

6-11-96

A
1509

ARIZONA STATE PARKS BOARD
CERTIFIED LOCAL GOVERNMENT PARTICIPANT AGREEMENT

This agreement is made and entered into by and between the ARIZONA STATE PARKS BOARD through its STATE HISTORIC PRESERVATION OFFICER (OFFICER) and the CITY OF FLAGSTAFF, the CERTIFIED LOCAL GOVERNMENT (CLG), whose address is 211 West Aspen Avenue, Flagstaff, Arizona 86001.

The OFFICER has authority to enter into this Agreement pursuant to P.L. 98-146 as amended; A.R.S. SS 41-511.04 and 41-511.05; the CLG has authority to enter into this Agreement pursuant to Article one, Section three of the City Charter

PART I. CONTRACT TERM

This agreement will begin on the date it is signed by the OFFICER, and shall remain in effect until the CLG requests decertification as a CLG or is decertified by the OFFICER pursuant to the provisions of Section V, "Certified Local Government Historic Preservation Program in Arizona," a copy of which is attached hereto as Exhibit A and is incorporated by reference as a part of this Agreement.

PART II. CONSIDERATION

The consideration for this Agreement is the mutual promises of the parties contained herein.

PART III. COMPLIANCE

The parties shall comply with all applicable laws, rules and regulations pertaining to the execution and administration of the terms contained in Exhibit A to this Agreement.

The CLG and its agents shall be specifically subject to all applicable provisions of the National Register Program Guidelines, NPS-49, dated 1 October 1984, as presently in effect or as may be promulgated during the period of this Agreement. A copy of the National Register Certified Local Government Participant Agreement
Page Two of Three

Program Guidelines, NPS-49, is available for inspection at the Arizona State Parks Board Office, 1300 W. Washington, Phoenix, Arizona 85007. The OFFICER will provide guidance on the provisions of the National Register Program Guidelines, NPS-49.

PART IV. ENFORCEMENT OF LOCAL ORDINANCE

The CLG agrees to enforce its Historic Preservation Ordinance, a copy of which is attached as Exhibit B and incorporated by reference as a part of this Agreement.

PART V. NONDISCRIMINATION

During the term of this Agreement, the parties agree to comply with the provisions of Executive Order 75-5, issued by the Governor of the State of Arizona relating to nondiscrimination in employment, a copy of which is attached hereto as Exhibit C and incorporated by reference as a part of this Agreement.

PART VI. AGREEMENT FOR ARBITRATION

If required pursuant to A.R.S. S12-1518 and any successor statute, the parties agree to use arbitration, after exhausting all applicable administrative remedies, to resolve all disputes arising out of this Agreement.

PART VII. CANCELLATION OF STATE CONTRACTS

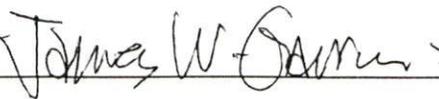
Pursuant to A.R.S. S38-511, and any successor statute, the State may cancel this contract, without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the contract on behalf of the State or any of its departments or agencies is, at any time while the contract or any extension of the contract is in effect, an employee of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract. Such cancellation shall become effective upon written notification from the Governor of the State of Arizona.

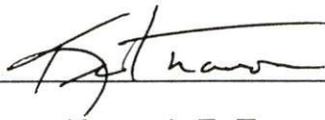
The parties have executed this Agreement as of the dates entered below.

**CITY OF FLAGSTAFF
CERTIFIED LOCAL GOVERNMENT**

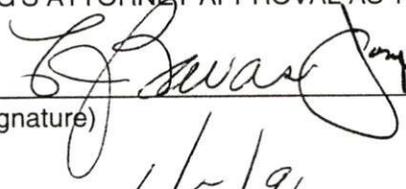
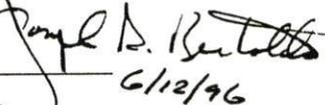
**THE STATE OF ARIZONA
ARIZONA STATE PARKS BOARD**

By 
Christopher J. Bavasi
Mayor
6/11/96
(Date)

By 
James W. Garrison
State Historic
Preservation Officer
3 MAY 1996
(Date)

By 
Kenneth E. Travous
Executive Director
Arizona State Parks Board
5/6/96
(Date)

CLG'S ATTORNEY APPROVAL AS TO FORM

 
(Signature) 6/12/96
6/5/96
(Date)

Attachments to This Agreement

Exhibit A - Certified Local Government Historic Preservation Program in Arizona

Exhibit B - Local Historic Preservation Ordinance

Exhibit C - Executive Order 75-5, Nondiscrimination in Employment

EXHIBIT A

CERTIFIED LOCAL GOVERNMENT HISTORIC PRESERVATION PROGRAM IN ARIZONA

Section I. Introduction

- A. The national historic preservation program has operated as a decentralized partnership between the Federal government and the state of Arizona since its establishment, in 1970. The Federal government established a program of identification, evaluation and protection of historic properties which the states, primarily, carry out. The success of that working relationship prompted Congress, in 1980, to expand the partnership to provide for participation by local governments (counties and incorporated cities and towns).
- B. The role of the "Certified Local Government" in the partnership involves, at a minimum, (1) eligibility to apply to the State Historic Preservation Officer for matching funds earmarked for "certified local governments," and (2) responsibility for review and approval of nominations of properties to the National Register of Historic Places.
- C. The Federal law directs the State Historic Preservation Officer and the Secretary of the Interior to certify local governments to participate in this partnership and specifies several requirements that the local government must meet.
- D. The following sections describe how the Federal-State-Local partnership works in Arizona.

Section II. Definitions

- A. "CLG" means a certified local government.
- B. "Commission" means a historic preservation board, council or similar collegial body that is established by local legislation, composed of professionals and persons, appointed as specified in the legislation, with a demonstrated interest, experience or knowledge in disciplines such as history, planning, archaeology, architecture, architectural history, historic archaeology or other fields related to historic preservation, that must perform the duties and responsibilities specified in the legislation.

- C. "HPF" means Historic Preservation Fund.
- D. "Local government" means any incorporated city, town, or county.
- E. "National Register" means the National Register of Historic Places.
- F. "SHPO" means the State Historic Preservation Officer.
- G. "Secretary" means the Secretary of the U.S. Department of the Interior.
- H. "Subgrantee" means the legal receiver of HPF funds through the SHPO.

Section III. Eligibility of a Local Government for Certification

- A. A local government that meets the criteria established in subsection B through F of this section may apply for certification under Section IV.
- B. A local government must enact and enforce an ordinance for the designation and protection of historic properties. The ordinance must, at a minimum, include the following provisions:
 - 1. Statement of purpose.
 - 2. Definitions.
 - 3. Establishment of a commission with specific membership and duties.
 - 4. Historic designation procedures for local resources and/or districts.
 - 5. Criteria for historic designation of local resources and/or districts.
 - 6. Provisions for public hearing on historic designation with public notification.

7. Mandatory review of alterations to, relocations or demolition of historic resources individually or within historic district boundaries and mandatory review of new construction within the boundaries of historic districts.
8. Specific guidelines to be used by the Commission, such as (or based on) the Secretary of the Interior's Standards for Rehabilitation.
9. Specific time frames and procedures for reviews and for consideration of appeals.
10. Provisions for decision making, enforcing decisions, and a right of appeal.

C. A local government must establish the Commission required by the ordinance provided under subsection B. The Commission must:

1. Be composed of at least five members, all of whom have a demonstrated interest, experience or knowledge in at least one of the following; history, architectural history, architecture, historic interiors, historic architecture, planning archaeology, historic archaeology, real estate, historic preservation law or other historic preservation related field. To the extent available in the community, at least two professionals from the disciplines of architecture, history, architectural history, planning, archaeology, or related historic preservation disciplines such as cultural geography or cultural anthropology must be members of the Commission. If a field is not represented by a Commission member, the Commission must obtain expertise in the field when considering National Register nominations and other actions that will impact properties that are normally evaluated by a professional in that field (e.g., archaeological sites should be evaluated by a professional archaeologist). Such expertise may be obtained through universities, private preservation groups or consultants, or other means approved by the SHPO. If a local government is to be certified without the minimum number of types of disciplines the local government must provide the SHPO with information, in writing, that it has made a reasonable effort to fill those positions.
2. Be composed of members who are appointed to serve staggered terms of office as specified by the ordinance.

3. Meet at least four times each year and follow the provisions of the Arizona Open Meetings Act, including providing for public notice and allowing the agenda, minutes, and meetings be open to the public.
 4. Provide for rules of procedure that are made known to the public.
 5. Make its decisions in an open forum and advise all interested persons of decisions.
 6. Prepare a written annual report of commission activities that is submitted to the SHPO and is available to the public. The report must contain, at a minimum, minutes of meetings, decisions made, special projects and activities, the number and types of cases reviewed, revised resumes of Commission members, and member attendance records.
 7. Ensure that vacancies on the Commission are filled within 60 days, unless extenuating circumstances require a longer period. An extension may be granted by the SHPO upon petition, in writing, of the chief official of the local government.
 8. Encourage all members to attend any training sessions and review any orientation materials provided by the SHPO. The SHPO will make available such training and orientation materials to provide working knowledge of the roles and operations of the federal, state, and local preservation programs.
 9. Carry out its responsibilities in coordination with SHPO responsibilities as outlined in 36 CRF 61.4(b) and ensure that its responsibilities are complementary to the SHPO's.
- D. A local government must maintain a system for the survey and inventory of historic properties.
1. A CLG must begin or continue a process for identifying historic properties within its jurisdiction that is approved by the SHPO.

2. A CLG must maintain a detailed inventory, under the jurisdiction of the Commission, of the designated historic districts, sites, buildings, structures or objects.
 3. All survey and inventory efforts and materials must be coordinated and compatible with the State's survey and inventory program (including the standards, guidelines and forms) of the SHPO. This will ensure that the information is in a format suitable for integration into the state historic preservation planning process. The SHPO will make available all appropriate materials and information to the CLG.
 4. All inventory materials must be accessible to the public, updated periodically and available, through duplicates, to the SHPO.
- E. A local government must provide for adequate public participation in the local historic preservation programs, including the process of recommending properties for nomination to the National Register.
1. All meetings of the Commission must be open meetings as required by the Open Meetings Act (A.R.S. Section 38-431, et seq.). The Commission should encourage public comment on agenda items.
 2. All reports submitted to the SHPO must detail how public comment was solicited and received.
- F. A local government must satisfactorily perform the responsibilities specified in subsections B through E above and any other responsibilities specifically delegated to it. The SHPO may, by written agreement with a CLG, delegate additional responsibilities such as environmental review projects if the CLG has adequate, qualified staff.

Section IV. Process for Certification of Local Governments in Arizona

- A. The chief elected official of the local government must request certification from the SHPO. The request for certification must include:

1. A written assurance by the chief elected official that the local government fulfills and will continue to fulfill all the standards for certification outlined in Section III.
 2. A copy of the local historic preservation ordinance.
 3. A list and accompanying maps of the areas designated at that time as historic districts or individual historic resources.
 4. Resumes for each of the members of the Commission including, where appropriate, credentials of member expertise in fields related to historic preservation.
- B. The request for certification will be reviewed by the SHPO for accuracy, completeness, and compliance with the provisions of this document.
- C. The SHPO will respond to the chief elected official within 60 days of the receipt of an adequately documented written request for certification.
- D. If a certification request is approved, the SHPO will prepare a written certification agreement that lists the responsibilities of the CLG. The list of responsibilities will include those listed in Section III, any additional responsibilities delegated to all CLGs in the State and any other delegated responsibilities. Such a certification agreement, once approved, may be amended with approval of the National Park Service, Western Regional Office.
- E. The SHPO certification of a local government to participate in the national historic preservation program constitutes certification by the Secretary, provided the Secretary has approved the State process and does not take exception to the request for certification and the certification agreement within 15 working days after receiving a complete CLG application and certification agreement from the SHPO.
- F. Once a local government is certified, it remains certified without further action unless, after substantive review, the SHPO recommends and proceeds with decertification or the CLG requests that it no longer be certified.

- G. A local government may appeal to the Secretary any SHPO decisions to deny certification or to decertify.

Section V. Process for Monitoring and Decertification of a CLG

- A. The SHPO will conduct a periodic review at least annually and monitor each CLG to assure that each government is fulfilling its responsibilities, as set forth in this document and the written certification agreement in a manner that is consistent and coordinated with the identification, evaluation and preservation priorities of the comprehensive state historic preservation planning process.
- B. The SHPO will, in his/her review:
1. Study the annual reports submitted by the CLG, records of the administration of HPF funds allocated to the CLG, and other pertinent documents of the CLG requested by the SHPO.
 2. Evaluate the CLG's performance of the responsibilities specified in this document and the written certification agreement and other responsibilities delegated to it.
 3. Recommend to the CLG specific steps to bring its performance up to an acceptable level, if necessary.
- C. The standards for evaluating the CLG's performance will include adequate preparation of all required reports, including the annual report, proper expenditure of HPF funds as adequately documented in required reports, and documented compliance with all requirements of this program and the written certification agreement.
- D. A CLG may take up to 180 days from the date the SHPO notifies the CLG, in writing, of the recommended steps, to implement the specific steps recommended.
- E. If the SHPO determines that sufficient improvement has not occurred after the 180 day period, the SHPO will recommend decertification of the CLG to the Secretary, citing specific reasons for the recommendation.

- F. A CLG may, voluntarily and without penalty, request decertification in writing addressed to the SHPO.
- G. If a CLG is decertified, the SHPO will terminate any financial assistance received by the CLG from the HPF allocation and will conduct a closeout review of the CLG funds received from the SHPO in accordance with the procedures set forth in the National Register Programs Manual.

Section VI. Transfer of HPF Monies to CLGs

- A. In order to be eligible to receive a portion of the local share of the State HPF allocation, a CLG must:

- 1. Have adequate financial management systems that meet Federal standards of the Office of Management and Budget Circular A-102 and Attachment G "Standards for Grantee Financial Management Systems", are auditable in accordance with the General Accounting Office Standards for Audit of Governmental Organization Programs, Activities, and Functions, and are evaluated annually by the SHPO or designee.
- 2. Adhere to all requirements of the National Register Programs Manual or successor manual. These requirements include the following:
 - a. Indirect costs may be charged as part of the CLG grant only if the CLG meets the requirements of the Manual,
 - b. Unless the CLG has a Federally approved, current indirect cost rate only direct cost may be charged.
- 3. Adhere to any requirements and special conditions mandated by Congress pertaining to the HPF.

- B. At least 10% of the State's HPF allocation will be made available, on a competitive basis, to CLGs, on a 50-50 matching basis, for historic preservation activities and projects eligible for HPF assistance as follows:

1. Operations

- a. CLGs receiving HPF funds from the CLG share shall be considered subgrantees of the State.
- b. Transferred monies shall not be applied as matching share for any other Federal grant, except as permitted under the National Register Programs Manual.
- c. CLG requirements shall be included in the State's written grant agreement with the local government.
- d. Any State directed specific uses of HPF funds are to be for activities that are eligible for HPF assistance.
- e. Any State directed specific uses of HPF funds are to be consistent with the State comprehensive historic preservation planning process.
- f. The State will be responsible, through financial audit, for the proper accounting of HPF CLG share monies in accordance with the Office of Management and Budget Circular A-102, Attachment P, "Audit Requirement".

2. Notification

- a. Within 30 days after notification by the Department of the Interior of the State's projected annual allocation, the SHPO will notify CLGs, in writing, of the amount of funds available for transfer and solicit applications for that funding.
- b. Within 60 days after the date of the written notice required by subdivision a, the SHPO must receive the funding applications from the CLGs.

- c. Within 30 days after the SHPO receives the formal obligation of funds from the Department of the Interior, the SHPO will notify the CLGs of any grant awards.

3. Funding Priorities

The SHPO will award funds competitively to CLGs based on the following, and after consideration of the proposal and the status of the CLG's historic preservation program:

- a. Administration of a local preservation program with emphasis on survey.
- b. Administration of a local preservation program with emphasis on nomination.
- c. Administration of a local preservation program with emphasis on protection activities.
- d. Administration of a local preservation program with emphasis on integrating historic preservation goals with the community's planning process.
- e. Administration of a local preservation program with emphasis on increasing the effectiveness of the local government in addressing historic preservation issues and needs.
- f. Administration of a local preservation program with emphasis on increasing the community's awareness and understanding of historic preservation values.

4. Eligibility

Every CLG is eligible to receive funding, but no CLG will automatically receive funding.

5. Criteria for Selection

The SHPO and State Parks Board will evaluate and select projects based on the following criteria:

- a. An application must clearly state a specific goal or goals that are measurable and attainable within the funding period.
- b. A CLG must demonstrate an understanding of State and local preservation priorities.
- c. A CLG must assure an acceptable 50% matching share.
- d. The funds awarded to an applicant will be sufficient to generate effects directly as a result of the funds transfer. Furthermore, the requirements for tangible results may not be waived even if there are many otherwise eligible applicants for the CLG share.
- e. Reasonable efforts will be made to distribute funds among the maximum number of eligible CLGs and between urban and rural areas of the State. If there are multiple eligible CLGs, no CLG will receive a disproportionate share of the HPF allocation.
- f. The SHPO will make available, upon request, the rationale for the applicants selected and the amounts awarded.

6. Procedure

The chief elected official of a CLG shall submit to the SHPO an annual application, developed by the SHPO for CLG Share Funds, which outlines the proposed activity and the budget, including the source of match. Application materials will also include a copy of the jurisdiction's last audit which discusses, in part, adequacy of financing. The SHPO will develop the application forms.

Section VII. CLG Participation in the
National Register Nomination Process

A. CLGs must participate in the National Register Nomination process, as follows:

1. The SHPO will forward a copy of completed National Register nominations within the CLG's jurisdiction with a summary sheet to the CLG's chief elected official, the property owner and the Chair of the Commission, within 30 days after receipt of the nomination. It will be the responsibility of the Commission Chair to disseminate this information to the Commission members.

The Commission shall provide for a reasonable opportunity for public comment prior to preparing a report. After receipt of such report and recommendation, or if no such report and recommendation are received within 60 days, the SHPO may make the nomination pursuant to Section 101(a) of the National Historic Preservation Act of 1966, as amended. The SHPO may expedite such process with the concurrence of the CLG.

2. Within 60 days of receipt of the nomination and summary sheet, the CLG's chief elected official shall transmit the Commission's report and the official's recommendation to the SHPO, regarding the eligibility of the property. If the Commission and the chief elected official do not agree, both opinions will be forwarded to the SHPO and property owner(s). The reports may indicate that no opinion is given.
3. If both the Commission and the chief local elected official recommend that a property not be nominated to the National Register, the SHPO shall take no further action, unless within 30 days of the receipt of such recommendation by the SHPO an appeal is filed with the State. If such an appeal is filed, the SHPO will follow the established procedures set forth in the National Historic Preservation Act of 1966, as amended (Section 101(a)). Any report and recommendations made under this subsection shall be included with any nomination submitted by the State to the Secretary.

B. Upon written agreement between the CLG and the SHPO, the CLG may elect to assume responsibility for notification of property owners and the public throughout the nomination process. In this case, the CLG must meet the public notice requirements specified by the National Register nomination procedures of the Department of the Interior. If a CLG assumes the notification responsibilities, the SHPO will provide guidelines regarding persons to be contacted and the content and timing of the notification letters.

December, 1990
Arizona State Historic Preservation Office

EXECUTIVE ORDER

No. 75-5

PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS -
NONDISCRIMINATION IN EMPLOYMENT BY GOVERNMENT
CONTRACTORS AND SUBCONTRACTORS

I, Raul H. Castro, under and by virtue of the authority vested in me as Governor of the State of Arizona by the Constitution and Statutes of the State of Arizona do order and direct:

PART I - Non-discrimination in employment by government contractors and subcontractors.

All government contracting agencies shall include in every government contract hereinafter entered into the following provisions:

During the performance of this contract, the contractor agrees as follows:

A. The contractor will not discriminate against any employee or applicant for employment because of race, age, color, religion, sex or national origin. The contractor will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, age, color, religion, sex or national origin. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places available to employees and applicants for employment notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

B. The contractor will in all solicitations or advertisement for employees placed by or on behalf of the contractor state that all qualified applicants will receive consideration for employment without regard to race, age, color, religion, sex or national origin.

C. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding a notice to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this Executive Order and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. The contractor will furnish all information and reports required by the contracting agency and will permit access to his books, records and accounts by the contracting agency and the Civil Rights Division for purposes of investigation to ascertain compliance with such rules, regulations and orders.

E. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders of the Arizona Civil Rights Division said noncompliance will be considered a material breach of the contract and this contract may be cancelled, terminated or suspended in whole or in part, and the contractor may be declared ineligible for further government contracts until said contractor has been found to be in compliance with the provisions of this order and the rules and regulations of the Arizona Civil Rights Division, and such sanctions may be imposed and remedies invoked as provided in Part II of this order, and the rules and regulations of the Arizona Civil Rights Division.

F. The contractor will include the provisions of paragraphs A through E in every subcontractor purchase order so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect in the subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in or is threatened with litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the State of Arizona to enter into such litigation to protect the interests of the State of Arizona.

G. Each contractor having a contract containing the provisions prescribed in this section shall file and shall cause each of his subcontractors to file compliance reports with the contracting agency or the Civil Rights Division, as may be directed. Compliance reports shall be filed within such times and shall contain such information as the practices, policies, programs and employment policies, programs and employment statistics of the contractor and each subcontractor and shall be in such form as the Arizona Civil Rights Division may prescribe.

H. Bidders or prospective contractors or subcontractors shall be required to state whether they have participated in any previous contract subject to the provisions of this order or any preceding similar Executive Order and in that event to submit on behalf of themselves and the proposed subcontractors compliance reports prior to, or as an initial part of negotiation of a contract.

I. Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers or providing or supervising apprenticeship or training for such workers, the compliance report shall include such information from such labor unions or agency practices and policies affecting compliance as the contracting agency or Civil Rights Division may prescribe; provided that, to the extent such information is within the exclusive possession of a labor union or an agency referring workers or providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify the contracting agency as part of its compliance report and shall set forth what efforts he has made to obtain such information.

J. The contracting agency or the Civil Rights Division shall require that the bidder or prospective contractor or subcontractor shall submit as part of his compliance report a statement in writing signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training with which the bidder or prospective contractor deals with supporting information to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment employment and the terms and conditions of employment under the proposed contract shall be in accordance with the purpose and provisions of this order. In the event that the union or the agency shall refuse to execute such a statement, the compliance shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Civil Rights Division may require.

PART II - Enforcement

A. Each contracting agency shall be primarily responsible for obtaining compliance with this Executive Order with respect to contracts entered into by such agency or its contractors. All contracting agencies shall comply with the rules of the Civil Rights Division in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this order and the rules and regulations and orders of the Civil Rights Division issued pursuant to this order. They are directed to cooperate with the Civil Rights Division and to furnish the Division such information and assistance as it may require in the performance of the Division's functions under this order. They are further directed to appoint or designate from among the agency personnel compliance officers. It shall be the duty of such officers to first seek compliance with the objective of this order by conference, conciliation, mediation or persuasion.

B. The Civil Rights Division may investigate the employment practices of any government contractor or subcontractor or initiate such investigation by the appropriate contracting agency or determine whether or not the contractual provisions specified in this order have been violated. Such investigations shall be conducted in accordance with the procedures established by the Civil Rights Division and the investigating agencies shall report to the Civil Rights Division any action taken or recommended. The Civil Rights Division may receive and investigate or cause to be investigated complaints by employees or prospective employees of a government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in Part I of this order. If the investigation is conducted for the Civil Rights Division by a contracting agency, that agency shall report to the Civil Rights Division what action has been taken or is recommended with regard to such complaint.

C. The Civil Rights Division shall use its best efforts directly and through contracting agencies, other interested state and local agencies, contractors and all other available instrumentalities to cause any labor union engaged in work under government contracts or any agency referring workers or providing or supervising apprenticeship or training for or in the course of such work to cooperate in the implementation of the purposes of this order.

D. The Civil Rights Division or any agency, officer or employee in the executive branch of the government designated by rule, regulation or order of the Civil Rights Division may hold such hearings, public or private as the Division may deem advisable for compliance, enforcement or educational purposes. The Civil Rights Division may hold or cause to be held hearings in accordance with rules and regulations issued by the Civil Rights Division prior to imposing, ordering or recommending the imposition of penalties and sanctions under this order.

E. No order for debarment of any contractor from further government contracts under this order shall be made without affording the contractor an opportunity for a hearing.

F. Sanctions and Penalties. In accordance with such rules, regulations or orders as the Civil Rights Division may issue or adopt, the Civil Rights Division or the appropriate contracting agency may publish or cause to be published the names of contractors or unions which it has concluded have complied or have failed to comply with the provisions of this order and with the rules, regulations and orders of the Civil Rights Division.

1. Contracts may be cancelled in whole or in part, terminated, or suspended absolutely, or continuation of contracts may be conditioned upon a program for future compliance approved by the contracting agency or the Civil Rights Division; provided that any contracting agency shall refrain from entering into further contracts, extensions or other modifications of existing contracts with any noncomplying contractor until such contractor has established and will carry out personnel and employment policies in compliance with the provisions of this order.

2. Under rules and regulations prescribed by the Civil Rights Division, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this order by methods of conference, conciliation, mediation and persuasion before proceedings shall be instituted under this order or before a contract shall be cancelled or terminated in whole or in part under this order for failure of a contractor or subcontractor to comply with the contract provisions of this order.

G. This Executive Order shall become effective within sixty (60) days of its issuance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

DONE at the Capitol in Phoenix this twenty-eighth day of April in the year of Our Lord, One Thousand Nine Hundred and Seventy-five, and of the Independence of the United States the One Hundred and Ninety-ninth.


GOVERNOR

ATTEST:


Secretary of State