

R-2014-33

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: August 19, 2014 **CUT OFF DATE:** __

RESOLUTION X **ORDINANCE** **PUBLIC HEARING** X

ITEM TITLE: Adoption of a Resolution that Authorizes a Series of Amendments to the City of Winchester's Citizen Participation Plan

STAFF RECOMMENDATION: Approval

PUBLIC NOTICE AND HEARING: Authorize advertisement of amendment to Citizen Participation Plan for the purpose of receiving public comment and hold public hearing September 9th, 2014.

ADVISORY BOARD RECOMMENDATION: The Community Development Committee recommends the City's approval of the amendments

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. City Attorney	<i>Rev</i>	_____	<i>8/4/2014</i>
5. City Manager	<i>[Signature]</i>	_____	<i>11 Aug 2014</i>
6. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: *[Signature]* _____ Date: *7/25/14*

Economic Development Coordinator



APPROVED AS TO FORM:
[Signature] *8/4/2014*
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Tyler Schenck, Economic Development Coordinator
Date: 8/19/2014
Re: Adoption of a Resolution that Authorizes a Series of Amendments to the City of Winchester's Citizen Participation Plan

THE ISSUE: The City of Winchester's Citizen Participation Plan has not been updated to accommodate changes to the CDBG Program or changes in staff since 2004. This update will streamline the public input/notification process and retain all HUD required regulations.

RELATIONSHIP TO STRATEGIC PLAN: Goal Two: Develop a High-Performing City Organization

BACKGROUND: The City of Winchester's Citizen Participation Plan dictates the public input/notification requirements for the City's administration of the Community Development Block Grant Program

BUDGET IMPACT: N/A

OPTIONS: Council may approve or disapprove this Resolution

RECOMMENDATIONS: City Staff recommends that the Common Council approve this Resolution.

**A RESOLUTION THAT AUTHORIZES A SERIES OF AMENDMENTS TO THE CITY OF WINCHESTER'S
CITIZEN PARTICIPATION PLAN**

WHEREAS, the City of Winchester's Citizen Participation Plan dictates the required citizen input and notification requirements for the City's administration of the Community Development Block Grant Program (CDBG); and

WHEREAS, the United States Department of Housing and Urban Development requires all CDBG entitlement communities such as Winchester to maintain and update their Citizen Participation Plan as needed; and

WHEREAS, the City's Citizen Participation Plan has not been reviewed or updated since 2004.

NOW THEREFORE BE IT RESOLVED, that the adoption of this Resolution shall serve as provisional approval of the series of amendments made to the Citizen Participation Plan pending final public comment.

Notice of Public Comment on a Series of Proposed Amendments to the City of Winchester's Citizen Participation Plan

A public comment period will be held August 18, 2014 through September 17, 2014 on the series of proposed amendments to the City of Winchester's Citizen Participation Plan. This Plan provides direction regarding the public notification/input requirements for administration of the Community Development Block Grant (CDBG) Program. Please note that the CDBG funds in Winchester are directed by the Community Development Committee and Winchester City Council. Copies of the Plan are available from the City of Winchester's Department of Economic Redevelopment.

Please take note of the opportunity for public comment, outlined below: Members of the public have an opportunity to comment on the draft Citizen Participation Plan during a 30-day public comment period running from August 18, 2014 through September 17, 2014. Comments regarding the Citizen Participation Plan may be submitted in writing to City of Winchester, Attn: CDBG, 15 N. Cameron Street, Winchester, Virginia 22601. Members of the public may also attend the Winchester City Council regular meeting on Tuesday, September 9 at 7:00 pm (Rouss City Hall, 15 N. Cameron Street) to address the Council regarding the Citizen Participation Plan for the City of Winchester. Draft copies of the Citizen Participation Plan may be requested from the City's Department of Economic Redevelopment.

Citizens may attend and participate in the September 9 meeting or submit written comments regarding the Plan to:

The City of Winchester
Attn: Department of Economic Redevelopment
15 North Cameron Street
Winchester VA 22601.

Interpretation and special needs services are available for public meetings upon request. Individuals that request accommodations for accessibility or language should contact the City of Winchester at least seven (7) days prior to assure requests can be accommodated.

City Staff will review all comments received during the September 9th Winchester City Council public hearing.

The City of Winchester ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you have questions or concerns about your civil rights in regards to this program or special assistance for persons with disabilities or limited English proficiency, contact Tyler Schenck, Economic Development Coordinator, at tyler.schenck@winchesterva.gov.

City of Winchester
Citizen Participation Plan
Community Development Block Grant
Entitlement Program

Approved by City Council
09/09/14

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Introduction

The Community Development Block Grant Entitlement Program provides annual grants to entitled cities. Entitled cities are central cities of Metropolitan Statistical Areas (MSAs); other metropolitan cities with populations of at least 50,000; and qualified urban counties with populations of at least 200,000 (excluding the population of entitled cities). The City of Winchester and the Counties of Frederick and Hampshire combined make up a Standard MSA, with Winchester designated as its central city.

As an entitled city, Winchester, Virginia began its first program year July 1, 2004. The purpose of the Entitlement Grant is to develop viable urban communities by providing decent housing and a suitable living environment, expanding economic opportunities; it is primarily focused on serving low and moderate-income persons. Grantees are required to develop and carry out a Citizen Participation Plan that affords citizens an active role in the development and implementation of the CDBG Entitlement Program activities.

Purpose

The Citizen Participation Plan for the City of Winchester will serve as a guide for handling public input, suggestions and complaints regarding the Consolidated Plan process including the development of the Consolidated Plan, Annual Action Plan, Analysis of Fair Housing, and Performance Management. The goal of the Citizen Participation Plan is to encourage citizen participation in defining housing, community development and public services needs; services to be provided by community-based organizations; funding priorities and target populations; and in any amendments as may be required by the Department of Housing and Urban Development or otherwise. The Citizen Participation Plan encourages participation from citizens, recognized neighborhood and community-wide citizen organizations, non-profit agencies, and for profit and private entities.

Summary of Objectives

The Citizen Participation Plan includes the following objectives and describes how each will be met to ensure compliance with federal regulations. The objectives of the Citizen Participation Plan are to:

Objective 1:

Encourage citizen participation by providing citizens with information concerning funding, proposed range of activities, targeted populations, program requirements, and approved use of funding.

Objective 2:

Encourage citizen participation by inviting input from all sectors of the community, concentrating on persons included in targeted populations and neighborhoods.

Objective 3:

Encourage citizen participation by preparing a summary of comments or views received from citizens in writing or orally through public hearings, focus groups, community meetings and other methods as well as any suggested amendments.

Objective 4:

Encourage citizen participation by providing criteria for determining what constitutes a substantial change in the planned or actual activities described in an approved plan, which would require an amendment to the Plan.

Objective 5:

Encourage citizen participation by providing technical assistance to groups and interested residents that request such assistance in developing proposals for funding assistance under federal and local funding sources covered by the Consolidated Plan.

Plan Adoption

It is anticipated that following two weeks public notice and a public hearing on September 9, 2014, the Winchester City Council will adopt this Plan, (Attachment 1) as dictated by the Citizen Participation Plan. The provisions concerning the citizen involvement for implementing and assessing the Community Development Block Grant programs apply to all activities that are in progress, as well as to all future activities. This Plan shall remain in effect until all activities assisted under the Community Development Block Grant programs are completed or until it is superseded by a new plan. Upon request by HUD, this plan shall be submitted to HUD to facilitate monitoring and evaluation. The Plan will be reviewed annually and substantial amendments approved by Winchester City Council.

Amendments

Further amendments to this plan shall be approved by City Council when deemed that significant changes are required to the approved document, including amendments required by the Department of Housing and Urban Development. A public notice must be advertised and a public hearing held prior to adoption by City Council per the requirements of the Citizen Participation Plan. Substantial amendments shall include those changes that change the nature of the identified objectives. Amendments calling for action to affirmatively further stated objectives may be approved by the CDBG Advisory Team.

Citizen Participation Assurances and Certifications

To ensure implementation of the Citizen Participation plan with respect to Community Development Planning, the Citizen Participation Plan or other related activities that affect public interest will be reviewed annually and amended as needed. In addition, each course of action that requires a citizen participation process shall include a statement of certification and assurance of compliance to be signed by the City Manager (Attachment 2). This Statement of Certification does not exhaust the requirements of the Citizen Participation Plan, but rather is an indication of compliance.

Objectives and Action Detail

Objective 1:

Encourage citizen participation by providing citizens with information concerning funding, proposed range of activities, targeted populations, and program requirements and approved use of funding.

Actions:

- Post all proposed and approved documents on the City website
- Publish summaries of all proposed documents in the local newspaper

Objective 2:

Encourage citizen participation by inviting input from all sectors of the community, concentrating on persons included in targeted populations and neighborhoods.

Actions:

- Attend regular neighborhood association and community meetings
- Network with local human service providers, boards and councils

Objective 3:

Encourage citizen participation by providing appropriate feedback to the community.

Actions:

- Publish summaries of citizen comments collected during public meetings and otherwise
- Perform necessary follow-up to comments made by citizens in a timely manner
- Provide regular updates through direct communication with individuals and organizations who have expressed interest in the City's Community Development efforts
- Grievances shall be handled according to the City of Winchester's Grievance Procedure (Attachment 5) approved on 10/08/02 by City Council.

Objective 4:

Encourage citizen participation by providing criteria for determining what constitutes a substantial change in the planned or actual activities described in an approved plan, which would require an amendment to the Plan.

Actions:

- Substantial changes will be proposed and approved by the Winchester City Council in the case of one of the three following scenarios:
 - Changes in allocation priorities or distribution of funds;
 - Addition of an activity or program that was not previously included; or
 - Changes in the purpose, location or beneficiaries of an activity or program.
- Any substantial change or adjustment to a Consolidated Plan project budget will be treated as an amendment subject to public notice, review, and comment through the City's CDBG budget review process.
- Substantive amendments to any portion of the Community Development Process will be publicly advertised at least two weeks prior to consideration of the amendments by the City Council in accordance with the Citizen Participation Plan to allow time for public comment

Objective 5:

Encourage citizen participation by providing technical assistance to groups and interested residents that request such assistance.

Actions:

- Provide technical assistance to organizations and individuals to develop plans to address community issues described in the Consolidated Plan
- Review all plans required for Certification by the City Manager as a result of the City's participation in the CDBG Entitlement Program
- Facilitate communication and partnership opportunities between local human service organizations

Statement of Jurisdiction Responsibility

The requirements for Citizen Participation do not restrict the responsibility or authority of the jurisdiction for the development and execution of its consolidated plan.

Attachment 1

**A RESOLUTION THAT AUTHORIZES A SERIES OF AMENDMENTS TO THE CITY OF WINCHESTER'S
CITIZEN PARTICIPATION PLAN**

WHEREAS, the City of Winchester's Citizen Participation Plan dictates the required citizen input and notification requirements for the City's administration of the Community Development Block Grant Program (CDBG); and

WHEREAS, the United States Department of Housing and Urban Development requires all CDBG entitlement communities such as Winchester to maintain and update their Citizen Participation Plan as needed; and

WHEREAS, the City's Citizen Participation Plan has not been reviewed or updated since 2004

NOW THEREFORE BE IT RESOLVED, that the adoption of this Resolution shall serve as provisional approval of the series of amendments made to the Citizen Participation Plan pending final public comment.

DRAFT

Attachment 2

Citizen Participation Assurances and Certification

The applicant assures and certifies that it has provided its citizens adequate opportunities to participate in the development of this proposal by:

- Holding at least two public hearings, one of which a public hearing in the locality prior to the submission of the proposal; and the second held at least seven days after the first. Participation by low-and moderate-income residents and stakeholders in the project or service area and the community at large were encouraged to attend. The hearings were held at times and locations convenient to potential beneficiaries and with accommodation for the disabled.

Date of public input meetings: _____ AND _____

- Publishing a notice to advertise the public input meetings and availability of proposal information at least seven days prior to the dates of the hearings in the non-legal section of a NEWSPAPER of local general circulation and AT LEAST ONE OTHER TYPE OF ANNOUNCEMENT.

The advertisement ran on: _____ AND _____

in: _____ AND _____

- Maintaining files that contain documentary evidence that the hearings were held. These files must contain proof of publication of the hearing notices, written and/or recorded minutes of the input meetings, and lists of citizens attending the hearings.
- Making program and proposal documentation available to the public for comment during regular office hours. This documentation should include the range of proposed activities, the estimated amounts of funding which will benefit low- and moderate-income persons, the plans to minimize displacement and provide displacement assistance where applicable, and a summary of the proposed application.
- Providing technical assistance to groups representative of persons of low- and moderate- income that requests such assistance in developing proposals for the use of funds, with the level and type of assistance determined by the locality.
- Adherence to the City's adopted Grievance Procedure.
- Accommodating the needs of non-English speaking residents at public hearings where more than 5% of the attendees can be reasonably expected not to speak English.

Name Title

Signature Date

NOTE: This Statement of Certification does not exhaust the requirements described in the Citizen Participation Plan, but is an indication of compliance.

Attachment 3

Residential Anti-Displacement and Relocation Assistance Plan

Adopted by City Council, 09-09-14

The City of Winchester will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) 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 City will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- (1) A description of the proposed assisted activity;
- (2) The 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;
- (3) A time schedule for the commencement and completion of the demolition or conversion;
- (4) 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;
- (5) The source of funding and a time schedule for the provision of replacement dwelling units;
- (6) 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; and
- (7) Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

The *Grantee* will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

Attachment 4

Community Development Committee

The City of Winchester hereby adopts the following structure for the official community development citizen advisory body. The name of the citizen advisory body shall be the Community Development Committee.

Members: the Community Development Committee shall consist of seven members. The representation of the committee shall be as follows:

- (1) No member of the Advisory Committee may vote on a proposal initiated by a neighborhood organization of which he or she is a member.
- (2) Terms: All members will be appointed annually by City Council for a period of four years. No person may serve for more than two consecutive terms.
- (3) Recruitment: The Department will initiate a citywide citizen participation program, designed to encourage greater citizen participation in all relative aspects of local government. A part of this process will involve soliciting nominations for participation on the Community Development Committee.

Objectives: The Community Development Committee shall make recommendations to the City regarding projects and plans for the Community Development Block Grant programs, and generally to act in an advisory capacity to the City with reference to the programs and related project activities.

Officers: the officers of the committee shall be a chairman and vice- chairman.

- Chairman: the Chairman shall preside at all meetings of the Team. Except as otherwise authorized by resolution of the Team, the Chairman shall sign all official documents and other instruments to be executed by the committee.
- Vice-Chairman: In the absence or incapacity of the Chairman, the Vice- Chairman shall preside at all meetings of the committee, and may perform such other duties as may be required by the Chairman.
- Recording Secretary: The Recording Secretary shall keep the records of the Committee, act as secretary to all meetings of the Committee, record all votes and shall keep a record of the proceedings of the Committee. The Economic Development Coordinator or his designee shall act as recording secretary. The recording secretary shall not be a member, and will have no voting power; however, he or she may participate in discussions, and provide such information as requested by the committee.

Regular Meetings: The purpose of the regular meetings of the committee is to review the progress and/or general or related business regarding the CDBG programs, and to review funding requests. These meetings shall be open to the public. The agenda for any regular or other public advisory team meeting will be provided to all Team members in writing four days before the meetings. Meeting dates and times shall be determined by consent of committee members.

Special Meetings: The Chairman or Economic Development Coordinator may, when it is deemed necessary and expedient call a special meeting of the Committee for the purpose of transacting any business designated in the call. No business shall be considered other than as designated in the call.

Quorum: At all meetings of the Committee, a majority of the total membership shall constitute a quorum for the purpose of transacting business.

Attachment 5

Grievance Procedure

Amended by City Council, 09-09-14

The City of Winchester has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) 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, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financing assistance..."

Complaints should be addressed to: Tyler Schenck, Economic Development Coordinator,
City of Winchester, Rouss City Hall, 15 North Cameron Street, Winchester, VA 22601,
(540) 667-1815, who has been designated to coordinate Section 504 compliance efforts.

1. 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.
2. A complaint should be filed within five 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.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Tyler Schenck. 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. Under 24 CFR 8.53(b), the City of Winchester need not process complaints from applicants for employment or from applicants for admission to housing.
4. A written determination as to the validity of the complaint and description of resolution if any shall be issued by Tyler Schenck and a copy forwarded to the complainant no later than seven days after its filing.
5. The Section 504 coordinator shall maintain the files and records of the City of Winchester relating to the complaints filed.
6. 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 seven days to Eden Freeman, City Manager, 15 North Cameron Street, Winchester, Virginia 22601.
7. 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 Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the City of Winchester complies with Section 504 and the HUD regulations.

Grievances relating to fair housing should be reported directly to the Federal Fair Housing Office by sending a letter to the nearest fair housing office:

1250 Maryland Avenue, SW
Portals Bldg., Suite 200
Washington, DC 20024

Phone: (202) 708-3354
Website: www.hud.gov/fairhousing

Appendix A

Model Schedule for Citizen Participation Activities

() denotes required activities*

* Notice of Informal Citizen Participation Meetings

Advertisement placed two weeks prior to First Meeting

* Informal Citizen Participation Meetings

Held at least two weeks before "due date" for Consolidated or Action Plan

* "Due Date" for Consolidated or Action Plan/ Review

One week before ad/ summary scheduled to run

* Advertisement, with Summary of Consolidated or Action Plan in Newspaper/ Public Comment Period/ Final informal citizen participation period, to be opened by a City Council Public Hearing

Ad placed 30 days before close of Citizen Participation Period

Ad placed two weeks before final informal citizen participation meeting

* Notice of Public Hearing regarding Consolidated/ Action Plan

(Final day of Citizen Participation Period)

Ad placed two weeks prior to Public Hearing

* Memo to Council/ Packet

Packet sent one week prior to Council Meeting

Packet mailed three days prior

* City Council Meeting/ Public Hearing

Notice of Amendment Citizen Participation Plan

The purpose of the Citizen Participation Plan is to provide a documentable and meaningful process that ensures opportunities for the public to be involved in all phases of the housing and community development planning processes.

Public participation means participation in planning by people outside the staff, committees, and board members; by citizens of the service area including low income and minority populations. It is a process of taking part in the housing and community development planning and decision making that affects the community.

In 2004, the City of Winchester adopted a Citizen Participation Plan in order to comply with federal regulations regarding receipt of federal funds, namely the Community Development Block Grant Funds. The proposed amendments to the plan are in part an effort to simplify the plan and provide a more user-friendly document for public access.

The Proposed Plan articulates efforts to secure participation that will be targeted to citizens, stakeholders and other interested parties that could be significantly affected by the housing and community development planning recommendations or could significantly influence implementation. Stakeholders and interested parties include, but are not limited to citizens, affected public agencies, service providers, service consumers and community residents.

The Proposed Citizen Participation Plan contains the following elements:

- Involvement Opportunities: provide the public to be involved in all parts of the planning process
- Communication: establish mechanisms for maintaining communications between the public and local officials such as processes like mailings, legal ads, and displays.
- Information: ensure that technical information is available and in simplified, understandable form.
- Response to Public Input: a description of the methods used to respond to comments from the public.

This document establishes the basic techniques for disseminating the information to the public and engaging citizens in interactive discussions about the housing and community development planning process. Staff will continue to develop performance measures in order to quantify the results of the public participation efforts and generate a report annually as part of the Consolidated Planning Process. Staff will begin with the following measures:

- attendance and input at public information meetings and public hearings
- number of organizations and groups to which mailings were sent
- number of members on the email listing
- communications received from public whether they use mail, email and comment at public information meetings or public hearings
- tracking of presentations given to public groups

Copies of the proposed Citizen Participation Plan are available for review and public comment at the following locations:

- Office of Economic Redevelopment
- Handley Regional Library
- Rouss City Hall
- www.winchesterva.gov/ohnd

Please contact the Office of Economic Redevelopment, located at 15 N. Cameron Street in Winchester at tyler.schenck@winchesterva.gov or 540-667-1815 with any comments on the proposed Citizen Participation Plan.