

**Lee County Board Of County Commissioners
Agenda Item Summary**

10/10/03

Blue Sheet No. 2003/231

1. REQUESTED MOTION:

ACTION REQUESTED: (1) Approve **Amendments** to Lee County's HUD Consolidated Plan FY 2003-2007 and authorize the Chairman to sign the HUD Transmittal Letter. (2) ^{only} **Adopt a Resolution to amend Lee County Administrative Code AC 15-2.**

WHY ACTION IS NECESSARY: HUD regulations and the County Administrative Code 15-2 require Board approval for significant HUD CDBG Program amendments.

WHAT ACTION ACCOMPLISHES: Allows for more efficient processing of minor amendments to the Plan.

2. **DEPARTMENTAL CATEGORY:** 05
COMMISSION DISTRICT # CW C5A 3. **MEETING DATE:** 11-18-2003

4. AGENDA:	5. REQUIREMENT/PURPOSE: (Specify)	6. REQUESTOR OF INFORMATION:
		A. COMMISSIONER <u>N/A</u> B. DEPARTMENT <u>Human Services</u> C. DIVISION <u>N/A</u>
<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> STATUTE	BY: <u>Karen B. Hawes, Director</u>
<input type="checkbox"/> ADMINISTRATIVE	<input type="checkbox"/> ORDINANCE	
<input type="checkbox"/> APPEALS	<input type="checkbox"/> ADMIN. CODE	
<input type="checkbox"/> PUBLIC WALK ON	<input checked="" type="checkbox"/> OTHER	
TIME REQUIRED:	<u>24 CFR Part 91</u>	

7. **BACKGROUND:** The Citizen Participation Plan section within Lee County's HUD Consolidated Plan FY 2003-2007 replicates Administrative Code #AC 15-2. HUD allows local governments to define "Substantial Amendment". Proposed amendments modify Lee County criteria for "Substantial Amendments" in the Plan/Code to exclude minor adjustments to projects.

Amendments were advertised for Public Comment for 30 days and were reviewed with the Community Action Agency/ Neighborhood District Committee (CAA/NDC) on 7/15/03.

ATTACHMENTS:

- (1) HUD Transmittal Letter for signature,
- (2) Revised Administrative Code AC 15-2 (Strike-out format)

8. **MANAGEMENT RECOMMENDATIONS:** Staff Recommends approval

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
	N/A	N/A			OA	OM	Risk	GC	
					<u>10/20/03</u>	<u>10/20/03</u>	<u>10/20/03</u>	<u>10/20/03</u>	<u>10/20/03</u>

10. COMMISSION ACTION:

- APPROVED**
- DENIED**
- DEFERRED**
- OTHER**

Rec. by CoAtty
Date: 10/17/03
Time: 4:10 pm
Forwarded To: Budget
10/20/03

RECEIVED BY
COUNTY ADMIN: RK
10/20
11:50 am 9/27
COUNTY ADMIN
FORWARDED TO: HS
10/23/03

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80 and ff., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, the Lee County Charter; and,

WHEREAS, Lee County Ordinance No. 97-23 at Section III allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at a regularly scheduled Board of County Commissioners' meeting; and,

WHEREAS, certain amendments to the Lee County Administrative Code are now being proposed, and the Board of County Commissioners finds that such proposed

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to a vote, the vote was as follows:

ROBERT P. JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
ANDREW W. COY _____
JOHN E. ALBION _____

DULY PASSED AND ADOPTED this _____ day of _____, 20__.

ATTEST:
CHARLIE GREEN, CLERK

**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY:
Human Services

CODE NUMBER:
AC 15-2

TITLE:
Citizen Participation Plan for U.S. Department of Housing
and Urban Development (HUD) Consolidated Plan

ADOPTED: 3/21/90

AMENDED:
03/16/94, 04/19/95, 04/10/96,
06/06/99, 01/30/01

ORIGINATING DEPT.
Human Services

PURPOSE/SCOPE:

The purpose is to meet the U.S. Housing and Urban Development (HUD) requirements for community planning and development program entitlement grant funds, which requires a written Citizen Participation Plan that sets forth the County's policies and procedures for an effective citizen participation process.

SCOPE OF CITIZEN PARTICIPATION:

The County has the flexibility to choose the citizen participation process that best works for its low and moderate income residents who are the primary clients for the HUD programs. Citizens, non-profit organizations, and other interested parties will be afforded adequate opportunity to review and comment on the original citizen participation plan, on substantial amendments to the citizen participation plan, the development of the Consolidated Plan, any substantial amendments to the Consolidated Plan, and the annual performance report. The County will make the development of the above items public. Citizens will be provided with reasonable and timely access to public meetings and hearings.

CITIZEN ADVISORY COMMITTEE:

The Lee County Board of County Commissioners has approved a citizen's advisory committee, the Community Action Agency/Neighborhood District Committee (CAA/NDC)(AC 15-1), to submit recommendations on the Consolidated Plan, plan amendments, and the annual performance report. The Board of County Commissioners will review the CAA/NDC's recommendations, and will adopt, modify, and/or amend the Consolidated Plan, substantial amendment or performance report prior to submitting to HUD for final approval. County staff from the Department of Human Services will provide technical assistance and support to the CAA/NDC.

~~The CAA/NDC will receive public input on Lee County's Consolidated Plan, substantial amendments to the Consolidated Plan, and the performance report. The committee will hold at least two public hearings to obtain community input, first at the developmental stage, and later, when the draft Consolidated Plan or amendments/additions to plan are completed. The public hearings and meetings will be scheduled and located at times and locations that are convenient for potential and actual program beneficiaries, and other interested parties. Based upon input from the public and upon the advice of County staff, the CAA/NDC will make recommendations to the Board of County Commissioners on Lee County's Consolidated Plan, substantial amendments, and the annual performance report.~~

ENCOURAGEMENT OF CITIZEN PARTICIPATION:

Lee County will encourage citizens to participate in the development, of the Consolidated Plan, any substantial amendments to the Consolidated Plan, and the annual performance report. Lee County will take reasonable action to encourage participation among all citizens, especially low and moderate income, minority and, non-English speaking persons, as well as persons with disabilities. Participation of residents of public and assisted housing will be encouraged through cooperation with public housing agencies.

DEVELOPMENT OF THE CONSOLIDATED PLAN:

Lee County will hold two public hearings per year to obtain citizen's views and to respond to proposals and questions at two different stages of the program year. Together, the two public hearings will address housing and community development needs, development of proposed activities, and review of program performance. The second public hearing will be held before the proposed Consolidated Plan is published for comment. Hearings will be held at times and locations convenient to Plan beneficiaries.

Lee County will notify the public by publishing non-legal advertisements in local newspapers, and posting public notices regarding the development of the Consolidated Plan and the holding of the two public hearings. The non-legal advertisements and posted notices will describe the amount of assistance Lee County expects to receive in grant funds and program income, the range of activities anticipated, the estimated amount benefiting low and moderate-income persons, the County's plans to minimize displacement/relocation of individuals affected by any anticipated community improvement projects, and the types of assistance Lee County will offer, or will require others to make available to any persons displaced or relocated.

Lee County will publish its proposed Consolidated Plan so affected citizens will have sufficient opportunities to review and provide comment. A summary of the proposed plan or amendment will be published in one or more local newspapers of general circulation along with the locations of the complete plan. The County will make copies of the Consolidated Plan available at designated libraries and government offices. Lee County will provide a reasonable number of free copies to those requesting it. The County will give all interested citizens a 30-day public review period. Lee County will consider any comments or views received in writing or orally, at public hearings, in preparing the final 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 final consolidated plan.

NOTICES, REQUESTS FOR INFORMATION, AND ACCESS TO RECORDS:

Lee County will provide reasonable access to public meetings. Lee County will post timely notice of such meetings at the Lee County Administration Building and on the County public service television or other media accessible to persons with disabilities including persons with visual impairments. In addition, Lee County will publish public notices of all official public hearings in a non-legal section of a newspaper of general circulation approximately 14 days before the scheduled hearing. Notices will be sent to multi-cultural, homeless, disabled, youth, elderly, HIV/AIDS victims and their families, low-income advocates and other special needs organizations and individuals upon request. Printed and media notices will indicate the date, time, location, and topics to be discussed. Upon request, the County will supply written documents converted into alternative non-written formats.

The Citizen Participation Plan, Consolidated Plan and entitlement grant records will be available for review by citizens, public agencies, and other interested parties, during normal business hours at the Department of Human Services, which is accessible to persons with disabilities and easily reached by public and private modes of transportation. All Requests for Information by residents will be subject to applicable federal, state, and local laws regarding personal privacy and obligations of confidentiality. Printed copies and computer disk copies of the Consolidated Plan, as well as the annual performance report, will be available at the Department of Human Services and at designated libraries.

SUBSTANTIAL AMENDMENTS:

Whenever the County determines not to carry out an activity as previously described in the Consolidated Plan, or decides to substantially change the purpose, scope, location, or beneficiaries of an activity, the County will provide citizens with reasonable notice and an opportunity to comment on each proposed change. The County will give citizens a 30-day public review period. Comments will be received at the Lee County Department of Human Services. Lee County will consider any comments or views received in writing or orally, in preparing the final 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 final substantial amendment of the consolidated plan

A substantial amendment to the Consolidated Plan is defined as:

- ~~(1) A decision is made to carry out an activity not previously described in the Consolidated Plan.~~
- ~~(2) A decision is made to delete an activity previously described in the Consolidated Plan.~~
- ~~(3) A change in purpose is made, which is defined as a change from one eligible activity category to another (i.e. housing rehabilitation to public facilities).~~
- ~~(4) A change in national objectives is addressed, which is defined as a change from one national objective to another (i.e. a change from aid in the prevention of slums or blight to one of benefiting low and moderate income persons).~~
- ~~(5) A decision is made to decrease the number of activity beneficiaries by 20% or more.~~
- ~~(6) A decision is made to change the overall budget of an activity by 20% or more.~~
- ~~(7) A change in activity location occurs, which is defined as a geographic change from one Census Tract or Block Group to another eligible Census Tract or Block Group.~~

- (1) A change in the eligible activity of an approved Project or the transfer of funds to another approved Project or new Project with different eligible activities. (Typical eligible activities include public facilities, housing rehabilitation, new construction, and homelessness prevention and are listed at 24 CFR 570 Subpart C for CDBG, 24 CFR 92.205 for HOME, and 24 CFR 576 for ESG).
- (2) A change in the national objective of an approved Project. (i.e. a change from aid in the prevention of slums or blight to one of benefiting low and moderate income persons).
- (3) A change is made to decrease the number of Project beneficiaries by 50% or more.
- (4) A change is made to change the budget of a Project by 50% or more.
- (5) An amendment will not be deemed Substantial under (1), (2), (3), or (4) above if the amendment is for under \$5,000.00 or affects 5 or fewer applicable beneficiaries. (Although not Substantial, such amendments will be entered in HUD IDIS electronic database and the HUD Field Office will be notified).

The above applies to both the CDBG and HOME Programs, except that the HOME Program amendments may be submitted to the Board of County Commissioners and HUD on an annual basis.

The above does not limit interim actions on agreements between Lee County and subrecipients except that any such actions which lead to a change described in items (1) through (7) above will subsequently be processed in conformance with the review and comment requirements of this section.

PERFORMANCE REPORTS:

The County will provide citizens with reasonable notice and an opportunity to comment on performance reports. The County will give citizens a 15-day public review period. Comments will be received at the Lee County Department of Human Services and Lee County Public Resources offices. Lee County will consider any comments or views received in writing or orally, in preparing the performance report. A summary of these comments or views shall be attached to the final performance report.

TECHNICAL ASSISTANCE:

Groups representative of low and moderate income citizens may request technical assistance in developing funding proposals to strengthen community-based development organizations within the objectives of the Consolidated Plan. The Department of Human Services will supply reasonable assistance in the form of staff presentations, informational handouts, research of a specific issue, or other short-term efforts. This staff assistance does not include the provision of funds to the requestor groups.

PROVISION FOR NON-ENGLISH SPEAKING CITIZENS AND PERSONS WITH SPECIAL NEEDS:

Upon public request and subject to the availability of Hispanic or other non-English general circulation newspapers, public notices will be published 14 calendar days prior to a public hearing in local newspaper(s) read by non-English speaking populations. If the Department of Human Services staff has determined that a significant number of non-English speaking residents are expected at a public hearing or meeting, an interpreter and/or other appropriate provisions will be made. Persons needing this assistance will be asked to submit a request in writing to the Department of Human Services for these services at least five (5) working days in advance of the meeting/hearing.

REASONABLE ACCOMODATIONS FOR PERSONS WITH DISABILITIES:

Lee County will make reasonable accommodations for persons with disabilities. All public meetings and hearings will be held in locations accessible to all persons with disabilities. Upon request a sign language interpreter and/or other appropriate provisions will be made. Persons needing this assistance will be asked to submit a request to the Department of Human Services for these services at least five (5) working days in advance of the meeting/hearing.

ANTI-DISPLACEMENT

Lee County will follow HUD regulations and its local anti-displacement policies so that displacement is minimized and if displacement is necessary, persons displaced will be provided with the types and levels of assistance as required by federal regulations.

COMPLAINT AND APPEAL PROCEDURES:

- (A) The Lee County Board of County Commissioners will hear complaints or grievances from citizens regarding the Consolidated Plan.

- (B) Written complaints will be addressed to the Department of Human Services, P.O. Box 398, Fort Myers, FL 33902. The complaint will clearly state what the activity of program is, the nature of the complaint or grievance, and the name, address, and day and evening telephone numbers of the person filing the complaint. Upon receipt of a complaint, the Department of Human Services will prepare a written substantive, response to the complainant within 15 calendar days, whenever practical. If necessary, complaints or grievances will be heard in a timely fashion by the Lee County Board of County Commissioners.

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LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 652-7930

Writer's Direct Dial Number: _____

Bob Janes
District One

October 28, 2003

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Ms. Virginia Vich, CPD Representative
U.S. Department of Housing and Urban Development
Florida State Office/Caribbean
Brickell Plaza Federal Building
909 S.E. First Avenue, Room 500
Miami, FL 33131-3028

**SUBJECT: Amendment, Lee County HUD Consolidated Plan
HUD FY: 2003-2007**

Dear Ms. Vich:

Please find enclosed for your review and processing the following Lee County Board of County Commissioners approved amendment to the Citizen Participation Plan component of the Lee County HUD Consolidated Plan, which is detailed in the attached Administrative Code No. AC 15-2. The amendment was advertised for a 30-day comment period and no public comment was registered.

Thank you for your assistance. Please contact Karen B. Hawes, Director, Department of Human Services at (239) 652-7930 if you have any questions on this matter.

Sincerely,

Ray Judah, Chairman
Lee County Board of County Commissioners

Enclosure: Advertisement / Code

Cc: Karen B. Hawes, Director, Department of Human Services
Richard Faris, Senior Planner, Neighborhood Building Program
SANBNP\CONPLAN\A.MENDS\AMEND.CPP.10.28.03.vich.submit.letter.doc

NEWS-PRESS

Published every morning - Daily and Sunday

Fort Myers, Florida

Affidavit of Publication

RECEIVED
LEE COUNTY
DEPARTMENT OF
HUMAN SERVICES

2003 SEP 18 A 12:17

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared **Kathy Allebach** who on oath says that he/she is the **Asst. Legal Clerk** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a **display** in the matter of **Proposed HUD Consolidated Plan Amendment** in the Court was published in said newspaper in the issues of **September 15, 2003**

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any amount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Kathy Allebach

Sworn to and subscribed before me this

15th day of September, 2003 by

Kathy Allebach

personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

Brenda Leighton

Print Name

My commission Expires:

PUBLIC NOTICE
Of
Proposed HUD Consolidated Plan Amendment
For
Lee County, Florida
Minor adjustments are proposed to the criteria for a "Substantial Amendment" within the Citizen Participation Plan of the HUD Consolidated Plan for CDBG HOME and ESC entitlement funding in Lee County. During the review period September 15, 2003 through October 15, 2003 written comments will be received at Lee County Department of Human Services located at 83 Pondella Road, North Fort Myers, FL 33903. Comments received will be considered in final action on the amendment and will be attached with amendment documentation.



Brenda Leighton
MY COMMISSION # DD169005 EXPIRES
February 14, 2007
BONDED THRU TROY FAIN INSURANCE, INC