

COUNCIL ACTION FORM

**SUBJECT: COMPLIANCE PLAN FOR TITLE VI OF THE CIVIL RIGHTS ACT
OF 1964**

BACKGROUND:

Staff was recently notified by the Iowa Department of Transportation that the City will be required to develop and implement a plan to comply with Title VI of the Civil Rights Act of 1964. This requirement is being initiated by the Federal Department of Transportation. The compliance plan must be in place by July 1, 2011. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin for any program or activity that receives Federal financing. A 1987 amendment to the Act extended these protections by stating that entire institutions receiving Federal funds, such as local governments, must comply with Federal civil rights laws, rather than just the particular programs that receive federal funds.

Using existing policies as a guide, staff has prepared a plan that outlines our interpreter, purchasing, and contract policies. The plan also includes a complaint procedure and form for use by the public to document alleged instances of discrimination.

ALTERNATIVES:

1. Adopt the attached Title VI of the Civil Rights Act of 1964 Compliance Plan
2. Do not adopt the attached Title VI of the Civil Rights Act of 1964 Compliance Plan

MANAGER'S RECOMMENDED ACTION:

The policies identified in the Plan are existing policies that have been approved by the Council. Adopting a consolidated Plan will fulfill the state requirements to have a Compliance Plan in place.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby adopting the attached Title VI of the Civil Rights Act of 1964 Compliance Plan.

City of Ames

**Title VI of the
Civil Rights Act of 1964**

Compliance Plan

Adopted June 2011

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.

This plan was approved by the Ames City Council on _____, 2011

City Meeting Interpreter Service Policies

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.

City of Ames: 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**