the self-evaluation review. Describe how they participated in the self-evaluation review

As a result of the personal interview conducted by HR Director Betsy Keller with Disable Ability Resource Environment (DARE) staff, the County has implemented strict compliance of the Americans Disabilities Act. All new buildings are ADA compliant and older buildings have been remodeled to meet regulations. Issues pertaining to handicap individuals, building accessibility, program communication, employment and complaint procedures were addressed.

3. Describe Section 504 nondiscrimination notification procedures (example: newspaper advertisements, utility inserts, flyers, postings at public facilities).

Local newspaper advertisements, flyers and postings at public facilities.

4. List policies that may limit participation of individuals with handicaps in Contractor programs, projects, and activities.

1. Rather than limiting participation, existing policies promote the participation by individuals with handicaps in contractor programs, projects and activities.
2. All new construction performed by or for the County adheres to ADA standards and all project contracts include affirmative action provisions for handicapped individuals.

5. Identify and list public facilities that limit accessibility.

None. All county facilities are handicapped accessible.

6. Describe contractor in-house procedures for circulating information on Section 504 and procedures for staff training on Section 504.

As the Affirmative Action officer for the County of El Paso, the HR Director continually reviews all personnel policies, employment practices and procedures and makes such recommendations consistent with progress in realizing full and equal employment opportunity. The Director develops draft policy statements, affirmative action components, and internal and external communication techniques; serves as a liaison between departments, enforcement agencies, minority/women groups, handicapped groups and other community action groups as appropriate. The Director also arranges, participates and evaluates training activities related to Affirmative Action, prepares reports and informative articles and makes presentations to County officials, employees and community groups.

ENFORCEMENT

Generally

The director of the human relations department shall have the responsibility of administering and implementing this ordinance. The director may delegate the authority to investigate and conciliate complaints to other designated city employees.

Complaints - Generally

(a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereinafter referred to as the "charging party") may file a complaint with the director. Such complaints shall be in writing and shall identify the person alleged to have committed or alleged to be committing a discriminatory housing practice and shall state the facts upon which the allegations of a discriminatory housing practice are based. The director shall prepare complaint forms and furnish them without charge to any person, upon request.

(b) The director shall receive and accept notification and referral complaints from the U.S. Attorney General and the Secretary of Housing and Urban Development pursuant to the provisions of Title VIII, Fair Housing Act of 1968, Public Law 90-284, and shall treat such complaints hereunder in the same manner as complaints filed pursuant to subsection (a) of this section.

(c) All complaints shall be filed within one hundred eighty (180) days following the occurrence of an alleged discriminatory housing practice. Upon the filing or referral of any complaint, the director shall provide notice of the complaint by furnishing a copy of such complaint to the person named therein (hereinafter referred to as the "respondent") who allegedly committed or were threatening to commit an alleged discriminatory housing practice. The respondent may file an answer to the complaint within fifteen (15) days of receipt of the written complaint.

(d) All complaints and answers shall be subscribed and sworn to before an officer authorized to administer oaths.

(e) If at any time the director shall receive or discover credible evidence and shall have probably cause to believe that any person or persons have committed a discriminatory housing practice as to which no complaint has been filed or is about to be filed, the director may prepare and file a complaint upon his own motion and in his own name and such complaint shall thereafter be treated in the same manner as a complaint filed by a person aggrieved.

Investigation and Conciliation

(a) Upon the filing or referral of a complaint as herein provided, the director shall cause to be made a prompt and full investigation of the matter stated in the complaint; provided, however, that before any charge becomes accepted for investigative purposes, the director or an investigator shall have personally reviewed with the charging party the allegations contained therein and shall have determined that said charge comes within the provisions of this ordinance. In the event such review results in the determination that a particular charge does not come within the provisions of this ordinance, the charging party shall be given a clear and concise explanation of the reasons why it does not.

