

PUBLIC PARTICIPATION ACTIVITIES

A. Overview

The mission of the Grants Management Division is to improve the quality of life and economic well-being of the citizens of Arkansas through the effective management of federal and state grant programs. Central to achievement of this mission is the encouragement of citizens to attend and participate in public hearings conducted during the grant process.

To promote maximum public participation in the development of CDBG projects, particularly by persons of low and moderate income, a formal public participation review process, as discussed below, is required.

This chapter describes the public hearing process and all written information required to document public participation. This documentation will comprise the applicant's Community Development/Citizen Participation Plan (CD/ CPP) and will be monitored by the Arkansas Economic Development Commission, should the project receive funding.

B. Planning Public Hearings

Below are general guidelines for planning public hearings:

1. Jurisdictions applying for ACEDP funds must conduct at least **two** public hearings during the course of the project. The **first** public hearing must be conducted prior to submittal of an application, or preapplication if the Arkansas Economic Development Commission funds are requested therein. The first public hearing should: seek citizen input to identify the needs of the jurisdiction, prioritize these identified needs, decide on a course of action, and discuss the specific activity for which the jurisdiction will apply to the Arkansas Economic Development Commission for funding. This hearing should be scheduled very early in the planning process to ensure adequate public participation (Form 114), "Notice of First Public Hearing." A **second** public hearing must be conducted after the Arkansas Economic Development Commission grant is executed, preferably *prior to* construction, *but before* construction is complete, to advise citizens of the project's progress and accept project-specific comments (Form 115), "Notice of Second Public Hearing."
2. Public hearings **must** be publicized *at least* seven calendar days before they are held. Examples of publicity include publishing notices in newspapers, announcements in placing-posters in at least five visible locations or airing announcements on local radio or television stations. Regardless of the method, hearings **must** be advertised throughout the jurisdiction (especially in LMI areas), and, for the first public hearing notice, must indicate that technical assistance for developing proposals will be provided to groups representing LMI persons. Maximum efforts should be made to ensure low and moderate-income groups are notified of the public hearing. Arkansas Economic Development Commission

will monitor all efforts to involve the public, especially LMI persons, during the grant process. Therefore, if public participation documentation is inadequate (e.g., poor attendance or insufficient hearing notices) or incomplete, the grantee may receive a sanction until acceptable documentation is provided.

Sample public hearing notices are included in this section. You may adjust these samples to fit your needs; however, the first public hearing notice **must** indicate that the purpose of the hearing is to allow public participation to determine the needs of the community, and to consider applying to the Arkansas Economic Development Commission for ACEDP funds which are targeted to benefit LMI families or to aid in the prevention of slum and blight or to eliminate an imminent health threat.

3. Hearings must be held at times and locations convenient and accessible to citizens of the jurisdiction. Accommodations for the handicapped **must** be provided. Hearings should be scheduled for times other than the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. If it is anticipated that a significant number of non-English speaking persons will be in attendance, a translator must be provided.

County applicants must hold the first public hearing at the county seat. Joint applicants must conduct public hearings independently in each jurisdiction. Each party to a joint application **must** identify at its first hearing, the same community need for which the application will be submitted.

C. **Conducting Public Hearings**

1. **The chief elected official (CEO) must conduct both public hearings.** The CEO may be assisted by staff, citizens, or planning agencies; however, he/she is responsible for chairing the hearings.
2. The first public hearing should accomplish the following:
 - a. **Identify and discuss community needs.** Since this public hearing may be used for more than one application (i.e., other eligible categorical and economic development projects), discussion should explore all possible community needs. If a community has worked with Arkansas Economic Development Commission's Community Development Division to prepare a community development plan, it should be presented for discussion.

Examples of several, but not all, community needs are listed in Form 116 "Possible Community Needs." Notice that some needs listed cannot be addressed with ACEDP funds. The purpose of the public hearing is not to address only needs that can be met with ACEDP funds, but to provide an opportunity for local residents to discuss and prioritize all major needs. The fact that the ACEDP may not be able to address these needs should be discussed.

Communities should understand that their community development priorities may be different from their priorities for ACEDP funding. For example, the community's top priority may be construction of a city hall; however, since this is ineligible for ACEDP funding, an application may request assistance for the community's next eligible priority.

Another example is where an application for the community's top priority cannot be submitted because additional funding, necessary to complete the project, is unavailable or the priority may be so expensive that it is impractical to submit an ACEDP application.

Communities are not required to submit ACEDP applications based **solely** on their highest community development priority. There may be a variety of reasons why highest priorities cannot or should not be funded first, and communities will not be penalized if their applications are not for their top priorities. However, the Arkansas Economic Development Commission will examine the reason and rationality of all funding requests.

- b. **Prioritize the needs that are identified** according to which are most critical to the community.
- c. **Discuss goals and objectives for meeting the community's needs**, including time frames and potential financing resources.
- d. **Inform attendees about the ACEDP** including requirements and funding objectives, types of projects eligible for funding, amount of funds available to the community, and realistic opportunities for the community's participation in the program. The following specific information regarding the ACEDP must be discussed:
 1. The purposes of the ACEDP are threefold:
 - a) To benefit low and moderate income families; or
 - b) To aid in the prevention or elimination of slum and blight; or
 - c) To meet other community development needs having a particular urgency because existing conditions pose a serious threat to the health or welfare of the community and where other financial resources are not available to meet such needs.
 2. For the most part, eligible applicants will be all city and county governments in Arkansas, except Bentonville, Hot Springs, Little Rock, North Little Rock, Pine Bluff, Fayetteville, Springdale, Conway, Rogers, Fort Smith, Texarkana, Jacksonville, Jonesboro and West Memphis which are entitlement cities that receive funding directly from HUD.
 3. The ACEDP provides grants for community development projects such as childcare, public health, water and sewer improvements, economic development, and other eligible projects. Approximately

40 percent of available funding is set aside for economic development projects related to job creation. The remaining funds are allocated to categorical grants and administration of the program as specified in the *Consolidated Plan*.

- e. **Discuss the project for which an application will be submitted.** If it is not the community's top priority, a written explanation must be presented.
 - f. **Discuss the amount of funding to be requested and how the project will benefit low and moderate-income residents.**
 - g. **Discuss the expected results of the project.** Citizens must be notified if the project will cause an increase or addition in any utility rates, resulting in collection of user fees or connection charges, or necessitate the levying of a tax.
 - h. **Receive comments** and give the name and address of an individual to whom written comments or concerns may be submitted. Responses to all written comments must be maintained in the project file.
3. The second public hearing should accomplish the following:
- a. **Inform citizens** of the scope and progress of the ACEDP project including construction and project completion schedules, funding participants and any special concerns or aspects of the project.
 - b. **Discuss all changes** regarding the scope of the project, financing sources, user fees or beneficiaries since the first public hearing.
 - c. **Accept oral and written comments** regarding the project.
 - d. **Discuss any potential impact** upon citizens that may result during the course of the project.
4. A special public hearing may be required by applicants for ACEDP funding, at the request of the Arkansas Economic Development Commission, whenever it is determined that special circumstances (e.g., high user charge rates) may necessitate public notification and/or involvement in the application or preapplication process. Because any such meeting will be required in response to a specific circumstance, applicants must contact AEDC for specific guidance regarding the conduct of such hearing.

D. Community Development/Citizen Participation Plan (CD/CPP)

Grantees must develop a CD/CPP, available for Arkansas Economic Development Commission monitoring, consisting of the following:

1. Copies of both public hearing notices. If newspaper, radio, or television advertisements were used, include proof of publication from the newspaper or station indicating text and date(s) of notice. If posters were used, submit a list of posting locations including the dates, and a map showing where they were posted.
2. Attendance rosters for each public hearing. Each attendee should indicate his/her name, street address, and group represented (i.e., planning district, city government, engineering firm, community action group, local citizen, etc.) Attendance rosters are a very important part of the CD/CPP. (A “Public Hearing Attendance Roster,” (Form 117) can be found in the ACEDP Forms.)
3. Minutes of each public hearing. The minutes of the first hearing **must** include a list of prioritized community needs with reference to how they were determined. Public hearing minutes must be detailed enough to illustrate that discussion was encouraged and the input of attendees was sought. Persons addressing the meeting should be identified and comments recorded in the minutes. Discussion of proposals presented by any group or individual **must** be outlined including comments made and names of speakers.
4. A “Public Participation Certification” (Form 118) **must** be signed by the chief elected local official indicating that all public participation requirements have been met.