

A Resolution

NO. _____

REQUESTING THAT THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT AN EXCEPTION AS AUTHORIZED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS FOR A POTENTIAL CONFLICT OF INTEREST SO THAT ELISA ARRIAGA, AN IMMEDIATE FAMILY MEMBER OF VERONICA MARTINEZ, A NEIGHBORHOOD SERVICES DEPARTMENT EMPLOYEE, MAY PARTICIPATE IN THE CITY'S PRIORITY REPAIR PROGRAM WHICH BENEFITS LOW INCOME HOMEOWNERS

WHEREAS, the City of Fort Worth (“City”) receives Community Development Block Grant (“CDBG”) funds from the United States Department of Housing and Urban Development (“HUD”) with which it provides up to **\$25,000.00** of home repairs for roofs, mechanical systems, and health and safety issues to low income, primarily elderly home owners, under its Priority Repair Program (M&C G-17589, M&C G-19454, and M&C 22-0760); and

WHEREAS, the City’s Priority Repair Program is administered by the Home Improvement Division of the Neighborhood Services Department; and

WHEREAS, Veronica Martinez is employed by the Neighborhood Services Department as part of its administrative staff in project delivery in its Home Improvement Division; and

WHEREAS, Ms. Martinez’s sister, Elisa Arriaga, has applied for assistance under the Priority Repair Program and otherwise meets all the requirements for the services; and

WHEREAS, the federal regulations governing the use of CDBG funds (“CDBG Regulations”) state that no person who is an employee of a recipient of CDBG funds who exercises any functions or responsibilities with respect to CDBG activities, or who is in a position to participate in the decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG activity for themselves or their immediate family members, but permit exceptions if certain conditions are met; and

WHEREAS, as an administrative staff employee of the Home Improvement Division of the Neighborhood Services Department working on project delivery, Veronica Martinez’s work responsibilities include intake of applications, review of applicant files and databases, input of applicant information into spreadsheets, and customer inquiries for the Priority Repair Program; and

WHEREAS, Ms. Martinez’s position allows her to gain inside information and exercise limited decision-making authority in the administration of the Priority Repair Program - specifically affording her the ability to approve or reject an application based on whether it is complete and whether it meets the City’s guidelines for the program; and

WHEREAS, in accordance with the Neighborhood Service’s Department policy that prohibits an employee from reviewing or taking part in the application process that involves the employee or their immediate family member, Ms. Martinez is precluded from taking part in any portion of the review or processing of Ms. Arriaga’s application for services; and

WHEREAS, Elisa Arriaga meets the Priority Repair Program’s income guidelines and an exception will permit her to receive the same benefits from the Priority Repair Program that are available to other low-income homeowners in the City and denial of services for which she is otherwise qualified would result in an undue hardship as the requested repairs are to address necessary maintenance for her heating system; and

WHEREAS, public disclosure of this potential conflict has been made by including this Resolution on the non-consent portion of the Agenda for the City Council meeting on January 10, 2023, with the agenda being posted as required by Texas law at least 72 hours prior to the meeting and the title of Resolution clearly identifying the covered person, nature of the conflict, type of assistance being sought and that the City intends to request an exception from HUD and with the Agenda, including copies of all items to be presented to the Council, being made available for review by the public on the City’s website; and

WHEREAS, the CDBG Regulations that permit HUD to grant exceptions require a written opinion of the local government’s attorney that the interest for which the exception is sought would not violate state or local law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

Section 1. The City Council requests the United States Department of Housing and Urban Development to grant an exception to the conflict of interest requirements of the Community Development Block Grant program so that Elisa Arriaga, the sister of Veronica Martinez, may receive services under the City’s Priority Repair Program; and

Section 2. The City Council requests the City Attorney to issue a written opinion as to whether the interest for which the exception is sought violates state or local law and for such opinion to accompany the request; and

Section 3. The minutes of the January 10, 2023, meeting of the City Council reflect that this Resolution was brought up for a vote during the meeting in accordance with the posted Agenda, that the minutes include an accurate description of the discussion by members of the City Council and the public as to its merits, and that such minutes accompany the request so long as their inclusion would not unreasonably delay the submission of such request to HUD.

Adopted this 10th day of January, 2023.

ATTEST:

By: _____
Jannette Goodall, City Secretary