

AGENDA REPORT

TO: Mayor & City Commission
FROM: Ken Hibl, City Manager
DATE: September 14, 2011
RE: Adoption of Title VI Plan & Policy



For the Agenda of September 19, 2011

Background. MDOT requires that all recipients (we are) of Federal-aid highway funds are required to have a Title VI Plan and Policy (*copy of our att'd*). The respective Plan and Policy is required to be submitted to MDOT for review and is required to be renewed annually each September by the governing body of the respective governmental entities. The City Commission is asked to review and renew our Plan and the Policy to ensure our compliance with Federal and State requirements.

Issues & Questions Specified. Should the City Commission review and renew the City's Title VI Plan & Policy?

Alternatives.

1. Review and Renew the Plan & Policy.
2. Approve an amended version of the proposed Plan & Policy.
3. Do not approve a Title VI Plan & Policy.
4. Set aside decision regarding this matter to a later date.

Financial Impact. There is no immediate impact to the City; however, failure to renew the Title VI Plan & Policy could potentially subject the City to withdrawal or denial of Federal-aid highway funds.

Recommendation. I recommend that the City Commission review and renew the current Title VI Policy & Plan by adoption of Resolution 2011-094 (*copy att'd*).

Attachments.

1. Title VI Plan.
2. Resolution 2011-094.

**CITY OF CLARE
TITLE VI PLAN**

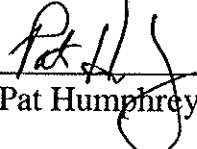
**City of Clare
202 West Fifth Street
Clare MI 48617
(989) 386-7541**

**CITY OF CLARE
TITLE VI POLICY STATEMENT**

The City of Clare assures that no person shall, on the grounds of race, color, national origin, religion, sex, disability or age as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Clare further assures every effort will be made to ensure nondiscrimination in all of its committees, programs and activities, regardless of the funding source.


The City of Clare will include Title VI language in all written agreements and bid information packets and will monitor compliance.

The City Manager of the City of Clare will be responsible for initiating and monitoring Title VI activities, and all other responsibilities as required.



Pat Humphrey, Mayor

Date 1/19/11



Ken Hibel, City Manager

Date 1/19/11

TITLE VI AUTHORITIES

TITLE VI OF 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, religion, sex, disability or age be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23 CFR 200.9 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 (S.557) March 22, 1988).

COORDINATOR RESPONSIBILITIES

The City Manager is responsible for ensuring the implementation and the day-to-day administration of the City of Clare Title VI Plan. The City Manager is also responsible for implementing, monitoring, and ensuring the City's compliance with the Title VI regulations.

GENERAL RESPONSIBILITIES

a. Public Dissemination

The City of Clare will disseminate Title VI Program information to City employees, sub-recipients, and contractors, as well as the general public. Public dissemination will include posting public statements, inclusion of Title VI language in contracts, and announcements of hearings, and notices of vacancies in boards and committees and meetings. These notices will be posted in newspapers as well as in the Clare City Hall and, depending on the time of announcement, this will be posted in the City's newsletter or upon its website as may be applicable from time to time.

b. Prevention of Discrimination

Procedures will be implemented to detect and eliminate discrimination when found to exist, including, but not limited to issues to accessibility of training to all qualified City employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public involvement and material acquisition.

c. Remedial Action

The City of Clare will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance through a program review with the program administration requirements. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

FILING A COMPLAINT

Applicability

The complaint procedures apply to the beneficiaries of the City of Clare programs and activities, including but not limited to: the public, contractors, sub-contractors, consultants, employees and other sub-recipients of federal and state funds.

Eligibility

Any person who believes that they have been excluded from participation in, or denied benefits or services of any program or activity of the City of Clare or its sub-recipients, consultants, and contractors on the basis of race, religion, color, national origin, sex, age, or disability may bring forth a complaint of discrimination under Title VI and related statutes.

Time Limitation on Filing Complaints

Title VI complaints may be filed with:

- City of Clare
- Michigan Department of Transportation
- Federal Highway Administration
- U.S. Department of Transportation

In all situations, City of Clare employees must contact the City Manager immediately upon receipt of Title VI or related statutes complaints.

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination;
or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the

facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint to a City of Clare employee, or other person authorized to receive complaints on behalf of the City, that person shall interview the person. If necessary, the authorized person shall assist the person in writing out the complaint for the person, or the person's representative, to sign.

A person may also request a copy of the City of Clare Title VI complaint form. These forms are available at the Clare City Hall during normal business hours.

INTERNAL COMPLAINT PROCESSING

- The City Manager acting as the Title VI Coordinator will review the complaint upon receipt to ensure that all information is provided, the complaint meets the 180-day filing deadline and meets jurisdiction.
- The City Manager will then investigate the complaint, unless it is withdrawn. If the complaint is against the City Manager, then the Mayor will investigate the complaint.
- If the complaint warrants a full investigation, the complainant will be notified in writing by certified mail. This notice will give the name of the investigator and/or investigating agency. The City will also notify MDOT of the investigation to determine if the City shall proceed with the complaint with or without the assistance of MDOT.
- The alleged perpetrator shall also be notified by certified mail as to the complaint. This letter will also include the investigator's name and will request that this person be available for an interview.

CITY OF CLARE INVESTIGATION PROCEDURES

Investigation Plan

The investigator shall prepare a written plan, which includes, but is not limited to:

- Name(s) of the complainant(s)
- Basis for the complaint
- Any additional information needed
- Criteria and sources needed to obtain additional information
- Identify key people
- Estimated investigation time-line
- Remedy sought by the complainant(s)

Conducting the Investigation

- The investigation will address only those issues relevant to the allegations of the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted with those persons involved and evidence will be gathered.
- A chronological contact sheet will be maintained in the case file.

Investigation Reporting Process

- Within 35 days of receiving the complaint, the investigator prepares a report and submits it and any supporting documentation to the Title VI Policy Committee for review.
- The Title VI Policy Committee will review the file and a determination will be made as to “probable cause” or “no probable cause” and prepares a final decision letter.

RECORDS


All records will be kept in a confidential manner and be on file for a period of five (5) years.

CITY OF CLARE Title VI Assurances

The City of Clare (hereinafter referred to as the “recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the United States Department of Transportation, it will comply with Title VI of the civil Rights Act of 1964 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation. Effectuation of the Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, religion, sex, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received federal financial assistance; and

HEREBY GIVES ASSURANCE THAT, it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under Federal Highway or Transit Program, and is binding on it, other recipients, sub-grantees, contractors, transferees, successors in interest, and other participants in the Federal Aid Highway or Transit Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.



Pat Humphrey, Mayor

Date 1/19/11



Ken Hibl, City Manager

Date 1/19/11

RESOLUTION 2011-094

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A TITLE VI PLAN.

WHEREAS, Title VI of the Civil Rights Act of 1964 (U.S.C. 200D) provides that no person shall on the ground of race, color, national origin, gender, or disabilities be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal funds; and

WHEREAS, the Michigan Department of Transportation (MDOT) requires that any city that is the recipient of Federal-aid highway funds shall have adopted a Title VI Plan and Policy; that said plan be reviewed and renewed annually; and that said view and certification of renewal be provided to MDOT annually; and

WHEREAS, the City of Clare is from time to time the recipient of said funds; and

WHEREAS, the City has an adopted and approved Title VI Policy; and

WHEREAS, the City Commission has conducted its annual review of said Plan and Policy and has determined that said approving said Plan and Policy is clearly in the City's best interests.

NOW THEREFORE BE IT RESOLVED THAT the Clare City Commission hereby renews the validity of the existing Title VI Plan and Policy for the City of Clare and directs that the provisions outlined therein be continued to be followed and enforced.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 19th day of September 2011.

Sarah Schumacher, Deputy City Clerk