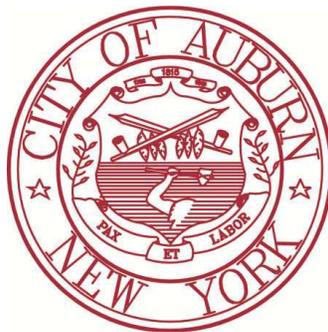


# **City of Auburn**

## **Title VI Plan & Nondiscrimination Agreement**

**December 3, 2015**



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# CITY OF AUBURN TITLE VI PLAN & NONDISCRIMINATION AGREEMENT

## Policy Statement

It is the express policy of the City of Auburn, New York, hereinafter referred to as the "the City," that no person shall on the grounds of race, color, national origin, age, disability, gender, or income as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (P.L. 100.259), Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Executive Order 12898 (Environmental Justice (EJ)), and Executive Order 13166 (Limited English Proficiency (LEP)) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The City further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

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 or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the City hereby gives assurance that no qualified disabled person shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from Federal financial assistance.

In the event the City distributes federal aid funds to a sub-recipient, the City will include Title VI language in all written agreements and will monitor for compliance.

The City Manager is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required for Title VI assurance compliance.

*Douglas A. Selby*

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Chief Executive Officer or Designee

City Manager

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Title

December 8, 2015

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Date

## I. Introduction

Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 ensures that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The City of Auburn has previously and may currently be a recipient of Federal financial assistance from the following Federal Agencies including, but not limited to, the Department of Transportation, Department of Housing & Urban Development, Department of Homeland Security, Department of Energy, Department of Justice, Environmental Protection Agency, Federal Emergency Management Agency, Internal Revenue Service and Corporation for National and Community Service.

## II. Definitions

As used in this Title VI Plan the following are further defined:

Affected Parties: persons protected against discrimination because of race, color, national origin, age, disability, gender, or income under Title VI and related requirements.

Applicant: person who submits an application, request, or plan required to be approved by the Secretary, or by a primary recipient, as a condition to eligibility for Federal financial assistance.

Facility: includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

Federal Assistance: shall include: 1) grants and loans of Federal funds; 2) grant or donation of Federal property and interest in property; 3) the detail of Federal personnel; 4) the sale and lease of, and the permission to use Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the City, or in recognition of the public interest to be served by such sale or lease to the City; and 5) any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

LEP Program: the Limited English Proficiency program established by the City to assist individuals who do not speak English as their primary language, and who therefore have limited ability to read, write, speak, or understand the English language.

Primary Recipient: any recipient that is authorized or required to extend Federal financial assistance to another recipient.

Program or Activity: all of the operations of any entity or any part of which is extended Federal financial assistance (See 49 CFR Section 21.23 for additional descriptions)

Proposed Project: a project or program that receives direct or indirect federal funds and is subject to Title VI requirements.

Public Participation Plan: A plan that outlines policies and procedures for public involvement in City of Auburn Programs and Activities.

Recipient: any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.

Secretary: refers to the Secretary of a Federal Agency, i.e. Secretary of Transportation, or any person to whom this position has delegated authority in the matter concerned.

Sub-recipient: a person or entity that received federal funds from the City to be used by the entity to further the objectives of the federal funds. The City in many cases is the “Sponsor”, “Contractor” or “Recipient” of the federal funds and the person or entity is a Sub-recipient of those federal funds.

Title VI Assurances: requirements imposed upon sub-recipients as a result of federal funding being directly or indirectly provided to the City.

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 Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, and Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency”.

### **III. Title VI Program Organization and Staffing**

Pursuant to United States Code sections: 23 CFR 200 & 49 CFR 21; 24 CFR Subtitle A Part 1; 6 CFR 21.5; 10 CFR Part 1040; 44 CFR §7; 28 CFR Part 42 et al.: the **City of Auburn, New York** has appointed a Title VI Coordinator who is responsible for the City of Auburn's Title VI Program. The Title VI Coordinator will have easy and direct access to the City's top elected/ appointed official or their designee.

#### **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 reports and undertaking such responsibilities as required and outlined in Appendix A. To ensure compliance the City Manager will appoint a Title VI Coordinator, and Department Heads will designate one or more Department Liaisons within their respective departments.

#### **B. Title VI Coordinator**

The City Manager is the Title VI Coordinator and is responsible for the overall management of the Title VI Program including initiating and monitoring Title VI activities and preparing required reports. The City of Auburn shall:

- a) Issue a policy statement, signed by the head of the City of Auburn, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the City of Auburn organization and to the general public. Such information shall be published where appropriate in languages other than English.
- b) Take affirmative action to correct any deficiencies found by Federal and/ or State Agencies within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement.
- c) 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.
- d) Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or gender, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the City of Auburn's report of investigation, will be

forwarded to the appropriate Federal and/or State Agency Civil Rights Offices within 10 days of the date the complaint was received by the City of Auburn.

- e) Collect statistical data (race, color, national origin, gender) of participants in, and beneficiaries of the programs and activities conducted by the City of Auburn.
- f) Conduct Title VI reviews of the City of Auburn and sub-recipient contractor/consultant program areas and activities (*Refer to Section VII- Sub-recipient Title VI Guidance and Monitoring*). Revise where applicable, policies, procedures and directives to include Title VI requirements.
- g) Conduct annual training programs on Title VI and related statutes.
- h) Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.
  - 1) Annual Work Plan: Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.
  - 2) Accomplishment Report: List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator. List any major problem(s) identified and corrective action taken. Include a listing of complaints received against sub-recipients, as well as a summary of complaint and actions taken.

## **IV. Title VI Assurances of Compliance**

The City of Auburn, New York hereby gives the following assurances:

### **A. Elimination of Discrimination**

That no person shall on the grounds of race, color, national origin, age, disability or gender, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the City of Auburn regardless of whether those programs and activities are Federally funded or not. Additional City of Auburn programs and activities include, but are not limited to, monitoring and reporting of Minority/ Women/ Disadvantaged Business Enterprises (MW/DBE) participation, 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, sub-recipients, contractors, affected parties, and the general public. Public dissemination efforts may include, but not limited to: posting public statements setting forth the City's nondiscrimination policy; inclusion of Title VI assurances in City contracts and grant agreements; publishing a Title VI Policy Statement on the City's website; and including a Title VI Policy Statement in announcements of hearings and meetings.

### **C. Departmental Responsibilities**

Each Department Head is responsible for Title VI compliance for individual federal, state and/or local funded programs, facilities or projects. Compliance activities include, but are not limited to:

1. Ensuring that each Program and each Facility as outlined in Section II- Definitions will be conducted, or will be operated in compliance with all requirements imposed by, or pursuant to the Regulations.
2. Ensuring that the City of Auburn shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form, in all proposals for negotiated agreements:

*"The City of Auburn, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d4 and (Reference to Administering Administration Regulation(s)) issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority 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, or national origin, gender, age or disability in consideration for an award."*

3. Ensure the City of Auburn shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. Ensuring that the City of Auburn shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. Ensuring where the City of Auburn receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. Ensuring where the City of Auburn receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. Ensuring that the City of Auburn shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the City of Auburn with other parties: (a) for the subsequent transfer of real property acquired or improved; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved.
8. Ensuring that this assurance obligates the City of Auburn for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the City of Auburn or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the City of Auburn retains ownership or possession of the property.
9. Ensuring the City of Auburn shall provide for such methods of administration for the program as are found by the Secretary of *(Name of Appropriate Administration)* or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The City of Auburn agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this

assurance.

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 City of Auburn and is binding on it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the City of Auburn.

Dated: December 8, 2015

Douglas A. Selby  
Chief Executive Officer or Designee  
City of Auburn

## **V. Discrimination Complaint Procedures —Allegations of Discrimination in Federally Assisted Programs or Activities**

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a Title VI complaint with the Title VI Coordinator. A complaint may also be filed by a representative on behalf of such a person.

The following procedures apply to complaints filed under Title VI, relating to any program and/or activity administered by the City of Auburn, their recipients and/ or sub-recipients. These procedures do not deny the right of the complainant to file a complaint with other local, State or Federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of Title VI complaints. The option of informal meeting(s) between the Title VI Coordinator, City staff, contractors, sub-recipients, and affected parties may be utilized for resolution at any stage of the process.

### **A. Filing Process**

The complainant must file the complaint no later than 180 days after:

- a) The date of alleged act of discrimination; or
- b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.
- c) The complainant shall complete this process by documenting the details of the complaint on the City of Auburn Title VI complaint form, which is available online at [www.auburnny.gov](http://www.auburnny.gov) or at the City Manager's Office. The complaint form must be signed, mailed or returned to the City Manager's Office at Second Floor, Suite 213, Memorial City Hall, 24 South Street, Auburn NY 13021.

In either case, the City of Auburn Title VI Coordinator may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for doing so.

## B. Receipt & Acceptance

Upon receipt of the complaint, the City Manager's Office will refer the complaint within five ("5") business days to the City Human Rights Commission for determination of 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. The City Human Rights Commission will notify the Complainant, in writing within ten ("10") days of receipt of the complaint informing the complainant of procedures to be followed and advise of other avenues of redress available. The Title VI Compliance Officer(s) for the City of Auburn are:

City Manager  
Douglas A Selby  
City of Auburn  
Memorial City Hall, Suite 213  
24 South Street  
Auburn, NY 13021  
Phone: (315) 255-4146  
Fax: (315) 255-4735

Chairperson  
Fred Richardson  
Human Rights Commission  
Westminister Presbyterian Church  
17 William Street  
Auburn, NY 13021  
Phone: (315) 252-2929

Jurisdiction and acceptance of the complaint must meet the following criteria:

1. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
2. The allegation(s) must involve an affected party.
3. The allegations(s) are not required to involve a City of Auburn program or activity that receives Federal financial assistance.

The City of Auburn will advise the applicable local, State and/ or Federal Agency within ten (10) days of receipt of the allegations. Generally, the following information will be included in every notification to the agency:

- a) Name, address, and phone number of the complainant.
- b) Name(s) and address of alleged respondent(s).
- c) Basis of complaint ( race, color, national origin, gender or disability)
- d) Date of alleged discriminatory act(s).
- e) Date complaint was received by the City of Auburn.
- f) A statement of the complaint.
- g) Other agencies (State, Local or Federal) where the complaint has been filed.
- h) An explanation of the actions the City of Auburn has taken or proposed to take to resolve the issue raised in the complaint.

### **C. Investigation**

Within 60 days, the City Human Rights Commission will have conducted an investigation of the allegation and based on the information obtained, and will render a recommendation for action in a report of findings to the Title VI Coordinator. At a minimum the investigation should include the notification to the applicable department head; notification to the respondent and complainant with an opportunity to respond, in writing, to the allegations of discrimination; conduct interviews; and collect and analyze evidence. The complaint should be resolved by informal means and at the lowest administrative level whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, if a Title VI violation is found to exist and the City has jurisdiction to process the complaint, remedial steps as appropriate and necessary will be taken immediately. The Human Rights Commission will forward a copy of the summarized report of findings along with any remedial steps. The notification should also advise the complainant of their appeal rights with other local, State and/ or Federal agencies, if the complainant(s) are dissatisfied with the final decision rendered by the City of Auburn. The Title VI Coordinator will also provide the applicable local, State and/ or Federal agency(ies) with a copy of this decision and summary of findings upon completion of the investigation.

Any complaints received against the City of Auburn, sub-recipients, or hired contractors should immediately be forwarded to the applicable local, State and/ or Federal agency(ies) for investigation.

### **D. Appeal Process**

If the affected party is not satisfied with the results of the investigation or the disposition of the complaint, the affected party may appeal the City Human Rights Commission's final decision to the appropriate local, State and/ or Federal agency, by filing a request for an appeal no later than 180 days after the date of the City Human Rights Commission's final decision.

### **E. Sanctions**

In the event the City of Auburn fails or refuses to comply with the terms of this agreement, the applicable local, State and/ or Federal agency may take any or all of the following actions:

- a) Cancel, terminate, or suspend this agreement in whole or in part;
- b) Refrain from extending any further assistance to the recipient and/ or sub-recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the City of Auburn.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the City of Auburn.
- d) Refer the case to the U.S Department of Justice for appropriate legal proceedings.

City of Auburn, NY:

Signature: Douglas A. Selby  
Chief Executive Officer or Designee

Title: City Manager

Date: December 8, 2015

## VI. Title VI Complaint Form



### Title VI Complaint Form

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Title VI of the 1964 Civil Rights Act requires that "no person in the United State 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." If you feel you have been discriminated against by the City of Auburn, please provide the following information in order to assist us in processing your complaint and send it to:

City of Auburn  
City Manager's Office  
Memorial City Hall, Suite 213  
24 South Street  
Auburn, NY 13021

If you have questions about how to prepare a Title VI Complaint Form, you may contact the City Manager's Office at (315) 255-4146. More information about "How to File a Title VI Complaint" may be found on the City of Auburn website at [www.auburnny.gov](http://www.auburnny.gov) and the City of Auburn Human Rights Commission.

Important: We cannot accept your complaint without a signature, so please sign and date on the last page of the form.

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#### **Section I**

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

Address: \_\_\_\_\_

Telephone Numbers: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Electronic Mail Address: \_\_\_\_\_

Accessible Format Requirements? Large Print \_\_\_\_\_ Audio tape \_\_\_\_\_

Other \_\_\_\_\_

#### **Section II**

Are you filing this complaint on your own behalf?

Yes \_\_\_\_ No \_\_\_\_

[If you answered "yes" to this question, go to Section III.]

If not, please supply the name and relationship of the person for whom you are complaining:

\_\_\_\_\_

Please explain why you have filed for a third party: \_\_\_\_\_

\_\_\_\_\_

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.

Yes \_\_\_\_ No \_\_\_\_

**Section III**

What is the Basis of the Complaint? Please check all that may be applicable:

- Race
- Color
- Gender
- National Origin
- Age
- Disability (ADA)
- Low-Income
- Limited English Proficiency

**Section IV**

Who allegedly discriminated against you?

Name of Person or Agency: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

**Section V**

How were you discriminated against?

\_\_\_\_\_  
\_\_\_\_\_

Where did the alleged discrimination occur?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date(s) and time(s) discrimination occurred?

First time \_\_\_\_\_

Second time \_\_\_\_\_

Third time \_\_\_\_\_

Were there any witnesses to the alleged discrimination?

Name	Title	Work Telephone	Home Telephone

What can the City of Auburn do to resolve the complaint?

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Have you filed your complaint with any other Federal, State or local agencies?

Person or Agency Name: \_\_\_\_\_

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

Complaint number (if known): \_\_\_\_\_

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**Please sign here:** \_\_\_\_\_

**Date:** \_\_\_\_\_

[Note – The City cannot accept your complaint without a signature.]

## **VII. City of Auburn Sub-Recipient Title VI Guidance and Monitoring**

The following information is to be provided to any and all sub-recipients, contractors, subcontractors, transferees, successors in interest and other participants that receive federal funding assistance through the City of Auburn.



### **Sub-Recipient Title VI Guidance and Monitoring**

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Dear City of Auburn Sub-Recipient,

#### **Congratulations on being awarded federal funding through the City of Auburn!**

This document outlines the Nondiscrimination-Title VI requirements that are a condition of receiving federal funding through the City of Auburn. The federal regulatory authority for requiring nondiscrimination has its basis in Title VI of the Civil Rights Act of 1964, Executive Order 12898 (Environmental Justice (EJ)), and Executive Order 13166 (Limited English Proficiency (LEP)). (Additional information on these statutes and regulations can be found in Appendix D of this document)

#### **City of Auburn's Title VI Policy Statement**

The City of Auburn assures that no person shall on the grounds of race, color, national origin, age, disability, gender, or income as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (P.L. 100.259), Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Executive Order 12898 (Environmental Justice (EJ)), and Executive Order 13166 (Limited English Proficiency (LEP)) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The City further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event City of Auburn distributes federal aid funds to another governmental entity, the City of Auburn will include Title VI language in all written agreements and will monitor programs and activities for compliance.

#### **Overview of Monitoring Requirements**

As per the City of Auburn's Title VI Policy and federal regulations regulating the City of Auburn, Title VI provisions are a standard part of all agreements between the City of Auburn and sub-recipients of federally funded programs. The City of Auburn's Title VI monitoring process begins at the time of Agreement execution, continues during the duration of the project, and is completed when the project wraps up and the Agreement is expired. During this time, the City of Auburn monitors information provided by each sub-recipient, retaining the right to conduct an audit should the City of Auburn suspect the sub-recipient is not in compliance. If the City of Auburn determines that a sub-

recipient is not in compliance with Title VI, the Title VI Coordinator and assigned staff will work with the sub-recipient to correct the deficiency. This may include providing technical assistance. If the sub-recipient does not correct the deficiency, the City of Auburn may take corrective action or implement other remedies as provided in the executed agreement. Specific requirements are detailed below:

- Complete a Post-Contracting Stage Title VI questionnaire at the completion of the project. The City of Auburn uses the questionnaires to assess the [SUB-RECIPIENT]'s compliance with Title VI requirements.
- [SUB-RECIPIENT] shall provide City of Auburn with any additional information that City of Auburn requests in regard to Title VI compliance.
- [SUB-RECIPIENT] shall also permit City of Auburn to access its records up to and including accounting records that are pertinent to City of Auburn substantiating [SUB-RECIPIENT]'s compliance with Title VI.

### **Nondiscrimination Policy, Statement, and Assurance**

In order to reduce the administrative burden associated with this requirement, sub-recipients may adopt the Title VI agency/organization-wide nondiscrimination policy after the one developed by the City of Auburn; however, sub-recipients that chose to adopt their own Title VI agency/ organization-wide nondiscrimination policy must provide assurances that the agency/organization will not discriminate against any person in the performance of any federally assisted program on the basis of race, color, or national origin.

Sub-recipient Statements of Nondiscrimination must include:

- The Statement of Nondiscrimination must state: “[SUB-RECIPIENT] assures that no person shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.”
- The Statement of Nondiscrimination may be more inclusive than the language listed above, but it cannot be more exclusive.
- Publicly post the Statement of Nondiscrimination.
- If your agency/organization has not adopted the Title VI Nondiscrimination policy developed by the City of Auburn nor does not have an agency specific non-discrimination policy as stated in a Statement of Nondiscrimination, then [SUB-RECIPIENT] must notify City of Auburn of this prior to execution of the Agreement. If [SUB-RECIPIENT] does not develop and/or adopt such a policy and statement prior to the execution of the Agreement, then [SUB-RECIPIENT] must use and adhere to the City of Auburn's nondiscrimination policy and statement.
- Provide a written copy of [SUB-RECIPIENT]'s Statement of Nondiscrimination to City of Auburn upon completion of the post-contracting stage questionnaire.

### **Title VI Plan and Complaint Procedures**

In order to reduce the administrative burden associated with this requirement, sub-recipients may adopt the Title VI Plan and Complaint Procedures after the one developed by the City of Auburn; however, sub-recipients that chose to adopt their own Title VI Plan that includes a Public Participation Plan (PPP), a Limited English Proficiency (LEP) Plan, and a Title VI Complaint Procedure. The Title VI Plan, and its attendant parts, must comply with Federal guidelines regarding such plans. Sub-recipient Title VI Plan and Complaint Procedures must include:

- Provide a copy of the Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure upon completion of the Post Contracting Stage Title VI Questionnaire.
- Make the Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure publicly available, which includes posting each of these documents to [SUB-RECIPIENT]'s website if it has one, and informing attendees at any public meetings, hearings, or other events related to the work under the Agreement of their rights under Title VI and the procedures for filing a Title VI complaint.
- If [SUB-RECIPIENT] does not have a federally compliant Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure, then [SUB-RECIPIENT] must notify City of Auburn of this prior to the execution of the Agreement, and [SUB-RECIPIENT] must use City of Auburn's Title VI Plan, PPP, LEP Plan, and Complaint Procedure.

### **Procurement – RFPs, RFQs, and Subcontracts**

- If [SUB-RECIPIENT] has a federally compliant, competitive procurement process, the [SUBRECIPIENT] is required to provide a copy of the written procurement procedures to City of Auburn.
- If [SUB-RECIPIENT] does not have a federally compliant, competitive procurement process, the [SUBRECIPIENT] is required to follow City of Auburn's procurement procedures.

If, as part of the Agreement, the [SUB-RECIPIENT] enters into any subcontracts, leases, or other sub-agreements regarding the work under the Agreement, [SUB-RECIPIENT] must follow the requirements listed below. Include the [SUB-RECIPIENT]'s Statement of Nondiscrimination in all procurement documents, such as Request for Proposals (RFP), Request for Qualifications (RFQ), and other procurement documents that it issues under the Agreement.

- Include the [SUB-RECIPIENT]'s Statement of Nondiscrimination in all subcontracts, including those for materials and leases that it enters into under the Agreement.
- Include the following statement in all procurement documents, such as RFPs, RFQs, subcontracts, including those for materials and leases, and other similar documents that it issues under this Agreement.
  - [SUB-RECIPIENT] is prohibited from excluding any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract made under the Agreement on the basis of race, color, gender, or national origin.
- The provisions listed in this Attachment apply to every subcontractor hired by [SUB-RECIPIENT] to perform work under the Agreement. [SUB-RECIPIENT] will ensure that all of its

subcontractors are made aware of these requirements and will include these provisions as a part to any subcontract that [SUB-RECIPIENT] enters into under the Agreement.

If the Agreement does not call for subcontracted services, these requirements do not need to be followed.

### **Community/Public Engagement or Outreach**

If [SUB-RECIPIENT] is required to perform any public meetings, engagement, or other community outreach as part of the work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to these events.

- Ensure that the meeting location, date, and time are selected in such a way as to not exclude a person from participation on the basis of race, color, national origin, gender, or disability.
- Inform attendees of their rights under Title VI.
- Ensure that all attendees are provided the opportunity to participate without regard to their race, color, national origin, or LEP status.
- [SUB-RECIPIENT] shall submit to City of Auburn after every public meeting, engagement, or other community outreach a one-page summary that provides the following information:
  - Description of the purpose of the event.
  - Time, date, and location of the event.
  - Methods used to advertise the event.
  - Building and room where the event was held.
  - Note any special accommodations that were requested prior to or during the event.
  - How the attendees were informed of their rights under Title VI including complaint procedures.
  - Number of attendees.

### **Websites**

If [SUB-RECIPIENT] is required to develop or create a website as part of its work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to the website.

- [SUB-RECIPIENT] must design or create any website such that it includes a translator function so that the material included on the website can be translated into other languages.
- [SUB-RECIPIENT] must design or create any website so that it is in compliance with the Rehabilitation Act, 29 U.S.C. §§ 794 *et seq.*, as amended, and the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et seq.*, as amended, and their implementing regulations, and that it adheres to the accessibility requirements set forth by the Federal government.
- [SUB-RECIPIENT] must design or create any website in adherence with Section 504 Standards of the Rehabilitation Act.

### **Printed Materials**

If [SUB-RECIPIENT] is required to develop or create printed informational materials as part of its work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to the information contained in the printed materials.

- [SUB-RECIPIENT] will be required to develop any printed materials intended for public informational purposes (i.e. brochures and other promotional items) in such a way that these documents can readily be translated into other languages and/or formats upon request.

### **Title VI Complaints**

[SUB-RECIPIENT] must notify City of Auburn in writing if a Title VI complaint is filed against it, within five (5) business days of [SUB-RECIPIENT] being notified of such complaint. The notification must be provided to the City of Auburn even if the complaint is not in regard to work that [SUB-RECIPIENT] performed under the Agreement. The notification shall include the following information:

- Date complaint was filed
- Nature of complaint
- Who was involved
- What action has been taken to date
- Any outcome(s) to date, if applicable

### **Sub-Recipient Deadlines**

Provide the following documents to City of Auburn at the time indicated below:

#### Project End

Completed Post-Contracting Stage Title VI questionnaire

If [SUB-RECIPIENT] choose to follow their own (e.g., not City of Auburn's) Title VI Program and procurement process:

Statement of Nondiscrimination

Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure

Written procurement procedures

#### After Each Public Meeting or Other Public Outreach Event

Submit one-page summary with required information outlined above.

## POST-CONTRACTING STAGE TITLE VI QUESTIONNAIRE

As a recipient of Federal grant funding, the City of Auburn is required to ensure that all of its sub-recipients on each of its projects are in compliance with Title VI and the rules, regulations, and executive orders that govern Title VI on federally funded projects. In order to ensure that the sub-recipients receiving funding from City of Auburn are in compliance, your organization must complete the following questionnaire in its entirety. If you have any questions regarding this questionnaire please contact City of Auburn's Title VI Coordinator at the address or phone number provided below. Please submit your completed questionnaire and all additional materials to City of Auburn's Title VI Coordinator.

City Manager  
Douglas A Selby  
City of Auburn  
Memorial City Hall, Suite 213  
24 South Street  
Auburn, NY 13021  
Phone: (315) 255-4146  
Fax: (315) 255-4735

Date of Report	Name of Organization	Project Name

Please answer the following questions completely. If the question asks you to provide additional information please include it in the space provided or attach additional sheets. Attach all requested additional materials to this questionnaire.

### TITLE VI COMPLAINTS

Describe any Title VI complaints filed against your organization during the course of the project.

In the space provided below, please describe for EACH complaint: the date, the nature of the complaint, who was involved, what action was taken, and the outcome. If no complaints were received please note.

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**PUBLIC ENGAGEMENT / OUTREACH**

Describe the public engagement process, community outreach activities, or similar public events as part of the work under the Agreement. Include attachments and supplemental information as necessary.

**SUBCONTRACTING, LEASING, PURCHASING**

Identify any subcontracts, leases, or other sub-agreements that were entered into regarding the work under the Agreement. Include attachments and supplemental information as necessary.

Were any of the subcontractors on the project DBEs/ MWBE?

Yes\_\_\_\_\_ No\_\_\_\_\_

If Yes, did you complete and return to the City of Auburn the required DBE/ MWBE Reporting Form?

Yes\_\_\_\_\_ No\_\_\_\_\_

If No, please attach the required reports to this questionnaire.

If any of the subcontractors on the project are/were DBEs, did your organization ensure that the DBE subcontractors were certified and registered with applicable Federal and/ or NYS agencies?

Yes\_\_\_\_\_ No\_\_\_\_\_

If Yes, please attach the relevant documentation to demonstrate that your organization verified the subcontractors' DBE/ MWBE status.

What was the DBE/ MWBE contract goal on the project? DBE\_\_\_\_\_ MWBE\_\_\_\_\_

**SIGNATURE OF AUTHORIZED REPRESENTATIVE**

*By signing below, I certify that I am authorized to sign this report and that the information contained in this report is accurate and complete.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

## **VIII. City of Auburn Limited English Proficiency (LEP) Plan**

The City of Auburn Language Assistance Plan for Limited English Proficiency (LEP) was prepared in August 2014 to address the City of Auburn's responsibility as a recipient of federal financial assistance as it relates to meeting the needs of individuals with limited ability to read, write, speak, or understand the English language. The LEP was prepared in accordance with Executive Order 13166, entitled "Improving Access to Services for Persons with Limited English Proficiency" and was reviewed and approved by the U.S. Housing & Urban Development Agency (HUD).

The City of Auburn Language Assistance Plan employs the four-factor analysis and provides a summary of the results. After reviewing the 2008-2012 U.S. Census Bureau data from the American Community Survey and the 2000 U.S. Census, the City of Auburn determined that the following languages are representative of persons who may identify their English-speaking ability as "not well" or "not at all" as being LEP: Spanish or Creole and other Indo-European languages.

A link to the City of Auburn Language Assistance Plan and the Title VI information and compliant procedures is included on the City of Auburn website: [www.auburnny.gov](http://www.auburnny.gov). Any individual or sub-recipient with access to the internet will be able to download the plan from the website. Federal Agencies and representatives may request a copy of the plan via telephone, fax, mail or in person and shall be provided a copy of the plan at no cost. The City of Auburn will make reasonable efforts to provide a translated plan at no cost to LEP persons upon request.

Any questions or comments regarding the Language Assistance Plan may be submitted to:

Mrs. Renee Jensen,  
Community Development Planner  
Office of Planning & Economic Development  
Memorial City Hall  
24 South Street  
Auburn, NY 13021  
Phone: (315) 255-4115  
Fax: (315) 253-0282

### **A. Safe Harbor Provision**

As of the date of this Title VI Plan, several federal agencies including the US HUD and DOT have adopted the US Department of Justice's Safe Harbor Provision, which in the context of this Title VI Plan would apply to the City of Auburn's efforts to comply with respect to the needed translation of vital written materials for LEP persons. The safe harbor provision does not affect the requirement to provide meaningful access for LEP individuals through competent oral interpreter where oral language services are needed and are reasonable.

For additional information regarding the Safe Harbor Provision consult:

[http://www.lep.gov/guidance/guidance\\_DOJ\\_Guidance.html](http://www.lep.gov/guidance/guidance_DOJ_Guidance.html)

## APPENDIX A

***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 Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the applicable (*Federal Agency, Code of Federal Regulations, Part(s), and Title*) as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, gender, age, and disability/handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited as outlined by relevant Federal Agency(ies) Code of Federal Regulations including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or 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, or national origin, gender, age, and disability/handicap.
- (4) **Information and Reports:** The contractor 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 the City of Auburn or the (*Name of Appropriate Administration*) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the City of Auburn or the (*Name of Appropriate Administration*) as appropriate, 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 Auburn shall impose such contract sanctions as it or the (*Name of Appropriate Administration*) may determine to be appropriate, including, but not limited to:
  - (a.) withholding of payments to the sub-recipient under the contract until the sub-recipient

complies, and/or

(b.) cancellation, termination or suspension of the contract, in whole or in part.

**(6) Incorporation of Provisions:** The recipient shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The recipient shall take such action with respect to any sub-recipient or procurement as the City of Auburn or the *(Name of Appropriate Administration)* may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a recipient becomes involved in, or is threatened with, litigation with a sub-recipient or supplier as a result of such direction, the recipient may request the City of Auburn to enter into such litigation to protect the interests of the City of Auburn and, in addition, the recipient may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

NOW, THEREFORE, the *(Name of Appropriate Administration)*, as authorized by law, and upon the condition that the City of Auburn will accept title to the lands and maintain the project constructed thereon, in accordance with *(Name of Appropriate Legislative Authority)*, the Regulations for the Administration of *(Name of Appropriate Program)* and the policies and procedures prescribed by *(Name of Appropriate Administration)*, also in accordance with and in compliance with all requirements imposed by or pursuant to application *(Reference to Title and Code of Federal Regulations)* relevant to Nondiscrimination in Federally-assisted programs of the *(Name of Appropriate Administration)* (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Auburn all the right, title and interest of the *(Name of Appropriate Administration)* in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto City of Auburn and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the City of Auburn its successors and assigns.

The City of Auburn, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, gender, age, and disability/handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and] (2) that the City of Auburn shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to *(Reference to Title and Code of Federal Regulations)* relevant to Nondiscrimination in Federally-assisted programs of the *(Name of Appropriate Administration)* and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the *(Name of Appropriate Administration)* and its assigns as such interest existed prior to this instruction.\*

## APPENDIX C

**The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of Auburn pursuant to the provisions of Assurance 6(a).**

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a (*Name of Appropriate Administration*) program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to (*Reference to Title and Code of Federal Regulations*) relevant to Nondiscrimination in Federally-assisted programs of the (*Name of Appropriate Administration*). Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.].

That in the event of breach of any of the above nondiscrimination covenants, (*Name of Recipient*) shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, City of Auburn shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of City of Auburn and its assigns.

**The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the City of Auburn pursuant to the provisions of Assurance 6(b).**

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, gender, age, and disability/handicap, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin, gender, age, and

disability/handicap, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to *(Reference to Title and Code of Federal Regulations)* relevant to Nondiscrimination in Federally-assisted programs of the (Name of Appropriate Administration). Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, the City of Auburn shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds].

That in the event of breach of any of the above nondiscrimination covenants, the City of Auburn shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of City of Auburn and its assigns.

## APPENDIX D

### Federal Statue and Regulations References

**Title VI of the 1964 Civil Rights Act [Pub. L. 88-352 (1964), codified as 42 U.S.C. §§ 2000d through 2000d-4]:**

...provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

**The Civil Rights Restoration Act of 1987 [Public Law 100259 [S. 557] March 22, 1988]:**

...broadened the scope of Title VI coverage by expanding the definition of the terms “program or activity” to include all programs or activities of Federal Aid Recipients, sub-recipients, and consultants/contractors, whether such programs and activities are federally assisted or not.

**Age Discrimination Act of 1975, [Pub. L. 94-135 (1975), codified as 42 U.S.C. §6102]:**

...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.

**Americans with Disabilities Act (ADA) of 1990, Subchapter 2, Part A [Pub. L. 101-336 (1990); codified as 42 U.S.C. §§ 12131-12134]:**

...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 [Pub. L. 93-112 (1973), codified as 29 U.S.C. §794]:**

...provides that no qualified handicapped person, shall, solely by reason of his/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.

**Executive Order 12898:**

...regarding federal actions to address environmental justice (EJ) in minority populations and low-income populations.

**Executive Order 13166:**

...improving access to services for persons with Limited English Proficiency (LEP).

**COUNCIL RESOLUTION # 133 OF 2015**

**ADOPTING A TITLE VI PLAN AND  
NONDISCRIMINATION AGREEMENT FOR  
THE CITY OF AUBURN**

By Councilor Ruzicka

December 3, 2015

**WHEREAS**, The City of Auburn is a recipient of funding assistance from federal and state agencies and therefore is subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964 (“the Act”), as amended, as well as the various Federal Laws and Executive Orders that expand the Title VI nondiscrimination regulations; and

**WHEREAS**, the Act provides that “No person in the United States shall, on the grounds of race, color, national origin, age, disability, gender or income, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance”; and

**WHEREAS**, the Civil Rights Restoration Act of 1987 broadened the scope of Title VI to expand the definitions of terms “programs or activities” to include all programs or activities administered by an agency if any part of that agency received Federal financial assistance; and

**WHEREAS**, the City of Auburn has prepared a Title VI Plan and Nondiscrimination Agreement in accordance with the aforesaid regulations; and

**WHEREAS**, the Title VI Plan and Nondiscrimination Agreement has been reviewed by the NYS Department of Transportation, City staff and with the City of Auburn Human Rights Commission.

**NOW, THEREFORE BE IT RESOLVED BY THE  
CITY COUNCIL OF THE CITY OF AUBURN, NEW YORK:**

1. That the City of Auburn hereby adopts the Title VI Plan and Nondiscrimination Agreement attached herewith and made a part of this resolution; and

City of Auburn, New York

2. That the City Manager Douglas A. Selby is hereby appointed as the Title VI Coordinator for the City of Auburn and is authorized to execute the Title VI Plan and requirements therein; and
3. That a copy of the Title VI Plan and Complaint Form will be made available on the City website and on file with the City Human Rights Commission; and
4. That this resolution shall take effect immediately upon its adoption.

Seconded by Councilor Cuddy

	Ayes	Noes
Councilor McCormick	X	
Councilor Camardo	X	
Councilor Cuddy	X	
Councilor Ruzicka	X	
Mayor Quill	X	
Carried and Adopted	X	

*I do hereby certify that the foregoing is a correct copy of the vote for Council Resolution #133 of 2015 of the City Council of the City of Auburn, N.Y., at a regular meeting thereof, held in the Council Chambers, Memorial City Hall, in said city, on the 3rd day of December, 2015 and that the City Council approved such by the vote listed above.*



*Charles Mason, City Clerk Date: December 4, 2015*