

CITY OF CHEROKEE
TITLE VI PLAN

Adopted October 26, 2021

416 W. Main St.
Cherokee IA 51012
712-225-5749
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City of Cherokee

Title VI Policy

Adopted:

Title VI Policy Statement

The City of Cherokee 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 Cherokee 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 Cherokee will include Title VI language in all written agreements and bid notices and will monitor compliance.

The City Administrator of the City of Cherokee will be responsible for initiating and monitoring Title VI activities and is hereby named as the Title VI Coordinator.

This policy adopted by the Cherokee City Council on October 26, 2021.

Craig W. Schmidt, Mayor

Date

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, nations origin, or sex be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23CFR 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).

TITLE VI COORDINATOR

The City of Cherokee has named the City Administrator as the official Title VI Coordinator for the City, here after referred to as Coordinator. The Coordinator is responsible for the following components of the Title VI plan for the City of Cherokee:

- **Public Dissemination** – The City of Cherokee will disseminate Title VI Program information to City employees, sub-recipients, and contractors, as well as the general public. Public dissemination will include posting of public statements, inclusion of Title VI language in contracts, and announcements of hearings, and meetings in minority newspapers when determined necessary and when funding is available.
- **Prevention of Discrimination** – Procedures will be implemented to detect and eliminate discrimination when found to exist, including, but not limited to, issues of accessibility of training to all qualified City employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public improvement, and material acquisition.
- **Annual Reports** – The Coordinator will be responsible for insuring an annual report is prepared by October 1st of each year and made available to the general public via the City of Cherokee Web Page. The report will review Title VI accomplishments and goals for the previous year and outline plans and goals the for upcoming year as outlined further in this policy.
- **Remedial Action** – The City of Cherokee 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 administrative requirements. If irregularities occur in the administration of the program’s operation, procedures will be promptly implemented to resolve Title VI issues and reduce to writing remedial action agreed to be necessary, all within a period not to exceed 90 days.
- **Complaint Handling/Investigation** – The Coordinator will be responsible for handling any and all complaints to the City of Cherokee and for the investigation and reporting of claims per this policy.

TITLE VI COMPLAINTS

Complaint procedures apply to all beneficiaries of the City of Cherokee's programs, activities, including but not limited to: the public, contractors, sub-contractors, consultants, employees, and other sub-recipients of federal and state funds.

Eligibility – If any individual, group of individuals, or entity believes that they or any other program beneficiaries have been subjected to discrimination prohibited by Title VI nondiscrimination provision as a recipient of benefits and/or services, or on the grounds of race, color, national origin, or sex, they may exercise the right to file a complaint with the City of Cherokee. Every effort will be made to resolve complaints informally at the agency, recipient, and/or contractor level.

Filing Process – Complaints may be filed with the following agencies:

- City of Cherokee
- Iowa Department of Transportation
- Federal Highway Administration
- U.S. Department of Transportation

Employees who receive notice of a complaint must notify the City Administrator immediately upon notice of the filing or the notice of the intent to file a complaint or any related statutes complaint.

Complaints must be filed within 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.

All complaints must be filed in writing on the official City of Cherokee Complaint Form, and must be signed by the complainant and/or the complainant's representative. The complainant must set forth, as fully as possible, the facts and circumstances surrounding the claimed discrimination.

The official City of Cherokee Complaint Form is available at the City Clerk's office during normal business hours or online at the City of Cherokee's web page at www.cherokeeiowa.net.

Internal Complaint Processing – All complaints filed with the City of Cherokee shall be handled in the following manner:

1. The Coordinator will review the complaint upon receipt to ensure that all information is provided; the complaint meets the 180 day filing deadline and falls within the jurisdiction of the City. This step in the process will occur within fifteen (15) days of the receipt of the complaint.

2. The Coordinator will then investigate the complaint. If the complaint is against the Coordinator and/or the City Manager the investigation shall be done by the Mayor and a City Council representative. A copy of the complaint will be forwarded to the City Attorney.
3. If the complaint warrants a full investigation, the complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency. The City will copy the notice to the City Attorney and the Iowa Department of Transportation Office of Employee Service/Civil Rights.
4. Upon determination that the complaint warrants a full investigation, the party who is alleged to have acted in a discriminatory manner will also be notified at this time by certified mail or personal delivery. This notification will also include the investigator assigned to the complaint and will request an interview with the individual. In the case that the individual is part of an officially recognized union the union shall also be notified by regular mail.
5. Any comments or recommendations from legal counsel will be reviewed by the Coordinator.
6. The investigator shall upon completing all investigatory work shall file a written report with the Mayor and a City Council representative, who shall review the report within fifteen (15) days. Any additional questions shall be returned to the investigator.
7. Upon review and acceptance of the investigator's report the City shall adopt a final resolution to the claim and notify all parties of the outcome of the investigation and the final resolution adopted by the City of Cherokee
8. The complainant shall be given notice that they have the right to appeal the decision of the investigator and the City of Cherokee. The right to appeal shall be limited to within 180 days of the date of the final resolution. Unless new facts not previously considered come to light within the 180 day appeal period the City of Cherokee shall not reconsider the final resolution.

LIMITED ENGLISH PROFICIENT (LEP)

The City of Cherokee follows Executive Order 13166 in identifying and engaging LEP populations to ensure their involvement and knowledge of transportation planning and projects in and around their communities. A LEP person is defined as one who does not speak English as his or her primary language and has a limited ability to read, write or understand English. The City of Cherokee's policy for engaging individuals with LEP is to provide translation services to individuals who request them, if reasonable accommodations can be made.

ELIMINATION OF DISCRIMINATION

The City of Cherokee will work internally and with other entities to ensure nondiscrimination within the public participation process.

DATA ANALYSIS & COLLECTION TO ENSURE NONDISCRIMINATION

Federal laws, rules and regulations, Iowa D.O.T. guidelines, the current City of Cherokee Title VI plan, annual accomplishment and goals reports and other resource information pertaining to the implementation and administration of the City of Cherokee's Title VI program will be maintained and updated by the Coordinator. Information will be made available to other City of Cherokee departments or the public as requested or required. The Coordinator shall maintain a log of complaints filed that allege discrimination. The log will include the name and address of the complainant, description of complaint, date filed, disposition and date and any other pertinent information. All records regarding discrimination complaints and actions taken on discrimination complaints will be maintained for a period of not less than three years from the final date of resolution of the complaint.

TITLE VI CONTRACT PROVISIONS

Title VI assurances and provision language is to be included in all federally funded consultant contracts. Contract award and administration procedures will be fair and impartial. The following activities will be conducted equitably, without regard to race, color, national origin, or other protected basis: Prequalification of contractors, award of contract, subcontract, or extra work, level of inspection, enforcement of specifications and treatment of adjacent property owners and tenants.

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, sex, or national origin 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 contractors shall provide all information and reports required by the Regulations 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 Woodbury County, Iowa 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 Iowa 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, Woodbury County shall impose such contract sanctions as the Iowa 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. Incorporation 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 Woodbury County, Iowa Department of Transportation, or appropriate federal agency may direct as a means of enforcing such provisions, including sanctions for noncompliance

City of Cherokee

Title VI Notice to the Public

The City of Cherokee (hereinafter known as “City”) hereby gives public notice that it is the policy of the City to assure full compliance with Title VI of the Civil Rights Act of 1964, related statutes and regulation provide that no person shall on the ground of race, color, national origin, gender, age or disability 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 Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institution 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.

We are also concerned about the impacts of our programs, projects and activities on low income and minority populations (“Environmental Justice”) under Title VI. Any person who believes that they are being denied participation in a project, being denied benefits of a program, or otherwise being discriminated against because of race, color, national origin, gender, age, or disability, may contact:

Eric List

City of Cherokee

administrator@cherokeeiowa.net

(712) 225-5749

YOU SHOULD CONTACT THE ABOVE INDIVIDUAL AS SOON AS POSSIBLE BUT NO LATER THAN 180 DAYS AFTER THE ALLEGED DISCRIMINATION OCCURRED, OR IF THERE HAS BEEN A CONTINUING COURSE OF CONDUCT, NO LATER THAN 180 DAYS AFTER THE ALLEGED DISCRIMINATION WAS DISCONTINUED.

CITY OF CHEROKEE

TITLE VI ASSURANCES

The City of Cherokee, (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 or 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, sex, or national origin, 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 GIVE ASSURANCE THAT, it will promptly take any measure 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 Program, and is binding on it, other recipients, sub-grantees, contractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Eric List
City Administrator

Date

Craig W. Schmidt
Mayor

Date

**CITY OF CHEROKEE
TITLE VI COMPLAINT FORM**

This form may be used to file a complaint with the City of Cherokee based on a violation of Title VI of the Civil Rights Act of 1964. You are not required to use this form. A letter providing the same information may be submitted to file your complaint.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) allegedly 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 that allegedly discriminated: Agency/Department Name:

Name of Individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination: Date discrimination began: _____

Last or most recent date: _____

ALLEGED DISCRIMINATION: If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

Race/Color _____ Religion _____

National Origin _____ Age _____

Gender _____ Disability _____

Explain: Please explain as clearly as possible what happened. Provide the name(s) or witness(es) and others involved in the alleged discrimination. Attach additional sheets if necessary and provide a copy of written material pertaining to your case.

Signature: _____ Date: _____

Note: The City of Cherokee prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the City Clerk or City Attorney if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint

