CHAPTER 101: TITLE VI IMPLEMENTATION PLAN

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101.001 Glossary of Common Terms

Beneficiary or recipient - the individual or organization for which federal funds are intended.

Implementation plan - the Title VI implementation plan developed and maintained by City of Garrett to ensure compliance with 42 U.S.C. §2000d et seq.

Title VI Compliance Officer - City of Garrett employee designated by the Responsible Official to coordinate all Title VI activities of City of Garrett.

Responsible Official - the person identified in Section 101.004.

101.002 Overview

Title VI of the Civil Rights Act of 1964 as codified in 42 U.S.C. 2000d states: provides as follow:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance"

The City of Garrett is a local Indiana Government entity operating under the rules of the Indiana General Assembly and among other things provides services as authorized by statute. The City of Garrett, Indiana, receives funds from taxes, fees, grants, and donations. All revenues are accounted for in accordance with Indiana law. Federal and state grant funds shall only be used in a manner consistent with the grant purpose. All financial records are audited annually by the Indiana State Board of Accounts.

The City, through its Implementation Plan, provides for compliance with Title VI of the Civil Rights Act of 1964. The City will have copies of this Title VI Implementation Plan available at its office during normal business hours. The City will periodically publish statements concerning Title VI in materials available to the public and to prospective beneficiaries.

101.003 Scope of Title VI Applicability to Programs and Activities

The City of Garrett affords all individuals the opportunity to benefit from civil rights programs administered by the City of Garrett. The City of Garrett in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d) shall:
Maintain a Title VI Implementation Plan. If required by Title VI or regulations promulgated thereunder, the implementation plan shall:

1. Be developed with the participation of protected beneficiaries; and
2. Include Title VI implementation plans of any sub-recipients of federal funds through state agencies; and

3. Submit a copy of the implementation plan to the all appropriate federal and state officials as required from time to time; and
4. Submit annual Title VI compliance reports and any implementation plan updates to the appropriate and required agencies on a regular basis.

Title VI applies to discriminatory acts based on race, color, or national origin and specifically prohibits the exclusion of individuals or groups from participation in, or enjoying the benefits of, federal programs. The policy of the City of Garrett, Indiana is to implement in all city business and interactions the following laws, rules, policies, and plans of the United States Federal Government as follows:

Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq);
Sec. 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324);
Age Discrimination Act of 1975;
Section 504 of the Rehabilitation Act of 1973;
Americans with Disabilities Act of 1990;
Civil Rights Restoration Act of 1987;
49 Code of Federal Regulations Part 21;
23 Code of Federal Regulations Part 200;
United States Department Of Transportation Order 1050.2;
Executive Order #12898 (Environmental Justice);
Executive Order #13160 (Education Training Programs);
Executive Order #13166 (Limited-English-Proficiency);
All other federal laws, mandates and directives that require compliance with the Civil Rights Act or any other related matter.

101.004 Responsible Official

The Mayor of the City of Garrett, Indiana or his / her designee has overall responsibility for implementation, compliance and reporting with respect to Title VI. Inquiries related to these activities should be directed to:

Mayor City of Garrett, Indiana
City Hall
130 S. Randolph Street.
Garrett, IN 46819
260-357-4151

101.005 Statement of Assurances

The City of Garrett, its staff, any sub-recipients of federal funds under grants administered by the City of Garrett, and all other parties involved with such grants shall remain in compliance with all provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d).

Each sub-recipient of federal funds under grants administered by the City of Auburn shall have agreed in writing to adopt the City of Garrett's Title VI polices and plan, or

If the sub-recipient's Title VI plan differs from the City of Garrett's plan, the sub-recipient's Title VI plan shall be available for review from the Responsible Official.
101.006 Programs or Activities Subject to Title VI:

1. U.S. Housing and Urban Development's Community Development Block Grant (CDBG) program. Funds are designated for the following program areas:

- Housing
  Community Projects
  Public Services
  Public Facilities
  Economic Development
  Community Emergency Relief Fund

The U.S. Department of Housing and Urban Development (HUD) funded Community Development Block Grant (CDBG) program for the City of Garrett to provide assistance to communities for use in revitalizing neighborhoods,

2. The Land and Water Conservation Fund (LWCF) provides federal grant funds to protect important natural areas, to acquire land for outdoor recreation and to develop or renovate public outdoor recreation facilities such as campgrounds, picnic areas, sports & playfields, swimming facilities, boating facilities, fishing facilities, trails, natural areas, and passive parks.

3. The Recreational Trails Program provides grant funds to develop and renovate recreation trails for both motorized and non-motorized use. It does not fund equipment such as mowers or gators.

4. The Department of Transportation, pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of Secretary, Part 21, nondiscrimination in federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, as said Regulations may be amended from time to time.

5. Any and all other State or Federal programs that require compliance under Title VI of the Civil Rights Act of 1964 or any other applicable state or federal law, mandate or order.

101.007 Complaint Procedures

A. Complaint Procedures

1. How a complaint shall be filed.

Complaints in relation to alleged discrimination under Title VI of the Civil Rights Act of 1964 may be filed using the forms provided by the City of Garrett, Indiana. If an individual refuses to submit a written complaint, the compliance officer, or designee of the compliance officer shall record the information orally from the individual and shall provide a copy to the individual with a request that the information be confirmed by the complainant.

A complaint may be filed by anyone who believes that the City of Garrett has discriminated against a participant, beneficiary, or a class of beneficiaries on the basis of any protected Class under Title VI of the Civil Rights Acts of 1964.
Complaints must be filed within one hundred eighty (180) days of the activity which prompts the filing of the complaint.

2. **Where to file a complaint**

Complaints in relation to alleged discrimination under Title VI of the Civil Rights Act of 1964 may be filed with City of Garrett's Title VI compliance officer at:

City Hall
130 S. Randolph Street
Garrett, IN 46819
260-357-4151

Time frame within which the complaint shall be processed

Upon receipt of a written complaint, the compliance officer shall review the complaint and shall file, within seven (7) days, a concise statement with the Responsible Official regarding the nature of the complaint and the steps to be taken to investigate or resolve the complaint.

Withdrawal of a complaint

A complainant may withdraw a complaint at any time before final action by filing with the compliance officer a written statement of his or her desire to withdraw the complaint.

B. **Investigations, Report of Findings, Hearings and Appeals**

1. **Investigations**

Upon receipt of the complaint by an individual or at the time the compliance officer becomes independently aware of actions, which may constitute a violation of Title VI, the compliance officer shall take necessary action within thirty (30) days to investigate and recommend specific actions to resolve the complaint. A report shall be filed by the compliance officer with the Responsible Official within that period.

2. **Report of Findings**

The complainant shall be notified in writing of the results of the investigation and any actions taken.

The City of Garrett shall attempt to maintain the confidentiality of the complaint and the name of the complainant.

The complainant shall be notified in writing, within thirty (30) days of the resolution of the complaint, by the Responsible Official or the Title VI compliance officer of the resolution of a complaint. A statement of corrective action shall include specific statements of actions to be taken or prohibited actions and shall include a timetable for implementation.

3. **Hearings and Appeals**

A complainant may file a written appeal from the Responsible Official's resolution of the complaint within thirty (30) days of the receipt of the written notice of resolution. Appeals shall be directed to the Mayor of City of Garrett and shall be set forth in writing. The complainant shall be notified of the final resolution of the complaint within sixty (60) days of the Mayor's receipt of the appeal.

A complainant filing a written appeal may request an in-person hearing before the Mayor or the Mayor's designee. Such request shall be set forth in writing and shall be submitted contemporaneously with the written appeal. The complainant shall be notified of the date, time and place of the hearing within 15 days of the City of Garrett's receipt of the request.

101.008 Compliance

A. The City of Garrett shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance.

B. Upon a finding by the City of Garrett of noncompliance, the City of Garrett shall take the following actions with regard to:

1. Processing

The compliance officer shall immediately notify the Responsible Official in writing of the violations held to constitute noncompliance with Title VI and of the steps necessary to correct these violations.

2. Reporting

The compliance officer shall notify the sub-recipient or employee found to be in noncompliance, in writing within 30 days of the compliance officer's report of noncompliance, of the violations and corrective measures necessary to remedy the violations.

3. Resolution

The City of Garrett shall attempt to secure voluntary compliance with Title VI. In the event that efforts to secure voluntary compliance are not secured within a reasonable period of time, the compliance officer will notify the Responsible Official, in writing, of the recommended corrective action.

4. Enforcement / Corrective actions

The Responsible Official shall implement corrective actions within thirty (30) days of receipt and acceptance of the notification of recommended corrective action.

Employees or grant sub-recipients who refuse to voluntarily comply with Title VI or to take corrective actions required by the City of Garrett shall face disciplinary action, or in the case of grant sub-recipients, may face termination or suspension of the contractual relationship with the City of Garrett.

5. Monitoring of programs

The City of Garrett shall undertake to periodically monitor all programs funded through federal assistance for those sub-recipients who have been found by the City of Garrett to be in non-compliance with Title VI.

101.009 Training

The Title VI implementation plan will be made available via City of Garrett website. Sub-recipients of grants will be notified of the Title VI implementation plan and complaint procedures at the time of any grant award.
The City of Garrett may periodically hold Title VI training seminars for its employees, particularly for those individuals responsible for monitoring sub-recipients for Title VI compliance.

101.010 Goals and Evaluation Procedures

The City of Garrett endeavors to reevaluate its Title VI goals on an annual basis, as part of the process of reviewing the agency's Title VI plan. The City of Garrett shall, each year, set forth City of Garrett's current goals and the process for evaluating and revising those goals.

A. Goals

1. Report compliance activities in a timely manner.
2. Respond to and investigate all complaints within the timeframe and in accordance with the procedures outlined in Section 101.007.
3. Give employees the opportunity to rate the plan to determine if the plan is adequate to address their needs and the requirements of Title VI.

B. Evaluation of Goals

1. The Advisory Committee (comprised of the Grants Manager and two (2) other employees) shall, at each meeting, review the agency's goals and its progress towards these goals, and evaluate the effectiveness of the plan's provisions as they relate to these goals.
2. The Advisory Committee shall, at each meeting, establish a timeline for achievement of goals, and implement a process for monitoring the progress towards these goals.
3. The Advisory Committee shall, at each meeting, promulgate a written report of the agency's progress towards the identified goals.
4. The Advisory Committee shall, at each meeting, discuss and evaluate whether any corrective procedures are necessary to bring City of Garrett closer to its goals.

101.011 Public Notification

Three (3) groups of people will receive notification of the City of Garrett's Title VI plan, complaint forms, nondiscrimination policy, and programs and services: 1) City of Garrett employees will have access to the implementation plan and the complaint procedures on the city website; 2) federal grants applicants and sub-recipients of federal grants who will be notified of Title VI requirements at the time of application and at the time of any grant award; and 3) members of the general public who request information via phone, fax, or email.

The City of Garrett's Title VI Plan is available for review at the city office. Title VI application forms and checklists for sub-recipients are also available at the city office.

101.012 Recordkeeping and Reporting

A. Complaints

1. The compliance officer will maintain a log of all complaints filed with City of Garrett.
2. Grant personnel will certify annually that all sub-recipients have been notified of the Title VI implementation plan and complaint procedures.
3. The compliance officer will maintain copies of complaint forms and will ensure that they are available for use.

B. Reporting

1. Changes in the Title VI implementation plan will be provided to employees and sub-recipients as changes are made.
2. Changes in the Title VI implementation will be forwarded to the State Auditor as changes are made.
3. Grant personnel will maintain records of all sub-recipients in order that the City of Garrett can determine if eligible parties are participating in the grants.

C. Changes

Any changes made of this plan are incorporated herein as part of City of Garrett's recordkeeping and reporting procedures.

D. Participation data:

Because the City of Garrett acts as an administrator or a pass-through source for sub-recipients of federal funds, the agency is unable to provide data showing the extent to which members of protected parties are participating in the Title VI programs and activities.

The City of Garrett endeavors to ensure that each sub-recipient of federal funds is in full compliance with Title VI, and that each such entity ensures equal participation in programs funded by federal monies to protected parties.

101.013 Minority Representation

The City of Garrett shall attempt to identify and employ qualified minority applicants. Where minority representation in particular areas of the agency is low, the City of Auburn endeavors to fill vacant positions with qualified minorities. Whenever a planning or advisory body, such as a board or committee, is an integral part of City of Garrett's programs, City of Garrett shall take such steps as are necessary to ensure that minorities are notified of the existence of such bodies and are provided equal opportunity to participate as members.

Where members of a board or committee are appointed by the City of Garrett and where minorities comprise at least 5% of the affected area or the surrounding community, the facility or agency will make efforts to appoint a minority representative to serve on the board or committee.

The City of Garrett has also created a Title VI advisory committee to review and make recommendations regarding this implementation plan and to identify areas where improvement is needed. The advisory committee is currently comprised of at least three (3) people. The advisory committee shall meet at least once each year.