

Palo Alto County
TITLE VI POLICY STATEMENT

The Palo Alto County assures that no person shall, on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Palo Alto County further assures every effort will be made to ensure nondiscrimination in all of its committees, programs and activities, regardless of the funding source.

The Palo Alto County will include Title VI language in all written agreements and bid notices and will monitor compliance.


The Auditor of the Palo Alto County will be responsible for initiating and monitoring Title VI activities, and all other responsibilities as required.



Carmen Moser, Auditor

4-9-2013

Date



Ronald Graettinger, Board of Supervisors, Chair

4-9-2013

Date

This policy was adopted at a regular Board of Supervisors meeting held on 9th day of April, 2013.

TITLE VI AUTHORITIES

Title VI of 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23 CFR 200.9 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 {S.557} March 22, 1988).

TITLE VI COORDINATOR

The County Auditor is the Title VI Coordinator and the County Engineer is the Assistant Title VI Coordinator, who will assume Title VI responsibilities for the Auditor listed below, in the event of conflict of interest by the Auditor or where the County Auditor is otherwise unavailable. The County Attorney will be advised of all complaints and will advise in all investigations.

TITLE VI COORDINATOR RESPONSIBILITIES

The County Auditor is responsible for ensuring the implementation and the day to day administration of the Palo Alto County Title VI Plan. The Auditor is also responsible for implementing, monitoring, and ensuring the County’s compliance with the Title VI regulations.

GENERAL RESPONSIBILITIES

A. Public Dissemination

The Palo Alto County will disseminate Title VI Program information to County’s employees, sub-recipients, and contractors, as well as the general public. Public dissemination will include posting of public statements, inclusion of Title VI language in contracts, and announcements of hearings, and meetings in minority newspapers when determined necessary and funding is available.

B. Prevention of Discrimination

Procedures will be implemented to detect and eliminate discrimination when found to exist, including, but not limited to, issues of accessibility of training to all qualified County employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public involvement and material acquisition.

C. Annual Reports

The County Engineer, in conjunction with the Auditor, will be responsible for insuring an annual report is prepared by August 1st of each year and submitted to Iowa DOT by September 1st of each year. The report will review Title VI accomplishments and goals for the upcoming year.

D. Remedial Action

The Palo Alto County will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance through a program review with the program administrative requirements. If irregularities occur in the administration of the programs operation, procedures will be promptly implemented to resolve Title VI issues and reduce to writing remedial action agreed to be necessary, all within a period not to exceed 90 days.

Iowa DOT will be notified of any complaint filed at the Palo Alto County involving Title VI issues, as any resolution.

FILING A COMPLAINT

Applicability

The complaint procedures apply to the beneficiaries of the Palo Alto County's programs, activities, including but not limited to: the public, contractors, sub-contractors, consultants, employees and other sub-recipients of federal and state funds.

Eligibility

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

Time Limitation on Filing Complaints

Title VI complaints may be filed with:

- Palo Alto County
- Iowa Department of Transportation
- Federal Highway Administration
- U.S. Department of Transportation
- Iowa Labor Services Division

In all situations, Palo Alto County employees must contact the Auditor immediately upon receipt of Title VI or related statutes complaints.

Complaints must be filed not later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

A Title VI complaint form is available at the Palo Alto County Auditor's office during normal business hours.

COMPLAINT PROCESSING

1. The Title VI Coordinator will review the complaint upon receipt to ensure that all information is provided, the complaint meets the 180 day filing deadline and falls within the jurisdiction of the County.
2. The Title VI Coordinator will then investigate the complaint. If the complaint is against the Title VI Coordinator, the Chairperson and/or Board of Supervisors or its designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the County Attorney.
3. If the complaint warrants a full investigation, the complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency. The County will also notify the Iowa Department of Transportation Office of Employee Services – Civil Rights of the investigation.
4. The party alleged to have acted in a discriminatory manner will also be notified by certified mail as to the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.
5. Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator.
6. Once the Palo Alto County has notified the Iowa Department of Transportation's Office of Employee Services/Civil Rights of its investigative report findings, the County will adopt a final resolution.
7. All parties will be properly notified of the outcome of the Palo Alto County's investigative report.
8. If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), she/he shall be advised of their right to appeal Palo Alto County's decision. Appeals must be filed within 180 days after the Palo Alto County's final resolution. Unless new facts not previously considered come to light, reconsideration of the County's determination will not be available.

The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes," available online at <http://www.usdoj.gov/crt/cor/Pubs/manuals/complain.html>.

**PALO ALTO COUNTY
TITLE VI COMPLAINT FORM**

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

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

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

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

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

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of Individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

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

_____ Race/Color
_____ National Origin
_____ Sex
_____ Income Status

_____ Religion
_____ Age
_____ Disability
_____ Limited English Proficiency

Explain:

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

Signature: _____

Date: _____

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

APPENDIX A Sample Letter Acknowledging Receipt of Complaint

Today's Date

Name
Address
City, State, Zip

Dear _____:

This letter is to acknowledge receipt of your complaint against the County of Palo Alto
County alleging _____.

An investigation will begin shortly. If you have additional information you wish to
convey or questions concerning this matter, please feel free to contact this office by
telephoning 712-852-2924, or write to me at this address.

Sincerely,

Title VI Coordinator
Carmen Moser, Palo Alto County Auditor
1010 Broadway
PO Box 95
Emmetsburg, IA 50536

APPENDIX B Sample Letter Notifying Complainant that the Complaint Is Substantiated

Today's Date

Name

Address

City, State, Zip

Dear _____:

The matter referenced in your letter of _____ (date) against the County of Palo Alto alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. **(If a hearing is requested, the following sentence may be appropriate.)** You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Title VI Coordinator
Carmen Moser, Palo Alto County Auditor
1010 Broadway
PO Box 95
Emmetsburg, IA 50536

APPENDIX C

Sample Letter Notifying Complainant that the Complaint Is Not Substantiated

Today's Date

Name

Address

City, State, Zip

Dear _____:

The matter referenced in your complaint of _____ (date) against the County of Palo Alto alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

The County of Palo Alto has analyzed the materials and facts pertaining to your case for evidence of the county's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from County of Palo Alto, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Title VI Coordinator
Carmen Moser, Palo Alto County Auditor
1010 Broadway PO Box 95
Emmetsburg, IA 50536
Phone: 712-852-2924

**APPENDIX D Samples of Narrative to be included in Posters to be displayed in
Revenue Vehicles and Facilities**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States 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” (42 U.S.C. Section 2000d).

The Palo Alto County is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by the Title VI in Federal Transit Administration (FTA) Circular 4702.1.A. **If you feel you are being denied participation in or being denied benefits of the transit services provided by the Palo Alto County, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at:**

Title VI Coordinator
Carmen Moser, Palo Alto County Auditor
1010 Broadway
PO Box 95
Emmetsburg, IA 50536
Phone: (712) 852-2924