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# Citizen Participation Handbook

*Federal Regional Council*

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**Federal Regional Council  
Region II  
26 Federal Plaza  
New York, New York 10007**

July 1, 1976

WHY A HANDBOOK ON CITIZEN PARTICIPATION?

With respect to Federal domestic assistance programs, citizens are people whose membership in a population served or affected by a special Federal program entitles them to participate in that program's design and operation.

Citizens are using their right to participate. There is growing agreement that their participation is necessary to the success of the programs. State and local officials are often the first to support this. As a result both public officials and citizens recognize the need for more effective ways to get input from those who will be the participants or clients of the programs.

It has become common for the Federal programs to include citizens participation requirements... but these vary from one program to another. Some are imposed by statute; others are simply part of administrative regulations... and so confusion has resulted.

The Region II Federal Regional Council (FRC) Task Force on Citizen Participation has sought to eliminate the confusion. This handbook, which summarizes the citizen participation requirements of major Federal domestic assistance programs, is the result of its work.

This handbook catalogs the participation standards which pertain to programs providing financial and technical or other types of non-financial aid to State and local governments and private non-profit organizations.

The Office of Management and Budget (OMB) issues a Catalog of Federal Domestic Assistance each year which lists financial assistance programs administered by FRC agencies. The programs which include citizen participation requirements are listed in this handbook by their OMB Catalog numbers.

Aside from this listing, the handbook contains a discussion of the concept of citizen participation. It suggests means for building citizen participation into the public administration process.

The FRC has worked in support of the concept that effective citizen participation is a necessary element of effective government. This handbook of Federal requirements will benefit communities and community governments, citizens, elected and appointed officials... all those who contribute to and benefit from a government which works efficiently.



Chairman, Federal Regional Council

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TABLE OF CONTENTS

	Page
What Is Citizen Participation? . . . . .	3
A Systematic Approach to Citizen Participation . . . . .	4
Questions and Answers About Citizen Participation . . . . .	8
Federal Legislation and Citizen Participation . . . . .	12
Department of Commerce . . . . .	13
Department of Health, Education and Welfare . . . . .	42
Department of Housing and Urban Development . . . . .	79
Department of Interior . . . . .	88
Law Enforcement Assistance Administration . . . . .	90
Department of Labor . . . . .	91
Department of Transportation . . . . .	96
Community Services Administration . . . . .	99
Environmental Protection Agency . . . . .	102
Federal Energy Administration . . . . .	105
 APPENDICES	
A. A Citizen Participation Reading List . . . . .	107
B. The Poor in the Community Action Program . . . . .	109
C. What is the Federal Regional Council? . . . . .	111
D. Region II Federal Regional Council Members and Staff . . . . .	112

## WHAT IS CITIZEN PARTICIPATION?

The concept of citizen participation has evolved historically as a true form of "government by the people." The debate on who should vote has given way to a debate on what people should be able to vote for... how many and what kinds of decisions it is possible and practical to place directly in the hands of the people.

Broad scale citizen participation in a government program began in the 1930's when TVA was formed. In order to ensure a constituency with a vested interest in the program's success, the law provided for participation of local organizations and individual citizens on policy boards and advisory councils.

Today, citizens expect to participate. They are no longer passive about their right to speak out. Utilizing a variety of methods, citizens advise their elected and appointed officials on how they think their community should develop as a place to live and work.

Citizen participation takes many forms... writing a letter to a Congressman and volunteering for a campaign or a community program are common ways for the people to get involved. People form and work for neighborhood governments, citizen organizations, and community development corporations.

Citizens file grievances through grievance procedures provided by the government - and participate in citizen polls. They attend and give testimony at public hearings. Participation has become the rule more than the exception, and exclusion of a provision for citizen involvement no longer goes unnoticed.

Citizen participation is both a means and a process... a means of encouraging people to be involved in the decisions which will affect them, and a process for involving them in program planning and implementation. It is a means for government to keep in close touch with the people... and a process for planning and administering programs with the advice of "experts."

It is to everybody's advantage to work for the goals of citizen participation... devolving the power over federal programs... reducing the feelings of alienation from the government that people have... and improving the general effectiveness of government programs.

Citizen participation is a most important feedback tool. Because it is an active element of our government, our governing officials can better serve their constituencies. That's what citizen participation is all about... government by the people... for the people.

## A SYSTEMATIC APPROACH TO CITIZEN PARTICIPATION

### I. Develop a Citizen Participation Plan

It is recommended that government consider developing a comprehensive citizen participation plan. By spelling out in advance what is expected to be accomplished through the process, the responsibilities of the parties concerned, and the procedures to be followed, both government and citizens will benefit.

The elements of a Citizen Participation Plan would include:

1. A statement of goals.
2. A description of the citizen participation mode or mechanism(s) to be used. If a board or committee is to be established, this statement should include selection procedures for membership, program staff to be provided and other budget provisions.
3. A brief statement of responsibilities including those of -
  - a. Government agencies - a clear delegation of specific responsibilities to department, unit or program head for involving citizens in the decision making process.
  - b. Citizen groups - the organizational authority and responsibilities of citizen participants where such organizations are established by the government. It should be clear whether this responsibility is to provide advisory input or the final decision.
4. A summary of citizen participation procedures for each program or governmental department consistent with Federal and State requirements and local needs. Government agencies should also develop grievance procedures to provide quick and complete investigation of citizen complaints.
5. A statement of the critical points in the public administration process where citizen involvement will be sought and priorities altered or tailored to better fit the needs of the public:
  - a. Planning (programs, services, etc.)
  - b. Budgeting
  - c. Federal application for financial assistance
  - d. Implementation of programs
  - e. Evaluation and reprogramming.

6. An overall communications program for publicizing government activities and opportunities for citizen input. This could include:
  - a. Maintenance of a master calendar of citizen participation activities for use by officials and the public.
  - b. Making available to interested citizens copies of legislation affecting them, and taking the time to analyze and explain the legislation's nuances and meaning.
  - c. Public announcement of program plans, public hearings and other public meetings by newspaper, radio and TV.
  - d. The provision for disseminating information necessary for the participation of citizens who would like to make an effective, intelligent contribution to the dialogue.
  - e. Provision for giving the public descriptions of the process of planning and developing projects and programs, along with all related timetables. This information is sometimes as important to the public as details of the programs themselves.
  - f. Provision for giving the public information on performance criteria.
  - g. Provision for helping the public understand and follow a governmental unit's budget procedures.
  - h. The meaningful open discussion of priorities with the public how they are arrived at, what they are, and what the alternatives are.

## II. Modes of Citizen Participation

Citizen participation can take many different forms (listed from unstructured to more formal arrangements).

- o Open-door policies by elected officials, within the time constraints and demands of the office.
- o Routine and timely answering of citizen queries.
- o Meeting with community organizations and community leaders on a periodic basis.
- o Provision for citizens to be able to present their views and submit comments for the record at meetings and public hearings.
- o City budget surveys and other surveys of community opinion on neighborhood, block-by-block, political boundary, city-wide or other basis.
- o Hiring procedures which solicit applications from target-area participants to fill staff vacancies on selected programs.
- o The planning for and holding of meaningful public hearings.
- o Creating an Advisory Group (appointed or elected) that includes representatives from all factions of the community.
- o Creating a decision making Board or Council (appointed or elected).

### III. The Public Hearing

Citizen participation takes many forms, as have been presented. The following is a list of suggestions for using one of these forms, the public hearing, to the best advantage.

The public hearing is a commonplace forum for public participation. By reviewing the following suggestions, the government will notice the areas in which it must be sensitive to the needs of citizens if it is to use and enjoy any form of citizen participation:

1. To make certain that you are in compliance with the law, check over the Federal guidelines before planning a public hearing.
2. Public hearings should be held at a time calculated to maximize public participation.
3. Public hearings should be held at a place convenient to the public.
4. Those responsible for the public hearing should ensure that the meeting place is adequate for the anticipated crowd, and that the facilities are arranged to allow for a minimum of confusion and participant discomfort.
5. There should be adequate public notice given to all affected parties on the time, place, purpose and other vital information about a planned public hearing.
6. There should be provisions made for explicit recording of all considerations to be weighed by law.
7. Consider disseminating information in several stages, but still be sure to provide enough information to allow citizens to make informed judgments as soon as is necessary for clear debate.
8. Ensure that all information given is clear and will not be erroneously interpreted.
9. Consider preparing "hand-outs" which summarize overall plans and explain particularly difficult issues.
10. Interested and affected citizens should be given the opportunity to speak.
11. Listen to the comments (even when critical) of citizens.
12. Be prepared to answer questions. Have a procedure for answering questions and issues raised by citizens.
13. If a public hearing or meeting involves technical issues, be sure to have technical personnel available who can answer questions accurately, on the spot and in non-technical terms.

Q. How can we avoid conflicts and bad publicity regarding citizen participation?

A. DeTocqueville said: "Leave ten people alone in a room and they'll pick a chairman, select a by-laws committee and argue about the name of their newborn group."

With citizen participation there is inevitably going to be conflict. It can be minimized, however, by avoiding the utilization of people as rubber-stamps for decisions which have already been made; by ensuring that meetings are not turned into vehicles for one-way communication; by encouraging questions and giving relevant answers; by providing sufficient information with which citizens can make reasonable decisions; and by using citizen recommendations in governmental decision-making.

Where there is conflict, it is inevitable that there will also be accounts of that conflict in the media. Don't worry too much about "bad" publicity. Concentrate on keeping your citizen participation system effective and open to all citizens.

Q. Why do citizen participation requirements vary on the Federal level from program to program?

A. Because the programs and Federal laws themselves are different; because general federal philosophy, reflected in legislation and policy, has changed often and rapidly, and because the goals of citizen participation requirements have been significantly different from program to program. Some of the varied goals have been (1) building a political power base -- Farm Services Administration in the 1930's, (2) gaining popular acceptance for a program -- Selective Service, (3) program maintenance--early Urban Renewal Programs, (4) institutional reforms--some of the juvenile delinquency programs of the late 1960's and (5) attempting to deal with the structural causes of poverty and minority group inequities.

Q. We have had disappointing results in our efforts to increase attendance at public meetings. What should we do?

A. Review your citizen participation procedures. Are they organized and systematic? Is notification of public meetings, as well as location, time and subject matter widely disseminated early enough to allow people to plan to attend? Or is dissemination done on a sporadic, helter-skelter, last minute "we'd better get some kind of word about this out" basis? Are the physical arrangements and procedures for participation clearly organized to invite participation, or are they ignored, poorly designed, haphazard, and calculated to discourage people from attending or reattending a meeting? Is adequate information being disseminated about the importance of the meeting, or is a simple notification of time and place the order of the day? Overcoming citizen apathy is a long-term effort. Between public hearings, time and effort must be spent on spreading the word and encouraging attendance at meetings.

Q. Advertising public notices is expensive. Are there other, more economical approaches?

A. Everything doesn't have to be done through advertising. Some media outlets operate under licenses requiring a certain amount of demonstrable public service. Use public service and public affairs announcements. Networks of community organizations can also be used to inform their own constituents of your plans. In addition, use community newspapers and other inexpensive, grassroots outlets on a non-advertising basis.

Q. There are many groups and individuals who are usually "silent" in spite of our efforts at citizen participation. How do we get these people involved?

A. Involvement and participation should be solicited in terms of their own self-interest or that of their constituents. Also make people feel important when they do participate. Keep working with them to participate. In both instances, first determine why they do not participate. If you can pinpoint that, you are a long way toward determining how to overcome their apathy.

Q. How can we be certain that the groups and individuals involved in the citizen participation process are representative of the entire community?

A. If you know your community, the people in it, and its leaders, you'll know whether an organization is a splinter group, a group that genuinely represents a special interest within the community, one that has broad support, etc. Some claims of representation seem acceptable because in reality a vacuum exists--no one is really representing certain groups or interests. Get out into the community and do your own checking.

Q. Citizens become confused sometimes about which participation regulations apply to which Federal programs. How can we end this confusion?

A. Perhaps an inexpensive fact sheet or brochure should be printed that includes such information for interested organizations and individuals.

Q. Some of the "middle managers" in our government have a tendency to avoid citizen participation. What should we do?

A. Making citizen participation a matter of administrative policy and routine--with set procedures--should minimize this tendency. Additionally, these "middle managers" should be made to realize that they have a stake in the success of the programs they help to administer... and that part of that success is going to be realized through citizen participation.

Q. How can we stay up-to-date regarding Federal regulations on citizen participation?

A. This is probably best accomplished through close liaison with the regional offices of Federal agencies and with the Federal Regional Council.

Q. What is the role of the Federal Regional Council regarding citizen participation?

A. Primarily the role of the Federal Regional Council is one of information dissemination to alleviate confusion about varying citizen participation requirements. The Council also helps State and local governments build their own citizen participation mechanisms and procedures.

## FEDERAL LEGISLATION AND CITIZEN PARTICIPATION

Until recently, Federal legislation, such as the Economic Opportunity Act, usually required specific and formal citizen participation structures. Now, most of the "New Federalism" legislation, while providing for citizen participation, leave much of the language to interpretation and, in some cases, reduces the requirement for Federal monitoring and evaluation.

Participation requirements in Federal programs have generally stemmed either from (1) specific sections of pertinent legislation, (2) Federal agency regulations. For example, Office of Education programs cite various origins for its citizen participation requirements. For dropout prevention projects, the citation is 45 CFR Part 124.15(e); for ESEA Title I, the citation is for a specific section of the Act. "CFR" is the Code of Federal Regulations.

The section which follows outlines only Federal citizen participation requirements. Local governments should be aware that many states have specific citizen participation requirements under State law which may affect Federal programs. For example, some states require tenant membership on boards of Public Housing Authorities. This is encouraged but not required under Federal guidelines.

Department of Commerce  
(Economic Development Administration)

OMB Catalog Number	Program Title/Citizen Participation Requirement
11.300	<u>Economic Development - Grants and Loans for Public Works and Development Facilities</u>
11.304	<u>Economic Development - Public Works Impact Projects</u>
11.307	<u>Economic Development - Special Economic Development and Adjustment Assistance Program</u>

- I. Source: 13 CFR Part 311, Subpart E  
13 CFR Part 315, Subpart C.

II. Requirements:

Subpart E - Minority Representation and Employment on Public Planning Organizations

1. "311.60 Purpose. This subpart sets forth EDA requirements for the participation of minority persons on district organizations, on county and multicounty organizations, and on OEDP committees. This subpart establishes minimum minority representation requirements and implementation procedures for the selection and approval of minority representatives on such organizations and committees and also establishes affirmative action program requirements for the employment of minority persons on the staffs of such organizations. Where State laws or regulations preclude the degree of minority representation required by this subpart, EDA will consult with the individual planning and development organizations and OEDP committees and determine the means to effect meaningful involvement of minorities.

2. "311.61 Minority representation requirements.

- (a) "The percentage of the minority representation within the total membership of a governing board of planning and development organizations or an OEDP committee shall equal or exceed the percentage of the minority population within the entire area served by the organization or committee with the following exceptions:

Department of Commerce

## (Economic Development Administration)

11.300  
11.304  
11.307  
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- "(1) Where the minority population equals or exceeds 5 percent but, because of the size of the governing board or OEDP committee, it is not sufficiently large to establish representation in accordance with paragraph (a) of this section, there shall be at least one minority representative.
- "(2) Where the minority population exceeds 25 percent of the total population, the minority representation on the governing board or OEDP committee is not required to be greater than one-fourth.
- "(b) The membership of the Executive Committee shall reflect the ratio of the minority representation on the Board of Directors. In all cases where there is minority representation on the Board by virtue of the requirements of paragraph (a) of this section, there shall be at least one minority representative on the Executive Committee.
3. "311.62 Selection of minority representatives. All planning and development organizations and OEDP committees are required to provide minorities with the opportunity to select their own representatives.
4. "311.63 Implementation procedures.
- "(a) New planning and development organizations.
- "(1) The following guidelines are established as a model procedure to assure that, after June 1, 1971, new planning and development organizations seeking final EDA approval of an application for initial funding or a request for district designation shall provide minorities the opportunity to select their own representatives.
- "(i) The organization shall prepare a written inventory of all political, civic, religious, professional, social, and fraternal organizations and groups substantially representative of the minority groups in the areas. Such inventory shall include the following information.

Department of Commerce(Economic Development Administration)

11.300  
 11.304  
 11.307  
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- "(a) The names and mailing addresses of the local organizations.
- "(b) Descriptions of their activities (if not self-evident from the organizations' names).
- "(c) Minority group(s) represented by the organization.
- "(d) Approximate numerical membership for each organization.
- "(ii) The organization shall notify in writing the minority organizations and groups listed in the inventory of the efforts being undertaken to organize a planning and development organization, and of EDA's minority representation requirements. It shall also request representatives of the minority organizations and groups to assemble at a designated time and place for the purpose of selecting the minority representatives who will participate in the formation and activities of the organization and become members of the Board of Directors. The role of the organization at such a meeting should be limited to coordinating the meeting and assisting the minority organizations and groups in selecting their representatives.
- "(2) A new planning and development organization may develop an alternate procedure if it believes that such procedure will better achieve the minority representation requirements than the model. However, such an alternate procedure must be approved by the Director, Office of Civil Rights, in coordination with the Regional Director, after an initial review by the Civil Rights Specialist.
- "(b) In all cases, whether the new planning and development organization follows the model procedure established in paragraph (a)(1) of this section, the following minimum information shall be required as part of the application for initial funding, or where funds are not requested, as part of the District OEDP:

Department of Commerce

## (Economic Development Administration)

11.300  
11.304  
11.307  
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- "(1) A listing of all political, civic, religious, fraternal, professional, and social organizations substantially representative of minority groups in the area served.
- "(2) The names of the organizations listed in paragraph (b)(1) of this section which were actually given the opportunity to participate in the selection of minority representatives. If any of the organizations were not given such an opportunity an explanation should be given.
- "(3) A description of the method or methods by which minority groups were notified.
- "(4) A description of the method or procedures through which minority representation was achieved.
- "(5) The names of the minority persons selected by the minority organizations and groups to serve as minority representatives.
- "(c) EDA shall review the information submitted pursuant to (b) of this section and shall certify whether the new planning and development organization has complied with the requirements of 311.61. Such certification shall be made part of the application file.

5. "311.64 Existing planning and development organizations. Each planning and development organization which as of June 1, 1971 was funded by EDA or which represents a district organization designated before June 1, 1971 shall

"(a) Certify that it has already met the requirements of 311.61, by submitting an acceptable report as required in 311.64 or

"(b) Implement the requirements of 311.65.

6. "311.65 Written report. Within 6 months from the date it receives notice from EDA of the minority representation requirements, 311.61, the organization shall submit a written report certifying that the minority representation requirements have been met. The report shall include:

Department of Commerce  
(Economic Development Administration)

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11.300  
11.304  
11.307  
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- '(a) The total population and the minority population of the area served by the organization.
- '(b) A list of all the members of the governing board and of the Executive Committee indicating the minority representatives.
- '(c) A description of the methods through which this minority representation was established.

7. "311.66 Written plan:

- '(a) Within 6 months from the date it receives notice from EDA of the minority representation requirements, 311.61, the organization shall develop a written plan describing the means through which EDA's minority representation requirements will be met. The plan shall include the following information:
  - '(1) The total population and the minority population of the area served by the organization.
  - '(2) A listing of all political, civic, religious, fraternal, professional, and social organizations substantially representative of the minority groups in the area served.
  - '(3) Numerical goals for minority representation and projected size of the governing board and Executive Committee.
  - '(4) A description of the method and steps by which the minority representation requirements will be achieved.
  - '(5) A timetable scheduling the dates by which such steps will be taken.
  - '(6) Revisions of bylaws.
  - '(7) The efforts already undertaken to achieve minority representation.
- '(b) The plan should be based on the model procedure outlined in 311.63(a) or an alternate procedure which the organization deems appropriate.

Department of Commerce

## (Economic Development Administration)

11.300  
11.304  
11.307  
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"(c) The plan shall be implemented by the organization as soon as practicable, but no later than 1 year from the date of approval. At that time the organization shall submit an implementation report outlining how the plan has been implemented and describing the makeup of the governing board and the Executive Committee.

8. "311.67 New area OEDP committees.

"(a) After June 1, 1971 an area OEDP committee must certify that it has met the minority representation requirements established in 311.61 prior to the approval by EDA of an initial OEDP. The committee should use the procedures found in 311.63(a)(1) or an alternative procedure which it has developed.

"(b) The initial OEDP shall include a list of the members of the OEDP committee with an indication of race and description of the methods through which the minority representation requirement was met.

9. "311.68 Area OEDP committees established before June 1, 1971. Each area OEDP committee established before June 1, 1971 shall be required to meet the minority representation requirements established in 311.61. The first annual OEDP report required by EDA after June 1, 1972 shall include a list of the members of the OEDP committee with an indication of race and a description of the methods through which the minority representation requirement was met.

10. "311.69 Reporting procedures.

"(a) After EDA's requirements for minority representation have been met, each planning and development organization and area OEDP committee will be required to report annually to EDA its minority membership and/or the membership of all governing bodies and functional committees.

Department of Commerce

## (Economic Development Administration)

11.300  
11.304  
11.307  
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- "(b) The report shall include the following:
- "(1) Names of members.
  - "(2) County of residence.
  - "(3) Racial or ethnic origins of each member.
  - "(4) Composition of each organization, governing body, and committees.
  - "(5) Total population of the area served by the organization or OEDP committee, based on the most recent available data.
  - "(6) Minority population of the area served by the organization or OEDP committee, based on the most recent available data.
- "(c) Each organization subject to the requirements of 311.70 shall also include a report on the progress made under its affirmative action program.

11. "311.73 Compliance review procedures.

- "(a) In order to determine whether planning and development organizations and area OEDP committees are complying with the provisions of this subpart, EDA shall conduct periodic compliance reviews which shall include evaluation of:
- "(1) The performance of the organization in meeting its quantitative goals and timetables for minority participation.
  - "(2) The performance of the organization in assuring that minority representatives actually participate in the business of the organization.
  - "(3) The performance of the organization with regard to employment of minorities on its staff.

Department of Commerce  
(Economic Development Administration)

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11.300  
11.304  
11.307  
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"(b) In evaluating these elements of compliance, the Civil Rights Specialist shall utilize standards set forth in the planning and development organization's or area OEDP committee's initial OEDP, or latest affirmative action program, these standards having been approved by EDA during their formulation.

12. "311.74 Noncompliance procedures.

"(a) Where compliance reviews, or reviews of required reports indicate a failure to comply with this subpart, the Director, Office of Civil Rights, shall in coordination with the Regional Director, notify the planning and development organizations or area OEDP committee and the matter will be resolved by informal means whenever possible.

"(b) If the Director, Office of Civil Rights, in coordination with the Regional Director, determines that the matter cannot be resolved by informal means, they shall, through the Deputy Assistant Secretary for Economic Development Planning, recommend to the Assistant Secretary that compliance be effected by the suspension or termination of assistance or the refusal to grant or to continue assistance, or by any other means authorized by law.

"(c) Any procedures taken to effect compliance must be consistent with the Department of Commerce Civil Rights regulations (15 CFR Part 8, Subpart B)."

Department of Commerce  
(Economic Development Administration)

OMB Catalog Number	Program Title/Citizen Participation Requirement
11.302	<p><u>Economic Development - Support for Planning Organizations (Development District Program; Redevelopment Area Program)</u></p> <p>I. <u>Source:</u> 13 CFR Part 303, Standard for Designation, Modification and Termination of Economic Development Districts. 13 CFR Part 304, Overall Economic Development Program. 13 CFR Part 307, Planning Grants. 13 CFR Part 311, Minority Representation and Employment on Public Planning Organizations.</p> <p>II. <u>Requirements:</u></p> <p>A. " 303.4 District organization.</p> <p>"(a) The district organization is a prerequisite to initial and continued designation of an economic development district and to provision of planning grants.</p> <p>"(b) (1) District organizations may incorporate as nonprofit organizations under the laws of the State or States in which they are located.</p> <p>"(2) Other organizational forms may be accepted when incorporation is not feasible or when State law specifies such other forms.</p> <p>"(c) (1) The governing board of the district organization shall be broadly representative of the principal economic interests of the district, including business, labor, agriculture, minority groups and representatives of the unemployed and underemployed. District organizations shall comply with Subpart E of Part 311 of this chapter.</p> <p>"(2) The governing board of the district organization shall include at least a simple majority of elected public officials.</p> <p>"(3) The governing body of each county and major city which joins the district shall name an elected official to represent it in the district organization.</p>

Department of Commerce

## (Economic Development Administration)

11.302  
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"(d) (1) The district governing board shall be assisted by a professional staff drawn from professional personnel in planning, economics, business administration, engineering, and related disciplines.

"(2) The professional staff shall coordinate with local, State, regional and Federal organizations and shall work closely with redevelopment area representatives, and others within the district in carrying out proposals which further economic development.

"(3) EDA may provide planning grants to economic development districts to employ professional staff, Subpart B of Part 307 of this chapter.

"(c) The district organization engages in a continuous planning and action process involving self-analysis, identification of problems and potentials, establishment of economic development goals and strategy and program implementation. Its activities include the following:

"(1) Establishment of a strong and broadly supported economic development process.

"(2) A professional analysis of the district's economy.

"(3) Formulation of an effective economic development program.

"(4) Implementation of the district's development program.

"(5) Coordination of Federal, State, and local development activities within the district.

B. "304.3 OEDP committee.

"(a) The preparation of the OEDP and the ongoing development program which it charts is the primary responsibility of the OEDP committee reporting to the board at the district level and of the OEDP committee itself at the area level, where appropriate.

Department of Commerce

## (Economic Development Administration)

11.302  
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- "(1) Area OEDP committees are required only in those areas not located in districts.
- "(2) However, because of the crucial role of the OEDP committee, EDA recommends that all areas establish such an organization even though located within a district and using the district OEDP, 304.2.
- "(b) It is a policy of EDA that the governing body of each district shall include at least a simple majority of elected public officials (see 303.4 for further district organization requirements).
- "(c) The OEDP committee shall be representative of the community so that all view points are considered in discussion and decision making and all available local skills are engaged in program formulation. Representation on the committee shall include representatives of local government (county, city, and town), business, industry, finance, agriculture, the professions, organized labor, utilities, education, racial or cultural minorities, and the unemployed or underemployed. Subpart E or Part 311 of this chapter contains the requirements as to specific representation of minority groups.
- "(d) If an existing development group meets the criteria as set forth in paragraph (c) of this section, that group may function as an OEDP committee.

C. "304.4 Initial OEDP.

- "(a) The initial OEDP is the beginning of a planning program required by qualified redevelopment areas, Title I areas, and economic development districts before the designation process can be completed.
- "(b) The initial OEDP will provide a concise and accurate background of the area or district in order to assist the local leaders and EDA to understand the current development situation. Such background may include a discussion of the district or area's geography, population, labor force, natural and manmade resources, economic and social activities.

Department of Commerce  
(Economic Development Administration)

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11.302  
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- "(c) The initial OEDP will examine economic development and community improvement opportunities and problems. This includes an identification of major current activities of other organizations in connection with economic development and community improvement opportunities and problems.
- "(d) The initial OEDP will provide a realistic development program and work program that will be developed and implemented in an effort to:
  - "(1) Promote the district or area's economic progress.
  - "(2) Improve community facilities and services.
  - "(3) Serve as a basis for continuing planning and development program.

D. "304.5 Initial OEDP for districts.

"The requirements for the initial OEDP for districts are those contained in § 304.4 and the following:

- "(a) The identification and proposal for designation or recognition of at least one economic growth center.
- "(b) An economic growth center program describing the role to be played by the proposed center in the implementation of the district wide development program, particularly as it relates to the redevelopment areas.

E. "304.6 Submission of initial OEDP.

"When the initial OEDP is completed the following steps shall be taken to obtain EDA approval:

- "(a) The initial OEDP of the area or district to be designated is to be reviewed by appropriate governmental bodies and all organized interested groups, especially the appropriate State agency, those organizations with OMB Circular A-95 review authority, and the EDA Regional Office.

Department of Commerce

## (Economic Development Administration)

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11.302  
(cont'd)

- "(b) Dissenting opinions or comments from the above entities shall be submitted to EDA as attachments. If no comments are received, there shall be a note from the submitting party indicating to whom and when the OEDP was sent to the various organizations for comments.
- "(c) The OEDP committee shall reproduce the initial OEDP in sufficient quantity for the use of all groups taking part in the program. The local organization shall submit seven copies to its EDA Economic Development Representative including one copy for his use and six copies for the EDA Regional Office. Two copies shall also be sent to the State agency designated by the Governor to handle EDA activities and to the appropriate Regional Commission, if any.
- "(d) The EDA Regional Office Planning Division staff will review the OEDP for its adequacy. If the OEDP can be approved, the staff will notify the Economic Development Administration in Washington of its approval. If, however, the staff finds the initial OEDP inadequate, it will contact the chairman of the OEDP committee by letter and outline the required revisions or request a supplement.

F. "307.54 Application requirements.

"An application shall indicate the scope of the proposed planning activity, and provide evidence that the grantee will meet the following requirements:

- "(a) Where the grantee is a State:
- "(1) That the grant shall be administered by the Governor or by an agency he designates as responsible for the comprehensive economic development planning process.
- "(2) That an ongoing economic development process exists or will be established. This process shall incorporate the goals and objectives of sub-State planning programs and procedures to assure that

Department of Commerce

## (Economic Development Administration)

11.302  
(cont'd)

State and sub-State development activities are not contradictory. This process shall allow for the expression of private views. While this planning process shall be concerned with all aspects of State economic development, emphasis shall be placed on the development of a meaningful, coordinated policy toward geographic areas with persistent unemployment and low incomes.

- "(3) That the results of the planning process shall be incorporated in the executive decisionmaking process in some formalized manner. The emphasis of the assistance, however, is on the planning process rather than the production of a plan.
- "(b) Where the grantee is a sub-State planning district or economic development district:
  - "(1) That technical assistance provided by districts to local governments under section 305(b) of the Act shall increase their capabilities to participate in ongoing district planning programs.
  - "(2) That A-95 review procedures funded under title III shall be consistent with the purpose of the Act.
  - "(3) That districts funded under section 302(a) of the Act shall participate with the State in developing procedures for incorporating the goals of their ongoing economic development programs into the State's comprehensive planning process and for reflecting State goals and objectives as they impact on the district plans.
- "(c) Where the grantee is a city or county:
  - "(1) That the grant shall be administered by the Chief executive officer of a unit of government which has authority to undertake broad planning activities and develop a continuous planning process.

Department of Commerce

(Economic Development Administration)

11.302  
(cont'd)

- "(2) That planning shall involve both public officials and private citizens. If no procedure exists for this involvement a special planning committee of public and private citizens broadly representative of the community should be established in the Office of the Mayor or county executive.
- "(3) That the primary emphasis of the planning process shall be on the formulation of a program to reduce unemployment and increase incomes.
- "(4) That a systematic approach shall be taken to analyze the local economy, define development goals, determine project opportunities, and formulate and implement a development program. OEDP or other guidelines for areas may be used in accomplishing this requirement.
- "(5) That, if a city or county is located in a larger economic development planning unit, activities funded with a planning grant shall be coordinated with the larger unit.

G. "Direct Application of Subpart E, Part 311, Minority Representation and Employment on Public Planning Organizations, 311.60 through 311.74 (see OMB Catalog Number 11.300, described above, for full and detailed description of legal requirements)."

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

OMB Catalog  
Number

Program Title/Citizen Participation Requirement

11.418 Coastal Zone Management Program Development Grants (Sec. 305 of Coastal Zone Management Act of 1972, PL 92-583; 86 Stat. 1280)I. Source: 15 CFR Part 920 Subpart DII. Requirements:

"Subpart D - Public Participation

1. "920.30 General. Public participation is an essential element of development and administration of a coastal zone management program. Through citizen involvement in the development of a management program, public needs and aspirations can be reflected in use decisions for the coastal zone, and public support for the management program can be generated. Participating States, therefore, should seek to obtain extensive public participation in the development and administration of a coastal zone management program.

2. "920.31 Public hearings. Section 306(c)(3) of the Act requires that public hearings be held in the development of the management program.

"(a) Notice. Notification of public hearing should provide the public the longest period of notice practical, but in no event should notice less than the 30-day statutory minimum be provided. Announcement of the hearings should be through media designed to inform the public - not merely to provide "technical notice." Therefore, in addition to any publication of legal notice as required by State law, reasonably informative news releases should be made available to the news media in the affected communities.

"(b) Access to document. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, the

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

11.418  
(cont'd)

agenda for the hearing, and other data, must be made available to the public for review and study in the locale where the hearings are to be conducted.

"(c) Number of hearings. Where a State has determined that a public hearing or hearings will be held only on the entire plan, it shall assure that the public is afforded an adequate opportunity to participate in the hearings.

"Where a portion of the plan has been developed prior to the effective date of this Act, the requirement for public hearings under this Act shall be satisfied if the State shows that hearings complying with requirements of this section have been held on such earlier developed portions of the plans, or if the State provides a full opportunity for public hearings on the plan prior to submission of the plan for approval under Section 306. In reviewing the plan submitted by a State, the Secretary will not approve any plan unless there has been a full and effective opportunity for public involvement in every portion of the plan. The key to compliance with the provisions of the Act is the assurance that the public has had an adequate opportunity to participate in the development of a plan. More than one public hearing on the plan is not required: Provided, that a hearing is conducted prior to final adoption of the plan and members of the public are given adequate notice of the hearing and a full opportunity to effectively participate and make their views known at such a hearing.

"(d) Location of hearings. Hearings should be held in those geographic areas which would be principally affected by the decisions on issues under consideration at the hearing, e.g., establishment of priority uses for a given geographic area. Hearings on the total management program should be held in places within the State where all citizens of the State may have an opportunity to comment.

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

11.418  
(cont'd)

"(e) Timing of hearings. In many cases, the population of the coastal zone fluctuates significantly with the seasons of the year. Efforts should be made to insure that hearings are held when those populations most likely to be affected are present.

"(f) Report. A verbatim transcript of the hearings need not be prepared but a comprehensive summary should be prepared and made available to the public within 30 days after the conclusion of the hearing. A copy of these summaries shall accompany the management program when it is submitted to the Secretary for approval.

3. "920.32 Additional means of public participation. Formal public hearings may not provide an adequate opportunity for information exchange. To insure that the public is heard during the development of the program, efforts should be made to encourage discussion in various forums of the subject matter of the hearings and to take other steps to insure that the public can participate in the process in a meaningful manner. The following are suggested to accommodate increased public participation:

"(a) Establish arrangements for exchanging information, data, and reports, among State and local government agencies, citizen groups, special interest groups, and the public at large, throughout the development and administration of the coastal zone program.

"(b) The State should provide, after notice, the opportunity of participation by relevant Federal agencies, State agencies, local organizations, port authorities and other interested parties both public and private.

"(c) Develop mechanisms in addition to public hearings to allow citizens and the public at large to effectively participate in the coastal zone program. The following are examples of some of the components that may be used in the participation process:

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

11.418  
(cont'd)

- "(1) Citizen involvement in the development of the goals and objectives.
- "(2) Citizen appointment by the agency to a Citizen Advisory Committee.
- "(3) Establishment of processes to review component elements of the management program by selected citizen groups and the general public."

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

OMB Catalog  
Number

Program Title/Citizen Participation Requirement

11.419 Coastal Zone Management Program Administrative Grants (Sec. 306 of Coastal Zone Management Act of 1972, PL 92-583; 86 Stat. 1280)I. Source: 15 CFR Part 923 Subpart D (Federal Register 1/9/75 reprint; Vol. 40, No. 6, Pt. 1)II. Requirements:

## A. Subpart D - Coordination

1. "923.30 General. One of the most critical aspects of the development of State coastal zone management programs will be the ability of the States to deal fully with the network of public, quasi-public and private bodies which can assist in the development process and which may be significantly impacted by the implementation of the program. Each State will have to develop its own methods for accommodating, as appropriate, the varying, often conflicting interests of local governments, water and air pollution control agencies, regional agencies, other State agencies and bodies, interstate organizations, commissions and compacts, the Federal government and interested private bodies. It is the intent of these requirements for coordination with governmental and private bodies to assure that the State, in developing its management program, is aware of the full array of interests represented by such organizations, that opportunity for participation was provided, and that adequate consultation and cooperation with such bodies has taken place and will continue in the future.

2. "923.31 Full participation by relevant bodies in the adoption of management programs.

"(a) Requirement. In order to fulfill the requirement contained in Section 306(c)(1), the management program must show evidence that:

"(1) The management program has been formally adopted in accordance with State law or, in its absence, administrative regulations;

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

11.419  
(cont'd)

"(2) The State has notified and provided an opportunity for full participation in the development of its management program to all public and private agencies and organizations which are liable to be affected by, or may have a direct interest in, the management program. The submission of the management program shall be accompanied by a list identifying the agencies and organizations referred to in paragraph (a)(2) of this section, the nature of their interest and the opportunities afforded such agencies and organizations to participate in the development of the management program. These organizations should include those identified pursuant to 923.32, which have developed local, areawide or interstate plans applicable to an area within the coastal zone of the State as of January 1 of the year in which the management program is submitted for approval; and

"(3) The management program will carry out the policies enumerated in Section 303 of the Act.

"(b) Comment. Statutory citation: Section 306(c)(1):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that \*\*\* the State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in Section 303 of this title.

"This requirement embodies the actual approval by the Secretary of Commerce of a State's coastal zone management program pursuant to all of the terms of the Act, plus associated administrative

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

11.419  
(cont'd)

rules and regulations. As the operative section, it subsumes all of the requirements included in this part, which shall be considered the "rules and regulations promulgated by the Secretary" mentioned in Section 306(c)(1). The citation, however, also includes some specific additional requirements, for which guidance and performance criteria are necessary. These additional requirements include:

- "(1) Adoption of the management program by the State. The management program must demonstrate that it represents the official policy and objectives of the State. In general, this will require documentation in the management program that the State management entity has formally adopted the management program in accordance with either the rules and procedures established by statute, or in the absence of such law, administrative regulations.
- "(2) Opportunity for full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private. A major thrust of the Act is its concern for full participation and cooperation in the development and implementation of management programs by all interested and affected agencies, organizations and individuals. This is specifically included in the statement of national policy in Section 303(c). The State must provide evidence that the listed agencies and parties were, in fact, provided with an opportunity for full participation. It will be left to the States to determine the method and form of such evidence, but it should contain at a minimum:
  - "(i) A listing, as comprehensive as possible, of all Federal and State agencies, local governments, regional organizations, port authorities and public and private organizations which are likely to be affected by, or have a direct interest in, the development and implementation of a management program (including those identified in 923.32), and

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

11.419  
(cont'd)

- "(ii) A listing of the specific interests of such organizations in the development of the management program, as well as an identification of the efforts made to involve such bodies in the development process.
- "(a) "Opportunity for full participation is interpreted as requiring participation at all appropriate stages of management program development. The assistance which can be provided by these public and private organizations can often be significant, and therefore contact with them should be viewed not only as a requirement for approval, but as an opportunity for tapping available sources of information for program development. Early and continuing contact with these agencies and organizations is both desirable and necessary. In many cases it may be difficult or impossible to identify all interested parties early in the development of the State's program. However, the public hearing requirement of 923.41 should afford an opportunity to participate to interested persons and organizations whose interest was not initially noted.
- "(3) Consistency with the policy declared in Section 303 of the Act. In order to facilitate this review, the State's management program must indicate specifically how the program will carry out the policies enumerated in Section 303.
3. "923.32 Consultation and coordination with other planning
- "(a) Requirement. In order to fulfill the requirements contained in Section 306(c)(2), the management program must include:
- "(1) An identification of those entities mentioned which have plans in effect on January 1 of the year submitted,
- "(2) A listing of the specific contacts made with all such entities in order to coordinate the management program with their plans.

Department of Commerce

## (National Oceanic &amp; Atmospheric Administration)

11.419  
(cont'd)

- "(3) An identification of the conflicts with those plans which have not been resolved through coordination, and continuing actions contemplated to attempt to resolve them, and
- "(4) Indication that a regular consultive mechanism has been established and is active, to undertake coordination between the single State agency designated pursuant to 923.23, and the entities in paragraph (B) of Section 306(c)(2).
- "(b) Comment. Statutory citation: Section 306(c)(2):
- "Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find \* \* \* that the State has:
- "(A) Coordinated its program with local, areawide and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the State's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and
- "(B) Established and effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title."
- "Relevant background information on this requirement appears in 15 CFR 920.45(f), and is incorporated by reference herein. While the State will exercise its authority over land and water uses of Statewide significance in the coastal zone by one or more of the techniques set forth in 923.28, the State management program must be

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

11.419  
(cont'd)

coordinated with existing plans applicable to portions of the coastal zone. It should be noted that this section does not demand compliance of the State program with local plans, but the process envisioned should enable a State not only to avoid conflicts and ambiguities among plans and proposals but to draw upon the planning capabilities of a wide variety of governments and agencies. Coordination implies a high degree of cooperation and consultation among agencies, as well as a mutual willingness on the part of the participants to accommodate their activities to the needs of the others in order to carry out the public interest. Perceptions of the public good will differ and it is recognized that not all real or potential conflicts can be resolved by this process. Nevertheless, it is a necessary step. Effective cooperation and consultation must continue as the management program is put into operation so that local governments, interstate, regional and areawide agencies can continue to participate in the carrying out of the management program. The "plans" referred to in (A) shall be considered those which have been officially adopted by the entity which developed them, or which are commonly recognized by the entity as a guide for action. The list of relevant agencies required under 923.31 will be of use in meeting this requirement. It will enable the State to identify those entities mentioned in (A) which have taken place. The process envisioned should not only enable a State to avoid conflicts between its program and other plans applying within its coastal zone, but to draw upon the planning capabilities of a wide variety of local governments and other agencies. In developing and implementing those portions of the program dealing with power transmission lines, pipelines, interstate transportation facilities and other facilities which will significantly impact on neighboring States of a region, particular attention should be paid to the requirements of this section.

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

11.419  
(cont'd)

## B. Subpart E - Miscellaneous

1. "923.40 General. The requirements in this subpart do not fall readily into any of the above categories but deal with several important elements of an approvable management program. They deal with public hearings in development of the management program, gubernatorial review and approval, segmentation of State programs and applicability of water and air pollution control requirements.

2. "923.41 Public hearings.

"(a) Requirements. In order to fulfill the requirement contained in Section 306(c)(3), the management program must show evidence that the State has held public hearings during the development of the management program following not less than 30 days notification, that all documents associated with the hearings are conveniently available to the public for review and study at least 30 days prior to the hearing, that the hearings are held in places and at times convenient to affected populations, that all citizens of the State have an opportunity to comment on the total management program and that a report on each hearing be prepared and made available to the public within 45 days.

"(b) Comment. Statutory citation: Section 306(c)(3):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that \* \* \* (t)he State has held public hearings on the development of the management program.

"Extensive discussion and statements of policy regarding this requirement appears in 920.30, 920.32, which is incorporated herein by reference.

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

OMB Catalog  
Number

Program Title/Citizen Participation Requirement

11.420

Coastal Zone Management Estuarine Sanctuaries (Sec. 312 of the Coastal Zone Management Act of 1972, PL 92-583; 86 Stat. 1280)

I. Source: 15 CFR Part 921 Subpart C (Federal Register 6/4/74 reprint; Vol. 39, No. 108, Pt. IV)

II. Requirements:

## Subpart C - Public Participation

1. "921.21 Public Participation. Public participation will be an essential factor in the selection of estuarine sanctuaries. In addition to the participation during the application development process (921.11(e)), public participation will be ensured at the Federal level by the NEPA process and by public hearings where desirable subsequent to NEPA. Such public hearings shall be held by the Office of Coastal Zone Management in the area to be affected by the proposed sanctuary no sooner than 30 days after it issues a draft environmental impact statement on the sanctuary proposal. It will be the responsibility of the Office of Coastal Zone Management, with the assistance of the applicant State, to issue adequate public notice of its intention to hold a public hearing. Such public notice shall be distributed widely, especially in the area of the proposed sanctuary; affected property owners and those agencies, organizations or individuals with an identified interest in the area or estuarine sanctuary program shall be notified of the public hearing. The public notice shall contain the name, address and phone number of the appropriate Federal and State officials to contact for additional information about the proposal.

2. "921.30 General. Management of estuarine sanctuaries shall be the responsibility of the applicant State or its agent. However, the research uses and management program must be in conformance with these guidelines and regulations, and others implemented by the provisions of individual grants. It is suggested that prior to the grant award, representatives of the

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

OMB Catalog  
Number

Program Title/Citizen Participation Requirement

11.420  
(cont'd)

proposed sanctuary management team and the Office of Coastal Zone Management meet to discuss management policy and standards. It is anticipated that the grant provisions will vary with individual circumstances and will be mutually agreed to by the applicant and the granting agency. As a minimum, the grant document for each sanctuary shall:

- "(a) Define the intended research purposes of the estuarine sanctuary.
  - "(b) Define permitted, compatible, restricted and prohibited uses of the sanctuary.
  - "(c) Include a provision for monitoring the uses of the sanctuary, to ensure compliance with the intended uses.
  - "(d) Ensure ready access to land use of the sanctuary by scientists, students and the general public as desirable and permissible for coordinated research and education uses, as well as for other compatible purposes.
  - "(e) Ensure public availability and reasonable distribution of research results for timely use in the development of coastal zone management programs.
  - "(f) Provide a basis for annual review of the status of the sanctuary, its value to the coastal zone program.
  - "(g) Specify how the integrity of the system which the sanctuary represents will be maintained.
  - "(h) Provide adequate authority and intent to enforce management policy and use restrictions.
3. "921.31 Changes in the sanctuary boundary, management policy or research program.
- "(a) The approved sanctuary boundaries; management policy, including permissible and prohibited uses; and research program may only be changed

Department of Commerce

(National Oceanic &amp; Atmospheric Administration)

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 OMB Catalog  
 Number
 

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 Program Title/Citizen Participation Requirement
 

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11.420  
(cont'd)

after public notice and the opportunity of public review and participation such as outlined in § 921.21.

"(b) Individuals or organizations which are concerned about possible improper use or restriction of use of estuarine sanctuaries may petition the State management agency and the Office of Coastal Zone Management directly for review of the management program.

4. "921.32 Program review. It is anticipated that reports will be required from the applicant State on a regular basis, no more frequently than annually, on the status of each estuarine sanctuary. The estuarine sanctuary program will be regularly reviewed to ensure that the objectives of the program are being met and that the program itself is scientifically sound. The key to the success of the estuarine sanctuaries program is to assure that the results of the studies and research conducted in these sanctuaries are available in a timely fashion so that the States can develop and administer land and water use programs for the coastal zone. Accordingly, all information and reports, including annual reports, relating to estuarine sanctuaries shall be part of the public record and available at all times for inspection by the public."

Department of Health, Education and Welfare

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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13.206

Areawide Health Planning

I. Source: Public Health Service Act, Section 314(b)(2)(A)  
as amended

II. Requirements:

Section 314(b)(2)(A):

"In order to be approved under this subsection an application for a grant under this subsection must contain or be supported by reasonable assurances that there has been or will be established, in or for the area with respect to which such grant is sought, an areawide health planning council. The membership of such council shall include representatives of public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health (including representatives of the interests of local government, of the regional medical program for such area, and of consumers of health services). A majority of the members of such council shall consist of representatives of consumers of health services."

Department of Health, Education and Welfare

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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13.217 Family Planning Projects

I. Source: Public Health Service Act, Section 59.5(9-b)

II. Requirements:

Section 59.5(9-b):

"Provision of any opportunity for participation by persons broadly representative of all significant elements of the population to be served and by other in the community knowledgeable about such needs, in the development, implementation, and evaluation of the project."

Department of Health, Education and WelfareOMB Catalog  
Number

Program Title/Citizen Participation Requirement

13.246 Migrant Health GrantsI. Source: Public Health Service Act, Section 310II. Requirements:

## Section 310:

"The project policy board is the primary method for community and consumer participation in the project, and each grantee has the responsibility to establish such a board. The population to be served should be encouraged to participate in overall activities of the project through their representatives on the board. The board shall be established as follows:

1. Size: The board should have no fewer than nine members, and be large enough to allow for a balanced representation of the target community.
2. Selection and Composition: (a) At least 51 percent of the board members shall be chosen by democratic process by the population to be served. Because this Program is designed primarily to meet migrant health needs, migrant representation should be no less than the proportion which migrant population bears to the total population to be served. Efforts should be made to solicit consumer representation from isolated pocket areas."

Department of Health, Education and Welfare

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OMB Catalog Number	Program Title/Citizen Participation Requirement
13.251	<u>Alcoholism-Services</u>
13.252	<u>Alcoholism-Demo Programs</u>
13.257	<u>Alcoholism-Formula Grants</u>
	I. <u>Source:</u> Public Health Service Act, Section 303(a)(3) and Section 247(b)
	II. <u>Requirements:</u>
	A. Section 303(a)(3):
	"Provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of alcohol abuse and alcoholism, to consult with the State agency in carrying out the plan."
	B. Section 247(b):
	"Projects for which grants or contracts are made under this section shall, whenever possible, be community based, provide a comprehensive range of services, and be integrated with, and involve the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals."

Department of Health, Education and Welfare

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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13.256      Health Maintenance Organizations

I. Source: 42 C.F.R., part 110, Section 110.107(g)(2):

II. Requirements:

Section 110.107(g)(2):

"There will be equitable representation on such Board of Directors or other policy-making body of members from medically underserved populations served by the organization, but in no instance, if such population is to be served, will such population be without representation on the policy-making body."

Department of Health, Education and WelfareOMB Catalog  
Number

Program Title/Citizen Participation Requirement

13.421 Educational Personnel Training Grants -  
(Career Opportunities Program)I. Source: Project Directors' HandbookII. Requirements:

"The council, as advisor to the project director, collaborates on project development, including design of the proposal, its implementation and evaluation. The role of the council is to assure equal access to information for all three C.O.P. components -- school, university, and community -- and to assure that project performance at all stages is consistent with project goals. The council must have considerable voice in the recruitment and selection of participants and staff. The Chairman of the C.O.P. Council is elected by its members; preferably he should be a community rather than an institutional representative. Each C.O.P. Council should have governing by-laws."

Department of Health, Education and Welfare


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 OMB Catalog  
Number

 Program Title/Citizen Participation Requirement
 

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## ESEA Title I:

13.427 Handicapped  
 13.428 Local Education Agencies  
 13.429 Migrants  
 13.431 Neglected and Delinquent Children

I. Source: Elementary and Secondary Education Act, Section 116.17  
 (0) (1) (2) (3)

II. Requirements:

Section 116.17 (0) (1) (2) (3):

"Parental involvement at the local level is deemed to be an important means of increasing the effectiveness of programs under Title I of the Act. Each application of a local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected and delinquent children) for assistance under that title, therefore, (i) shall describe how parents of the children to be served were consulted and involved in the planning of the project and (ii) shall set forth specific plans for continuing the involvement of such parents in the further planning and in the development and operation of the project.

Each local educational agency shall, prior to the submission of an application for fiscal year 1972 and any succeeding fiscal year, establish a council in which parents (not employed by the local educational agency) of educationally deprived children residing in attendance areas which are to be serviced by the project, constitute more than a simple majority, or designate for that purpose and existing organized group in which such parents will constitute more than a simple majority, and shall include in its application sufficient information to enable the State educational agency to make the following determinations:

(i) that the local educational agency has taken appropriate measures to insure the selection of parents to the parent council who are representative (a) of the children eligible

Department of Health, Education and Welfare

13.427  
13.428  
13.429  
13.431 (cont'd.)

to be served (including such children enrolled in private schools) and (b) of the attendance areas to be included in the Title I programs of such agency; (ii) that each member of the council has been furnished free of charge, copies of Title I of the Act, the Federal regulations, guidelines, and criteria issued pursuant thereto, State Title I regulations and guidelines, and the local educational agency's current application; and that such other information as may be needed for the effective involvement of the council in the planning, development, operation and evaluation of projects under said Title (including prior applications for Title I projects and evaluation thereof) will also be made available to the council; (iii) that the educational agency has provided the parent council with the agency's plans for future Title I projects and programs, together with a description of the process of planning and developing those projects and programs, and the projected times at which each stage of the process will start and be completed; (iv) that the parent council has had an adequate opportunity to consider the information available concerning the project areas, and the various programs available to meet those needs, and to make recommendations concerning those needs which should be addressed through the Title I program and similar programs; (v) that the parent council has had an opportunity to review evaluation of prior Title I programs and has been informed of the performance criteria by which the proposed program is to be evaluated; (vi) that the Title I program in each project area includes specific provisions for informing and consulting with parents concerning the services to be provided for their children under Title I of the Act and the ways in which such parents can assist their children in realizing the benefits those services are intended to provide; (vii) that the local educational agency has adequate procedures to insure prompt response to complaints and suggestions from parents and parent council; (viii) that all parents of children to be served have had an opportunity to present their views concerning the application to the appropriate school personnel, and that the parent council has had an opportunity to submit comments to the State educational agency shall consider in determining whether or not the application shall be approved."

Department of Health, Education and Welfare

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OMB Catalog Number	Program Title/Citizen Participation Requirement
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13.433 Follow Through

I. Source: 45 C.F.R., part 158, Sections 158.19 and 158.20

II. Requirements:

A. 158.19:

"Each grantee or contractor shall, upon the identification of Follow Through project children, establish a Policy Advisory Committee, selected in accordance with paragraphs (b) and (c) of this section, to assist with the planning and operation of project activities and to actively participate in the decision making process concerning such activities.

Membership. (1) More than one-half of the Policy Advisory Committee members shall be low-income Follow Through parents who are elected (or re-elected) by such parents in elections held at least annually. (2) The remaining members shall be chosen by the parent members, elected under paragraph (b)(1) of this section, from among the various persons and representatives of agencies and organizations in the community who have manifested concern for the development of low-income persons."

B. 158.20:

"Whenever an opening exists in project staff positions for nonprofessionals or paraprofessionals, the grantee shall actively solicit applications from low-income persons and give preference to such persons in hiring. The highest priority shall be accorded to low-income persons who are parents of Follow Through children. The grantee shall establish hiring procedures which assure that the Policy Advisory Committee will be primarily responsible for recommending the filling of nonprofessional and paraprofessional positions in accordance with 158.19(d)(3)."

Department of Health, Education and WelfareOMB Catalog  
Number

Program Title/Citizen Participation Requirement

13.488

Talent Search

I. Source: "OE Program Administration Manual (September 1973)", page 12

II. Requirements:

"The Talent Search Board of Directors shall be composed of one-third representatives from the target community, one-third representatives from target students, and one-third from the educational community.

The target community is considered to be that group described in the proposal as the target population. These representatives could be relatives of students, significant community leaders, or residents who have a particular interest in education.

Target students may be Talent Search students, but in any case must be students who clearly come from the target population described in the proposal."

Department of Health, Education and Welfare

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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13.492

Upward Bound

I. Source: OE Program Administration Manual (September 1973),  
page 39

II. Requirements:

"In order to develop an effective relationship with the target group and with the community being served by an Upward Bound program it is necessary to mobilize a wide variety of community resources.

The Project Director and his staff shall take the initiative in creating the mechanisms which are designed to allow and encourage community participation. They must show evidence of having accomplished a program of community involvement through supplementary activities. Committee(s), when formed, shall meet a minimum of four times per year. The means of selecting committee members will be established by the Project Director and their term of office will coincide with the current grant period.

The Upward Bound student and his family are part of the wider community which daily affects their lives. An overall study should be made to identify interested and concerned groups and individuals in the area to involve them in the process of the project's development and implementation. A Community Resources Committee may be organized to include representatives from high schools, welfare agencies, Neighborhood Youth Corps, college facilities, college student bodies, Community Action Agencies, and Model Cities programs, as well as community leaders and residents who themselves meet the income criteria."

Department of Health, Education and Welfare


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 OMB Catalog  
Number

 Program Title/Citizen Participation Requirement
 

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## Vocational Education:

13.493 Basic Grants to States  
 13.494 Consumer and Homemaking  
 13.495 Cooperative Education  
 13.499 Special Needs  
 13.500 State Advisory Councils  
 13.501 Work Study  
 13.502 Innovation

I. Source: PL 90.576, Section 104 parts (5) b-1 and 6-1, A(ix)

II. Requirements:

A. Part (5) b-1:

"Any State which desires to receive a grant under this title for any fiscal year shall establish a State advisory council, which shall be appointed by the Governor, or in the case of States in which the members of the State board are elected, by such board, and which shall - "

" include as members a person or persons - "

B. Part A(ix):

"representative of the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding clauses of this paragraph."

Department of Health, Education and Welfare

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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13.505 Educational Personnel Development-  
Urban/Rural School Development

I. Source: OE Guidelines

II. Requirements:

"The Council will be comprised of elected representatives from the ranks of teachers, administrators, and other school staff; and the community (which will include students).

The concept of parity should be reflected in the composition of the Council, with at least half the membership represented comprising other than the school staff. Parity means joint involvement by school and community representatives in the decision-making process. Specifically, parity is defined as "mutual, collaborative decision-making on the part of those rendering and receiving services."

Department of Health, Education and Welfare


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 OMB Catalog  
Number

 Program Title/Citizen Participation Requirement
 

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13.524

Emergency School AssistanceI. Source: OE Manual (September 1973), Pages 7 & 8:II. Requirements:

"Before submitting an application, the applicant must consult with an advisory committee organized for the purpose of this project. Requirements stated in S 185.65 and 185.41 of the Regulations and summarized here must be fulfilled when organizing the advisory committee.

The following organizations and groups are to be designated to select representatives to serve on the committee:

- At least five civic and community organizations which, taken together, are broadly representative of the community must be designated to select one representative each to serve on the advisory committee.
- The LEA must be invited to select one teacher, principal, administrator, or school board member to be its representative on the committee.
- If the LEA has applied for ESAA funds, its advisory committee must be invited to select at least one representative to serve as a member of the nonprofit group's advisory committee.

After these persons have been selected, the nonprofit group should select the minimum number of persons necessary to ensure that the parental and racial composition conforms to the following ratios:

- At least 50% of the adult members must be parents of students directly affected by the LEA's plan.
- The group must contain equal numbers of nonminority group members and members of each minority group which is substantially represented in the community."

Department of Health, Education and Welfare


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 OMB Catalog  
 Number

 Program Title/Citizen Participation Requirement
 

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13.600

Headstart

I. Source: Citizen Participation Requirements as stated in P.L. 93-644, Title V - Headstart and Follow Through Act of 1975

II. Requirements:

Part A - Headstart Programs

Section 511 (2)

"--- will provide for direct participation of the parents of such children (primarily from low income families) in the development, conduct, and overall program direction at the local level."

Section 515 (b)

"In order to be so designated, a Headstart agency must also (1) establish effective procedures by which parents and area residents concerned will be enabled to influence the character of programs affecting their interests, (2) provide for their regular participation in the implementation of such programs, and (3) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources."

Part B. - Follow Through Programs

Section 551 (a)(3)

"Such projects shall provide for the direct participation of the parents of such children in the development, conduct, and overall direction of the program at the local level."

Section 554 (a)

"Recipients of financial assistance under this part shall provide maximum employment opportunities for residents of the area to be served, and to parents of children who are participating in projects assisted under this part."

Department of Health, Education and WelfareOMB Catalog  
Number

Program Title/Citizen Participation Requirement

13.609

Aging - Special Projects

I. Source: C.F.R. 45 Public Welfare; Sections 903.50 (a)(2), 903.78 (f), 903.15 and 909.20 and Section 205 - Older American Act; 909.37

II. Requirement:

Title III  
Section 903.50 (a)(2)

"Provides that an advisory committee is to have functions in advising the Governor as well as the State Agency and the single Organizational Unit. The advisory committee is therefore a State advisory committee on aging whose consultation, advice and recommendations can be solicited by the three primary institutions concerned with State programs and policies as they affect older persons."

Section 903.78 (F)

"Provides that for fiscal year 1975 and every fiscal year thereafter, the area agency shall conduct public hearing(s) on the area plan before submitting it to the State Agency for approval. This provision parallels the requirement for State agencies in regard to State plans and is made for the same reasons."

Section 903.15

"For Fiscal Year 1975 and for any fiscal year thereafter, the State Agency shall conduct, prior to the submission of the State plan to the Governor for approval, a public hearing(s) on the State plan."

Title VII  
Section 909.20 - Advisory Assistance

"The State plan shall provide that the State agency shall obtain advisory assistance from consumers of service under this part, including members of minority groups, and persons knowledgeable in the provision of nutrition services."

Department of Health, Education and Welfare

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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13.624 Vocational Rehabilitation

I. Source: Section 101(a) 18 of Public Law 93-112 Rehabilitation of 1973, and Section 1361.19 Federal Register of November 25, 1975 "Vocational Rehabilitation Programs."

II. Requirements:

"A. The State Plan shall provide that the State agency, or as appropriate the State agency and any local agency, will take into account, in connection with matters of general policy development and implementation arising in the implementation of the State plan, the views of individuals and groups who are:

1. Recipients of vocational rehabilitation services, or as appropriate, their parents, guardians, or other representatives.
2. Providers of vocational rehabilitation services; and
3. Others active in the field of vocational rehabilitation

B. The State plan shall further provide that the State agency will establish in writing and maintain a description of the methods to be used to obtain and consider such views on policy development and implementation and will assure that such description will be available to the public."

Department of Health, Education and WelfareOMB Catalog  
Number

Program Title/Citizen Participation Requirement

13.609      Aging - Special Projects

I. Source: C.F.R. 45 Public Welfare; Sections 903.50 (a)(2), 903.78 (f), 903.15 and 909.20 and Section 205 - Older American Act; 909.37

II. Requirement:

Title III  
Section 903.50 (a)(2)

"Provides that an advisory committee is to have functions in advising the Governor as well as the State Agency and the single Organizational Unit. The advisory committee is therefore a State advisory committee on aging whose consultation, advice and recommendations can be solicited by the three primary institutions concerned with State programs and policies as they affect older persons."

Section 903.78 (F)

"Provides that for fiscal year 1975 and every fiscal year thereafter, the area agency shall conduct public hearing(s) on the area plan before submitting it to the State Agency for approval. This provision parallels the requirement for State agencies in regard to State plans and is made for the same reasons."

Section 903.15

"For Fiscal Year 1975 and for any fiscal year thereafter, the State Agency shall conduct, prior to the submission of the State plan to the Governor for approval, a public hearing(s) on the State plan."

Title VII  
Section 909.20 - Advisory Assistance

"The State plan shall provide that the State agency shall obtain advisory assistance from consumers of service under this part, including members of minority groups, and persons knowledgeable in the provision of nutrition services."

Department of Health, Education and Welfare

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13.609 (cont'd.)

Section 909.37 Project Councils

"The State plan shall provide that:

- (a) Each project shall have a project council...
- (b) More than one-half of the membership of this council shall be actual consumers of the nutrition services... Other members of the council shall include persons competent in the field of service in which the nutrition program is being provided and persons who are knowledgeable with regard to the needs of elderly persons."

Section 205 - Older Americans Act

"(D)(6) Provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating these to by conducting public hearings and by conducting or sponsoring conferences, workshops and other such meetings."

Department of Health, Education and WelfareOMB Catalog  
Number

Program Title/Citizen Participation Requirement

13.623

Runaway Youth

I. Source: Title III of Juvenile Justice and Delinquency Prevention Act of 1974.

II. Requirements:

## Section 312:

- "(a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians."
- "(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each house \_\_\_\_\_
1. shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;
  2. shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient portion to assure adequate supervision and treatment;
  3. shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway house, and for providing for other appropriate alternative living arrangements."

Department of Health, Education and Welfare

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

---

13.624      Vocational Rehabilitation

- I. Source: Section 101(a) 18 of Public Law 93-112 Rehabilitation of 1973, and Section 1361.19 Federal Register of November 25, 1975 "Vocational Rehabilitation Programs."

II. Requirements:

"A. The State Plan shall provide that the State agency, or as appropriate the State agency and any local agency, will take into account, in connection with matters of general policy development and implementation arising in the implementation of the State plan, the views of individuals and groups who are:

1. Recipients of vocational rehabilitation services, or as appropriate, their parents, guardians, or other representatives.
2. Providers of vocational rehabilitation services; and
3. Others active in the field of vocational rehabilitation

B. The State plan shall further provide that the State agency will establish in writing and maintain a description of the methods to be used to obtain and consider such views on policy development and implementation and will assure that such description will be available to the public."

Department of Health, Education and Welfare13.707  
13.754

(cont'd.)

(4) Be provided with financial arrangements, where necessary to make possible the participation of recipients in the work of the committee structure."

"b. An advisory committee on day care services must be established at the State level, either as a separate committee, or all or a part of the advisory committee on AFDC and CWS programs may be assigned this function. In either event, the committee must have at least one-third of its membership drawn from recipients or their representatives; and include representatives of agencies and groups concerned with day care or related services, i.e., other State agencies, professional or civic or other public or nonprofit private agencies, organizations or groups."

"c. The State plan must also show the structure and functions of the State and local committees for AFDC and CWS programs and for day care services; their relationship to other boards and committees associated with the State and local agencies; the system for selecting recipients or their representatives; and assure that the State committee for AFDC and CWS programs will be established no later than 90 days after plan approval."

B. Section 220.6-Use of subprofessional personnel

"a. No later than July 1, 1969 provision must be made for the training and effective use of subprofessional staff in the programs of services to families and children, including part-time or full-time employment of recipients and other persons of low income. (The term "subprofessional," as used here, means persons with less than college education, a high school graduate or a person with little or no formal education)."

"b. The State plan must also include:

(1) The methods of recruitment and selection, as will offer opportunities for employment of such persons.

Department of Health, Education and Welfare

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13.754 (con't.)

- B. "b. (2) A career service plan that permits such persons to enter employment at the subprofessional level and progress to positions of increasing responsibility and remuneration.
- (3) An organized training program, supervision and supportive assistance for such staff.
- (4) Annual progression in the utilization of increasing numbers of such staff until there is optimal use of subprofessional staff in achieving the service goals for families and children."

Department of Health, Education and Welfare

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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13.714

Medicaid

I. Source: 45 C.F.R., 246.10

II. Requirements:

Section 246.10 State Medical Care Advisory Committees

"(a) State plan requirements. A State plan for medical assistance under Title XIX of the Social Security Act must provide that:

- (1) There will be an advisory committee to the State agency director on health and medical care services, appointed by the director of the State agency or a higher State authority. Appointments to the committee will provide for rotation and continuity.
- (2) The medical care advisory committee will include:
  - (i) Board certified physicians and other representatives of the health professions who are familiar with the medical needs of low income population groups and with the resources available and required for their care;
  - (ii) Members of consumers' groups including Title XIX recipients, and consumer organizations such as labor unions, cooperatives, consumer-sponsored prepaid group practice plans, and others; and
  - (iii) The director of the public welfare department or of the public health department, whichever does not head the single State agency for the Title XIX plan.
- (3) The medical care advisory committee will have adequate opportunity for meaningful participation in policy development and program administration, including the furtherance of recipient participation in the program of the agency.

Department of Health, Education and Welfare

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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13.714 (cont'd.)

(4) The medical care advisory committee will be provided such staff assistance from within the agency and such independent technical assistance as are needed to enable it to make effective recommendations, and will be provided with financial arrangements, where necessary; to make possible the participation of recipients in the work of the committee."

"(b) Federal financial participation. Federal financial participation of 50 percent is available for the activities of the medical care advisory committee."

Department of Health, Education and WelfareOMB Catalog  
Number

Program Title/Citizen Participation Requirement

13.753 Developmental DisabilitiesI. Source: C.F.R. 45 Public Welfare: Section 416.50 - State CouncilII. Requirements:

- "A. Designation. The State plan shall designate the State Planning and Advisory Council. The State Council may be either an existing council or agency within the State which meets the requirements of this part or a council or agency newly established for the purpose.
- B. Membership. The State plan shall provide that the State Council will include representatives of each of the principal State agencies. As a minimum such representatives shall include a representative of the following State level service systems: Special education, vocational rehabilitation, residential services for mentally retarded persons, social services for the disabled and for families and children, diagnostic and treatment services for crippled and/or retarded children, health services or long-term care programs for adults with chronic neurological disorders such as epilepsy and cerebral palsy and medical assistance. The State plan shall further provide that the State Council will include representatives of local agencies, and representatives of nongovernmental organizations and groups concerned with services for persons with developmental disabilities. At least one-third of the membership must be consumers. A consumer may not include a person whose major occupation is either the administration of activities or the provision of services, and may include developmentally disabled persons or representatives of a parent group."

Department of Health, Education and Welfare


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 OMB Catalog  
 Number

 Program Title/Citizen Participation Requirement
 

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13.754

Social Services

I. Source: C.F.R. 45 Public Welfare: Sections 222.2 (Advisory committees) and Section 222.3 (Training and use of subprofessionals and volunteers)

II. Requirements:

A. Section 222.2 - Advisory committees:

"a. An advisory committee on aged, blind, and disabled must be established at the State level and at the local levels where the programs are locally administered, except that in local jurisdictions with small case loads and alternate procedures for securing similar participation may be established. The advisory committee, which may be combined with AFDC-CWS advisory committee (as required in 220.4 of this chapter), will

(1) Advise the principal policy setting and administrative officials of the agency and have adequate opportunity for meaningful participation in policy development and program administration, including the furtherance of recipient participation in the program of the agency.

(2) Include representatives of other State agencies concerned with services, representatives of professional, civic or other public or private organizations, private citizens interested and experienced in service programs, and recipients of assistance or services or their representatives who shall constitute at least one-third of the membership.

(3) Be provided such staff assistance from within the agency and such independent technical assistance as are needed to enable it to make effective recommendations.

(4) Be provided with financial arrangements, where necessary, to make possible the participation of recipients in the work of the committee structure."

"b. The State agency must maintain information about the structure and functions of the State and local advisory

Department of Health, Education and Welfare

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13.754 (cont'd.)

committees with representation from the aged, blind, and disabled; their relationship to other boards and committees associated with the State and local agencies; and the system for selecting recipients or their representatives, the State advisory committee for the aged, blind and disabled must be established no later than 120 days after plan approval."

B. Section 222.3 - Training and use of subprofessionals and volunteers:

"The State agency must conform to the regulations in Part 225 of this chapter, Training and Use of Subprofessionals and Volunteers."

Department of Health, Education and WelfareOMB Catalog  
Number

Program Title/Citizen Participation Requirement

13.754

Title XX - Day Care

I. Source: Compliance with FIDCR for State programs funded by FFP Parent Involvement, June 27, 1975, 45 C.F.R. 228.42

II. Requirements:

1. Opportunities must be provided parents at times convenient to them to work with the program and, whenever possible, observe their children in the day care facility.
2. Parents must have the opportunity to become involved themselves in the making of decisions concerning the nature and operation of the day care facility.
3. Whenever an agency (i.e., an operating or an administering agency) provides day care for 40 or more children, there must be a policy advisory committee or its equivalent at that administrative level where most decisions are made<sup>1</sup>. The committee membership should include not less than 50 percent parents or parent representatives, selected by the parents themselves in a democratic fashion. Other members should include representatives of professional organizations or individuals who have particular knowledge or skills in children's and family programs.
4. Policy advisory committees<sup>2</sup> must perform productive functions, including, but not limited, to:
  - a. Assisting in the development of the programs and approving applications for funding.

1. That level where decisions are made on the kinds of programs to be operated, the hiring of staff, the budgeting of funds, and the submission of applications to funding agencies.
2. Policy advisory committees, the structure providing a formal means for involving parents in decisions about the program, will vary depending upon the administering agencies and facilities involved.

Department of Health, Education and Welfare

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## 13.754 (cont'd.)

- 4)
  - b. Participating in the nomination and selection of the program director at the operating and/or administering level.
  - c. Advising on the recruitment and selection of staff and volunteers.
  - d. Initiating suggestions and ideas for program improvements.
  - e. Serving as a channel for hearing complaints on the program.
  - f. Assisting in organizing activities for parents.
  - g. Assuming a degree of responsibility for communicating with parents and encouraging their participation in the program.

Department of Health, Education and Welfare


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 OMB Catalog  
 Number

 Program Title/Citizen Participation Requirement
 

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13.754

Title XX - Social Services

I. Source: Public Review of CASP under Title XX Social Services Program 45 C.F.R. 228.33

II. Requirements:

Section 228.33 Proposed Services Plan:

- "(a) At least 90 days before the beginning of the State's program year, the Governor or such other official as the laws of the State provide, shall approve, publish and make generally available to the public the State's proposed services plan prepared by the State agency for the provision of services for the forthcoming program year. The primary purpose of this plan is to provide the citizenry of each State comprehensive and meaningful insight into each State's services plan so that they, as an informed citizenry can interact with the State decisionmaking process. In order to achieve this purpose, the State shall meet the following requirements;
- (b) A news release shall be issued by the approving official on the proposed services plan prior to its publication as described in paragraph (c) of this section.
- (c) A description of the proposed services plan shall be published as a display advertisement in the newspaper of widest circulation (and in foreign language newspapers, as appropriate) in each geographic area described in the proposed services plan for three consecutive days in daily newspapers; in three consecutive editions if published other than daily. Publication of the proposed services plan shall begin at least 90 days prior to the beginning of the program year. The published description shall contain as a minimum:
1. A brief description of the State's services program;
  2. Categories of individuals to whom services will be offered and eligibility criteria;

Department of Health, Education and Welfare

13.754 (cont'd.)

3. The amount of Federal allotment, and estimated Federal, State and local funds to be utilized for the program for the forthcoming program year;
  4. The period for public comment;
  5. The method and location where the public may comment on the proposed services plan and how a detailed summary may be obtained without charge, upon request;
  6. A toll-free, or local telephone number where the public may request a copy of the detailed summary;
  7. Addresses of local public offices (at least one in each county), where the detailed summary is available and where copies of the complete proposed services plan are available for public review and for purchase at a reasonable cost.
- (d) The detailed summary of the proposed services plan shall be distributed to the public without charge, upon request including at least the information required under each item under 228.23 through 223.28, and a summary of information required under 228.29 through 228.32.
- (e) A copy of the complete proposed services plan shall be distributed to the public for inspection or for purchase at a reasonable cost at local public offices and shall be retained there throughout the program year.
- (f) Written comments from the public shall be accepted at the State agency for a period of at least 45 days from the initial date of publication. At State option, comments may also be received through scheduled public hearings at which a record of the proceedings is kept and which is available for review.
- (g) Comments on the proposed services plan shall be retained for a period of at least three years for inspection by the public and Federal officials.
- (h) The proposed services plan shall be transmitted to the Social and Rehabilitation Service for review as to procedures followed and items addressed with respect to FFP under this Part.

Housing and Urban Development

OMB Catalog Number	Program Title/Citizen Participation Requirement
14.146	<u>Low Rent Public Housing - Acquisition (Turnkey and Conventional) and</u>
14.607	<u>Public Housing - Modernization of Projects</u>
	I. <u>Source:</u> U. S. Housing Act of 1937, as amended, 42 U.S.C. 1430 <u>et. seq.</u> , Section 3(4) and Section 6(c)(4)(C)
	II. <u>Requirements</u>
	A. Sec. 3 Definitions:
	'When used in this Act - ...'
	"(4) The term "operation" means any or all undertakings appropriate for management, operation, services, maintenance, security (including the cost of security personnel), or financing in connection with a low-income housing project. The term also means the financing of tenant programs and services for families residing in low-income housing projects, particularly where there is maximum feasible participation of the tenants in the development and operation of such tenant programs and services. As used in this paragraph, the term "tenant programs and services" includes the development and maintenance of tenant organizations which participate in the management of low-income housing projects; the training of tenants to manage and operate such projects and the utilization of their services in project management and operation; counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services."

Housing and Urban Development

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14.146

14.607

(cont'd)

## B. Sec. 6. Contract Provisions and Requirements:

"(c) Every contract for annual contribution shall provide that - ..."

"(4) The public housing agency comply with such procedures and requirements as the Secretary may prescribe to assure that sound management practices will be followed in the operation of the project, including requirements pertaining to - ..."

"(c) The establishment of effective tenant-management relationships designed to assure that satisfactory standards of tenant security and project maintenance are formulated and that the public housing agency (together with tenant councils where they exist) enforces these standards fully and effectively; ..."

Housing and Urban DevelopmentOMB Catalog  
Number

Program Title/Citizen Participation Requirement

14.203 Comprehensive Planning Assistance (701)

I. Source: Section 701(a)(5) and (c) of the Housing Act of 1954 as amended by Title IV of the Housing and Community Development Act of 1974, 40 U.S.C. 461. The following is quoted from the Code of Federal Regulations 24 CFR Part 600.

II. Requirements

A. Grants for Areawide Planning and Management Assistance, Jurisdiction Organization Requirements, Section 600.40(b)(2)  
(Note: Applies to Areawide Planning Grants only).

"(2) Organization. Unless specifically prohibited by State law, areawide planning organizations shall meet the following areawide organizational requirements:

"(i) Have open membership to all units of general local government within the areawide planning jurisdiction;

"(ii) Include representatives of units of general local government which, in aggregate, have within their jurisdiction not less than 75 percent of the population of the metropolitan or nonmetropolitan area. One representative may represent more than one local governmental jurisdiction, particularly in the case of smaller jurisdictions, if jointly selected by the local governments;

"(iii) Have a policy-making body with the authority to:

"(A) Establish goals, objectives and policies, evaluate programs for achieving their objective, and provide for program balance and coordination in response to State and local needs and priorities;

"(B) Provide an overall framework and guide for the preparation of functional and project plans; and

Housing and Urban Development

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14.203 (cont'd)

"(C) Provide for coordination and review of projects and activities that affect development and public management;

(iv) Provide that at least two-thirds of the voting membership be composed of, or responsible to, the elected officials of a unit of general local government within the planning jurisdiction."

B. Citizen Involvement, Section 600.80 (Note: Applies to all "701" grants)

"(a) Requirement. The ongoing comprehensive planning process required by Section 600.67 shall make provision for citizen involvement where major plans, policies, priorities, or objectives are being determined.

"(b) Criteria. The following criteria will be used to measure compliance with the citizen involvement requirement.

"(1) Extent of interaction and involvement. Citizens in addition to being informed should have the opportunity to help initiate as well as react to proposals.

"(2) Access to the decision making process. The applicant should provide citizens with access to the decision making process. The requirements of this section do not include concurrence by any person or group involved in the citizen involvement activities in making final determinations. Such determinations shall be the sole responsibility of the applicant.

"(3) Communication techniques. Information should be provided sufficiently in advance of public decisions to give citizens an adequate opportunity to review and to react to proposals. Applicants should seek to relate technical data and other professional material to the affected citizens so that they understand the impact of public programs, available options, and alternative decisions.

Housing and Urban Development

14.203  
(cont'd)

"(c) Statement of citizen involvement. Each applicant must include a statement of citizen involvement in its progress report. Such statement shall identify specific activities undertaken to meet the criteria in paragraph (b) of this section."

C. Summary of Substate Planning and Management Assistance Procedures, Section 600.120 (Note: Applies to 701 grants administered by the State).

"(b) Consultation process. States shall develop policies, strategies, administrative procedures and requirements to be employed in administering substate assistance, in carrying out State responsibilities under the A-95 procedure and in providing overall guidance to all substate applicants. These policies shall be developed in consultation with an advisory group representative of substate applicant categories. The State shall undertake consultations annually, prior to the submission of its application.

"(c) Advisory group composition. The advisory group shall be composed of persons designated by the State and shall include appropriate representation from each of the following:

"(i) Localities;

"(ii) Large cities and urban counties;

"(iii) Metropolitan areawide planning organizations

"(iv) Nonmetropolitan areawide planning organizations

"(d) Elected officials review. Elected officials representative of the categories identified in paragraph (c) of this section shall be afforded an opportunity for review and comment on the policies and strategies developed by the State in consultation with its advisory group. These comments shall be considered by the State prior to the inclusion of these policies in the applicable sections of the State Overall Program Design (OPD). The elected officials to be provided an opportunity to review and comment on the State policies shall be designated by the State in consultation with its advisory group.

Housing and Urban Development

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14.203  
(cont'd)

"(e) OPD section copies. States shall provide each sub-state applicant eligible to apply directly to HUD a copy of the section of the State OPD applicable to it. (Substate applicants required by law to the State shall be provided copies at the time they make inquiry for assistance).

"(f) Consultation records. The State shall maintain a record of all of its actions taken pursuant to the consultation requirement and of the comments received from elected officials."

Housing and Urban Development

OMB Catalog Number	Program Title/Citizen Participation Requirement
14.218 14.219	<p data-bbox="428 510 927 541"><u>Community Development Block Grant</u></p> <p data-bbox="444 573 1422 699">I. Source: Section 104(a)(6), Title I of the Housing and Urban Development Act of 1974, 42 U.S.C. 5301 <u>et. seq.</u> The following is quoted from the Code of Federal Regulations, 24 CFR 570.</p> <p data-bbox="428 737 686 768">II. <u>Requirements</u></p> <p data-bbox="500 800 1438 863">A. <u>Entitlement Grants, Timing and Pre-submission Requirements Section 570.300:</u></p> <p data-bbox="578 894 1446 1209">"(b) Public availability of application. Upon receiving advice from HUD that the application has been accepted for processing, the applicant shall make reasonable efforts to inform citizens involved in or affected by the local community development program that the application has been submitted to HUD and is available to interested parties upon request. Notice to that effect shall be published in a periodical of general circulation in the jurisdiction of the applicant.</p> <p data-bbox="578 1245 1446 1938">"(c) Required submission of data by persons asserting that application is plainly inconsistent with generally available facts and data. Any person desiring to assert, in litigation or otherwise, that any portion of an application in accordance with Section 570.306(b) is plainly inconsistent with generally available facts and data, other than Federal census data, is required to submit to HUD a precise description of the identity and location of documents containing the data upon which such person relies. Such submission may be made to HUD prior to the submission of the application or any time thereafter but not later than 15 calendar days after the date of publication by the applicant of its notification that the application has been accepted by HUD for processing. The submission by such person shall specifically state with respect to each identified document which pages contain data upon which the person relies, and shall state with respect to each item of data the specific item in the application asserted to be plainly inconsistent with such item or data."</p>

Housing and Urban Development

14.218  
14.219  
(cont'd)

B. Entitlement Grants, Application Requirements, Certifications  
Section 570.303(e)(4)

- "(e) Certifications. The applicant shall submit certifications, in such forms as HUD may prescribe, providing assurances that..."
- "(4) Prior to submission of its application, the applicant has;
- "(i) Provide citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements;
- "(ii) Held at least two public hearings to obtain the views of citizen on community development and housing needs; and
- "(iii) Provided citizens an adequate opportunity to articulate needs, express preferences about proposed activities, assist in the selection or priorities, and otherwise participate in the development of the application.

The Act provides that no part of this paragraph shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its Community Development Program. Accordingly, the citizen participation requirements of this paragraph do not include concurrence by any person or group involved in citizen participation in making final determinations concerning the findings and contents of the application. The sole responsibility and authority to make such final determinations rests exclusively with the applicant."

(Note: This requirement applies also to all discretionary grants with the exception of the following categories: Urgent Need Funds, New Communities, Inequities Funds and Innovative Projects. In addition, the requirement may be waived or postponed by the Secretary for Federally Recognized Disaster funds. Requirements for Innovative Projects are described below.)

Housing and Urban Development

14.218  
14.219  
(cont'd)

C. Innovative Projects, Application Requirements  
Section 507.406(c)(3)

"(3) The certifications required by 570.303(e) except (4), (6). In addition, the applicant must certify that citizens likely to be affected by the project, particularly low and moderate income persons, have been provided an opportunity to comment on the application."

Department of the Interior  
(Bureau of Outdoor Recreation)

OMB Catalog  
Number

Program Title/Citizen Participation Requirement

15.400

Outdoor Recreation - Acquisition, Development and Planning

I. Source: Bureau of Outdoor Recreation Manual, Grants-in-Aid Series; Part 630

II. Requirements:

A. Part 630.1.2D, "Participation in the Planning Process"

"The planning process should develop and communicate information that will broaden the base of public understanding of outdoor recreation needs and opportunities. It should include provision for active participation by program administrators, legislators, special interest groups, and the general public. Appropriate Federal, local, and other public and private agencies should be consulted in the formulation and revision of the State outdoor recreation plan in order to secure:

"(1) An understanding and acceptance of the roles of these groups in the total outdoor recreation effort within the State.

"(2) Maximum coordination of specific recreation programs and activities.

"In addition to the Governor's review (see 630.1.2.F) the appropriate agencies and interests at the State, Federal and local levels and the private sector should participate in plan development and review. Some examples:

Private: Chamber of Commerce, Boy/Girl Scouts

Federal: Corps of Engineers, Bureau of Reclamation, Soil Conservation Service, U.S. Fish and Wildlife Service, Department of Transportation, U.S. Forest Service, Department of Housing and Urban Development, Department of Health, Education and Welfare.

State: Departments of Industry and Trade, Tourism, Highways, Game and Fish, State Parks, Water Board, River Authorities, State Forests.

Department of the Interior

(Bureau of Outdoor Recreation)

15.400  
(cont'd)

"To insure this involvement and input, evidence of their consultation, review and comment in the form of official correspondence should be included with the SCORP submission for official BOR review. Footnotes in the text could further document such coordination. The Regional Office and respective States would formally agree as to which agencies and interests would take part in this formulation and review process."

## B. Part 630.3.3B(1)(e), "Establishment of State Eligibility."

"Participation in Planning. The State must show how it is providing for public participation, including minority population, in its planning efforts."

Law Enforcement Assistance Administration

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OMB Catalog Number	Program Title/Citizen Participation Requirement
16.500	Comprehensive Planning Grants
16.502	Improving and Strengthening Law Enforcement
16.516	Juvenile Justice Delinquency Prevention
	I. <u>Source:</u> Section 203(a) of Title I of the Safe Streets Act of 1968, as amended
	II. <u>Requirements</u>
	"The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations directly related to delinquency prevention."

Department of Labor

OMB Catalog Number	Program Title/Citizen Participation Requirement
17.207	<u>Employment Service</u>
17.225	<u>Unemployment Insurance Grants to States</u> <ol style="list-style-type: none"> <li data-bbox="483 625 1156 688">I. <u>Source:</u> Wagner-Peyser Act (48 State 113) (29 USC 49C-3,557); and PL 91-373</li> <li data-bbox="467 720 735 751">II. <u>Requirements:</u> <ol style="list-style-type: none"> <li data-bbox="540 783 1433 1140">A. Section 11(a) "The Secretary of Labor shall establish a Federal Advisory Council composed of men and women representing employers and employees in equal numbers and the public for the purpose of formulating policies and discussing problems relating to employment and insuring impartiality, neutrality and freedom from political influence in the solution of such problems... The Secretary shall also require the organization of similar State advisory councils composed of men and women representing employers and employees in equal numbers and the public."</li> <li data-bbox="540 1171 1450 1360">B. This section was amended by Section 3 of the President's Reorganization Plan No. 2 of 1949 which conferred on the Federal Advisory Council the responsibility for advising the Secretary of Labor and the Director of the Bureau of Employment Security with respect to both unemployment insurance and employment service problems.</li> <li data-bbox="540 1392 1450 1738">C. Requirements as Stated in the Employment Security Amendments of 1970, PL 91-373, August 10, 1970. "Section 908 (a) The Secretary of Labor shall establish a Federal Advisory Council, of not to exceed 16 members including the chairman, for the purpose of reviewing the Federal State program of unemployment compensation and making recommendations to him for the improvement of the system, (b) The Council shall be appointed by the Secretary without regard to the civil service laws and consist of employers and employees in equal numbers, and the general public."</li> </ol> </li> </ol> <p data-bbox="605 1770 1490 1833">(The State Councils are for both Employment Service and Unemployment Insurance. The National Council is separate).</p>

Department of Labor


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 OMB Catalog  
 Number
 

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 Program Title/Citizen Participation Requirement
 

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 17.232      Comprehensive Employment and Training Act

 I. Source: PL 93-203; 29 CFR 95

 II. Requirements

A. As stated in PL 93-203

1. Section 104 (Prime Sponsor's Planning Council)  
 Each Prime Sponsor shall establish a planning council consisting, to the extent practical, of members who are representative of the client community and of community-based organizations, the employment service, education and training agencies and institutions, business, labor and, where appropriate, agriculture. The Prime Sponsor shall appoint the members of the council, designate the chairman, and provide professional, technical, and clerical staff to serve the council. It is the function of the council to submit recommendations regarding program plans and basic goals, policies and procedures, to monitor and provide for objective evaluations of employment and training programs conducted in the prime sponsor's area, and to provide for continuing analyses of needs for employment, training, and related services in such area. Any final decision with respect to such recommendations shall be made by the Prime Sponsor.
  
2. Section 107 (State Manpower Services Council) (1) Any State which desires to be designated as Prime Sponsor, shall establish a Manpower Services Council. (2) Such Council shall be composed of - (i) representatives of the units or combinations of units of general local government in such State who shall comprise at least one-third of the membership of the Council (ii) one representative each of the the State board of vocational education and the public employment service of such State; (iii) one representative of each such other State agency as the Governor may determine to have a direct interest in overall manpower training and utilization within the State; (iv) representatives of organized labor; (v) representatives of business and industry; (vi) representatives of community-based organizations and of the client community to be

Department of Labor

17.232  
(cont'd)

served under this Act (including, where persons of limited English-speaking ability represent a substantial portion of the client population, appropriate representation of such persons); and  
(vii) representatives of the general public.

The Council shall -

- (i) review the plans of each prime sponsor and the plans of State agencies for the provision of services to such prime sponsors, and agencies for the provision of services to such prime sponsors, and make recommendations to such prime sponsors and agencies for the more effective coordination of efforts to meet the overall manpower needs of the State;
  - (ii) continuously monitor the operation of programs conducted by each prime sponsor, and the availability, responsiveness, and adequacy of State services, and make recommendations to the prime sponsors, to agencies providing manpower services, and to the Governor and the general public with respect to ways to improve the effectiveness of such programs or services, and
  - (iii) make an annual report to the Governor which shall be a public document, and issue such other studies, reports, or documents as it deems advisable to assist prime sponsors or to otherwise help carry out the purposes of CETA.
3. Section 105(c)(2) (Conditions for Receipt of Financial Assistance) requires that plans must be made public prior to submission to the Secretary.

B. Requirements as stated in CETA Regulations published in 29 CFR 95:

- 1. Section 95.13 (Planning Process) The Prime Sponsor shall have a planning process for development of its Comprehensive Manpower Plan. That process shall utilize the advisory councils and also assure the participation in program planning of community based organizations and the population to be served. The Planning Council

Department of Labor

17.232  
(cont'd)

shall advise the prime sponsor in the setting of basic goals, policies, and procedures for its program under Title I and Title II of the Act. It shall make recommendations regarding program plans, and provide for continuing analyses of needs for employment training and related services in such areas. Planning Council should monitor all manpower programs funded under Title I and Title II of the Act and provide for objective evaluations of other manpower and related programs operating in the prime sponsor's area, for the purpose of improving the utilization and coordination of the delivery of such services.

2. Section 95.13 State Manpower Services Council. A State Prime Sponsor shall establish in addition to its Planning Council a State Manpower Services Council (SMSC). The Governor shall appoint Council members as follows:
  - (i) at least one-third of the membership of the Council shall be composed of representatives of Prime Sponsors;
  - (ii) one representative shall be appointed from each of the following: the State Board of Vocational Education, the State Employment Service, any State agency the Governor believes has an interest in Manpower; (iii) representatives shall be appointed from organized labor, business and industry, the general public, community-based organizations and from the population to be served under the Act (including representation of women, persons of limited English-speaking ability, and other minority groups when such persons represent a significant portion of the client population). Council responsibilities shall include, but not be limited to:
    - (i) Reviewing prime sponsor plans, proposed modifications;
    - (ii) Reviewing State agency plans for providing services to Prime Sponsors;
    - (iii) Making recommendations to Prime Sponsors, agencies providing manpower services, the Governor, and the general public on improving the coordination and effectiveness of manpower services within the State;

Department of Labor

17.232  
(cont'd)

- (iv) Monitoring continuously (A) the operation of programs conducted by prime sponsors in the State and (B) the availability, responsiveness, adequacy, and effective coordination of State services provided by all manpower-related agencies.
  - (v) Submitting an annual report to the Governor which will be a public document, and issuing such other studies, reports or documents to the Governor and prime sponsors as the SMSC believes necessary to effectively carry out CETA.
3. Section 95.15 (Comment and Publication Procedures Relating to Submission of Grant Application). The Prime Sponsor is required to submit plans for comment through the A-95 clearinghouse and to labor unions and also to publish summaries of plans in newspapers, as specified. This affords the public a most accessible means of participation in the CETA planning process.
- C. Section 98, Subpart C (Hearings and Judicial Review) outlines formal allegation procedures specifying how complaints may be initiated and investigated.

Department of Transportation

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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20.205 Highway Research, Planning and Construction

I. Source: Federal Aid Highways Act, Title 23

II. Requirements:

Sec. 128, Public hearings.

"(a) Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway. Such certification shall be accompanied by a report which indicates the consideration given to the economic, social, environmental, and other effects of the plan or highway location or design and various alternatives which were raised during the hearing or which were otherwise considered.

"(b) When hearings have been held under subsection (a), the State highway department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification and report."

Department of TransportationOMB Catalog  
Number

Program Title/Citizen Participation Requirement

20,205 FHWA - Highway Research, Planning and Construction20,505 UMTA - Technical Studies Grants

I. Source: Code of Federal Regulations, Joint Planning Regulations,  
23 CFR 450 Subpart A (Also covers 49 CFR 613 Subpart A)

II. Requirements:

§ 450.120(a)(3)

"Include provisions to ensure involvement of the public."

Department of Transportation

OMB Catalog Number	Program Title/Citizen Participation Requirement
20.500	<u>Urban Mass Transportation Capital Improvement Grants</u>
20.501	<u>Urban Mass Transportation Capital Improvement Loans</u>
20.504	<u>Mass Transportation Technology</u>
20.505	<u>Urban Mass Transportation Technical Studies Grants</u>
20.506	<u>Urban Mass Transportation Demonstration Grants</u>
20.507	<u>Urban Mass Transportation Capital and Operating Assistance Formula Grants</u>

- I. Source: Urban Mass Transportation Act of 1964, as amended through November 26, 1974. Title 49.

II. Requirements:

§ 1602, Section 3

"(d) Any application for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall include a certification that the applicant -

"(1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and has held such hearings unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;

"(2) has considered the economic and social effects of the project and its impact on the environment; and

"(3) has found that the project is consistent with official plans for the comprehensive development of the urban areas.

"Notice of any hearings under this subsection shall include a concise statement of the proposed project, and shall be published in a newspaper of general circulation in the geographic area to be served. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the application."

Community Services AdministrationOMB Catalog  
Number

Program Title/Citizen Participation Requirement

49.002

Community Services Administration Legislative Assessment on Citizen Participation Requirements

- I. Source: Economic Opportunity Act of 1964, Section 211. (a) thru (f) as amended.

II. Requirements

## Community Action Agencies and Boards

"Sec. 211. (a) Each community action agency which is a State or a political subdivision of a State, or a combination of political subdivision, shall administer its program through a community action board which shall meet the requirements of subsection (b). Each community action agency which is a public or private nonprofit agency or organization designated a State or political subdivision of a State, or combination of political subdivision, or is an agency designated by the Director under section 210(d) shall have a governing board which shall meet the requirements of subsection (b).

"(b) Each board to which this subsection applies shall consist of not more than fifty-one members and shall be so constituted that (1) one-third of the members of the board are elected public officials, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one-third of the membership of the board, membership on the board of appointive public officials may be counted in meeting such one-third requirement, (2) at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served, and (3) the remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community. Each member of the board selected to represent a specific geographic area within a community must reside in the area he represents. No person selected under clause (2) or (3) of this subsection as a member of a board shall serve on board for more than five consecutive years, or more than a total of ten years.

Community Services Administration

49.002  
(cont'd)

- "(c) Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such board, council, or agency shall be broadly representative of such area, subject to regulations of the director which assure adequate opportunity for membership of elected public officials on such board, council, or agency. Each community action agency shall be encouraged to make use of neighborhood-based organizations composed of residents of the area or members of the group served to assist such agency in the planning, conduct, and evaluation of components of the community action program.
- "(d) (1) Director shall promulgate such standards or rules relating to the scheduling and notice of meetings, quorums (which shall be not less than 50 per centum of the total membership), procedures, establishment of committees, and similar matters as he may deem necessary to assure that boards which are subject to subsection (d) provide a continuing and effective mechanism for securing broad, community involvement in programs assisted under this title and that all groups or elements represented on those boards have a full and fair opportunity to participate in decisions affecting those programs. Such standards or rules shall not preclude any such board from appointing an executive committee or similar group, which fairly reflects the composition of the board, to transact the board's business between its meetings. The quorum requirements for any such committee or group, which shall not be less than 50 percent of the membership, shall be established by the board.
- (2) The Director shall require community action agencies to establish procedures under which community agencies and representative groups of the poor which feel themselves inadequately represented on the community action board or governing board may petition for adequate representation.
- "(e) The powers of every community action agency governing board shall include the power to appoint persons to senior staff positions, to determine major personnel,

Community Services Administration

49.002  
(cont'd)

fiscal and program policies, to approve overall program plans and priorities, and to assure compliance with conditions of an approve proposals for financial assistance under this title.

- "(f) Each community action board referred to in the first sentence of subsection (a) shall-
- (1) have a full opportunity to participate in the development and implementation of all program and projects designed to serve the poor or low-income areas with maximum feasible participation of residents of the areas and members of the groups served, so as to best stimulate and take full advantage of capabilities for self-advancement and assure that those programs and projects are otherwise meaningful to and widely utilized by their intended beneficiaries.
  - (2) have at least one-third of its members chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served;
  - (3) be so established and organized that the poor and residents of the area concerned will be enabled to influence the character of programs affecting their interests and regularly participate in the planning implementation of those programs; and
  - (4) be a continuing and effective mechanism for securing this title."

Environmental Protection Agency

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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66.418 Construction Grants for Wastewater Treatment Works

66.419 Water Pollution Control - State and Interstate Program Grants

I. Source: Federal Water Pollution Control Act, § 101(e),  
40 CFR Parts 35 and 105.

II. Requirements:

One or more public hearings or meetings should be held to obtain public advice at the beginning of the planning process. A public hearing shall be held prior to the adoption of the facilities plan by the implementing governmental units. The continuing agency program for public participation shall contain mechanisms or activity for each of the following elements: (1) information materials; (2) assistance to public; (3) consultation; (4) notification; (5) access to information; (6) enforcement; (7) legal proceedings; and (8) rule making.

(66.419). In addition to those stated above, the State water pollution control agency must hold hearings on river basin plans and continuing planning programs.

Environmental Protection Agency

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OMB Catalog  
Number

Program Title/Citizen Participation Requirement

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66.426

Water Pollution Control - Area Waste Treatment Management Planning Grants

I. Source: Federal Water Pollution Control Act, § 208, 40 CFR Parts 35 and 105.

II. Requirements:

The Governor of a State must comply with the public participation specified in Part 105 prior to designating management agencies and with OMB Circular A-95 prior to designating areawide planning agencies.

Environmental Protection AgencyOMB Catalog  
Number

Program Title/Citizen Participation Requirement

N/A

Air Pollution Control - State Implementation Plans

I. Source: Clear Air Act, § 110; 40 CFR Parts 51 and 52

II. Requirements:

A. Public hearings are required prior to the submittal of plans or promulgation of Federal regulations as substitutes for a State plan. Subject matter of plans or regulations include:

1. Plans to attain ambient air quality standards.
2. Designation of non-degradation regions.
3. Air quality maintenance areas and plans.
4. Transportation control plans.
5. Variances granted pursuant to State implementation plans.

B. Where conditions indicate that there may be a substantial air pollution problem and no standard for the pollutant has been published, a conference may be held to permit all interested parties to be heard.

## Federal Energy Administration

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OMB Catalog    Program Title Citizen Participation Requirement  
Number

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(PL 93-319)    Coal Conversion and Allocation  
amended

I. Source: PL 93-319 June 22, 1974 as amended by PL 94-163  
December 22, 1975, Section 2

II. Requirements:

"Sec. 2 (a) The Federal Energy Administrator--

"(1) shall, by order, prohibit any powerplant, and

"(2) may, by order, prohibit any major fuel burning installation, other than a powerplant, from burning natural gas or petroleum products as its primary energy source, if the requirements of subsection (b) are met and if (A) the Federal Energy Administrator determines such powerplant or installation on June 22, 1974, had, or thereafter acquires or is designed with, the capability and necessary plant equipment to burn coal, or (B) such powerplant or installation is required to meet a design or construction requirement under subsection (c).

"(b) The requirements referred to in subsection (a) are as follows:

"(1) An order under subsection (a) may not be issued with respect to a powerplant or installation unless the Federal Energy Administrator finds (A) that the burning of coal by such plant or installation, in lieu of petroleum products or natural gas, is practicable and consistent with the purposes of this Act, (B) that coal and coal transportation facilities will be available during the period the order is in effect, and (C) in the case of a powerplant, that the prohibition under subsection (a) will not impair the reliability of service in the area served by such plant. Such an order shall be rescinded or modified to the extent the Federal Energy Administrator determines that any requirement described in subparagraph (A), (B), or (C) of this paragraph is no longer met; and such an order may at any time be modified if the Federal Energy Administrator determines that such order, as modified, complies with the requirements of this section.

"(2)(A) Before issuing an order under subsection (a) which is applicable to a powerplant or installation for a period ending on or before June 30, 1975, the Federal Energy Administrator (i) shall give notice to the public and afford interested persons an opportunity for written presentations of data, views, and arguments, (ii) shall consult with the Administrator of the Environmental Protection Agency, and (iii) shall take into account the likelihood that the powerplant or installation will be permitted to burn coal after June 30, 1975.

"(B) An order described in subparagraph (A) of this paragraph shall not become effective until the date which the Administrator of the Environmental Protection Agency certifies pursuant to section 119(d)(1)(A) of such Act is the earliest date that such plant or installation will be able to comply with the air pollution requirements which will be applicable to it. Such order shall not be effective for any period certified by the Administrator of the Environmental Protection Agency pursuant to section 119(d)(3)(B) of such Act.

"(3)(A) Before issuing an order under subsection (a) which is applicable to a powerplant or installation after June 30, 1975 (or modifying an order to which paragraph (2) applies, so as to apply such order to a powerplant or installation after such date), the Federal Energy Administrator shall give notice to the public and afford interested persons an opportunity for oral and written presentations of data, views, and arguments."

## APPENDIX A

CITIZEN PARTICIPATION READING LIST

- Aleshire, Robert A., "Organizing for Neighborhood Management," Public Management, Vol. 53, January, 1971.
- Altshuler, Alan A., Community Control (New York: Western Publishing Company, 1970).
- Arnold, John E., "People Involvement, Participation to Restore Confidence," Public Management, Vol. 53, September, 1971.
- Bell, Daniel and Held, Virginia, "The Community Revolution," Public Interest, Vol. 16, Summer 1969.
- Cahn, Edgar S. and Cahn, Jean C., "Maximum Feasible Participation: A General Overview," Edgar S. Cahn and Henry Passet (eds.), Citizen Participation (Trenton, NJ, New Jersey Community Action Training Institute, 1969).
- Clamont, Valarie, New Directions for the Teaching Computer: Citizen Participation in Community Planning, University of Illinois, Computer-based Education Research Laboratory CERL Report X-34.
- Davidoff, Paul, "Advocacy and Pluralism in Planning," Journal of the American Institute of Planners, Vol. XXXI, 1968.
- Diamond, Mahrn, "On the Relationship of Federalism and Decentralization," in Daniel J. Elazar et al. (eds.), Cooperation and Conflict, Readings in American Federalism, (Itasca, Ill.: Peacock, 1969).
- Dishroom, A., "The Role of Citizens - Catalysts for Change," Bulletin of the Model Cities Service Center, Vol. 2, No. 10 (Washington, DC, National League of Cities and U. S. Conference of Mayors, September, 1971).
- Hallman, H., "Federally Financed Citizen Participation," 32 Public Administration Review 420, page 423, September, 1972
- Hutcheson Jr., John D. and Steggert, Frank X., Organized Citizen Participation in Urban Areas, Emory University: Center for Research in Social Change.
- Javos, Dean and Baer, Michael A., "Participation as an Instrument of Expression: Some Evidence from the States," American Journal of Political Science, Vol. XVIII, No. 2, May, 1974.
- Kaufman, Herbert, "Administrative Decentralization and Political Power," Public Administration Review, Vol. 29, No. 7, January/February, 1969.

Mid-Atlantic Federal Regional Council, Citizen Participation, 600 Arch Street, Philadelphia, Pennsylvania, (1976).

Mogulof, Melvin B., Citizen Participation: A Review and Commentary on Federal Policies and Practices, (Washington, DC.: The Urban Institute, 1970).

Mogulof, Melvin B., Citizen Participation: The Local Perspective, (Washington, DC.: The Urban Institute (URI-80002).

New York State Department of State, How to Hold a Public Hearing, February, 1976.

Patzman, Carole, Participation and Democratic Theory, (New York: Cambridge University Press, 1970).

U. S. Department of Health, Education and Welfare, Citizen Organization: Increasing Client Control Over Services (R-1196), (Santa Monica, California: Rand Corporation, April, 1973).

U. S. Department of Transportation, Citizen Participation and the Role of the Public Hearing, (Virginia Highway and Transportation Research Council, September, 1975).

U. S. Environmental Protection Agency, Outline of Opportunities for Citizen Involvement, (New York, 1975).

## Appendix B

## The Poor In the Community Action Program

-- A Summary of Rights\* --

Poor people in the community action program have a right to:

1. Organize themselves into workable and responsible neighborhood or target area groups to take action on problems and issues of poverty that concern them and to be given help (technical assistance, training, staff assistance and funds where possible) by the community action agency to strengthen their ability to act effectively to erase poverty.
2. Take part in major policy decisions regarding the planning and operation of the community action agency and its delegate agencies through their democratically-selected representatives on the Board.
3. Be fully informed about the policies and operations of all community action agency and delegate agency programs.
4. Expect the community action agency to provide a forum in which they can make their views known to the community on the poverty problems of the community as they see them and can propose solutions to clear up those problems.
5. Attend and take part in all public board and public policy making committee meetings of the community action agency, its delegate agencies, and neighborhood or target area councils.
6. Be assured that the community action is providing job and career development opportunities for poor people through the community action agency and its delegate agencies.
7. Suggest needed programs to be considered for funds by the community action agency, the Office of Economic Opportunity, and other local, State, or Federal sources of funds. (Funding proposals should be submitted through the community action agency.)
8. Obtain OEO instructions, guidance, and program handbooks that have distributed to the community action agencies and have an opportunity to comment on OEO draft instructions sent to community action agencies for opinions. (These comments should be attached to any response made to the community action agency or to the Opportunity Office.)
9. Expect the community action agency to work for involvement of the poor in the planning and the conduct of other local public and private agencies or organizations serving the poor community.

\*This is a summary of OEO Instruction 6005-1. The Instruction should be looked to for the complete OEO policy on participation of the poor.

## Appendix C

## WHAT IS THE FEDERAL REGIONAL COUNCIL?

As a follow-up step to the institution of Standard Federal Regional Boundaries, the Federal Regional Councils were established by Executive Order 11647 on February 10, 1972 to streamline Federal field office operations and to encourage Federal-State-Local interchange.

A council was created for each of the 10 standard Federal regions, and an Under Secretaries Group for Regional Operations, chaired by the Deputy Director of the Office of Management and the Budget, was established to provide policy guidance to Federal Regional Councils.

The FRC's are composed of the principal regional officers of the Departments of Health, Education and Welfare; Labor; Housing and Urban Development; Agriculture; Interior; Transportation; Commerce; the Community Services Administration; Environmental Protection Agency; Law Enforcement Assistance Administration; and the Federal Energy Administration.

The Councils were mandated to improve coordination of the categorical grant system and to develop closer working relationships among themselves, and with State and local governments.

The Under Secretaries Group for Regional Operations establishes policy with respect to the Federal Regional Council matters, provides guidance to Councils, responds to their initiatives, and seeks to resolve policy issues referred by the Councils.

Federal Regional Council activities have included: (1) improving delivery of Federal grants by alleviating inconsistent planning requirements, by coordinating and integrating Federal planning grants, and by ensuring that direct Federal planning is consistent with State and local plans; (2) assisting State and local governments to analyze and plan for events causing major regional changes; (3) mobilizing resources to organize new Federal initiatives, such as establishing Federal Energy Regional Offices during the energy crisis and delivering assistance in other crisis and disaster situations; (4) acting as the State and local communications channel for information concerning the Federal budget and other Federal programs; and (5) mobilizing Federal assistance to enhance the ability of States and localities to manage their affairs.

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