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Clerk-Treasurer email
Auburn, IN

ORDINANCE NO. 2015-11

**AN ORDINANCE ESTABLISHING
A NON-DISCRIMINATION IMPLEMENTATION POLICY
FOR THE CITY OF AUBURN**

SUMMARY

The City of Auburn, Indiana, through its implementation policy and plan provides for compliance with Title VI of the 1964 Civil Rights Act. The City will post its plan on the City of Auburn website at www.ci.auburn.in.us. Said policy will be codified in the City of Auburn Code of Ordinances and will be made available in paper form to any person who requests a copy. The City of Auburn, Indiana, will periodically publish statements concerning Title VI in materials available to the public. The City of Auburn, Indiana, will continue to take steps to insure that no person in dealing with the City of Auburn, Indiana, shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program receiving federal financial assistance. The City of Auburn Title VI Non-Discrimination Policy shall be codified in Section 101 of the Auburn City Code and may be found on the City of Auburn web based code of ordinances.

_____ Recorder's Office	<u> X </u> Publish Public Hearing
_____ Auditor's Office	_____
_____ Clerk's Office	<u> X </u> Publish O/R Summary after adoption
_____ Other:	_____

ORDINANCE NO. 2015-11

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FOR THE CITY OF AUBURN**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUBURN,
INDIANA:**

Section 1.

The City of Auburn, Indiana, has established a policy and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, or national origin. Attached as Exhibit "A" is Chapter 101, which is entitled Title VI Implementation Plan and shall be codified in the City of Auburn Municipal Code of Ordinances. The City of Auburn shall comply with the Civil Rights Act of 1964 And any other federal laws, mandates, and directives that require compliance with the Civil Rights Act or any other related laws.

Section 2.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the Common Council of the City of Auburn, Indiana, and appropriate publication of the summary of this ordinance with a statutorily accepted newspaper with circulation in DeKalb County, Indiana. The Ordinance shall be codified under a new Chapter 101 in the Auburn City Code. The original ordinance shall be maintained by the Office of the Clerk-Treasurer and the

1st Reading 10/5/2015
2nd Reading 10/19/2015

codified version shall be placed on the City of Auburn's Web-Based Code. See Exhibit
"A" attached hereto and made a part hereof.

JAMES FINCHUM, Councilmember

ATTEST:

Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this ____ day of
_____, 2015

PATRICIA M. MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this ____ day of _____, 2015.

NORMAN E. YODER, Mayor

VOTING:

AYE

NAY

Denny Ketzenberger

Dennis "Matthew" Kruse

James Finchum

David Painter

Mike Watson

Kevin Webb

Michael Walter

Exhibit "A"

TITLE VI
IMPLEMENTATION PLAN
CITY OF AUBURN

- 101.001 Glossary of Common Terms**
- 101.002 Overview**
- 101.003 Scope of Title VI Applicability to Programs and Activities**
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- 101.005 Statement of Assurances**
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- 101.007 Complaint Procedures**
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- 101.013 Minority Representation**

101.001 Glossary of Common Terms

“Beneficiary or recipient” means the individual or organization for which federal funds are intended.

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

“Title VI Compliance Officer” means City of Auburn employee designated by the Responsible Official to coordinate all Title VI activities of City of Auburn.

“Responsible Official” means 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 Auburn 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 Auburn, 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 Auburn affords all individuals the opportunity to benefit from civil rights programs administered by the City of Auburn. The City of Auburn in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d) shall:

- (a) 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;
- (b) Submit a copy of the implementation plan to the all appropriate federal and state officials as required from time to time; and
- (c) 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 Auburn, 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 Auburn, 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 Auburn, Indiana
City Hall
210 E. Ninth St.
Auburn, IN 46706
260/925-5430

101.005 Statement of Assurances

The City of Auburn, its staff, any sub-recipients of federal funds under grants administered by the City of Auburn, 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).

- A. Each sub-recipient of federal funds under grants administered by the City of Auburn shall have agreed in writing to adopt the City of Auburn's Title VI policies and plan, or
- B. If the sub-recipient's Title VI plan differs from the City of Auburn'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

- A. 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 Auburn to provide assistance to communities for use in revitalizing neighborhoods,

- B. 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.

- C. 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.
- D. 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.
- E. 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 Auburn, 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 Auburn 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 Auburn's Title VI compliance officer at:

City Hall
210 E. Ninth St.
Auburn, IN 46706
260/925-5430

3. **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.

4. **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 Auburn 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 Auburn 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 Auburn's receipt of the request.

101.008 Compliance

- A. The City of Auburn 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 Auburn of noncompliance, the City of Auburn 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 Auburn 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 Auburn 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 Auburn.

5. **Monitoring of programs**

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

101.009 Training

The Title VI implementation plan will be made available via City of Auburn 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 Auburn 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 Auburn 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 Auburn shall, each year, set forth City of Auburn'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 Auburn closer to its goals.

101.011 Public Notification

Three (3) groups of people will receive notification of the City of Auburn's Title VI plan, complaint forms, nondiscrimination policy, and programs and services: 1) City of Auburn 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 Auburn'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.

101.013 Recordkeeping and Reporting

A. Complaints

1. The compliance officer will maintain a log of all complaints filed with City of Auburn.
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 Auburn 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 Auburn's recordkeeping and reporting procedures.

D. Participation data:

Because the City of Auburn 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 Auburn 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 Auburn 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 Auburn's

programs, City of Auburn 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 Auburn 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 Auburn 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.