



## **CITY OF IMPERIAL TITLE VI NON-DISCRIMINATION PLAN**

### **POLICY STATEMENT**

The City of Imperial is in compliance with the provisions of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Discrimination on the basis of gender, age, and disability is prohibited under related statutes. These Presidential Executive Orders and the related statutes fall under the umbrella of Title VI.

Federal-aid recipients, subrecipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services whether these programs, activities and services are federally funded or not. The City of Imperial Title VI Coordinator is responsible for providing leadership, direction and policy to ensure compliance with Title VI and environmental justice principles. The City is proud of its longstanding policy to ensure that social impacts to communities and people are recognized early and continually throughout the public decision-making and City project development processes.

### **I. NON-DISCRIMINATION POLICY**

It is the express policy of the City of Imperial (the City) that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity receiving federal funds on the grounds of race, color, national origin, sex, age, disability, or income, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and Executive Order 13166.

It is also the express policy of the City that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City program or activity, whether those programs and activities are federally funded or not, on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income.

### **II. AUTHORITIE(S)**

- Title VI of the Civil Rights Act of 1964 prohibits the discrimination in, or the denial of benefits under, any program or activity receiving federal financial assistance on grounds of race, color or national origin.
- The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of federal aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

- The Federal Aid Highway Act of 1973 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.
- The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.
- The Americans with Disabilities Act of 1990 provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.
- Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person, shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.
- 23 CFR 200 are administration regulations promulgated by the Federal Highway Authority that specify the Title VI implementation requirement for state departments of transportation at state and local levels.
- 49 CFR 21 are administration regulations promulgated by the US Department of Transportation that specify the Title VI implementation requirements for state departments of transportation at state and local levels.
- Executive Order 12898 regards federal actions to address Environmental Justice in minority populations and low income populations. (Environmental justice seeks equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class. Additionally, environmental justice means that no group of people including racial, ethnic or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, land-use planning and zoning, municipal and commercial operations or the execution of federal, state, local and municipal program and policies).
- Executive Order 13166 regards the improvement of access to services for persons with Limited English Proficiency.

### III. DEFINITIONS

- A. *Affected Parties*: Persons protected against discrimination because of race, color, national origin, sex, age, disability, or income by the Title VI Requirements.
- B. *Contractor*: A person or entity that has entered into an agreement with the City that is subject to the Title VI Requirements.
- C. *LEP Program*: the Limited English Proficient program still needs to be established by the City. This plan will assist individuals who do not speak English as their primary language, and who therefore have limited ability to read, speak, or understand the English language and connect with City government and assist with needed services.
- D. *Locating and citing actions*: a recommendation by City staff or decision by the City staff or the City Council that will result in the construction of a public facility that could have adverse environmental impacts on the surrounding area.
- E. *Meaningful access*: the provision of communicative assistance by the City necessary to allow affected persons to participate in governmental services/activities.
- F. *Proposed Project*: a project that receives federal funds and is subject to the Title VI Requirements.
- G. *Sub recipient*: a person or entity that receives federal funds from the City to be used by the entity to further the objectives of the federal grant. The City is the recipient of the grant, and the person or entity is a subrecipient of those grants funds. An example of a sub recipient relationship would be where the City grants federal funds

to a non-profit corporation that the corporation uses to provide assistance for low-income households to pay utility bills.

- H. *Title VI Assurances*: Conditions imposed upon contractors or subrecipients as a result of federal funding being directly or indirectly provided to the contractor or sub recipient.
- I. *Title VI Requirements*: the nondiscrimination provisions contained in Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and Executive Order 13166.

#### **IV. TITLE VI PLAN ORGANIZATION AND STAFFING**

##### ***A. CITY MANAGER***

The City Manager's Office is responsible for ensuring the City's compliance with Title VI Requirements, including, but not limited, to monitoring City programs, preparing required reports and undertaking such other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21. To ensure compliance the City Manager will appoint a Title VI Coordinator, and Department Directors will designate one or more Department Liaisons within their respective departments.

##### ***B. TITLE VI COORDINATOR***

The Human Resources Manager is the Title VI Coordinator and responsible for the coordination of the Title VI Program under the direct supervision of the City Manager. The Title VI Coordinator's responsibilities are:

1. Process complaints regarding compliance with this Title VI Plan that are received by the City Coordinate with Department Liaisons to compile statistical data related to race, color, national origin, sex, age, disability, and income of participants in, and beneficiaries of, federally funded programs to ensure compliance with the Title VI Requirements.
2. Review City programs or projects receiving federal funds in coordination with Department Liaisons to ensure compliance with Title VI Requirements.
3. Conduct training programs related to Title VI Requirements for City staff that is responsible for Title VI compliance and for contractors or subrecipients who is subject to Title VI Requirements.
4. Make recommendations to the City Manager on ways to achieve compliance with Title VI Requirements.
5. Develop information regarding this Title VI Plan for dissemination to the general public and, where appropriate, use the LEP Program to ensure dissemination of the information to affected populations.
6. Ensure that individuals who will be affected by Locating and citing actions obtain meaningful access to the public awareness/involvement process.
7. Identify deficiencies in compliance with the Title VI Requirements, and make recommendations to the City Manager for remedial actions to be taken to promptly resolve such deficiencies.
8. Annually prepare a Title VI Plan Report that documents progress, accomplishments, impediments and goals in fulfilling this Title VI Plan.

### ***C. DEPARTMENT LIAISONS***

Department Liaisons are responsible for the day-to-day administration of the Title VI Program within their departments. The Title VI Coordinator shall keep on file an accurate and updated list of all Department Liaisons. Department Liaisons' responsibilities are:

1. Ensure compliance, program monitoring, reporting, and education regarding the Title VI Requirements within their respective departments.
2. Meet regularly with the Title VI Coordinator to discuss issues regarding Title VI implementation and monitoring within the City.
3. Collect statistical data regarding participants in and beneficiaries of federally funded programs, e.g., relocates, Affected Parties, and impacted communities (race, color, national origin, sex, age, disability, and income)
4. Prepare annual reports regarding department compliance with Title VI and make recommendations on ways to achieve better compliance with the Title VI Requirements.
5. Conduct post-grant approval reviews of City programs and applicants (e.g., highway location, design and relocation, and persons seeking contracts with the City), for compliance with the Title VI Requirements.
6. Conduct department meetings to review impacts of Proposed Projects on Affected Parties.
7. Develop mechanisms to identify the population of Affected Parties for Proposed Projects.
8. Notify Affected Parties of public meetings or hearings regarding a Proposed Project, and ensure that meetings and hearings are accessible to all Affected Parties.
9. Disseminate information to the public regarding access to Proposed Project information, specifications, and plans.

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## **V. TITLE VI PROGRAM COMPONENTS**

### **A. ELIMINATION OF DISCRIMINATION**

The City will continue its practice of identifying discrimination based on race, color, religion, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, and where such discrimination is found to exist, implementing programs or practices to eliminate the discrimination. Programs include, but are not limited to, hiring Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, providing translations through the LEP Program, and conducting public outreach and involvement in City projects.

### **B. PUBLIC DISSEMINATION OF INFORMATION**

The Title VI Coordinator shall assist City staff in the creation and dissemination of Title VI Program information to City employees, subrecipients, contractors, Affected Parties, and the general public. Public dissemination efforts may include: posting public statements setting forth the City's non-discrimination policy; inclusion of Title VI Assurances in City contracts and grants; and publishing a Title VI Policy Statement in a newspaper of general circulation in the City and in other community/minority publications at least once annually; posting a Title VI Policy Statement in vicinity of proposed City projects; and including a Title VI Policy Statement in announcements of hearings and meetings; and providing notice of City Proposed Projects to minority communities.

### **C. DEPARTMENTAL RESPONSIBILITIES**

Each Department Head is responsible for Title VI compliance for individual projects. Compliance activities include, but are not limited to:

1. Ensuring that all aspects of a Proposed Project's planning process and operations comply with the Title VI Requirements.
2. Ensuring that Affected Parties have meaningful access to a Proposed Project's planning processes.
3. Assisting the Title VI Coordinator in gathering and organizing data for the Title VI Plan Report.
4. Reviewing the Department work programs, policies, and other directives to ensure compliance with the Title VI Requirements.
5. Verifying the level of participation of Affected Parties at public outreach meetings.

### **D. TITLE VI ASSURANCES IN CONTRACTS AND GRANTS**

The Contracts and Procurement Division is responsible for the City's general contracting, consultant selection, negotiation, and administration of contracts for the City. The Contracts and Procurement Division will ensure that all federally funded contracts administered by the City contain Title VI Assurances. In the event that the City distributes federal funds to another entity through grants or other agreements, the Department Liaison administering the grant or agreement will ensure that such grants and agreements contain the Title VI Assurances. The Department's project administrator or grant administrator will monitor the performance of the contract or grant for compliance. The Title VI Coordinator and Department Liaisons will coordinate efforts to ensure that the requirements of Title VI are met throughout the entire contracting and grant performance process.

### **E. DATA COLLECTION**

Statistical data on Affected Parties will be compiled by each Department Liaison. The data compilation process will be reviewed regularly by the Title VI Coordinator and the Department Liaisons to ensure the data is sufficient to meet the requirements of this Title VI Plan.

### **F. TRAINING PROGRAM**

Annual training will be made available to Department Liaisons and other City staff responsible for the implementation of the Title VI Requirements. Training will provide comprehensive information on the Title VI Requirements and its application to specific programs or operations; assistance on the identification of Title VI issues; and an overview of the complaint process.

### **G. TITLE VI PROGRAM REVIEWS**

Each Department will conduct an annual Title VI Plan review to assess the Department's effectiveness in ensuring compliance with the Title VI Requirements. The Title VI Program review will be overseen by the Title VI Coordinator with the assistance of the Department Liaison, and will include an evaluation of administrative procedures and staffing; review of operational guidelines for City staff, contractors and subrecipients; and assessment of resources available to ensure compliance with the Title VI Requirements.

## **H. DEPARTMENT TITLE VI REPORTS**

Department Liaisons shall annually prepare a Department Report to be submitted to the City Manager on or before July 15th of each year. The Department Report will be based on the data compiled by the Department Liaison and the Title VI Program Review. The Department Report shall include an executive summary; a list of programs subject to the Title VI Requirements; a summary of any complaints of violations of the Title VI requirements and how each complaint was resolved; a summary of the statistical data compiled by the Department Liaison; a summary of Title VI training provided; and a general assessment of the Title VI compliance by the Department.

## **I. TITLE VI COORDINATOR TITLE VI PLAN REPORT**

The Title VI Coordinator shall annually prepare a comprehensive Title VI Plan Report, and forward it to the City Manager on or before July 1 of the Fiscal Year. The Title VI Plan Report will be based on the Department Title VI reports, and shall contain an assessment of the accomplishments during the preceding year; a list of recommended changes to the programs subject to the Title VI Requirements; and a list of recommended goals and objectives for the upcoming year. If there is no activity for the fiscal year, annual report will indicate No Activity.

## **J. PREVENTIVE AND REMEDIAL EFFORTS**

The City will actively seek to prevent Title VI deficiencies or irregularities, and to remedy Requirements. In taking such action, the Department Liaison will work with the Title VI Coordinator to create an action plan within 90 days of the date the need for preventive or remedial action is identified by City staff. A copy of the action plan will be provided to the Department Head and the City Manager and retained by the Title VI Coordinator. When the Department Liaison reasonably believes a contractor or sub recipient has violated a Title VI Requirement, the Department Liaison will follow the following process:

1. The Title VI Coordinator and the Department Liaison will meet with the contractor or subcontractor to conduct an initial review of the facts supporting a finding that a violation of the Title VI Requirements has occurred or is occurring.
2. If, after the initial review, the Department Liaison concludes that the contractor or sub recipient has violated the Title VI Requirements, the contractors or sub recipient will be given a reasonable time, not to exceed 90 days from the date notice is provided to the contractor or sub recipient, to voluntarily correct noncompliance.
3. The City will seek to obtain the cooperation of the contractor or sub recipient in correcting non-compliance, and will offer to provide technical assistance needed by the contractor or sub recipient to obtain voluntary compliance with the Title VI Requirements.
4. A follow-up review will be conducted within 180 days of the date notice is provided to the contractor or sub recipient to ensure that the violation of the Title VI Requirements has been corrected. If after the review, the contractor or sub recipient has failed to correct the violation, the City Manager may take appropriate action (e.g., withhold funds, cancel contract) required to comply with the City's obligation under the federal grant.

## VI. COMPLAINT PROCESS

Any person who believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination in his or her receipt of benefits and/or services from the City, or by a contractor or sub recipient on the grounds of race, color, national origin, sex, age, disability, or income, may file a Title VI Complaint with the Title VI Coordinator. Any person who believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, may file a complaint with the City's Human Resource Department. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal meeting(s) between the Title VI Coordinator, City staff, contractors, subrecipients, and Affected Parties may be utilized for resolution. The following procedures cover all complaints arising under Title VI. These procedures do not deny the right of the complainant after completion of the Title VI complaint process to file a complaint with state or federal agencies or to bring a private action based on the complaint.

1. Any person, group of persons, or entity that believes they have been subjected to discrimination under the Title VI Requirements may file a written complaint with the Title VI Coordinator. The complaint must be filed within 180 days of the alleged discriminatory act or occurrence.
2. Upon receipt of the complaint, the Title VI Coordinator will determine whether the City has jurisdiction over the complaint, whether the complaint contains the necessary information, what additional information is needed, and whether further investigation is needed. Within 5 working days of receipt of the complaint, the Title VI Coordinator will determine whether the City has jurisdiction, whether the complaint is complete, and whether the complaint warrants investigation, and will notify the complainant and the respondent of the institution of any investigation.
3. The Title VI Coordinator will provide the respondent with the opportunity to respond in writing to the allegations in the complaint. The respondent shall have 15 days from receipt of notification to furnish a response to the allegations in the complaint.
4. If the complaint is against a contractor or subrecipients, the City will have 15 days from receipt of the complaint to advise the appropriate state or federal agency (e.g., ODOT for transportation related projects) of the receipt of a complaint and the status of the investigation.
5. Within 60 days of the receipt of the complaint, the Title VI Coordinator will cause to be prepared a written investigative report. The investigative report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. The written report shall be reviewed and finalized by the Title VI Coordinator and sent to the City Attorney.
6. The City Attorney will review the investigative report and meet with the Title VI Coordinator and City Manager to determine the appropriate action.
7. Once the investigative report has been completed and appropriate action determined, the complainant and respondent shall receive a copy of the investigative report, a statement of appropriate action, and notification of appeal rights.
8. Within 15 days of the complainant and respondent receiving a copy of the investigate report and determination of appropriate action, the Title VI Coordinator will meet with each party to discuss the determination of appropriate action along with the findings and conclusions in the investigative report.

9. Within 60 days of receipt of the original complaint, a copy of the complaint and the City's investigation report and determination of appropriate action will be provided to the appropriate federal or state agency.
10. Within 15 days of receiving comments from the federal or state agency, the Title VI Coordinator will meet with all parties to the complaint to discuss the comments provided by the federal or state agency.
11. After receiving any comments from the appropriate federal or state agency, the City Manager shall review the comments and adopt a final decision that includes taking appropriate action to address any comments provided by the federal or state agency. The final decision shall be provided to all parties to the proceeding, and shall include a statement that a party has a right to appeal the City Manager's decision. A party may seek reconsideration of the City Manager's final decision if the party produces evidence of new facts that were not previously considered and could not have been reasonably discovered during the investigation.
12. If a party is not satisfied with the results of the investigation or the disposition of the complaint, the party may appeal the City Manager's final decision to the appropriate federal or state agency, by filing a request for an appeal no later than 180 days after the date of the City Manager's final decision.

Attachment: Title VI Complaint Form

# TITLE VI COMPLAINT FORM

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Title VI of the Civil right Act of 1964, and other related laws and regulations, provide that no person shall on the grounds of race, color, national origin, sex, age, disability, and income be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal funds.

The purpose of this form is to assist you in filing a complaint with the City's Title VI Coordinator. You are not required to use this form. A letter containing the same information is sufficient. However, the information requested must be provided, whether or not this form is used. ADA assistance is available upon request.

You may file a complaint against the City, a City contractor, or a City sub-recipient of federal funds. All complaints must be filed within 180 days of the occurrence of the alleged act or a waiver requested as indicated below. Send All Complaints To:

City of Imperial  
ATTN: Title VI Coordinator  
420 South Imperial Avenue  
Imperial, CA 92251

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1. Complainant's Name and Address:

Name:

Address:

City:

State:

Zip Code

Home Phone:

Work Phone:

Cell Phone:

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2. Person(s) Discriminated Against, if Different from Above.

Name:

Address:

City:

State:

Zip Code

Home Phone:

Work Phone:

Cell Phone:

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3. City Department, Contractor, or Sub-recipient that Discriminated

Name:

Address:

City:

State:

Zip Code

Home Phone:

Work Phone:

Cell Phone:

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4. Indicate the Reasons You Believe the Discriminatory Action(s) Occurred.

Race/Ethnicity

Sex

Age

National Origin

Religion

Disability

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5. To Your Best Recollection, List the Date(s) the Discrimination Took Place.

Earliest date of discrimination: \_\_\_\_\_

Most recent date of discrimination: \_\_\_\_\_

6. Please explain as clearly as possible what occurred, who was involved, why you believe it occurred, and how you (or another) were discriminated against. Be sure to include how other persons were treated differently than you. (Please use additional sheets of paper, if necessary, and attach a copy of any written pertinent to your claim).

7. Complaints of discrimination must generally be filed within 180 days of the alleged discrimination. If the most recent date of discrimination listed above is more than 180 days ago, you may request a waiver of the filing requirement. If you wish to request a waiver, please explain why you waited until now to file your complaint.

8. Sign and Date the Complaint (City Does Not Accept Unsigned Complaints).

Print Name: \_\_\_\_\_

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