

PERTAINING TO THE ENACTMENT OF A SECTION 3 PLAN

WHEREAS, Section 118 of the Housing and Community Development Act of 1974, as amended amends Section 3 by specifying its applicability to Community Development Block grants under Title I of the Act;

WHEREAS, as a recipient of federal Community Development Block Grant funds through the United States Department of Housing and Urban Development (“HUD”) received through the State of Maryland, Calvert County is, therefore, required to comply with Section 3 of the Housing and Urban Development Act of 1968, as amended;

WHEREAS, Section 3 applies to all CDBG contracts awarded that exceed \$100,000;

WHEREAS, Section 3 requires the County to ensure, to the greatest extent possible, and consistent with existing federal, State and local laws and regulations, that employment and contracting opportunities are provided to low and very low income persons;

WHEREAS, the County’s compliance is not specific to the federally funded project or activity;

WHEREAS, the community benefits when Calvert County ensures that it will, to the greatest extent feasible, comply with Section 3 requirements when awarding contracts for construction, non-construction materials, and supplies;

WHEREAS, a “low” and “very low income person” who qualifies for Section 3 is an individual who:

- resides in Calvert County; and
- resides in public housing funded by the federal government; or
- receives housing assistance from the federal government; or
- resides in a household where the total household income is less than 50% of the area median income for Calvert County using income limits provided by HUD;

WHEREAS, a low and very low income person who benefits or qualifies as a Section 3 Business is defined as:

- a business that is 51% or more owned by Section 3 persons; or
- a business where 30% of the permanent, full time employees are currently Section 3 persons or within three years of the date of first employment were Section 3 persons; or
- a business that commits to subcontract over 25% of the total contract award to businesses that meet the definition of a Section 3 business as described above;

WHEREAS, Calvert County is the Section 3 Business and Employment Project Area for the County of Calvert;

WHEREAS, by the authority of the Board of County Commissioners, notice of a public hearing was published in The Recorder, a newspaper of general circulation in Calvert County, on Oct. 23rd, 2019;

WHEREAS, the Board of County Commissioners held a public hearing as advertised on Oct. 22, 2019, to allow public comment on the adoption of a Section 3 Plan; and

WHEREAS, upon consideration of the testimony of the public hearing and the comments of staff and the public, the Board of County Commissioners has determined that, adoption of the Plan attached hereto as Exhibit A is in the best interests of the health, safety and welfare of the citizens of Calvert County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Calvert County, Maryland, hereby adopts and enacts the Section 3 Plan attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Calvert County, Maryland that the President of the Board of County Commissioners of Calvert County, Maryland is authorized and empowered to execute any and all documents required to evidence the adoption of the Section 3 Plan.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Calvert County, Maryland, that in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provisions, and that the remainder of this Resolution shall be enforceable and valid.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Calvert County, Maryland, that the foregoing recitals are adopted as if fully rewritten herein

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary.

DONE, this 22nd day of October, 2019, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Karen S. Phelps
Karen Snyder Phelps, Clerk

Thomas E. Hutchins
Thomas E. Hutchins, President

Kelly D. McConkey
Kelly D. McConkey, Vice-President

Approved for form and legal sufficiency
by:

Mike Hart
Mike Hart

Pamela R. Lucas
Pamela R. Lucas
Associate County Attorney

Earl F. Hance
Earl F. Hance

Steven R. Weems
Steven R. Weems

Received for Record..... 10/23, 2019..
at..... 1:56 .. o'clock..... P.....M. Same day
recorded in Liber KPS No. 59.....
Folio..... 204..... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Garry P. Smith

SECTION 3 PLAN

As a recipient of federal Community Development Block Grant (CDBG) funds through the United States Department of Housing and Urban Development (HUD) received through the State of Maryland, Calvert County is required to comply with Section 3 of the Housing and Urban Development Act of 1968 as amended. Section 3 requires the County to ensure, to the greatest extent possible, and consistent with existing federal, State and local laws and regulations, that employment and contracting opportunities are provided to low and very low income persons. Section 3 applies to all contracts awarded that exceed \$100,000.

Definitions:

A low and very low income person who qualifies as a Section 3 Person is an individual who:

- resides in Calvert County; and
- resides in public housing funded by the federal government; or
- receives housing assistance from the federal government; or
- resides in a household where the total household income is less than 50% of the area median income for Calvert County using income limits provided by HUD.

A low and very low income person who benefits or qualifies as a Section 3 Business is defined as:

- a business that is 51% or more owned by Section 3 persons; or
- a business where 30% of the permanent, full time employees are currently Section 3 persons or within three years of the date of first employment were Section 3 persons; or
- a business that commits to subcontract over 25% of the total contract award to businesses that meet the definition of a Section 3 business as described above.

Calvert County is the Section 3 Business and Employment Project Area for Calvert County.

Compliance:

Calvert County certifies that it will, to the greatest extent feasible, comply with Section 3 requirements when awarding contracts for construction, non-construction, materials, and supplies.

Calvert County will undertake the following steps when Section 3 applies:

1. Develop bid and solicitation documents which will identify Section 3 requirements and include the Section 3 Hiring Estimate Form which will be submitted with bid.
2. Advertise RFP/RFQ which will include the following statement, "Federal Section 3 hiring requirements apply to this project."
3. Notify local housing authority, county housing office, job training services, and other related agencies of federally funded projects that may result in hiring in the near future.
4. Require bid submittals from Section 3 Businesses or from businesses using Section 3 Business subcontractors to include a Section 3 Business Certification form.
5. Insert Section 3 Clause in selected contractor's contract and include specific language to detail contractor's Section 3 intent related to new hires and/or Section 3 Businesses as subcontractors.

6. At pre-construction conference, explain Section 3 requirements including certification process prior to hiring. Provide contractor with Section 3 Self-Certification Forms to use when accepting applications for employment.
7. Require contractor to submit a list of all current employees who will work on the project.
8. Review and approval by grantee of Section 3 Self-Certification Form submitted by the contractor before a hire is made.
9. Review payroll records to document the participation of Section 3 hire(s) on the project.
10. Review payroll records to document the participation of Section 3 Business employees on the project.
11. At the completion of the work under the contract, complete CDBG Section 3 Tracking Form which documents Section 3 compliance.

The County will document efforts undertaken during the procurement process and maintain them in the CDBG files.

ATTEST/WITNESS :

Karen S. Phelps

BY: 
 (Signature)
 Chief Elected Official

This Section 3 Plan is hereby adopted by the Board of County Commissioners of Calvert County, Maryland on October 22, 2019. It is effective for a 3 year period until October 21, 2022.