

MORGANTOWN TOWN COUNCIL

Resolution 2023- 03

RESTATEMENT OF ADA AND TITLE VI COMPLIANCE AND ASSURANCES POLICY AND APPOINTMENT OF COORDINATOR

WHEREAS, Morgantown Town Council (“Council”), in 2020 adopted the Town of Morgantown Indiana ADA and Title VI Compliance and Assurances Policy;

WHEREAS, in Section D of its ADA and Title VI Compliance and Assurances Policy, the Council appointed Jeff Downey, who is no longer employed by the Town, as ADA/Title VI Coordinator;

WHEREAS, the Council needs to appoint a replacement for Jeff Downey as the Town’s Title VI Compliance and Assurances Policy Coordinator and by this Resolution appoints Kyle Rooks as the Title VI Compliance and Assurances Policy;

ACCORDINGLY, BE IT RESOLVED BY THE MORGANTOWN, INDIANA TOWN COUNCIL that the Town’s previously adopted ADA and Title VI Compliance and Assurances Policy is hereby restated, ratified, and adopted, except as for the removal of Jeff Downey and the appointment of Kyle Rooks, in his place, as the Town’s Title VI Compliance and Assurances Policy Coordinator, effective as of the date of this Resolution.

Town of Morgantown Indiana ADA and Title VI Compliance and Assurances Policy

A. Statement of Purpose

Recipients of federal funds and public entities have direct legal requirements to comply with Title VI of the Civil Rights Act of 1964 (“Title VI”), the Americans with Disabilities Act of 1990 (the” ADA”), and other laws, executive orders and regulations related to nondiscrimination and accessibility. The Town of Morgantown, Indiana seeks to be a recipient of federal funds and, accordingly, commits to not discriminate on the basis of race, color, or national origin sex, sexual orientation, gender identity, age, disability, religion, income status, or limited English proficiency. More specifically, the ADA applies to cities and towns as public entities, and Section 504 of the Rehabilitation Act of 1973 (“Section 504”), applies because cities and towns receive federal funds.

B. Statement of Policy and Assurances

1. The Town of Morgantown, Indiana (the “Town”), its elected officials, employees, agents and representatives shall comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the 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 (hereinafter referred to as

the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the Town of Morgantown shall, on the grounds of race color, or national origin, sex (23 USC 324), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Town receives Federal financial assistance, including, without limitation, financial assistance from the Federal Highway Administration, the Environmental Protection Agency, the Office of Community and Rural Affairs, and the United States Department of Agriculture, and hereby gives assurance that it will promptly take any measures necessary to effectuate this policy.

2. Each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

3. The Town shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal agency funded programs and, in adapted form in all proposals for negotiated agreements:

In accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and 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 and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, the Town hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, sexual orientation, gender identify, age, disability/handicap, religion and / or low income in consideration for an award.

4. The Town shall insert the clauses of Appendix A to this Resolution in every contract subject to the Acts and the Regulations.

5. The Town shall provide for such methods of administration for applicable programs as are found by the Secretary of Transportation, or the official to whom specific authority may be delegated, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such programs will comply with all requirements imposed or pursuant to the Act and the Regulations.

The Town acknowledges and agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act and the Regulations.

6. The Town Council President is authorized to sign and deliver to the Department of Transportation and/or the Indiana Department of Transportation and other Federal or State Agencies, assurances that the Town will comply and require compliance with the Act and the Regulations and all other pertinent nondiscrimination authorities and directives, including the ADA, as may requested or required of the Town as a recipient federal financial assistance.

C. Designation of ADA /Title VI Coordinator

The Town shall designate and have in place, at all times, an ADA/Title VI Coordinator, who shall be identified, along with his/her contact information in the Town's ADA Implementation Plan and on any website maintained by the Town. The ADA Coordinator/Title VI Coordinator shall monitor the Town's compliance with the ADA and applicable Acts and Regulations and, specifically:

1. require that all Town programs and facilities, including everything from websites, public outreach policies, to city buildings, parks, and sidewalks be evaluated for ADA compliance;
2. measure and maintain a record of all features of Town facilities;
3. identify applicable design standards and ensure that Town facilities are compliant;
4. assist Town personnel to correct Title VI problems or discriminatory practices or policies found through self-monitoring and review activities;
5. serve as the focal point for Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance;
6. ensure that Title VI requirements are included in policy directives and that the procedures used have built in safeguards to prevent discrimination;
7. implement procedures for the prompt processing of Title VI external discrimination complaints;
8. attend training on Title VI and other nondiscrimination regulations;
9. coordinate the development and implementation of a Title VI and related statutes training program;
10. develop Title VI information for public dissemination, and where appropriate, in languages other than English;
11. maintain records demonstrating that civil rights requirements are being addressed;
12. receive, investigate and report to the Town Council all complaints and grievances.

The current ADA/Title VI Coordinator is:

Kyle Rooks
Morgantown ADA/Title VI Coordinator
120 W. Washington St.
Morgantown, IN 46160
317/682-7326
krooks@morgantown.in.gov

D. Complaint/Grievance Procedure.

Any person who believes that he or she as a member of a protected class, has been discriminated against based on race, color, national origin, gender, age, disability, religion, low income status, or limited English proficiency in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the Town's policy to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce or engage in other discriminatory conduct against anyone because they have taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The Town will provide complaint forms, which may be obtained from the Town's ADA/Title VI Coordinator or Town regular office staff, at Town Hall, anytime during regular business hours, and which will be provided, on request, by way of United States Mail, email or facsimile transmission. The Town's Complaint Form is attached to this Policy as an Exhibit. The complaint may be communicated to any Town elected official, department head, supervisor or to the Town's ADA/Title VI Coordinator. The complaint should be submitted within 180 days of the alleged discrimination. Individuals are not required to use the Town's complaint form. If necessary, the Town will help an individual reduce his or her complaint to writing for his or her signature.

Generally a complaint should include the name, address and telephone number of the individual complaining (complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation.

Complaints should be directed to:

Kyle Rooks
Morgantown ADA/Title VI Coordinator
120 W. Washington St.
Morgantown, IN 46160
317/682-7326
krooks@morgantown.in.gov

Within 60 days of the receipt of the complaint the Town will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The Town will try to obtain an informal voluntary resolution to all complaints at the lowest level possible. The Town will maintain a Complaint Log, in, essentially, the form attached this Policy, as an exhibit.

A complainant's identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Complaints may also be filed with:

Indiana Department of Transportation Economic
Opportunity Division
100 N. Senate, Room N750
Indianapolis, IN 46204
Phone: (317) 233-6511 Fax: (317) 233-0691

E. Implementation Plan; Subrecipient Monitoring.

The Town, with input from the Town's ADA/Title VI Coordinator and the public, will develop and maintain an implementation plan to cover all program areas and identify what risks of discrimination, if

any, exist and what data has been or is being collected to assess those risks. The implementation plan will serve as the Town's program manual and will:

1. communicate how the Town implements the Title VI/Nondiscrimination requirements;
2. contain procedures, strategies, and activities to facilitate and assure nondiscrimination in federally assisted programs and activities of the Town;
3. identify the Title VI Coordinator, the grievance procedure, and include all policies and nondiscrimination statements;
4. include mechanisms to guarantee effective and efficient implementation, compliance, and enforcement of Title VI;
5. include organizational charts.

The Town, also, will develop and implement pre and post-award subrecipient monitoring policies to ensure those further subrecipients who receive federal funds from the Town are compliant and remain compliant with Title VI.

F. Public Involvement.

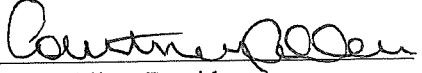
With regard to Town programs and facilities, public notice and involvement will be encouraged and afforded. All policies, plans, and programs, which relate to or have implications relative to the Act and Regulations, will be presented, discussed, and acted on in public meetings of the Town's governing body, at which public comments will be heard. When appropriate, the Town will identify key individuals in the community who can meet periodically to discuss and evaluate the effectiveness of the Town's plans and policies.

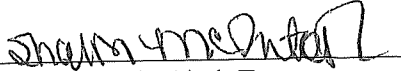
This Policy and the separate policies which are a part shall be effective upon passage.

G. Limited English Proficiency

One of the Town's program goals in implementing and adhering to its Title VI obligations is to improve accessibility to its programs and activities to eligible Limited English Proficiency ("LEP") persons. Consistent with applicable Department of Justice and other Federal agency safe harbors, the Town will provide translations of vital documents for each language group that is 5% or 1000 people (whichever is less) of the total population eligible to be served. As of the adoption of this Policy, based on the United State Census Bureau, American Fact Finder 2013-2017 American Community Survey 5-Year Estimates, 0 persons out of a total population of 1332 of the Town speak English less than "very well." In any case, where a specific population may be adversely impacted by Town programs and activities because of LEP, the Town will endeavor to provide vital documents translated into the requisite language(s).

APPROVED and ADOPTED by the Morgantown Town Council on this 8th day of May, 2023


Courtney Allen, President
Morgantown Town Council

Attest: 
Sharon McIntosh, Clerk Treasurer