

CITY OF FULTON

TITLE VI POLICY STATEMENT

As a recipient of federal and state funds, the City of Fulton is subject to the requirements and provisions of Title VI of the Civil rights Act of 1964, as amended. The provisions include, prohibiting discrimination on the grounds of race, color or national origin. 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. 2000d).

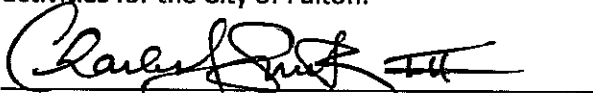
The following Federal Laws and Executive Orders expand the Title VI nondiscrimination mandate: The Civil Rights Restoration Act of 1987 clarified the definition of "programs and activities" covered by the nondiscrimination provisions of civil rights statutes. The revised definition states that discrimination is prohibited throughout an entire agency or institution, if any part of that agency receives Federal financial assistance.

The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, school, transportation, and all public and private places that are open to the general public. The purpose of this law is to make sure people with disabilities have the same rights and opportunities as everyone else. The ADA has five titles that relate to different areas of public life.

Executive Order 12898 (Environmental Justice or "EJ") seeks to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations, and to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

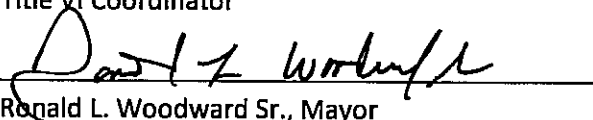
Executive Order 13166 (Limited English Proficiency or "LEP") ensures individuals whose first language is not English and have a limited capacity to read, write or understand English have meaningful access to programs, information and services by any entity receiving Federal funding.

The City of Fulton assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded. The City of Fulton's Title VI Coordinator or their designee is responsible for monitoring the Title VI and related activities for the City of Fulton.



Charles J. Smith III, Commissioner of Public Works
Title VI Coordinator

6-15-2018
Date



Ronald L. Woodward Sr., Mayor

6-15-2018
Date

Authority

Title VI of the Civil Rights Act of 1964 is the Federal Law that protects individuals from discrimination based on their race, color or national origin in programs that receive Federal financial assistance.

The Civil Rights Restoration Act of 1987 clarified the institution-wide application of Title VI.

- a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
- b. Federal Transit Laws, Title 49, United States Code, Chapter 53
- c. 49 CFR § 1.51
- d. 49 CFR part 21
- e. 28 CFR § 42.401 et seq.
- f. 28 CFR § 50.3
- g. 70 FR 74087, December 14, 2005

Contact Information

If you who would like more information concerning the City of Fulton's nondiscrimination obligations under Title VI contact:

Charles J. Smith III, Commissioner of Public Works

Title VI Coordinator

141 South 1st Street

Fulton, NY 13069

(315) 592-5381

csmith@cityoffulton.com

Title VI Assurances

A copy of the City of Fulton's Title VI Assurances Statement is provided as **Attachment A**. The Title VI Assurances includes Appendices A, B, C, D, and E. The Assurances Statement reflects the City's commitment to comply with Title VI of the Civil Rights Act of 1964, as amended, and the City's policy to ensure equal opportunity and to prevent and eliminate discrimination. The City of Fulton shall submit its Title VI Certification and Assurances whenever the City accepts funding from the Federal government.

Title VI Coordinator

The City of Fulton Common Council has designated the City of Fulton Commissioner of Public Works as the Title VI Coordinator for City of Fulton by Resolution #11-8-2018 dated June 6, 2018. The Title VI Coordinator is responsible for initiating, monitoring, and ensuring the City of Fulton's compliance with Title VI requirements as follows:

1. Ensure that the City's Title VI Policy is posted according to the procedures outlined in this Program so that appropriate notice is provided to the general public.
2. To review the City's Title VI Program annually to determine that it is up to date, and to make any recommendations for changes to the document to the City of Fulton Common Council to ensure that it remains up to date.

3. To keep such records and timely file such reports as required to comply with Title VI requirements.
4. To process, review and investigate Title VI complaints received by the City in accordance with the Complaint Procedures established in this document.
5. To collect statistical data necessary to comply with Title VI requirements.
6. To conduct Title VI reviews when necessary of contractors and other recipients of federal aid from City of Fulton.
7. To serve as a resource for technical assistance to other City Departments and employees for guidance on complying with Title VI.
8. To respond to inquiries of the City's Title VI Program, and to any notices of deficiency that might be received with regard to Title VI, in order to resolve issues of non-compliance.

Title VI Complaint Procedures

Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin can file an administrative complaint with the City of Fulton under Title VI of the Civil Rights Act of 1964 and send to the above address. If desired, individuals and/or organizations may file a complaint by completing the Title VI Complaint Form provided as **Attachment B**. Complaints should be signed and include contact information. Reasonable accommodations shall be provided to any person when necessary to properly access and file a complaint with The City of Fulton under Title VI.

To comply with Title VI and all pertinent laws and regulations associated with Title VI, the City of Fulton provides the following complaint procedures for anyone believing they have been subjected to discrimination under any program or activity provided by the City of Fulton. These procedures do not deny the right of the complainant to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

1. Complete and Submit Complaint Form

- To allow the City of Fulton to investigate an incident of alleged discrimination under Title VI, the individual who believes they may have been subjected to discrimination must complete and file a Complaint Form. A copy of the Title VI Complaint Form can also be found on the City of Fulton website at www.cityoffulton.com. The Complaint Form must be completed fully, and mailed or delivered to:

City of Fulton

Attention: Title VI Coordinator

141 South 1st Street

Fulton, NY 13069.

Only complaints of incidents that allegedly occurred within 180 days from the receipt of the complaint form will be reviewed. If assistance is needed to complete the Complaint Form, please contact the Title VI Coordinator @ (315) 592-5381.

2. Review of Complaint Form

- Upon receipt, the Complaint Form will be reviewed to determine if the City has jurisdiction to review the alleged act of discrimination. The Complainant shall receive an acknowledgment letter informing him/her whether the complaint will be investigated by our office.

3. Investigation

- The City of Fulton shall endeavor to investigate complaints within 60 calendar days from the receipt of a complaint form. If more information is needed to resolve the case, the City may contact the complainant. The complainant has 30 calendar days from the date of the letter from the City requesting additional information to send the requested information to the investigator assigned to the case. If the investigator is not contacted

by the complainant or does not receive the requested information within the 30-day timeframe, the City can administratively close the case. A case can also be administratively closed if the complainant informs the City that he/she no longer wishes to pursue their case.

- a) **Informing Complainant of the results of the Investigation.** After the investigator reviews the complaint, he/she will issue one of two letters to the complainant: A Closure Letter or a Letter of Finding. A Closure Letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. A Letter of Finding summarizes the allegations and the results of the investigation, and explains whether any disciplinary action, additional training of a staff member or other action will occur.
- b) **Appeal of the Decision.** If the complainant wishes to appeal the decision, he/she has 30 days after the date of the Investigation Letter to file an appeal. The appeal is filed to the attention of:

City of Fulton
Attention: Mayor
141 South 1st Street
Fulton, NY 13069

If the complaint pertains to a transit or transportation related matter, a person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590, and/or the Federal Highway Administration (FHWA), New York Division Office, Leo W. O'Brien Federal Building, Room 719, 11A Clinton Ave., Albany, NY 12207.

Title VI Investigations, Complaints, and Lawsuits

The City of Fulton shall keep a log of all Investigations, Complaints and Lawsuits under Title VI, including the date that the investigation, complaint or lawsuit was filed, a summary of the allegation(s); the status of the investigation, complaint or lawsuit; and actions taken by the City in response, or final findings related to the investigation, complaint or lawsuit. A copy of the City of Fulton's Complaint Log is provided as **Attachment C**.

The complaint log shall be included in a report submitted to New York State Department of Transportation or the Federal Highway Administration as required.

Title VI/Nondiscrimination Policy Statement

The City of Fulton 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 participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Fulton 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 that the City of Fulton distributes federal aid funds to another governmental entity, the City of Fulton will include Title VI language in all written agreements and will monitor for compliance. The City of Fulton Contract Compliance Office is responsible for initiating and monitoring Title VI activities, preparing required reports and other City of Fulton responsibilities as required by 23 CFR 200 and 49 CFR 21.

Authorities

Title VI of the 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 financial assistance (please refer to 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 or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3; EO 13166.

This notice shall be posted in the City of Fulton Municipal Building located at 141 South 1st Street, Fulton NY 13069. To see more about Public Notice information, see **Attachment H**.

ADA Coordinator

The City of Fulton Common Council has designated the Commissioner of Public Works as the City of Fulton ADA Coordinator. ADA requires all state or local government entities with 50 or more employees to appoint a responsible person to coordinate the administrative requirements of ADA compliance and to respond to complaints filed by the public. The name and contact information for the responsible person is required to be publicly advertised. The City's ADA Plan is provided as **Attachment D**.

The drafters of the ADA modeled this position after the 504 Coordinator that had been required under the Rehabilitation Act. Title II of the ADA stipulates five major administrative duties:

1. Publicize the name and contact information of the designated ADA Coordinator responsible to oversee compliance;
2. Administer and write self-evaluation of the programmatic barriers in services offered by the local government;
3. Establish a complaint or grievance procedure to respond to complaints of noncompliance from the public;
4. Develop a transition plan if structural changes are necessary for achieving program accessibility and;
5. Retain the self-evaluation for three years.

Environmental Justice (EJ) Plan

It is the policy of the City of Fulton to ensure that all of its programs, policies, and other activities do not have disproportionate adverse effects on minority and low-income populations. The City of Fulton identifies minority, low-income, and LEP communities through the use of Census data. The City of Fulton takes a proactive approach to engage these communities and ensures their full and fair participation in the transportation decision-making process. The City's Environmental Justice Plan is provided as **Attachment E**.

Limited English Proficiency (LEP) Plan

Title VI and its implementing regulations require FHWA subrecipients take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP by developing a LEP Plan. The City of Fulton LEP Plan is provided as **Attachment F**.

LEP populations are people for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. LEP populations include both people who report to the U.S. Bureau of Census that they do not speak English well and people who report that they do not speak English at all.

Public Participation Plan

All applicants for Federal Highway Administration (FHWA) financial assistance are required to ensure that their programs, policies, and activities comply with U.S. Department of Transportation (USDOT) Title VI of the Civil Rights Act of 1964. In order to comply with Title VI, the City of Fulton must develop and submit to New York State Department of Transportation (NYSDOT) a Public Participation Plan which includes information about outreach efforts to engage minority and Limited English Proficient Populations (LEP).

The goal of the Public Participation Plan is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. A copy of the City of Fulton's Public Participation Plan is provided as **Attachment G**.

Contract Compliance

Contractors and subcontractors for City of Fulton are responsible for complying with the Title VI Program of the City. The City of Fulton shall be responsible for ensuring that contractors are aware of and comply with Title VI requirements. Appropriate language requiring compliance shall be included in each contract with the City.

Notification to Beneficiaries

Under Title VI, the City of Fulton is required provide information to the public regarding the City's obligations under Title VI regulations and apprise the general public of the protections against discrimination afforded to them by Title VI. The City of Fulton shall disseminate this information to the general public by posting the Title VI policy notice on the City's website and in public areas of the City's offices, including the public meeting room, bulletin boards, and the Fulton Municipal Building. A copy of the Public Notice is attached as **Appendix F**.

Monitoring/Reporting

The City of Fulton is responsible for complying with Title VI regulations and also ensuring that any contractors are in compliance. Accordingly, the City of Fulton's EBO Administrator, Charles J. Smith III shall regularly monitor contractors for compliance through NYSDOT EBO system regarding DBE, MWBE, and EEO participation and shall prepare annually a Title VI Program outlining the efforts of City of Fulton to comply with Title VI.

Data Collection

The City of Fulton will collect Data to ensure impacted communities and interested persons are provided equal access to public involvement. The City will develop procedures for the collection of statistical data of participants in and beneficiaries of City programs, impacted citizens and affected communities.

City of Fulton Contract Compliance

1. City of Fulton responses for Federally Funded Disadvantaged Business Enterprise (DBE) contracting opportunities:

a. The individual responsible for overseeing the City's DBE Program.

Name: Charles J. Smith III

Title: Commissioner of Public Works

b. Describe how the City of Fulton selects projects and set project goals.

The City of Fulton selects projects based on the needs of the community. The project goals pertaining to Disadvantaged Business Enterprises are determined by the requirements of FHWA and NYSDOT.

c. The City of Fulton monitors DBE participation on contracts.

Utilizing the EBO system, NYSDOT's official Civil Rights Reporting Software

2. City of Fulton responses for State Funded Minority and Women-Owned Business Enterprise (MWBE) contracting opportunities:

a. The individual responsible for overseeing the City of Fulton's MWBE program.

Name: Charles J. Smith III

Title: Commissioner of Public Works

b. The City select projects and set project goals by;

The City of Fulton selects projects based on the needs of the community. The project goals pertaining to Minority and Women-Owned Business Enterprises are determined by the requirements of NYSDOT and FHWA

c. The City monitors MWBE participation on contracts by;

Utilizing the EBO system, NYSDOT's official Civil Rights Reporting Software

The data collected will be used to demonstrate that those who are affected by a project or have an interest in the project have an opportunity to provide input throughout the planning process.

The City of Fulton will take into consideration the following technical assistance provided by the New York State Department of Transportation's Office of Civil Rights.

- a. Assign an individual to take responsibility for the collection of data.
- b. Set up protocol for who has access to the data.
- c. As data is received, check for thoroughness.
- d. Pilot test selected survey questions.
- e. Develop a tracking system (spreadsheet)
- f. Sort collected data electronically or in filing cabinets
- g. Frequently monitor the data collection process.
- h. Prepare for errors in your samplings.

Training

The City of Fulton's Title VI Coordinator will ensure training for all City employees and management is scheduled and conducted every 3 years. The training will be included as part of new employee orientation. The City of Fulton will consider conducting roundtable discussions with specific program areas (Planning, Environment, Design, Right of Way, Construction, Maintenance and Safety) about how Title VI impacts their program area. The City of Fulton will maintain records of attendance and training materials as well as meeting agendas where Title VI was discussed. The City of Fulton will retain training records for three (3) years.

Requirement:

- The City ensures the Title VI Coordinator has received Title VI Training.
- The City will provide staff training to ensure Title VI has been integrated into the agency.
- The City will retain records of agendas, training materials, attendees, and dates of training.