

**CITY OF BROWN CITY
TITLE VI NON-DISCRIMINATION,
ENVIRONMENTAL JUSTICE AND
LIMITED ENGLISH PROFICIENCY
PLAN**

**City of Brown City
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**CITY OF BROWN CITY
TITLE VI NON-DISCRIMINATION,
ENVIRONMENTAL JUSTICE AND LIMITED
ENGLISH PROFICIENCY POLICY STATEMENT**

The City of Brown City 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 Brown City 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 Brown City also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the City of Brown City will provide meaningful access to services for persons with Limited English Proficiency

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

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

Christine Lee, Mayor

Date April 25, 2011

Kelly J. Pavel, City Clerk

Date April 25, 2011

Clinton K. Holmes, City Manager

Date April 25, 2011

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).

Executive Order 12898, Limited English Proficiency and Executive Order 13166, Environment Justice were enacted to ensure non-discrimination against persons who have limited ability to speak, write, or understand English, and low-income and minority populations and require recipients and sub-recipients receiving federal-financial assistance, such as the City of Brown City, to include consideration of and approach to any program, service, or activity to address these requirements.

COORDINATOR RESPONSIBILITIES

The City Manager is responsible for ensuring the implementation and the day-to-day administration of the City of Brown City Title VI Non-Discrimination, Environmental Justice and Limited English Proficiency Plan. The City Manager is also responsible for implementing, monitoring, and ensuring the City’s compliance with these requirements and regulations.

GENERAL RESPONSIBILITIES

- a. Public Dissemination:** The City of Brown City 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 the Brown City Municipal Building, employee work areas, and the City website (www.ci.brown-city.mi.us).
- 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. Annual Reports:** An annual report will be prepared by August 1st of each year. The City Manager will be responsible for preparing this annual report. The annual report must be submitted to MDOT by September 1st of each year. The report will review Title VI accomplishments and goals for the upcoming year.
- d. Remedial Action:** The City of Brown City will actively pursue the prevention of any Title VI / Executive Order 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 Brown City 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 Brown City or its sub-recipients, consultants, and contractors on the basis of race, religion, color, national origin, sex, age, or disability, income status or language proficiency 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 Brown City
- Michigan Department of Transportation
- Federal Highway Administration
- U.S. Department of Transportation

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

- ***Complaints must be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know that the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.***
- 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 Brown City 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 Brown City Title VI complaint form. This form is available below, on the City's website and at the Brown City Municipal Building 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 or other 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 BROWN CITY 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 (City Council Personnel Committee) for review.
- The Title VI Policy Committee (Personnel 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.

REPORTING REQUIREMENTS TO AN EXTERNAL AGENCY

A copy of the complaint, together with a copy of the investigation report and the Police Committee’s final decision letter will be forwarded to the Michigan Department of Transportation within 60 days of the date the complaint was received.

RECORDS

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

CITY OF BROWN CITY
Title VI Assurances

The City of Brown City (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.

Christine Lee, Mayor

Date April 25, 2011

Kelly J. Pavel, City Clerk

Date April 25, 2011

Clinton K. Holmes, City Manager

Date April 25, 2011

CITY OF BROWN CITY TITLE VI COMPLAINT FORM

This form may be used to file a complaint with the City of Brown City based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint.

If you need assistance completing this form due to a physical impairment, please contact us by phone at 810-346-2325, by fax at 810-346-3802 or by e-mail at browncty@greatlakes.net.

Only the complainant or his/her designee should complete this form.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) discriminated against, if different than above (use additional pages if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Please explain your relationship with the individual(s) indicated above: - _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of Individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

TITLE VI CONTRACT LANGUAGE

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest, (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulation:** The contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21 (hereinafter referred to as the Regulations), as they may be amended from time to time, herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, national origin, religion, sex, disability, age, or socio-economic status in the selection of and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including the procurement of material for leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulation or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the City of Brown City, Michigan Department of Transportation or appropriate Federal Agency to be pertinent to ascertain compliance with such Regulation, orders and instructions. Where any information required of a contractor is in exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation or the appropriate Federal Agency as needed, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the City of Brown City shall impose such contract sanctions as the Michigan Department of Transportation may determine to be appropriate, including, but not limited to:
 - Withholding of payments to the contractor under contract until the contractor complies, and/or

- Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporations of Provisions: The contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the City of Brown City, Michigan Department of Transportation, or appropriate Federal Agency may direct as a means of enforcing such provisions, including sanctions for noncompliance.