

Meeting Agenda
Borough of State College
LGBTQ Advisory Committee
January 17, 2019

I. Call to Order

II. Roll Call

Greg Brauser
Jessica Diplan
Mark Hayes
Stacy Jarvis
Susan Marshall
Michele Hamilton
Barbara Welshofer

Kirsten Burkhart
Borja Gutierrez
Monica Himes
Lane LaBelle
Karen Elizabeth Moroski
Brian Patchcoski

III. Election of Officers

IV. Public Hour

V. Approve Meeting Minutes – October 16, 2018 (Page 2)

VI. LGBTQ Mission, Charge & Membership (Page 5)

VII. Approved 2019 Work Plan

Borough Council will be approving this work plan at their January 14, 2019 meeting. A copy of the approved work plan will be distributed at the meeting.

VIII. Approved Resolution 1223 (Page 7)

IX. 2019 Pride Month(s)

The Committee should start planning activities for both the April and June 2019 Pride month events.

X. 2019 Quarterly Meetings

All meetings are scheduled at noon and include lunch. The meeting schedule for this year is as follows: April 18, July 18, and October 17, 2019.

XI. Other Business Matters

A. 2019 Conflict of Interest Statement (Page 8)

The 2019 Conflict of Interest Statement, along with an email from Ed LeClear, explaining the purpose of the statement are attached for review.

XII. Adjournment

Meeting Minutes
Borough of State College
LGBTQ Advisory Committee
October 16, 2018

The LGBTQ Advisory Committee met on Tuesday, October 16, 2018, in the State College Borough Municipal Building, 234 S. Allen Street, Room 241, State College, PA. Vice Chairman Gutierrez called the meeting to order at 12:12 p.m.

Members Present

Kirsten Burkhart (via telephone); Borja Gutierrez, Vice Chairman; Mark Hayes; Susan Marshall; and Brian Patchcoski

Members Absent

Greg Brauser; Monica Himes; Karen Elizabeth Moroski, Chairman; and Michele Hamilton

Others Present

Kevin Kassab, Community Engagement Manager; Thomas R. King, Assistant Borough Manager for Public Safety; and Judy Altieri, Office Manager

Public Hour

There was no one that spoke during the public hour.

Approve Meeting Minutes

Mr. Patchcoski motioned to approve the April 17, 2018 meeting minutes. Ms. Marshall seconded the motion, which were unanimously approved.

The meeting notes from the July 17, 2018 meeting were not approved as there was not a committee quorum present at the meeting.

Advisory Committee Membership, Terms and Charge

Mr. King explained why Borough Council had extended the current membership terms until December 31, 2018. He indicated the committee needed to determine what members planned to be reappointed and what staggered term they wished to be appointed to. Mr. Gutierrez and Mr. Patchcoski indicated they would provide names for possible committee appointment vacancies from the Penn State Commission on LGBTQ Equity, Penn State LGBTQA Student Roundtable, Penn State Queer and Trans People of Color, and the one at large position.

After discussion, the following reappointments and terms were agreed upon by the Committee members present:

- Michele Hamilton – State College Human Relations Commission, term reappointment not determined
- Mark Hayes – Centre County LGBTQ Support Network, 3-year term
- Brian Patchcoski – Penn State LGBTQA Student Resource Center, 3-year term
- Susan Marshall – State College Area School District, 3-year term
- Greg Brauser – State College Police Department, 2-year term
- Monica Himes – Penn State Police Department, 2-year term
- Kirsten Burkhart – AIDS Resource Alliance, 2-year term
- Borja Gutierrez – At-large member, 3-year term
- Karen Elizabeth Moroski – At-large member, term reappointment not determined

Mr. King indicated staff would reach out to the committee members who were absent to confirm their plans for reappointment, etc.

Annual Report to Council

The committee identified Ms. Moroski, Chair, as the member who should present the annual report to Borough Council on November 5, 2018.

2018 Human Rights Campaign Update

Mr. Kassab reviewed the Human Rights Campaign's (HRC) Municipal Equality Index Scorecard for State College. Overall, State College saw an increase in points with a final score of 98. He also highlighted that State College ranked fourth in the state, which was a significant jump.

He continued, noting several categories where State College could potentially gain additional points, i.e., the Borough's healthcare plan, municipal bullying prevention, youth services, etc. He stated some of those categories would be difficult for the Borough since State College was not a large-scale city like Philadelphia. He noted he would continue to work with the HRC to get clarification on how the Borough might be able to increase scoring in those categories.

Mr. Gutierrez stated it might be worth connecting with Equality PA, an organization advancing equality for the LGBTQ community. He suggested perhaps a letter of support from Borough Council could help gain some additional points.

Ms. Marshall indicated the State College Area School District provided youth services through the Centre LGBTQ Support Network (CLSN), which held several summits throughout the school year. Mr. Kassab indicated the HRC focused on what the municipality offered. He agreed a letter of support might make it count for points. He continued, indicating he had learned things along the way and State College offers several resources for the LGBTQ community.

Draft a 2019 Work Plan

Mr. King explained all Borough Authorities, Boards, Commissions, and Committees submit annual work plans to Borough Council. He suggested the committee discuss the work items they wanted to highlight for next year and staff would create the document and distribute via email. He noted the work plan did not have to be inclusive. If something presented itself throughout the year to the committee it could still be worked on. He added the work plan should be submitted to Council sometime in December 2018.

After a thorough discussion, the Committee highlighted the following work plan items for Council's review:

- HRC Scorecard – Continue to increase scoring for the Borough
- 2019 Pride Month Planning – April & June
- Community Awareness Campaign
 - Crosswalks
 - Street Banners
 - Rainbow flag for Municipal Building
 - Borough Website, Facebook, Twitter Newsfeeds
 - Proclamations
 - Council Open House
- Vendor Equity – Training for local vendors/employees

Mr. Patchcoski noted the rainbow and transgender flags would be the most visible statements. He added the LGBTQ community was growing in the area, and perhaps the street banners (like the You are Welcome Here banners) could be done.

Mr. Kassab indicated several of the items discussed would require funding.

Mr. King explained the difficulty in getting approval for the crosswalk painting along College and Beaver Avenues and Atherton Street, noting they were PennDOT roads were more strictly regulated. He added

Borough staff was currently working with PennDOT on the matter. Mr. Kassab added some of the intersections along the state roads would require a special paint and if the Borough received PennDOT approval, perhaps the UPUA could support costs associated with the project.

Mr. Patchcoski indicated perhaps the UPUA would be willing to help support the street banners and flags.

Mr. Gutierrez stated the important of both short- and long-term projects to increase visibility.

2019 Pride Month Events

The members present agreed with the plan to participant in both the April (Pennsylvania State University) and the June 2019 (National) Pride month events, hoping to get the community more involved. Mr. Kassab indicated the Borough could help with publicity for speakers and events through the website and other social media applications.

Mr. Patchcoski drew upon a previous experience and indicated an open house with Council might be a big draw for the community. He also noted the LGBTQ flag would also be a tangible piece for everyone.

Mr. Kassab indicated he would distribute the information on street banner costs to the committee, but estimated \$4,200 for about 90 flags.

Mr. Gutierrez suggested if AIDS Resource Alliance was able to make a donation, their logo could be placed on the street banners. The committee members present liked the idea.

Mr. Kassab noted the Borough's contribution on the street banners would be the installation, since it required a significant amount of staff time for installation. Mr. King added the number of banners was critical (70-80) so the presence was obvious. Mr. Kassab continued, indicating banners could also be hung in the municipal building lobby, as were the "You are Welcome Here" banners. He added the banners could be up from late March through June, but then they may have to come down for Arts Festival. He also suggested the application for street banners be submitted soon, since approval was based upon first-come, first-serve.

Mr. Gutierrez suggested the AIDS Resource Alliance provide funding for the costs of the street banners, UPUA purchases the flags for the Borough, and the Borough provides the labor for installation. Mr. Hayes indicated the CLSN should be able to chip in some funding if needed.

Proposed 2019 Meeting Schedule

The Committee reviewed the suggested 2019 meeting schedule change and agreed to hold next year's meetings at noon on the third Thursday of each quarter as follows: January 17, April 18, July 18, and October 17, 2019.

Adjournment

With no further business to discuss, Mr. Gutierrez adjourned the meeting at 1:00 p.m.

Respectfully submitted,

Judy Altieri
Office Manager

State College LGBTQ Advisory Committee Mission, Charge, and Membership December 17, 2018

Mission

The State College LGBTQ Advisory Committee will advise the Council, Mayor and Manager on LGBTQ matters to enhance access and inclusion for lesbian, gay, bisexual, transgender, and queer communities to participate and engage fully in the State College community.

Charge

The State College LGBTQ Advisory Committee will provide an opportunity to exchange information and discuss issues with the lesbian, gay, bisexual, transgender, and queer communities and the public about relevant programs and matters of interest.

- engage in outreach to the LGBTQ communities to disseminate information and encourage participation and engagement in community and civic life
- work co-operatively with other civic agencies whose activities affect LGBTQ communities, including initiating and developing the Borough of State College's Pride event and establishing and supporting the Borough of State College's Pride events and other relevant projects

The Committee will provide input and advise the Borough Council, Mayor, Borough Manager and other Borough staff about issues of concern, including matters that require action by the Borough.

- Assist with the annual Human Rights Campaign's Municipal Equity Index
- Recommend LGBTQ cultural competency training for Borough staff, as needed;
- Assist to ensure vendor equity in contracting
- Assist to institute a visible LGBTQ-affirming/welcoming business program and training for local vendor and their employees Acts as a resource for staff doing public involvement processes
- Act as a resource for Borough staff doing public involvement processes
- Work with Borough staff to ensure that Borough facilities and events are accessible for people who identify as outside the gender binary
- Work with other municipalities who are interested in taking part in the abovementioned activities and in advancing sexual orientation- and gender identity-inclusive nondiscrimination ordinances in their localities.

Composition

The LGBTQ Advisory Committee shall be comprised of individuals from the following organizations:

- State College Human Relations Commission
- Penn State's Commission on LGBTQ Equity
- Centre County LGBTQ Support Network
- Penn State's LGBTQA Student Resource Center
- The State College Area School District
- State College Police Department
- Penn State's Police Department
- Penn State's LGBTQA Student Roundtable
- Penn State's Queer and Trans People of Color
- AIDS Resource Alliance, Inc.
- Three (3) At-Large Members

Meetings

The Committee shall meet at least four (4) times each calendar year to complete its work.

Reporting

The Committee shall provide an annual report to the Borough Council. The annual report shall provide an overview the Committee's previous year's work and the work plan for the coming year. The Committee may provide interim reports and recommendations to Council as required.

The Committee shall provide minutes of each meeting to the Mayor and Manager. The Committee may provide advice and recommendations to the Mayor and the Manager at any time. The Committee Chair may request the Mayor and Manager attend meetings when appropriate based on the Committee's agenda.

Governance

The Committee shall be formally appointed by State College Council based on recommendations from the constituent groups identified for membership on the Committee. Each term shall be for a three-year period. The initial terms shall be so fixed that no more than five (5) members shall be replaced or reappointed during any one calendar year. Vacancies on the LGBTQ Advisory Committee shall be filled as soon as possible. An Appointment to fill a vacancy shall be only for the unexpired portion of the term. Members may be reappointed for an unlimited number of terms. The Committee shall elect a Chair and Vice -Chair from its membership at the first meeting of each calendar year. The Borough Manager's Office shall provide staff support for the Committee, including note taking, minutes, public notices and correspondence.

Resolution 1223

Advisory Committee to assist and advise on Lesbian,
Gay, Bisexual, Transgender, and Queer (LGBTQ) Matters

Whereas, The State College Council has previously affirmed its support for values of inclusion, equity and justice and welcomed all people while recognizing the rights of individuals to live their lives with dignity, free from discrimination because of their faith, sexual orientation, gender identity, race, national origin or immigration status; and,

Whereas, The State College Council has previously adopted an ordinance to prohibit discrimination in housing, employment or public accommodations based on sexual orientation or gender identity; and,

Whereas, in consultation with the Penn State University President's Commission on Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Equity, the Mayor and the Manager have identified the need to establish an advisory committee to assist and advise the Borough of State College on LGBTQ matters to further the goals and affirmations previously expressed by the State College Council; and,

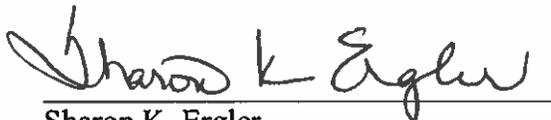
Whereas, the State College Council adopted a resolution on May 1, 2017 establishing the LGBTQ Advisory Committee and approved the State College LGBTQ Advisory Committee Mission, Charge, and Membership.

Now, Therefore, Be It Resolved that the State College Council, upon recommendation from the State College LGBTQ Advisory Committee, may adopt changes to the State College LGBTQ Advisory Committee Mission, Charge, and Membership from time to time upon affirmative vote of the State College Council.

Resolved this 17th day of December, 2018.

ATTEST:

BOROUGH OF STATE COLLEGE



Sharon K. Ergler
Assistant Borough Secretary

By:



Evan Myers
President of Council

Borough of State College MEMORANDUM

to: All Borough Employees
from: Ed LeClear, Director of Planning and Community Development
re: Conflict of Interest Policy and Code of Conduct with Regard to HUD Programs
date: November 15, 2018

A Conflict of Interest Policy and Code of Conduct with Regard to HUD Programs was adopted by the State College Borough Council in 2005 and updated by Borough Council as recently as 2017. This attached policy will be distributed to Borough employees annually.

Please review the policy.

If you have questions or comments, please contact me at 234-7109.

BOROUGH OF STATE COLLEGE

Conflict of Interest Policy and Code of Conduct With Regard to HUD Programs

SECTION 1 NON-PROCUREMENT CONFLICTS OF INTEREST

A. COVERED INDIVIDUALS:

Any employee, agent, officer, elected official, appointed official or consultant of the Borough of State College (Participating Jurisdiction) or; any member of an employee's, agent's, officer's, elected official's or appointed official's immediate family; an employee's, agent's, officer's, elected official's or appointed official's partner; or an organization that employs or is about to employ any of the above.

CONFLICTS PROHIBITED:

No person(s) described in Paragraph 1 of section 1 who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME Investment Partnerships Program (HOME) or Community Development Block Grant (CDBG) or other U.S. Department of Housing and Urban Development (HUD) funds, or who is in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a real or apparent financial interest or financial benefit from a HOME, CDBG, or other HUD-assisted activity, or has a real or apparent financial interest in any contract, subcontract, or agreement with respect to HOME, CDBG, or other HUD-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild and in-laws of a covered person. Occupancy of a HOME-assisted unit by a covered person constitutes a financial interest.

EXCEPTIONS:

Threshold Requirements – Upon the written request of the participating jurisdiction, the U.S. Housing and Urban Development (HUD) or its successor, may grant an exception to the provisions of the CONFLICTS PROHIBITED of section 1 on a case-by-case basis when it determines that the exception will serve to further the purpose of the HOME, CDBG or other HUD program and the effective and efficient administration of the Borough's program or project. An exception may be considered only after the participating jurisdiction has provided the following:

1. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure* of the conflict and a description of how the public disclosure was made; and
2. An opinion from the Borough's attorney that the interest for which the exception is sought would not violate state or local laws.

*The requirements for public disclosure include publication in a local newspaper or disclosure during an advertised public hearing.

Factors to be considered for Exceptions – In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraphs a. and b. above, HUD, or its successors, will consider the cumulative affect of the following factors, where applicable:

1. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
2. Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiary of the assisted activity, and the exception will permit such person(s) to receive generally the same interests or benefits as are being made available or provided to the group or class;
3. Whether the affected person(s) has withdrawn from his/her functions or responsibilities or the decision-making process with respect to the specific assisted activity in question;
4. Whether the interest or benefit was present before the affected person was in a position as described in the COVERED PERSONS Paragraph of this section
5. Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
6. Any other relevant considerations.

B. OWNERS AND DEVELOPERS:

Any owner, developer or sponsor of a project assisted with HOME, CDBG or other HUD funds (or officer, employee, agent, elected or appointed official or consultant of the owner, developer or sponsor or immediate family member of an officer, employee, agent, elected or appointed official, or consultant of the owner, developer or sponsor) whether private, for-profit or non-profit (including a community development organization (CHDO) when acting as an owner, developer or sponsor)

CONFLICTS PROHIBITED:

No person(s) described in Paragraph 2.A of section 2 may occupy, or appear to occupy, a HOME, CDBG or other HUD-assisted affordable housing unit in a project during the required period of affordability specified in §92.252(e) or §92.254(a)(4). This provision does not apply to an individual who receives HOME, CDBG or other HUD funds to acquire or rehabilitate his or her principal residence or to an employee or agent to the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

EXCEPTIONS:

Upon written request of a housing owner or developer, the Borough may grant an exception to the provisions of the above paragraph of this section on a case by case basis when it determines that the exception will serve to further the purposes of the HOME, CDBG or other HUD program and the effective and efficient administration of the owner's or developer's HOME, CDBG or other HUD-assisted project. In determining whether to grant a requested exception, the Borough shall consider the following factors:

1. Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, and the

- exception will permit such person to receive generally the same interest or benefits as are being made available or provided to the group or class:
2. Whether the person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted housing in question;
 3. Whether the tenant protection requirements of Sec. 92.253 are being observed;
 4. Whether the affirmative marketing requirements of Sec. 92.351 are being observed and followed; and
 5. Any other factor relevant to the Borough's determination, including the timing of the requested exception.

SECTION 2 PROCUREMENT CONFLICT OF INTEREST

COVERED INDIVIDUALS:

Any employee, officer, or agent of the Borough of State College (Participating Jurisdiction).

CONFLICTS PROHIBITED:

The CDBG, HOME and other HUD Programs follow the procurement policy of the Borough of State College located in the Borough of State College Code of Ordinances, Chapter 1, Part N. If any provisions of 2 CFR 200.318, 24 CFR 570.611, and 24 CFR 92.356 are not included or conflict with the Borough's Procurement Policy, the provisions of 2 CFR 200.318, 24 CFR 570.611, and 24 CFR 92.356 shall supersede the Borough's Procurement Policy.

No Covered Individuals in section 2 may participate in the selection, award or administration of a contract supported by HOME, CDBG or other HUD Program if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for award:

- employee, agents, or officer of the Borough of State College;
- any member of an employee's, agent's or officer's immediate family;
- an employee's, agent's or officer's partner; or
- an organization that employs or is about to employ any of the above

No employee, officer, or agent of the Borough or subrecipient may solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to subagreements.

EXCEPTIONS:

There are no exceptions for real or apparent procurement conflicts of interest.

A request for a regulatory waiver can be submitted pursuant to 24 C.F.R. § 5.110

Upon determination of good cause, the Secretary may, subject to statutory limitations, waive any provision of this title and delegate this authority in accordance with section 106 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3535(q)).

SECTION 3 CODE OF CONDUCT:

Persons covered in section 2, paragraph 1, are expressly forbidden from soliciting or accepting money, gifts, gratuities, services, favors, or anything of monetary value (excepting unsolicited calendars, pens, or other items of nominal value used as an advertising medium) from any person, company, firm, or corporation to which any purchase order or contract is, or might, be awarded or from a party to any potential subcontract.

The Borough shall also take disciplinary action in accordance with the Borough Personnel Rules and Regulations against any covered persons in section 2 paragraph 1 who violate this conflict of interest policy.

Employees will receive a copy of the conflict of interest policy on an annual basis as a mailer included in a paycheck. Elected and appointed officials will receive a copy of the policy at a regular meeting of their respective council, authority, board or commission. Distribution of the policy will be noted in the minutes of the meeting. Members who are absent will receive a copy by mail. Consultants and agents will be provided a copy of the policy as part of their contracts.

SECTION 4 SUB-RECIPIENTS:

Applicable Conflict of Interest and Procurement Policies for the Borough's subrecipients are covered under CFR 200.318, 24 CFR 570.611 and 24 CFR 92.356. Each subrecipient has developed its own Conflict of Interest Policy and Procurement Policy in accordance with the applicable regulations.

Authorized Official: Ed LeClear, Director of Planning and Community Development
243 S. Allen Street
State College, PA 16801
814-234-7109

Summary of Revisions:

Adopted by the State College Borough Council on April 18, 2005.

Revised by staff on April 30, 2015.

Revised policy adopted by the State College Borough Council on November 6, 2017.

Borough of State College
MEMORANDUM

to: All Borough Employees

from: Ed LeClear, Director of Planning and Community Development

re: Drug-Free Workplace Requirements for the Community Development Block Grant and HOME Programs

date: November 15, 2018

The State College Borough Community Development Department is mandated by the Department of Housing and Urban Development to notify all employees who are engaged in the performance of the Community Development Block Grant program and the HOME program of the status of drugs in the workplace.

It is unlawful to manufacture, distribute, dispense, possess or use a controlled substance in the workplace. Any employee who does manufacture, distribute, dispense, possess or use a controlled substance in the workplace shall be prosecuted under all applicable State and Federal laws, and shall face appropriate personnel action, up to and including termination; or the employee shall participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement or other appropriate agency.

Employees must notify the Borough in writing of their conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction. The State College Community Development Department is required to notify HUD, within ten calendar days after receiving notice from an employee or otherwise receiving actual notice of a conviction.

State College Borough has in place an Employee Assistance Plan designed to deal with drug and alcohol problems in the employee population. The telephone number for the Employee Assistance Plan is 1-800-252-4555; the website is www.theEAP.com.

If you have any questions or comments, please contact me at 234-7109.