



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 12-2021

A RESOLUTION OF THE CITY OF STUART CITY COMMISSION OF THE CITY OF STUART, 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 STUART; PROVIDING DEFINITIONS; DEFINING AN ACTION PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, the City of Stuart City Commission of Stuart, Florida desires to establish a policy supporting small, women owned and minority businesses; and

WHEREAS, the City of Stuart City Commission of Stuart, Florida 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 City of Stuart City Commission of Stuart, Florida 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 of Stuart City Commission of Stuart, Florida recognize the need to adopt an action plan to implement such goals; and

WHEREAS, the City of Stuart City Commission of Stuart, Florida recognizes the City as an Equal Employment Opportunity Employer.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1. POLICY RELATING TO THE EMPLOYMENT OF SMALL, WOMEN OWNED AND MINORITY BUSINESSES

It shall be the policy of the City of Stuart City Commission of Stuart, Florida 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 Stuart, Florida. 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 Stuart, Florida.

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 City of Stuart's Community Development Block Grant federally funded projects, contracts will continue to be awarded to the lowest or best responsible bidder.

SECTION 2. POLICY RELATING TO THE EMPLOYMENT OF MINORITIES
BY THE CITY OF STUART

It shall be the goal of the City of Stuart City Commission of Stuart, Florida to attempt to increase the percentage of minority City employees at the rate of .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 Stuart is an equal opportunity employer. No person is unlawfully excluded from consideration for employment because of race, creed, color, religion, national origin, ancestry, gender, age, veteran status, familial status, disability 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 Stuart will attempt to attain the minority employment goal stated herein the following is understood:

1. The City of Stuart will attempt to hire the best qualified person for each available position, regardless of race.

2. While the City of Stuart 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.

SECTION 3. 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 Department of General Services 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.

SECTION 4. ACTION PLAN

In that the City of Stuart 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 of Stuart City Commission of Stuart, 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, citizens advisory boards, regional planning Commissions, listings by federal agencies, and other appropriate sources to identify small, women owned and minority business concerns for possible involvement with the City's 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 maintain records (copies of memoranda, general correspondence, etc.) to document that all steps in the action plan have been followed.

4. 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.

SECTION 5. This resolution shall take effect upon adoption.

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

EULA R. CLARKE, MAYOR
MERRITT MATHESON, VICE MAYOR
BECKY BRUNER, COMMISSIONER
TROY MCDONALD, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ___ day of _____, 2021.

ATTEST:

MARY R. KINDEL
CITY CLERK

EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY