

**COUNCIL ACTION FORM**

**SUBJECT: UPDATES TO AFFIRMATIVE ACTION COMPLIANCE PLAN**

**BACKGROUND:**

On March 25, 2014, the City Council approved guidelines for how the City will assist persons with Limited English Proficiency (LEP). Because the City also has a Compliance Plan for Title VI of the Civil Rights Act of 1946, it is important to update the plan to reflect the Language Communication Guidelines that are now in place. Previously, the compliance plan only referenced assistance for public meetings, which does not provide assistance to LEP persons for the more frequent interactions with City staff. Staff also made some minor changes to reflect that it is the responsibility of the Assistant City Manager to ensure compliance with Title VI.

The next steps for the City will be a formal education plan for staff related services that are available for oral translation and a review of the Language Communication Guidelines and requirements assisting LEP persons under Title VI. In addition, staff will receive training on the City website's language conversion capabilities, as well as on oral translation services options that the City has available.

**ALTERNATIVES:**

1. Approve a resolution updating the City's Compliance Plan -Title VI of the Civil Rights Act of 1964 to reflect the addition of Language Communication Guidelines and responsibilities of the Assistant City Manager.
2. Do not approve a resolution updating the City's Compliance Plan - Title VI of the Civil Rights Act of 1964 and responsibilities of the Assistant City Manager.

**MANAGER'S RECOMMENDED ACTION:**

With the completion of Language Communication Guidelines for LEP persons is it now time to update the City's Compliance Plan for Title VI.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the updates to the City's Compliance Plan -Title VI of the Civil Rights Act of 1964 to reflect the addition of Language Communication Guidelines and responsibilities of the Assistant City Manager.



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# **Compliance Plan Title VI of the Civil Rights Act of 1964**

This plan was approved by the Ames City Council on April X, 2014.

**CITY OF AMES  
TITLE VI POLICY STATEMENT**

The City of Ames assures that no person shall, on the grounds of race, color, national origin, or sex 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 benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Ames 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 Ames will include Title VI language in all written agreements and bid notices and will monitor compliance.

The Assistant City Manager, Title VI Civil Rights Coordinator of the City of Ames, will be responsible for initiating and monitoring Title VI activities, and all other responsibilities as required.

\_\_\_\_\_  
*Diane Voss, City Clerk*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Ann Campbell, Mayor*

\_\_\_\_\_  
*Date*

This policy was adopted at a regular City Council meeting held on \_\_\_\_\_.

## **Introduction**

Title VI of the 1964 Civil Rights Act provides that “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 (Sec. 601).”

The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

This plan provides information on the City of Ames’ Title VI compliance policies, complaint procedures, and a form to initiate the complaint process for use by members of the public. This plan does not govern disputes between individuals and other individuals or businesses that have no relation to the City government. For complaints related to private individuals, please contact the Ames Human Relations Commission for resources.

## **Coordination Responsibilities**

The Assistant City Manager serves as the City of Ames Title VI Civil Rights Coordinator, and is responsible for ensuring the implementation and the day to day administration of the City of Ames' Compliance Plan. The Assistant City Manager is also responsible for implementing, monitoring, and ensuring the City's compliance with Title VI regulations.

## **City Language Communication Guidelines and City Meeting Interpreter Service Policies**

### *Language Communication Guidelines (Adopted March 2014)*

The City of Ames has established "Language Communication Guidelines for Limited English Proficiency (LEP)" persons to ensure compliance with various Federal agencies regulations and Executive Order 13166 issued by President Clinton in 2000 along with subsequent guidance under Title VI of the Civil Rights Act of 1964. Under these requirements and guides, the City of Ames must take reasonable steps to ensure meaningful access to public programs and activities by persons with Limited English Proficiency (LEP).

### *Public Meetings*

The City of Ames holds frequent public meetings, including regular and special meetings of the City Council, workshop sessions, and meetings of City boards and commissions. These meetings are free and open to the public in accordance with Iowa Open Meetings laws.

On a regular basis, language interpreters are not provided at City meetings. However, upon request, interpreters or alternate materials can be made available for individual public meetings.

Individuals requiring an accommodation should contact the City Clerk's Office at least four days in advance of the meeting for which auxiliary services are requested. The City Clerk's Office will work with the requester to determine the appropriate services to accommodate the individual's need.

### **City Purchasing and Contract Policies**

The City of Ames Affirmative Action Program states that "all contractors, subcontractors, vendors, and suppliers doing business on a non-emergency basis with the City or any agency of the City, under which the contract value of said business between the City and Contractor equals or exceeds twenty-five thousand dollars (\$25,000), shall place on file with the City a statement of Nondiscrimination Policy which is satisfactory to the Affirmative Action Officer of the City."

In order to comply with the aforementioned, an "Assurance of Compliance with the City of Ames, Iowa, Affirmative Action Program" must be completed and signed by an authorized official of the contracting firm. The statement indicates the firm's compliance with all aspects of the City's Affirmative Action Program, Titles VI and VII of the Civil Rights Act of 1964, and all other applicable state and federal laws. An approved Affirmative Action Compliance form is valid for all City of Ames projects bid by that firm for a period of one year from the date of approval.

## Complaint Procedures under Title VI of the Civil Rights Act of 1964



This Complaint Procedure is established to meet the requirements of the Civil Rights Act of 1964 and its amendments. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of race, color, or national origin in the provision of services, activities, programs, or benefits by the City of Ames. There are certain exceptions to this process. The Clerk of Court and City Assessor maintain offices within City Hall, but are not under the exclusive purview of the City of Ames. In the event that there is a complaint about unfair treatment within the Clerk of Court or City Assessor offices, complainants should contact that office directly for assistance navigating their complaint procedures. Complaints arising out of transit-related concerns are governed by special requirements from the Federal Transit Administration. These complaints should be made directly to CyRide in order to comply with those requirements. Please contact CyRide at (515) 292-1100 for information on how to file a complaint.

Additionally, transit-related complaints can be filed with the Federal Transit Administration's Office of Civil Rights. Finally, complaints of discrimination regarding employment in the City of Ames are governed by the City's Personnel Policies. Please contact the City of Ames Human Resources Office to file a complaint related to employment. If you are unsure about the appropriate office to address a complaint to or if you need assistance navigating procedures, complaints of any type can be filed with the Iowa Civil Rights Commission.

Should a citizen have a complaint about access to public services, he/she should complete the attached complaint form and submit it to the City Manager's Office. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. The attached form provides spaces for all necessary information.

The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Title VI Civil Rights Coordinator City  
Manager's Office  
515 Clark Avenue  
Box 811  
Ames, IA 50010

Within 30 calendar days after receipt of the complaint, the Title VI Coordinator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, the Title VI Coordinator or his/her designee, in consultation with the City's Legal Office, will respond in writing. The response will explain the position of the Coordinator and other options for substantive resolution of the complaint.

If the response by the Title VI Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City's Title VI Appeals Committee. The appeal should take the form of a written letter describing the initial complaint, the initial response, and the ways in which the initial response does not satisfactorily address the complaint. The appeal should be sent to the same address the initial complaint was delivered to.

The Title VI Appeals Committee will consist of representatives from three departments not involved in the complaint. The departments will be chosen at random. The three representatives will choose one individual among them to serve as chair of the committee. The Legal Office will serve to advise the committee.

Within 30 calendar days after receipt of the appeal, the City's Title VI Appeals Committee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City's Title VI Appeals Committee will respond in writing.

All complaints received by the Title VI Coordinator or his/her designee, appeals to City's Title VI Appeals Committee, and responses from these two offices will be retained by the City Clerk's Office for at least five years.



## Title VI of the 1964 Civil Rights Act Discrimination Complaint Form

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on the next page. Alternate means of filing a complaint, such as a personal interview or audio recording, will be made available upon request.

Complainant: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, & Zip: \_\_\_\_\_

Home phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Person Discriminated Against: \_\_\_\_\_  
(if other than complainant)

Address: \_\_\_\_\_

City, State, & Zip: \_\_\_\_\_

Home phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

City Department/Departments you believe have discriminated.

\_\_\_\_\_

Where did the alleged discrimination take place?

\_\_\_\_\_

When did the alleged discrimination occur? (Date/Time) \_\_\_\_\_

Describe the acts of discrimination providing the name(s) where possible of the individuals who allegedly discriminated (if applicable) or services in violation of the 1964 Civil Rights Act or its amendments. Attach additional pages if necessary

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, with what agency or court?

\_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Do you intend to file with another agency or court? \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

Agency or Court: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Additional space for answers:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Return To:

**Title VI Civil Rights Coordinator  
City Manager's Office  
PO Box 811  
515 Clark Avenue  
Ames, IA 50010**