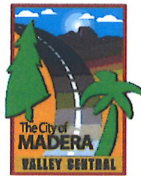


CITY OF MADERA



CITIZEN PARTICIPATION PLAN FOR CONSOLIDATED STRATEGY AND PLAN SUBMISSION

(Amended December 2002)

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**CITY OF MADERA
CITIZEN PARTICIPATION PLAN FOR
CONSOLIDATED STRATEGY AND PLAN SUBMISSION**

BACKGROUND

The U.S. Department of Housing and Community Development, Office of Community Planning, has introduced new planning and application requirements for several of its housing grant formula programs. Such programs include the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), Emergency Shelter Grants Program (ESG), and Housing Opportunities for Persons With AIDS Program (HOPWA).

Under these new regulations, local jurisdictions may apply for any or all of these programs by way of a single submission document referred to as the Consolidated Plan. The Consolidated Plan provides an overall picture of the housing and community development needs of the City and outlines a three- to five-year coordinated housing and community development strategy with necessary actions and funding requirements to meet those needs.

DISCUSSION

Federal statutory regulations require the City to adopt a Citizen Participation Plan (CPP) prior to drafting a Consolidated Plan that shall serve as the official guidelines for promoting public participation in the consolidated planning process, any amendments to the plan and all Annual Performance Reports. The main goal of the CPP is to encourage significant participation, where possible, from very-low and low-income persons. Particularly, those persons living in the various areas of the City where program funds will be used.

Such participation will be fostered by ensuring that:

- 1) All persons have the opportunity to take part in the citizen participation plan and consolidated planning process.
- 2) Adequate information is provided to all interested persons and groups.
- 3) Adequate advance notice of all associated meetings and hearings is provided.
- 4) Technical assistance is provided to all persons and groups requesting such assistance.
- 5) All comments and complaints shall be considered and addressed.

GOALS, OBJECTIVES and POLICIES

Goal: To generate significant public participation in the consolidated planning process including any amendments to the Consolidated Plan and Annual Performance Reports. Particularly from very-low and low-income persons and groups residing within various areas of the City where program funds will be used.

Objective A: All persons shall have the opportunity to take part in the Citizen Participation Plan and the consolidated planning process, any amendments to the Citizen Participation Plan, Consolidated Plan and Annual Performance Reports.

- Policies:**
- 1) The City of Madera will notify the community through public notice and local newspapers, all government, non-profit and social service agencies, Spanish radio, newspaper, television and all available public service announcements that three public input meetings will be conducted at three separate locations within South, Central and North Madera in order to identify community needs prior to drafting the Consolidated Plan.
 - 2) Upon completion of the Draft Consolidated Plan, the Plan will be available for public review and comment for 30 days. The community will be notified of the availability of said Plan through public notices in the newspapers, all government, non-profit and social service agencies, Spanish radio, newspaper and television and all available public service announcements. A reasonable number of said copies of said Plan shall be made available, free of charge, to the public at City Hall, the Housing Authority of the City of Madera and the Madera County Library.
 - 3) Three public input meetings will be conducted at three separate locations within South, Central and North Madera, to inform all interested parties of the funding amounts, allowable range of activities and an estimate of the percentage of low and moderate income persons benefitting from this Plan. At this time, the City would also hear testimony regarding the draft Consolidated Plan document from all interested parties.
 - 4) Upon any major amendments to the Consolidated Plan, it will be made available for public review and comment for 30 days. The community will be notified of the availability of said Plan through public notices in the newspapers, all government, non-profit and social service agencies, Spanish radio, newspaper and television and all available public service announcements. A reasonable number of said copies of said Plan shall be made available, free of charge, to the public at City Hall, the Housing Authority of the City of Madera and the Madera County Library.

- 5) Upon completion of the Annual Performance Report, the community will be notified of the availability of the report through the local newspapers, all government, nonprofit and social service agencies, Spanish radio, newspaper and television, and all available public service announcements. The Annual Performance Report will be available for public review and comment for 15 days, prior to the report's submission to the Department of Housing and Urban Development. Copies of said report shall be made available to the public at City Hall, the Housing Authority of the City of Madera and the Madera County Library.
- 6) Two separate public hearings shall be conducted by the City during each consolidated program year to obtain citizens' views.
- 7) All public hearings and public meetings shall be conducted in the evening hours and shall be held at convenient locations that accommodate persons with disabilities.
- 8) The City shall provide interpreters for non-English speaking citizens at all public meetings/hearings.

Objective B: Adequate information is provided to all interested persons and groups upon request.

- Policies:**
- 1) Prior to adoption of the Consolidated Plan, the City shall make available to all interested persons and groups, the amount of assistance the City expects to receive from the various formula grant programs it applies for including the amount that will benefit persons of low and moderate incomes. In addition, the City shall identify the range of activities that must be undertaken with these funds and plans to minimize displacement of persons and to assist any persons displaced.
 - 2) The City shall provide all interested persons and groups with reasonable and timely access to all information and records relating to the City's proposed Consolidated Plan and the City's use of assistance under the programs the City has benefitted from during the preceding five years.

Objective C: The City shall provide adequate advanced notice of all associated meetings and hearings.

- Policy: 1)** The City shall provide adequate advance notice of all public hearings and meetings to all interested persons and groups. Sufficient information shall be published about the subject in local newspapers, all government, non-profit and social service agencies,

Spanish radio, newspaper, television and all available public service announcements to permit informed comment.

Objective D: The City shall furnish technical assistance to all interested persons and groups requesting such assistance.

Policy: 1) The City shall provide technical assistance, particularly to groups or individuals representing low or moderate income persons. Said assistance shall be used to develop funding proposals for assistance under any of the formula programs covered by the Consolidated Plan. The necessary level and degree of assistance shall be determined by the City.

Objective E: All comments and complaints submitted by interested persons or groups shall be adequately considered and addressed.

- Policies:**
- 1) The City shall consider any comments or complaints from interested persons or groups received in writing or orally at public hearings or meetings in preparing the Consolidated Plan, any amendments to the plan or when preparing Annual Performance Reports.
 - 2) A summary of public comments or complaints and a summary of any comments or complaints not accepted and the reasons therefore, shall be attached to the final Consolidated Plan, plan amendment or Annual Performance Reports.
 - 3) The City shall provide a substantive written response to every complaint received within 15 working days when possible.

AMENDMENTS to the CONSOLIDATED PLAN

During the program year, the City may amend the Consolidated Plan and/or the Annual Action Plan. These amendments may be minor or major. HUD requires minor or major amendments to the Plan, whenever the City makes one of the following decisions:

~~Federal statutory regulations require a Consolidated Plan amendment when:~~

- 1) ~~A major~~ To make a change is made in the plan's in its allocation priorities or a change in the method of distribution of funds.
- 2) To carry out an activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Action Plan; or

- 3) To ~~majorly~~ change the purpose, scope, location or beneficiaries of an activity. (91.505)

When determining what constitutes a major change for this purpose, the City shall utilize various criteria including population fluctuations, changes in State and Federal regulations and guidelines, unforeseen natural disasters and strong public support for a particular policy change.

AMENDMENT PROCESS:

- (1) Criteria for amendment to consolidated plan. The citizen participation plan must specify the criteria the jurisdiction will use for determining what changes in the jurisdiction's planned or actual activities constitute a major amendment to the consolidated plan. (See Sec. 91.505.) It must include, among the criteria for a major amendment, changes in the use of CDBG funds from one eligible activity to another. (91.1059c)

Minor amendments for any of these programs do not require public review or any additional action by the City.

Federal regulations require the citizen participation plan define when an amendment is considered major and what the citizen process will be when there is a major amendment. The process for amending either the Consolidated Plan or the Annual Action Plan will differ from program to program based on the definition of major change for that particular program, whether it be the CDBG, HOME or ESG Program.

- (b) Criteria for major amendment. The jurisdiction shall identify in its citizen participation plan the criteria it will use for determining what constitutes a major amendment. It is these major amendments that are subject to a citizen participation process, in accordance with the jurisdiction's citizen participation plan. (91.505)

Definition of Major Amendment: In the Consolidated Plan, there are priority goals and each goal has several action items. An amendment would be considered major, if the City were to add, delete or modify a priority goal category currently in the adopted Plan. The addition, deletion or modification to a specific action item would not be considered a major change, when the change does not result in an addition or deletion of a priority goal.

In the Consolidated Plan, most activities funded with CDBG, HOME and ESG funds have units of measure, such as the number of houses rehabilitated or the linear feet of curb and gutter constructed.

These production projections in the Consolidated Plan are considered estimates and changes would not be considered, by themselves, major. The addition, deletion or modification of programs described in the Consolidated Plan will not necessarily be considered a major change, even if that change were considered major for the Annual Action Plan. The reason is that unlike the Annual Action Plan, the Consolidated Plan does not commit to specific programs and funding amounts. Instead the Consolidated Plan focuses on overall City needs and goals.

For the City's CDBG program, a change in the Annual Action Plan will be considered major whenever actual costs will exceed a project's allocation by the greater of \$25,000 or 15 percent. Cost savings or the deletion of work items to keep a particular project within budget will not constitute a major change; if the purpose, scope, location or beneficiaries of the project remain essentially the same.

For example, the City proposes to pave five streets and install a drainage line as part of a street project. As a result of engineering considerations, the City drops one street and replaces that street with another street in the same neighborhood needing some curb and gutter replacement in addition to the street improvements. The project cost increases by 15 percent of the project. This would not be a major amendment, even though the scope has changed with the addition and deletion of a street and the addition of curb and gutter. In this instance, the purpose of the project has not changed in major terms, although individual elements to accomplish the purpose have been modified.

Using the above scenario, an amendment would be required if the City were to drop three streets in lower income areas and the two remaining streets were in a higher income neighborhood that would not have qualified if the three dropped streets were not originally included. Besides being ineligible, this change would be major, not because part of the project was dropped, but because the beneficiaries have changed in major terms.

The addition or deletion of a project would also constitute a major change except in two cases; 1) if the additional project were on a City-approved back up list; or 2) if the project were being deleted due to delays and would be included in the following year's Annual Action Plan. In addition, if an applicant requests their project be terminated or there are nonperformance issues requiring project termination, the deletion would not necessarily be considered a major amendment.

Modifications to a project after completion of the final engineering work would not constitute a major change, if the purpose, scope, location or beneficiaries of the project remain essentially the same. Therefore, elements can be added or deleted to a project; provided that, the change in the project cost does not trigger a major change. For example, as a result of the engineering work, a drainage line is needed to make the project work. To include that drainage line would not require a major amendment, because the project objective has remained the same; provided the cost has not increased by more than 15 percent of that project's budget or \$25,000, whichever is greater.

The CDBG regulations also allow the City to fund interim assistance activities. Essentially these activities address emergency activities and for that reason, are exempt from the citizen participation, public hearing, legal noticing processes and environmental assessment requirements. Even though these activities would be new mid-year projects, their inclusion would not require an amendment to the Annual Action Plan.

During the City's budget approval process, there may be funding adjustments to the City's Annual Action Plan. For this reason, the public is encouraged to participate in the entire budget adoption

proceedings. Since the City budget hearings are a noticed public hearing, changes to the Annual Action Plan and its programs during the budget hearings would not require a major amendment as defined by the Citizen Participation Plan.

- (2) The citizen participation plan must provide citizens with reasonable notice and an opportunity to comment on major amendments. The citizen participation plan must state how reasonable notice and an opportunity to comment will be given. The citizen participation plan must provide a period, not less than 30 days, to receive comments on the major amendment before the amendment is implemented.
- (3) The citizen participation plan shall require the jurisdiction to consider any comments or views of citizens received in writing, or orally at public hearings, if any, in preparing the major amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the major amendment of the consolidated plan. 91.105(c)

Process for Amending Consolidated Plan/Annual Action Plan:

Whenever the City proposes a major amendment, the public will have adequate opportunity to review and make a recommendation regarding the major amendment. The Mayor and City Council will consider the recommendation and take final action regarding the proposed amendment. If an agency, neighborhood group, or person has actively been involved in applying for or implementing a project, City staff will notify that agency, neighborhood group, or person of the dates the City Council will be considering the proposed amendment pertaining to that project.

The public will also be encouraged to provide input and will be advised by a legal notice in a newspaper of general circulation in Madera County of the proposed amendment 30 days before action by the City Council. The legal notice will also include the date the City Council will consider the proposed amendment. The date may occur within the 30-day period. City Council approval of the addition, deletion or modification of the project will constitute approval of the major amendment.

Staff will provide a summary of any public recommendations to the City Council regarding a major amendment. If staff does not incorporate a recommendation from the public, staff will attach reasons why that recommendation was not included when the final amendment is sent to HUD.

The City may have to submit a Preliminary Annual Action Plan to HUD prior to City Council budget hearings, so that HUD application deadlines are met. As a result of budget hearings, changes may occur to the project funding section of the Annual Action Plan. Since the applicants are given an opportunity to present further testimony at the budget hearings, changes to the Preliminary Annual Action Plan as a result of the budget hearings would not constitute a major amendment to the City's program. The changes would be incorporated into the Adopted Annual Action Plan which would be sent to HUD and replace the Preliminary Annual Action Plan as the official City Plan for that program year.

(c) Submission to HUD:

(1) Upon completion, the jurisdiction must make the amendment public and must notify HUD that an amendment has been made. The jurisdiction may submit a copy of each amendment to HUD as it occurs, or at the end of the program year. Letters transmitting copies of amendments must be signed by the official representative of the jurisdiction authorized to take such action. (91.505)

The City will notify HUD that an amendment has been made. The City will submit a copy of each amendment to HUD as either it occurs or at the end of the program year. Letters transmitting copies of amendments will be signed by the City Administrator or his/her designee.

Amendment to Citizen Participation Plan:

(3) Citizen comment on the citizen participation plan and amendments. The jurisdiction must provide citizens with a reasonable opportunity to comment on the original citizen participation plan and on major amendments to the citizen participation plan, and must make the citizen participation plan public. The citizen participation plan must be in a format accessible to persons with disabilities, upon request. 91.105(a)

Amendments to the Citizen Participation Plan will be handled in a similar manner as major changes to the Annual Action Plan. Proposed amendments will be reviewed by the City Council. The legal notice will be published in a newspaper of general circulation in Madera County with a 15-day public review period. The City will make the Citizen Participation Plan available in a format to assist persons with disabilities, such as enlarged print.