

RESOLUTION
Regarding Civil Rights
County of Hidalgo, Texas

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AT	11:04	FILED O'CLOCK A M
DEC 16 2022		
ARTURO GUAJARDO JR., COUNTY CLERK HIDALGO COUNTY, TEXAS		
BY	KIE	DEPUTY

Whereas, the County of Hidalgo, Texas, (hereinafter referred to as "County of Hidalgo") has been awarded TxCDBG funding through a TxCDBG **Colonia Funds: Planning Contract No. CFP 22-0166** from the Texas Department of Agriculture (hereinafter referred to as "TDA");

Whereas, the County of Hidalgo, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the County of Hidalgo, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections (as outlined in Hidalgo County Urban County Program's Citizen Participation Plan dated March 8, 2022);

Whereas, the County of Hidalgo, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the Section 3 Service Area (as further detailed in Hidalgo County Urban County Program's Section 3 Policy dated October 1, 2021);

Whereas, the County of Hidalgo, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the County of Hidalgo, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project (as outlined in Hidalgo County's Limited English Proficiency Plan located within the Title VI/Nondiscrimination Plan dated April 16, 2019);

Whereas, the County of Hidalgo, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the County of Hidalgo, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing;

Whereas, the County of Hidalgo, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONER'S COURT OF THE COUNTY OF HIDALGO, TEXAS, that:

The County of Hidalgo ADOPTS/REAFFIRMS the following policies:

1. Citizen Participation Plan and Grievance Procedures (UCP's CPP dated March 8, 2022);
2. Excessive Force Policy (TDA Form A1003);
3. Fair Housing Policy (TDA Form A1015).
4. Section 504 Policy and Grievance Procedures (TDA Form A1004); and
5. Code of Conduct Policy (TDA Form A1002).

The County of Hidalgo affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 economic opportunity (UCP's Section 3 Policy dated October 1, 2021);
7. Limited English Proficiency (County's LEP Plan dated April 16, 2019); and
8. Activity to Affirmatively Further Fair Housing choices (As conducted by UCP HOME).

Passed and approved this 13th day of December, 2022.

Richard F. Cortez

 RICHARD F. CORTEZ, COUNTY JUDGE
 HIDALGO COUNTY, TEXAS

Attest:

Arturo Guajardo Jr.

 ARTURO GUAJARDO, JR., COUNTY CLERK
 HIDALGO COUNTY, TEXAS



APPROVED BY
 COMMISSIONERS COURT
 ON: 12/13/22

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the Hidalgo County hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of Hidalgo County 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;
2. It is also the policy of Hidalgo County to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. Hidalgo County will introduce and pass a resolution adopting this policy.

As officers and representatives of Hidalgo County , we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Richard F. Cortez
 Richard F. Cortez

Hidalgo County Judge
 Title

12/15/22
 Date

APPROVED BY
 COMMISSIONERS COURT
 ON: 12/13/22

Fair Housing Policy

In accordance with Fair Housing Act, the Hidalgo County hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. Hidalgo County agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. Hidalgo County agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. Hidalgo County will introduce and pass a resolution adopting this policy.

As officers and representatives of Hidalgo County, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Richard F. Cortez

Hidalgo County Judge
Title

Date

12/15/22

APPROVED BY
COMMISSIONERS COURT
ON: 12/13/22 *grd*

Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), Hidalgo County hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. Hidalgo County does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. Hidalgo County's recruitment materials or publications shall include a statement of this policy in 1. above.
4. Hidalgo County shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, Hidalgo County shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for Hidalgo County to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to: **Patricio R. Avila, Urban County Program Director and designated Civil Rights Officer, 1916 Tesoro Street, Pharr, Texas 78577 at (956) 787-8127**, who has been designated to coordinate Section 504 compliance efforts.
 - c. 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.

- d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
- e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by **Patricio R. Avila**. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by **Patricio R. Avila**, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the Hidalgo County relating to the complaints files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the Hidalgo County within ten (10) working days after the receipt of the written determination/resolution.
- i. 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.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the Hidalgo County complies with Section 504 and HUD regulations.

Richard F. Cortez

Richard F. Cortez
Hidalgo County Judge

12/15/22

Date

APPROVED BY
COMMISSIONERS COURT
ON: *12/13/22*

CODE OF CONDUCT POLICY

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) & (h), and 2 CFR 200.318.

CODE OF CONDUCT

As a Grant Recipient of a TxCDBG contract, Hidalgo County shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the Hidalgo County shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the Hidalgo County shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the Hidalgo County Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

Passed and approved this 13th day of December, 2022.

Richard F. Cortez

Richard F. Cortez, County Judge
County of Hidalgo

APPROVED BY
COMMISSIONERS COURT
ON: 12/13/22 *me*

**URBAN COUNTY
PROGRAM**
Hidalgo County Commissioners' Court
Agenda Request Form

No. 88731
Patricio R. Avila

Date: _____ Meeting Date Request: _____

Deadline for Action: ASAP Contact Person: Patricio R. Avila

Department: Urban County Program Phone: (956) 787-8127 Fax: (956) 318-2988

Patricio R. Avila, UCP Director PA

Caption:

a.) Urban County Program is requesting County Commissioner's Court approval to adopt/reaffirm the following Civil Rights requirements for the Texas Community Development Block Grant (TxCDBG) through a TxCDBG grant from the Texas Department of Agriculture (TDA) **TDA Colonia Funds: Planning Contract No. CFP22-0166:**

- 1.) Citizen Participation Plan (UCPs dated March 8, 2022);
- 2.) Excessive Force Policy (TDA Form A1003);
- 3.) Fair Housing Policy (TDA Form A1015);
- 4.) Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures (TDA Form 1004); and
- 5.) Code of Conduct (TDA Form A1002).

b.) Consideration and approval of Resolution regarding Civil Rights for the (TxCDBG) grant from the Texas Department of Agriculture **TDA Colonia Funds: Planning Contract No. CFP22-0166:**

c.) Consideration and approval to authorize the County Judge to sign any and all contractual documents associated with the aforementioned policies/procedures/resolution as required by the TDA for **TDA Colonia Funds: Planning Contract No. CFP22-0166.**

Background:

APPROVED
County Commissioners' Court
DATE: 12/13/2022 *PA*

The Texas Department of Agriculture requires resolutions, ordinances, and policies regarding civil rights, equal opportunity, and citizen participation be in effect throughout the contract period. Grant Subrecipients are required to submit a copy of the policies to the TDA, adopted or reaffirmed throughout the duration of the grant.

Assistant Director: *PA* Finance: _____

Please initial for approval:

Legal Counsel _____ Budget _____ Human Resources _____

Dept./Fund No. _____ Amt. Expended: \$ _____ Funds/Staffing Budgeted: Yes: _____ No: _____
Account Code: _____ Impact on Future Budget: Yes _____ No _____

Comments:

Action taken by Commissioner's Court:

Approved _____ Tabled _____ Denied _____ Motion made by _____ Seconded _____ Vote _____