



DEPARTMENT OF  
**HOUSING**



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V.1

# CDBG-MIT

## CITIZEN ADVISORY COMMITTEE OPERATIONAL GUIDE

May 31, 2022  
V.3

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# 1 General Vision

## 1.1 Legal Base

The Citizen Advisory Committee (**CAC or Committee**) for the Community Development Block Grant - Mitigation (**CDBG-MIT**), was created through the Federal Register Notice, Vol. 84, No.169 (August 30, 2019), 84 FR 45838. The Federal Register Notice sets forth the rules established by the U.S Department of Housing and Urban Development (**HUD**) for the participation of the CAC in the CDBG-MIT Program as follows:

After the approval of the action plan, each recipient must create one or more citizen consulting committees that will meet in an open forum, at least, twice a year with the purpose of providing greater transparency in the implementation of the CDBG-MIT funds, to request and respond to the comments and contributions from the public in relation to the recipient's mitigation activities, and to serve as a continuing public forum that offers feedback to the recipient's CDBG-MIT projects and programs. The recipient can also opt to form one or more of these committees as part of their preparation process for the initial presentation of the CDBG-MIT action plan to HUD.<sup>1</sup>

At the same time, the CDBG-MIT Action Plan contains the requirements set forth by HUD in the Federal Register Notice regarding the CAC:

In accordance with the CDBG-MIT requirements, a Citizen Advisory Committee will be created as soon as the CDBG-MIT Action Plan is approved. According to the guidance provided by HUD in 84 FR 45838, 45853, the Committee will meet in an open forum at least two (2) times a year to increase transparency in the implementation of the CDBG-MIT funds. The Committee will request and respond to the comments submitted by the public regarding the recipient's CDBG-MIT projects and programs. These meetings will provide the opportunity to request and respond to the public's comments about mitigation activities.<sup>2</sup>

The Operational Guide describes the structure, purposes, duties, and responsibilities of the CAC in accordance with the Federal Register Notice. At the same time, these guidelines promote compliance with state and federal regulations regarding the access to public information and the conservation of the environment, among others.

Also, these guidelines are adopted by virtue of the provisions established in Act No. 97 of June 10, 1972, 3 L.P.R.A. § 441 *et seq.*, as amended, known as "Organic Act of the Department of Housing".

## 1.2 Purpose and Objective

The purpose of the Citizen Advisory Committee Operational Guide is to establish operating standards that rule the Committee and its members, as well as the coordination of the participants with the Puerto Rico Department of Housing (**PRDOH**).

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<sup>1</sup> Federal Register Notice 84 FR 45838, 45853.

<sup>2</sup> The CDBG-MIT Action Plan can be accessed at: [CDBG-MIT Action Plan: Effective on April 19th, 2021 - CDBG](#) (English) and [CDBG-MIT Plan de Acción: 19 de Abril de 2021 - CDBG \(pr.gov\)](#) (Spanish).

The CAC's objective is to request and respond to public comments, and feedback related to PRDOH mitigation activities under the CDBG-MIT Program. Additionally, the CAC serves as a continuing forum of information about projects, proposals, and CDBG-MIT programs.

### **1.3 Applicability**

The provisions of the Operational Guide apply to members of the CAC in support of the CDBG-MIT Program.

The voluntary Service in the CAC carries an essential responsibility to the citizens of Puerto Rico by guaranteeing the representation of the ample public interest, including the vulnerable communities identified in the CDBG-MIT Action Plan. The general responsibilities apply to the persons, organizations, and entities that are part of the CAC by carrying out actions and activities in their capacity as members of the Committee.

## **2 Citizen Advisory Committee (CAC)**

### **2.1 CAC Mission**

The mission of the CAC states that:

- It is an organism composed of volunteer citizens gathered to represent a relevant specialty area and advise PRDOH on disaster mitigation matters related to the general public interest.
- Serves the interest of the citizens of Puerto Rico through the voluntary representation in the Committee under PRDOH's leadership.
- Through data collection, the CAC informs and advises PRDOH about the disaster mitigation needs through the elaboration of written recommendations.
- Provides advice on the implementation and improvement of the CDBG-MIT programs, therefore, serving the needs of the citizens of Puerto Rico within the regulatory and administrative limits.
- Promotes greater public knowledge of PRDOH's CDBG-MIT Program through the distribution of precise information about the available assistance.

### **2.2 The CAC's Vision**

The vision of the CAC affirms that:

- The Committee is a continuous work group dedicated to support and encourage the communities to participate in the CDBG-MIT programs.
- Ensure that communities can reduce the risk conditions through PRDOH's mitigation programs.
- Maintain a solid commitment to the principles of representation, transparency, participation, accessibility, and accountability to the vulnerable populations. Also, the CAC will maintain an efficient, respectful, and diligent work relationship between the participants and PRDOH.

- Conduct all meetings to engage in participative and productive debates that lead to significant, definite, and viable recommendations to PRDOH about the disaster mitigation programs.
- Maintain satisfactory public awareness, knowledge, and participation in the disaster mitigation programs.

### 2.3 CAC Composition and Purpose

All members of the CAC will serve the public by seeking collaboration based in solutions. The composition of the CAC will include a base of voluntary participant citizens, as well as a Directive Board. The CAC Directive Board, in collaboration with PRDOH, will be able to create subcommittees, as necessary.

**CAC Coordinator(s)** – PRDOH official(s) is (are) responsible of providing updated information in the Committee meetings, organize work sessions for the subcommittees, conduct or assist the CAC in conducting surveys, receive and appropriately channel the opinions collected by the Board of Directors and provide PRDOH with responses to the consultations received, present action plans' drafts, guidelines, etc. Also, PRDOH will offer, at the request of the CAC, support personnel to assist with committee tasks. Among these, there will be a person designated as PRDOH's Official CAC Coordinator.

**General Members or Plenary**– The CAC will be composed of no more than **15** voting members nor less than **11**. The initial members of the Committee will be nominated by PRDOH, **for an initial term of 18 months**, taking in consideration the areas vulnerable to disasters identified in the CDBG-MIT Action Plan and must be representative of the geographic, racial, and socioeconomic diversity of Puerto Rico. The CAC will aspire to have diverse representation in its plenary and work groups. Similarly, it will work with the specific intention of providing visibility to the vulnerable communities affected by natural disasters and facilitating the communication between these communities and PRDOH.

The Plenary of the CAC will be the ones to create the Work Committees, their topics to develop and will be able to establish details regarding operation, composition, and work expectations. The Plenary of the CAC will delegate matters that requires follow up and development to the Board of Directors for its execution and continuity.

Once the CAC has been formally constituted, the Plenary will review and approve a Work Plan where, in collaboration with the CAC Board of Directors and PRDOH, the matters that Plenary considers priorities will be scheduled and addressed accordingly. This Work Plan will be a guide. Nonetheless, the Plenary of the CAC could, via notice and announcements, change, amend or internally establish new priorities or affairs. The Work Plan will be the main working tool for both the Plenary of the CAC and the Board of Directors.

- **Successive Nominations:** For successive nominations to integrate the Plenary of the CAC, any interested person or organization can present a nomination proposal to PRDOH using the following digital form

<https://app.smartsheet.com/b/form/c51510f7a72941a886b85401cc93b3e5>. The nominations will be collected and reviewed. The nominees without any conflicts of interest will be sent to the CAC for the election. The nomination list will be provided to the CAC at least fifteen (15) days before a meeting of the CAC for their consideration.

- **Separation of Members:** A member that does not participate in two consecutive annual meetings will be separated from the CAC by the Board of Directors. Members that present their resignation letter will be removed from the Committee, effective on the date of the letter. A member with an identified conflict of interest will be, likewise, removed from the CAC. Members that fail to comply with the mission and vision of the CAC on 3 occasions will be, likewise, removed from their appointment. In case of separation of members the successive nominations will be used to fill the vacancy.

**Board of Directors** – Is a group composed of **5** members appointed by the majority in an extraordinary meeting of the Plenary of the CAC for a term of two years. The Plenary will take into consideration the following criteria to make their selection: ability, process understanding, diversity (racial, expertise, life experiences, etc.), sector representation, level of commitment, previous history, community service, contributions in discussions and debates, among others.

The Board of Directors will be responsible to attend to matters related to schedule development and calendar management. The Board of Directors will ensure that the meetings are executed in a manner that they responsibly address and comply with the objectives established for them. The meeting objectives will be explicit in the announcements.

The Board of Directors will maintain continuous communication with PRDOH regarding all tasks relevant to the CAC. The Board of Directors will ensure compliance with the Citizen Participation Plan. For such purposes, they can count on the support of PRDOH personnel, work committees or members of the Plenary of the CAC.

The Board of Directors will choose one of its members as the Coordinator for the celebration of at least two (2) annual public forums. This coordinator could form a Work Committee for such purposes. PRDOH must have representation in said Committee, including PRDOH's Official Liaison. Also, the CAC Board of Directors will select internally two (2) of its members to occupy the positions of CAC Board of Directors Presidency and CAC Board of Directors Secretary, respectively.

The President of the Board of Directors will assume the following responsibilities:

1. Lead the efforts of the Board of Directors;
2. Facilitate and moderate the Board of Directors meetings;



3. Serve as the official representative of the CAC along with PRDOH coordinator (s) in PRDOH meetings, activities and initiatives relevant to the CAC's tasks;
4. Assume the development of tasks delegated by the CAC Plenary;
5. Officialize and ratify decisions of the CAC's Plenary through internal written communications and those directed to PRDOH;
6. Ensure continuous access to information, data, resources and any additional element relevant and necessary for the efficient operations of the CAC;
7. Submit, by itself or by a designated representative, all the information that, in the CAC's course of work, was collected about the vulnerable communities identified in the CDBG-MIT Action Plan, including quarterly reports;
8. Submit recommendations to the CAC Plenary about future courses of action;
9. Administer and execute the CAC Work Plan; and
10. Convene extraordinary meetings of the CAC's Plenary and Board of Directors.

The Secretary of the CAC Board of Directors will assume the following responsibilities:

1. Custodian of all records, correspondence, and official CAC documents;
2. Responsible of taking minutes for each of the CAC Plenary official meetings, public forums, the CAC Board of Directors and for each Work Committee;
3. Keep record of the attendance of all the meetings held by the CAC;
4. Responsible of receiving and archiving all the reports prepared by the different CAC bodies;
5. Will perform the tasks and duties related to the position, including petitions assigned by the Board of Directors Presidency and/or the CAC Plenary;
6. Certify through resolutions the appointments of the members of the CAC Work Committees and any other decision that warrants it; and
7. Responsible for determining the quorum at meetings.

**Work Committee Members** – The Work Committees can be created by the CAC Plenary with the general purpose of assisting in the implementation of work plans or comply with special petitions designated by the CAC Plenary and/or its Board of Directors. The Work Committees can be thematic, regional, or responsive to issues or Action Plans.

The Work Committees will be composed by those persons selected by the CAC Plenary. Work Committees will be encouraged to be composed by people, groups, or representatives of those affected directly by the decisions to be taken, depending on the nature of each Committee.

Each Work Committee will have an appointed Committee Leader, who will be selected by the CAC Plenary. The power of appointment of the Work Committee Leaders can be transferred to the Board of Directors Presidency if so, decided by the CAC Plenary. The Work Committee Leaders – in dialogue with the CAC Plenary and its Board of Directors– will have the ability to recommend individuals to the CAC Plenary and the Board of Directors for their inclusion in these Committees.

The different Committees will submit their reports to the CAC Board of Directors. The CAC Board of Directors will have the obligation of remitting to PRDOH a copy of the reports submitted by the Work Committees.

## **Vacancies**

It will be the Board of Directors' responsibility to alert the CAC Plenary about any vacancy in the Board of Directors or in any Work Committee. The Board of Directors will add in the announcement to a meeting any information relevant to the necessary process to remedy the situation, taking into consideration the processes contained in these Guidelines as well as any other process or detail required by the CAC Plenary or the Board of Directors.

### **2.3.1 Board of Directors Selection Criteria**

The members of the Board of Directors will be elected using the standard selection criteria to ensure that their participation in the Board meets the following minimum standards:

Each Board of Directors member must meet the following requirements:

- Resident of Puerto Rico;
- Able to commit to participate regularly in a voluntary committee;
- Able to attend sessions and contribute to the debates;
- Have an area of expertise relevant and pertinent to the CDBG-MIT Program, that enables them to share recommendations for the benefit of the group; and
- Commit to attending the CDBG-MIT "open forum" public meetings that are held two (2) times a year.

### **2.3.2 CAC Responsibilities**

The CAC members must comply with the following:

- Advise and inform PRDOH of the needs, interests and priorities of the people and sectors that it represents during the processes of the CDBG-MIT Program. The CAC will also Support PRDOH through outreach efforts to its constituents, providing precise information about the CDBG-MIT Program.
- The Committee will promote the opportunities and benefits offered by all the CDBG-MIT Programs. Also, it will be a continuous forum in the distribution of information to citizens and the collection of relevant data and information.

- After collecting information and data, the CAC will provide all the information to PRDOH and will explain in detail, through written communication, the needs of vulnerable communities identified in the CDBG-MIT Action Plan. All records or minutes will be notified and published on the CDBG-DR/MIT website.
- Submit quarterly reports to PRDOH of all the procedures carried out by the CAC, in accordance with the responsibilities assumed and listed in these Guidelines.
- This Committee fulfills the purpose of providing advice that will help PRDOH improve the administration of the CDBG-MIT Program. Therefore, the CAC will serve as a representative of the public interest in the efforts relevant to the CDBG-MIT Action Plan, by safeguarding the interests of citizens, especially of those vulnerable populations affected by disasters.
- The CAC will support PRDOH by providing advice regarding the CDBG-MIT Action Plan, as amended, for the use and distribution of the CDBG-MIT funds, its disaster mitigation programs and general processes. Said advice will be made in accordance with the general public's input.
- Will review the draft of each Substantial Amendment to the CDBG-MIT Action Plan and will submit its comments and observations to PRDOH, within the public comment period, either through a report or meeting minute.
- The CAC will aspire to achieve guarantees of access, transparency, accountability, and citizen participation in all the stages of the design, development and implementation of the CDBG-MIT Action Plan, and its programs.
- The CAC will offer advice and feedback on the Guidelines developed by PRDOH for each one of the CDBG-MIT programs, with the purpose of facilitating risk mitigation and the impact of future disasters. However, the decision-making and final determinations fall exclusively on PRDOH.
- Promote the exchange of experiences, opinions and recommendations between the civil society, the general public and the communities with PRDOH. For this purpose, the CAC could request the assistance of PRDOH's resources to encourage and create dialogue spaces.
- The CAC could be invited by PRDOH to participate in work groups, responding to surveys, contributing their opinions through the "Advisory Committee Formal Questions and Recommendations Form" and sharing information with people from the public or private sector related to the issues that are being discussed.
- The CAC will provide advice requested by PRDOH on any other aspect not listed previously.

- The issues undertaken by the CAC and any other work committee must serve the interest of the residents of Puerto Rico through an appropriate investigation of the topic and the formal presentation of a written recommendation to PRDOH.

### 2.3.3 PRDOH's Responsibilities

PRDOH – through its Official Liaison to the CAC, the support personnel, and the Secretary will assume the following responsibilities:

- PRDOH will accept as advice any supported recommendation that the Committee makes. However, PRDOH's Secretary will make the final decision. PRDOH's Secretary reserves the right to disagree with the advice of the Committee when their recommendation is in conflict with the collective interest of the citizens or with compliance requirements. The Secretary's decision will be notified in writing.
- If the need arises to acquire resources that will ease the operation and fulfillment of the objectives of the CAC (and its bodies), PRDOH will evaluate those needs and provide the necessary resources as long as they are allowed by federal regulations. Costs to be incurred by PRDOH must be submitted for an eligibility and reasonableness analysis. All costs attributable to the Programs must comply with federal regulations regarding financial management, including reasonableness and document retention.
- PRDOH will notify the CAC of the draft of each Substantial Amendment to the CDBG-MIT Action Plan two (2) weeks prior to the start of the public comment period. These comments will be responded by PRDOH and included as an addendum to the Action Plan to be submitted to HUD.
- PRDOH will notify the draft of the Guidelines to the CAC so that they can submit their comments in a term of ten (10) business days. The Compliance Area of PRDOH's Legal Division and the respective Program Area, when applicable, will receive said comments for review and incorporation of the CAC's recommendations, if appropriate.
- At the CAC's request, PRDOH will provide information about the opening dates of the CDBG-MIT programs.

## 2.4 Establishment and Adoption of Interim Processes

After the initial designation of its Board of Directors, the CAC may adopt the internal processes necessary to comply with the assumed obligations.

## 2.5 Holding Meetings

The CAC meetings for the CDBG-MIT Program will be held in the time and place determined by the Board of Directors. PRDOH will make available its operational facilities, personnel, team, and space, both in the Central Office and regional offices across the island. Also, the following rules are established for holding Committee meetings:

- The CAC must hold, at a minimum, regular quarterly ordinary meetings at the time and place determined by the Board of Directors. This will not limit the continuous and constant nature of the CAC's work as a public forum to advise, inform, and collect data relevant to the mitigation processes.
- The CAC's Board of Directors may convene extraordinary meetings, when deemed necessary. However, in the meeting announcement, the reasons for holding an extraordinary meeting will be stated, as well as the meeting agenda.
- The Board of Directors will notify the Plenary, at least five (5) days in advance, the date, time, and place for the meeting. The announcement will be accompanied by the meeting agenda.
- The Board of Directors will notify PRDOH, at least fifteen (15) days in advance, the date, time, and place for the meeting. The announcement will be accompanied by the meeting agenda.
- In the CAC meetings, a cordial, inclusive and participative work relationship will be maintained between all the CAC members, the attendees and PRDOH. The debates will be productive and should lead to significant, precise, and viable recommendations for the disaster mitigation programs. Also, satisfactory public awareness, participation and knowledge will be maintained.
- Whenever possible, and with previous coordination between the CAC members, the Committee will hold meetings in the communities or community centers, the affected areas, and the project areas. Any formal inquiry or recommendation regarding the CAC will be directed to the designated CAC coordinator using the "Advisory Committee Formal Questions and Recommendations Form", that will be provided to its members.
- Also, to guarantee citizen participation, the CAC could meet using virtual meeting platforms, such as Microsoft Teams, to ensure the safety of the members.

## **2.6 Quorum and Majority**

Virtual or in person attendance by half plus one of the voting members will constitute the quorum. For voting purposes, a majority is defined by the votes of half plus one of the present voting members. The presence of a member with an abstained vote will only be used to determine quorum.

## **2.7 Ethic Requirements**

All members are required to complete a conflict of interests document to ensure compliance with the conflict of interests requirements for PRDOH's CDBG-MIT Program set forth in the Conflict of Interests and Standards of Conduct Policy (COI Policy) which can be accessed through the CDBG-DR/MIT website at: <https://cdbg-dr.pr.gov/download/politica-de-conflictos-de-interes-y-estandares-de-conducta/> (Spanish) and <https://cdbg-dr.pr.gov/en/download/conflict-of-interest-and-standards-of-conduct-policy/> (English).

As defined in PRDOH's COI Policy, a conflict of interest is a situation in which a personal or economic interest is, or could be, reasonably against the public interest. No one will use or attempt to use their official position to obtain privileges or advantages for themselves or others, nor will act in their official capacity in any matter involving a direct or indirect personal financial interest that could reasonably affect their objectivity or independence of judgement. While acting as PRDOH advisors, neither the CAC nor its members will influence or persuade the decisions of PRDOH for their own or their organization's benefit.

Special attention should be given to activities that are not related to procurement, subrecipient activities or program execution. Also, all employees, vendors, contractors, and applicants related to the CDBG-MIT programs must reveal any real or potential conflict of interest. The General Standards of Conduct section of PRDOH's COI Policy establishes general areas of compliance for public servants, as set forth in the Puerto Rico Government Ethics Office Organic Act, Act 1-2012, as amended, 3 L.P.R.A. § 1854 *et seq.*, regarding conflicts of interest that are emphasized for purposes of this Operational Guide.

The Anticorruption Code for the New Puerto Rico, Act 2-2018, as amended, 3 L.P.R.A. § 1881 *et seq.*, is the governing body of the ethical obligations and responsibilities. Among its titles, topics such as public policy and conflicts of interest with respect to contractors, vendors, and applicants for economic incentives are discussed. 3 L.P.R.A. § 1883a. The provisions of Act 1-2012 and Act 2-2018 are applicable to the relationship between PRDOH and the CAC.

The data and information obtained or developed by the CAC in the performance of its duties are considered confidential while in work draft format. The CAC cannot publish information about the sessions without the written consent of PRDOH or until the general public is made aware through the CDBG-DR/MIT website.

The CAC members must safeguard all the information and data in their possession, without prejudice to their duty to actively and continuously communicate with the general public or with the communities, or their duty to collaborate with the judicial and administrative authorities in the terms established by law.

### **3 Accessibility**

The CAC must comply, in all of its meetings, with PRDOH's Language Access Plan, the Fair Housing and Equal Opportunity (FHEO) Policy and the Reasonable Accommodation Policy. They can be found on the CDBG-DR/MIT website: <https://cdbg-dr.pr.gov/recursos/politicas/politicas-generales/> (Spanish) and <https://cdbg-dr.pr.gov/en/resources/policies/> (English).

PRDOH will use a presentation or other resources to share the information visually and verbally in Spanish, and will make it available in English, as needed. Sign language

interpreters will be made available if requested in advance of the meeting in case a member needs this service to participate.

#### **4 CAC and PRDOH Communication Standards**

PRDOH will inform CAC members about important information, announcements, and updates.

This information can be shared using methods that PRDOH and the CAC determine are most appropriate and accessible to CAC members, such as:

- E-mail;
- SMS messaging (text messages);
- Public announcements in newspapers; and
- Web page pop-ups.

#### **5 Public Nature of CAC Documents**

All documents generated by the CAC, that the Board of Directors approves and deems final, will be of public nature. PRDOH maintains a website that provides information about the CAC, including documents, minutes, among other resources. The information published about the CAC is available through the following links: <https://cdbg-dr.pr.gov/comite-asesor-cac/> (Spanish) and <https://cdbg-dr.pr.gov/en/citizen-advisory-committee/> (English).

**END OF GUIDELINES.**