

**RESOLUTION 2020-R-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWATER, FLORIDA ADOPTING A POLICY RELATING TO THE EMPLOYMENT OF SMALL, WOMEN OWNED AND MINORITY BUSINESSES FOR USE IN ADMINISTERING COMMUNITY DEVELOPMENT BLOCK GRANTS; ADOPTING A POLICY RELATING TO THE EMPLOYMENT OF MINORITIES BY THE CITY OF EDGEWATER; PROVIDING DEFINITIONS; DEFINING AN ACTION PLAN; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Edgewater desires to establish a policy supporting small, women owned and minority businesses, and

**WHEREAS**, the City Council of the City of Edgewater recognizes an opportunity to affirmatively support small, women owned and minority business in those programs directly funded by the U.S. Department of Housing and Urban Development; and

**WHEREAS**, the of City Council of the City of Edgewater desires to bring the percentage of minorities employed by the City more closely in line with its percentage of minorities who live in the City; and

**WHEREAS**, the City Council of the City of Edgewater recognize the need to adopt an action plan to implement such goals; and

**WHEREAS**, the City Council of the City of Edgewater recognizes the City as an Equal Employment Opportunity Employer;

**NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF EDGEWATER, FLORIDA, AS FOLLOWS:**

**I. Policy Relating to the Employment of Small, Women Owned and Minority Businesses.**

It shall be the policy of the City Council of the City of Edgewater when soliciting for projects that involve Community Development Block Grant federal funding to require each department, agency, entity, or agent of the City to promote and assist small, women owned and minority businesses in gaining entry to do business with the City of Edgewater. By assisting small, women owned and minority businesses, the City will help to expand and develop the small, women owned and minority section in and around the City of Edgewater.

For projects assisted by programs providing direct financial assistance from the U.S. Department of Housing and Urban Development (hereinafter "HUD"), the City will include the Section III clause of the Housing and Urban Development Act of 1968 in all contracts for work connected with the projects. The City will also comply with the Section III clause in the administration of Community Development Block Grant programs, which requires:

1. To the greatest extent feasible, opportunities for training and employment are given to low income project area residents;

2. To the greatest extent feasible, contract for work in connection with the project will be awarded to businesses located in, or owned in substantial part by persons residing in the project area;
3. Certifying that parties to the contracts are under no obligation, which would prevent them from complying;
4. Insuring that the contractor will send labor organizations with which he or she has had a collective bargaining agreement a notice stating his or her commitments under this section and post this notice in places available to employees;
5. Insuring that the contractor will include a "Section III Clause" in every subcontract;
6. Insuring that the contractor will not subcontract with anyone that has previously violated "Section III" requirements;
7. Obligate the contractor to provide a preliminary statement of work force needs prior to signing the contract;
8. Include "Section III" requirements in Community Development Block Grant bid invitations and contract specifications;
9. Cooperate with the Secretary of Housing And Urban Development in obtaining compliance from the recipient of the grant's contractors;
10. Submit to compliance reviews by the HUD when necessary; and
11. Permit HUD access to all required records, accounts, reports, books, etc.

It is understood however, that while every opportunity will be afforded to small and minority businesses to enable them to bid on the City of Edgewater's Community Development Block Grant federally funded projects, contracts will continue to be awarded to the lowest or best responsible bidder.

## II Policy Relating to the Employment of Minorities by the City of Edgewater.

It shall be the goal of the City Council of the City of Edgewater to attempt to increase the percentage of minority City employees at the rate of 0.1 percent of the City's total employee base, per year until the percentage of minority City employees is equal to that of the minority City population.

The City of Edgewater is an equal opportunity employer. No person shall be unlawfully excluded from consideration for employment because of race, creed, color, religion, national origin, ancestry, sex, age, veteran status, familial status, handicap or genetics.

The City will attempt to attain the goal by doing the following:

1. The City will advertise every open position in a newspaper of general

circulation within the City prior to filling the open position when the position has not already been filled through existing procedures or policies providing for promotion from within and from Job Service applicants.

2. Stating in every advertisement that the City is an equal opportunity employer and does not discriminate in its hiring practice.

While the City of Edgewater will attempt to attain the minority employment goal stated herein the following is understood:

1. The City of Edgewater will attempt to hire the best qualified person for each available position, regardless of race.
2. While the City of Edgewater will attempt to attain the employment goal set forth herein; the goal is only that and the City accepts no liability if the goal stated herein is not reached.

### III. Definitions.

1. **SMALL BUSINESS**-An independently owned and operated business concern which employs twenty-five (25) or fewer permanent full-time employees, and which has a net worth of not more than one million dollars as applicable to sole proprietorships; the one million dollar net worth requirement shall include both personal and business investments.
2. **WOMEN BUSINESS ENTERPRISES**-Any small business concern which is organized to engage in commercial transaction, which is at least fifty-one (51) percent owned by women and whose management and daily operations are controlled by such person. A minority business enterprise may primarily involve the practice of a profession.
3. **MINORITY BUSINESS ENTERPRISES**-Any small business concern which is organized to engage in commercial transaction, which is at least fifty-one (51) percent owned by minority persons and whose management and daily operations are controlled by such person. A minority business enterprise may primarily involve the practice of a profession.
4. **CERTIFIED MINORITY BUSINESS ENTERPRISES**-A business enterprise which has been certified by the State of Florida to be a minority business enterprise in accordance with the provision of the Small and Minority Business Assistance Act of 1985.
5. **MINORITY PERSON**-A person whose race is Black, American Indian, Alaskan Native, Asian or Pacific Islander.

### IV. Action Plan.

In that the City of Edgewater will continuously seek to administer programs funded in part or in total by allocations directly or indirectly from the U.S. Department of Housing and Urban

Development, the City desires to enhance the opportunities for small and minority businesses and local businesses to participate in Community Development Block Grants with the City.

To accomplish this objective, the City Council of the City of Edgewater, Florida, establishes and implements the following steps to facilitate the deployment of affirmative action in expenditures for contractual services, commodities and construction contracts on Community Development Block Grant federally funded projects:

1. To utilize the news media, State Department of General Services' list of small, women owned or minority business concerns, local advertising services, citizen's advisory boards, regional planning Board of City Councilors, listings by federal agencies, and other appropriate sources to identify small, women owned and minority business concerns for possible involvement with the City Community Development Block Grant federally funded contracts.
2. To maintain and update the listing of small, women owned and minority business concerns and notify them of Community Development Block Grant federally funded contracting opportunities with the City.
3. To provide the prime contractor with a list of small, women owned or minority business concerns and require utilization in obtaining subcontractors for the City's Community Development Block Grant federally funded contracts.
4. To maintain records (copies of memoranda, general correspondence, etc.) to document that all steps in the action plan have been followed.
5. To establish or utilize an existing position to function as the equal opportunity officer to coordinate the implementation of the Affirmative Action Plan with operators of Community Development Block Grant federally funded City administered projects and programs.

V. Effective Date.

This resolution shall take effect immediately upon its adoption.

During the April 6, 2020 Council Meeting under Item 5 - APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA, a Motion by Councilwoman Power with Second by Councilwoman Yaney was made to continue this public hearing to a date and time certain of May 4, 2020 at 6:00 pm. The vote on the first reading of this resolution on April 6, 2020 was as follows:

	AYE	NAY
Mayor Mike Thomas		EXCUSED
Councilwoman Christine Power	<u>  X  </u>	<u>      </u>
Councilwoman Kimberly Yaney	<u>  X  </u>	<u>      </u>
Councilwoman Megan O'Keefe	<u>  X  </u>	<u>      </u>
Councilman Gary Conroy	<u>  X  </u>	<u>      </u>

**Due to the continuing "State of Emergency" situation and since Resolutions do not need to be advertised, this has been placed on the June 1<sup>st</sup> Council Agenda.**

After Motion to approve by Councilwoman Power with Second by Councilwoman Yaney, the vote on this resolution was as follows:

	AYE	NAY
Mayor Mike Thomas	<u>  ↓  </u>	<u>      </u>
Councilwoman Christine Power	<u>  ↓  </u>	<u>      </u>
Councilwoman Kimberly Yaney	<u>  ↓  </u>	<u>      </u>
Councilwoman Megan O'Keefe	<u>  ↓  </u>	<u>      </u>
Councilman Gary Conroy	<u>  ↓  </u>	<u>      </u>

PASSED AND DULY ADOPTED this 1st day of June, 2020.

ATTEST:  
FLORIDA

  
Robin L. Matusick, CMC  
City Clerk/Paralegal

CITY COUNCIL OF THE  
CITY OF EDGEWATER,  
By   
Mike Thomas  
Mayor

<p>For the use and reliance only by the City of Edgewater, Florida. Approved as to form and legality by: Aaron R. Wolfe, Esquire City Attorney Doran, Sims, Wolfe, Ciocchetti &amp; Yoon</p>	<p>Approved by the City Council of the City of Edgewater at a meeting held on this 1st day of June, 2020 under Agenda Item No. 8 <u>d</u>.</p>
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