

RESOLUTION 2009 - 43

ORIGINAL

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, CERTIFYING
COMPLIANCE WITH APPLICABLE LAW FOR
GRANT FUNDING, AND AFFIRMING GRIEVANCE PROCEDURE
(Washington State Department of Community,
Trade and Economic Development)**

WHEREAS, the City of Sunnyside is applying to the state Department of Community, Trade and Economic Development for funding assistance;

WHEREAS, it is necessary that certain conditions be met as part of the application requirements;

WHEREAS, the City Council finds and determines that City Manager Eric C. Swansen is the Chief Administrative Officer of the City of Sunnyside and should be confirmed, designated and authorized to submit this application to the State of Washington on behalf of the City of Sunnyside, and to serve as authorized representative of the City of Sunnyside to act in all official matters in connection with this application; and

WHEREAS, the City Council finds and determines that an appropriate Grievance Procedure should be affirmed, stating applicable procedures pursuant to the Sunnyside Municipal Code; and

WHEREAS, the City Council finds and determines that such designation and the certifications herein are in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON, as follows:**

SECTION 1. The City Council of the City of Sunnyside authorizes submission of this application to the state Department of Community, Trade and Economic Development to request \$258,909 in Community Development Block Grant – Housing Enhancement Funds for off-site infrastructure improvements to a project consisting of development and construction of up to twelve single-family residences proposed by Catholic Charities Housing Services (the “Project”), and certifies that, if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws;

Has provided opportunities for citizen participation comparable to the state's requirements (those described in Section 104(a)(2)(3) of the Housing and Community Development Act of 1974, as amended); has complied with all public hearing requirements and provided citizens, especially low- and moderate-income persons, with reasonable advance notice of and the opportunity to present their views during the assessment of community development and housing needs, during the review of available funding and eligible activities, and on the proposed activities;

Has provided technical assistance to citizens and groups representative of low- and moderate-income persons that request assistance in developing proposals;

Will provide opportunities for citizens to review and comment on proposed changes in the funded project and program performance;

Will not use assessments against properties owned and occupied by low- and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low- and moderate-income owner-occupants;

Will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act; will affirmatively further fair housing (Title VIII of the Civil Rights Act of 1968); has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that

is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act of 1974, as amended; and

Will provide, upon request, and prior to any obligation of funds being made, a complete and accurate Applicant/Recipient Disclosure/Update Report detailing the required applicant/recipient information and, as appropriate, other government assistance provided or applied for, interested parties and expected sources, and uses of funds.

SECTION 2. The City Council hereby designates City Manager Eric C. Swansen as the authorized Chief Administrative Official and the authorized representative to act in all official matters in connection with this application and the City of Sunnyside's participation in the State of Washington CDBG Program, and further affirms and adopts the Grievance Procedures set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 3. This Resolution shall be effective upon passage, approval and signatures hereon in accordance with law.

PASSED this 26th day of May, 2009.



PABLO GARCIA, MAYOR

ATTEST:



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:



MARK A. KUNKLER, CITY ATTORNEY

**City of Sunnyside
GRIEVANCE PROCEDURE**

Unless specifically provided otherwise in applicable law or municipal code, the following procedures apply to any grievance presented by any person seeking appeal of any action of the City Council, City Commission, City Board, officer or employee of the City of Sunnyside, whose decisions are not subject to direct appeal to the City Council:

- A. Submit complaints in writing to the City Manager for resolution. Any appeal from any action of the City Council, City Commission or City Board, or City official or employee, whose decisions are not subject to direct appeal to the City Council, must be brought within 20 days from the date of the effective date of the action appealed from. The complaint must be in writing stating with particularity the decision or action appealed from, the date of such action, the reason(s) supporting the appeal, and must be signed by the person(s) making the appeal. A record of the complaint and action taken will be maintained. A decision by the City Manager will be rendered within 15 working days (SMC 2.72.010).
- B. If the complaint cannot be resolved by the City Manager, it will be referred and forwarded for hearing and decision by the Hearing Examiner in accordance with the provisions and procedures in Chapter 2.46 SMC.

A record of action taken on each complaint will be maintained as a part of the records or minutes at each level of the grievance process.

Adopted this ____ day of May, 2009.

ERIC C. SWANSEN, CITY MANAGER

ATTEST:

DEBORAH A. ESTRADA, CITY CLERK