

**CITY *of* MARION**

# **TITLE VI IMPLEMENTATION PLAN**

For the City of Marion (City Wide)

301 S. Branson St.

Marion, IN

10-26-21

City of Marion  
Title VI Implementation Plan  
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## TITLE VI POLICY

### I. Policy

The City of Marion Indiana "City" is a local governmental entity organized under laws of the State of Indiana and was incorporated in May 17, 1889. The City is governed by a mayor/council government. The Mayor, Clerk, City Judges and nine members of the City Council are elected every four years. The Mayor appoints the members of the Board of Public Works and Safety.

Title VI of the Civil Rights Act of 1964 CFR 26 provides as follows:

*No Person in the United States shall, on the ground of race, color, age, gender, sex, sexual orientation, veteran status, genetic information or testing, religion, family medical leave, disability, gender identity, expression, age, low income status, limited English proficiency, or be subject to discrimination under any program or activity receiving Federal financial assistance.*

The purpose of this policy is formally recognize and implement the City's commitment to applicable state and federal laws.

The City:

Will not deny any person service, assistance or other benefit for which you are qualified;

Will not provide any person with a service different from that provided to others under the same program;

Will not subject any person to separate treatment in any manner related to services, aid or other benefits, and will provide a plan to assist those with Limited English Proficiency (LEP);

Will not limit any person in any way in the use of services, facilities, or any other advantages, privileges, or benefits provided to others under any program;

Will not treat any person differently from others in deciding whether you meet requirements to receive aid, care, service or other benefit;

Will not deny any person or offer an opportunity different from that offered others in any program or service

Will ensure compliance with applicable Executive Orders, laws and regulations;

Will not adopt methods that limit participation by any group of recipients or subject them to discrimination; and

Will not refer any person to agencies that do not obey civil rights law;

## **II. PROGRAM COVERAGE & SCOPE OPERATIONS**

The City is a local government entity established by the Indiana General Assembly and provides services as authorized by statute.

The City of Marion receive its funding from taxes, fees, grants and donations. All revenues are accounted for accordance with Indiana law. Federal and state grant funds shall only be used in a manner consistent with the grant purpose. All financial records are audited annually by the Indiana State Board of Accounts.

The City will identify any grants, loans, contracts or property from the federal or state government.

## **III. ORGANIZATION/CIVIL RIGHTS COORDINATOR**

The City is governed by a Mayor and Board of Public Works and Safety who shall appoint a Civil Rights Coordinator. The Civil Rights Coordinator is designated to receive complaints of discrimination (Organizational Chart "Exhibit B" attached), will delegate investigatory responsibility to his designee, and will report to the Mayor and Board of Public Works and Safety periodically, and on an as needed basis concerning the status of any complaints of discrimination on the basis of race, color, gender, age, disability or national origin as well as the resolution of problems or complaints. The Coordinator's designee will record and log complaints of discrimination. Title VI Complaint for attached as "Exhibit A" The Coordinator will report to the Board annually concerning the registry or log of such complaints, and will annually review the Implantation Plan and report on suggested revisions or charges in the plan. The Board of Public Works and Safety will adopt the Implementation Plan and will revise and amend that plan as appropriate.

## **IV. CIVIL RIGHTS GUIDELINES**

The City through its Implementation Plan provides for compliance with Title VI. The City will post its Title VI Implementation Plan on the website, along with the Compliant Form "Exhibit A". The City will have copies of the Title VI Implementation Plan available at its office during normal business hours. The City will periodically publish statements concerning title VI in materials available to the public and to prospective beneficiaries.

The City will follow the following process for receiving complaints of discrimination:

**How to file a Complaint (Exhibit A)**

If you apply for, or receive any benefit of service provided by the City or by an agency receiving assistance from the City, you may file a complaint if you believe you have received unfair or different treatment because of categories within the Title VI Federal requirements. **Complaint must be in writing.** Complaints may be files in person, mailed by certified mail to the address below and must be received by the City within 60 days of the unfair treatment. Complaints must be filed with:

HR Representative Chris White, Title VI Coordinator  
City of Marion  
301S. Branson St.  
Marion, Indiana 46952

**Processing Complaints**

**Step 1:**

Upon receiving a Title VI complaint the Coordinator will determine whether the complaint states a claim covered by Title VI. If the complaint states a claim it will be accepted for processing immediately and both the complainant and recipient will be so notified.

**Step 2:**

- A. The coordinator's designee will maintain a log of all complaints. The complaint will be noted in the log by case numbered based on year, month, and sequence in which complaint was received.

- B. The Coordinator will appoint an investigator and the investigator will initiate the investigation by first contacting the complainant by telephone within three (3) working days of receiving the assignment.
- C. The complainant will be informed that he/she has a right to have a witness or representative present during the interview and may submit any relevant documentation.
- D. The alleged discriminatory service or program will be given the opportunity to respond to all allegations.
- E. The investigator will determine which witness will be contacted and questioned.
- F. Prior to a final report, the complainant will be given the opportunity to rebut any previously made statements.
- G. The investigation will be completed and final report sent to the Coordinator as well as the complainant and recipient within 60 days of receipt of complaint. If non-compliance is found, the investigator shall include a plan of voluntary correction for discussion with the complainant. If there is no finding of non-compliance or discrimination, then the investigator shall state that in the final report to the Coordinator.
- H. The Coordinator may adopt, revise, or amend the final report of the investigator.
- I. Upon a finding or conclusion of non-compliance, the Coordinator shall set out a plan of corrective action can be in the form of actions to be taken at a future date after the initial thirty (30) days.
- J. The goal of the implementation plan is voluntary compliance. The recipient will have thirty (30) calendar days from the recipient of the formal determination of non-compliance within which to come into voluntary compliance. Should the recipient fail to meet the deadline, the City may start procedures to deny, annul, suspend, or terminate assistance in accordance with Federal regulations. Sanctions under Title VI may be refusal to grant an application for assistance and the termination of assistance being rendered. Before these sanctions

may be invoked, the City requires completion of the report and a failure of voluntary compliance.

## **V. STAFF AND BUDGET RESOURCES**

The Civil Rights Coordinator will provide introductory orientation, to include, awareness, sensitivity, and objectivity when carrying out services, and will oversee periodic training to staff on the Title VI Implementation Plan and on the City's commitment to diversity and prohibition on discrimination. Staff members directly responsible for implementation of the VI Plan will receive additional training. This training will be incorporated with regular staff training professional development.

## **VI. DISCRIMINATORY PRACTICES PROHIBITED**

Title VI prohibits discrimination on the ground of race, color, age, gender, sex, sexual orientation, veteran status, genetic information or testing, religion, family medical leave, disability, gender identity, expression, age, low income status, limited English proficiency, or be subject to discrimination under any program or activity receiving Federal financial assistance. The City will not engage in intentional discrimination, and will not permit a pattern or practice of discrimination. The City will not permit policies or practices that have the effect of discriminating against recipients on the basis of race, color, age, gender, sex, sexual orientation, veteran status, genetic information or testing, religion, family medical leave, disability, gender identity, expression, age, low income status, limited English proficiency. For instance, the City will not adopt a policy, custom, or practice requiring English only for recipients, as that type of policy could have a disproportionate impact on the basis of nation origin.

## VII. PUBLIC NOTIFICATION & ENGAGEMENT

The City will make its Title VI Implementation Plan and complaint form available on its website and will make copies of the plan available at its business office during regular hours. The City will periodically include a summary of the Title VI legal requirements in its publications. The City will provide alternative language copies of marketing publications prepared by the City upon request.

## VIII. COMPLIANCE REVIEW & REPORTING

The Civil Rights Coordinator's designee will maintain a confidential log and record of any complaints alleging discrimination on the basis of race, color, age, gender, sex, sexual orientation, veteran status, genetic information or testing, religion, family medical leave, disability, gender identity, expression, age, low income status, limited English proficiency, and participations on behalf of the City.

In the event the City provides grants, aid or financial assistance, the City will expect and require the recipient to provide written assurance of its compliance with Title VI.

## IX. MINORITY REPRESENTATION & PARTICIPATION

The City will support and encourage minority representation, including minority designation by race, color, age, gender, sex, sexual orientation, veteran status, genetic information or testing, religion, family medical leave, disability, gender identity, expression, age, low income status, limited English proficiency, and participation on behalf of the City.



The City will support and encourage diversity and participation on behalf of racial and ethnic origin minorities and women.

The City will encourage self-reporting of minority participation in the city activities in order to track progress with regarding to increasing minority participation.

The City will assure Title VI Compliance with the execution of Title VI Assurance of Compliance documents (Exhibit "C") to further comply with Federal guidelines.

## **X. MAJOR GOALS & OBJECTIVES**

1. The City will implement this compliance strategy, and will periodically review this plan and revise this plan as may be needed. See Exhibit "D" for updates
2. The City will review minority participation and examine appropriate methods of encouraging minority participation in city activates.
3. The City will provide assistance for those with LEP, and will review demographic information relative to this community and alternative cost-efficient methods of facilitating alternative language formats.

## **XI. EXHIBITS**

- Exhibit "A": External Complaint Procedure and Form
- Exhibit "B" Title VI Organizational Chart
- Exhibit "C" Title VI Assurance of Compliance
- Exhibit "D" Title VI Goals and Accomplishments

**NOTICE OF ADOPTION OF RESOLUTION NO. 13-2015**

Notice is hereby given the taxpayers of the City of Marion, Indiana, that the Common Council of the City of Marion, Indiana did, on October 20, 2015, adopt the following Resolution No. 13-2015, which adopts the Title VI Implementation Plan for the City of Marion, Indiana. A copy of the entire resolution and policy is available for inspection at City Hall, 301 S. Branson Street, Marion, Indiana.

Resolution # 13-2015

A RESOLUTION OF  
THE CITY OF MARION COMMON COUNCIL  
ADOPTING THE  
TITLE VI IMPLEMENTATION PLAN

A Resolution of the City of Marion Common Council of Marion Indiana,

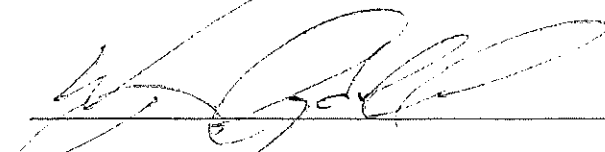
WHEREAS, the Federal government enacted the Civil Rights Act of 1964 (Title VI), 49 CRF 26, to prevent discrimination of individuals based on race, color, age, gender, sex, sexual orientation, veteran status, genetic information or testing, religion, family medical leave, disability, gender identity, expression, age, low income status, limited English proficiency

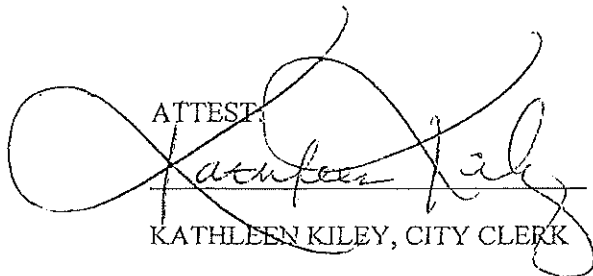
WHEREAS, in compliance with Title VI of the Civil Rights Act of 1964 the City of Marion shall adopt and implement a Title VI Implementation Plan to provide equal opportunity and equitable service for the citizens of the City of Marion

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Marion, Indiana:

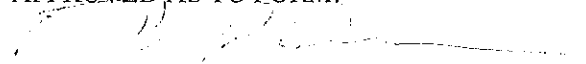
The City of Marion adopts the attached Title VI Implementation Plan, and that Plan shall be reviewed annually by the City to assess policies and procedures and updating annual goals as deemed appropriate.

PASSED AND ADOPTED by the City Council of the City of Marion this 20 day of  
October 2015.

  
WAYNE SEYBOLD, MAYOR of the CITY OF MARION

ATTEST  
  
KATHLEEN KILEY, CITY CLERK

APPROVED AS TO FORM:

  
THOMAS R. HUNT CITY ATTORNEY

## Exhibit "A"

### EXTERNAL COMPLAINT PROCEDURE

#### EXTERNAL COMPLAINT OF DISCRIMINATION

#### INSTRUCTIONS:

The PURPOSE OF THIS FORM is to help any person interested in filing a discrimination complaint with the **City of Marion**. You are not required to use this form. You may write a letter with the same information, sign it, and return it to the address below. All bold items must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended and its related status and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, sex, age, disability/handicap, or income status in connection with programs or activities receiving federal financial assistance from the United States Department of Transportation, Federal Highway Administration, and/or Federal Transit Administration. These prohibitions extend to the **City of Marion** as a sub-recipient of federal financial assistance.

Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using the alternative formats such as computer zip drives, audiotape, or Braille.

You may also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to the **City of Marion**. Additionally, you have the right to seek private counsel.

The **City of Marion**, is prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint under Title VI or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail original complaint form along with copies of documents or records relevant to your complaint to the address below.

City of Marion, 301 S. Branson St. Marion, Indiana 46952, Attn: Chris White Title VI Coordinator.

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

**\*\* Your complaint cannot be processed without your signature**

COMPLAINANT INFORMATION		
Name (first, middle, and last)		
Address (number and street, city, state and ZIP code)		
Home telephone number (       ) -	Work telephone number (       ) -	Cellular telephone number (       ) -
Name of complainant		Date (month, day, year)

[illegible]

Name of complainant	Date (month, day, year)
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<b>Provide the names of any individuals with additional information regarding your complaint:</b>		
Name of witness 1 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number (     )     -	Work telephone number (     )     -	Cellular telephone number (     )     -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
Name of witness 2 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number (     )     -	Work telephone number (     )     -	Cellular telephone number (     )     -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		

Name of witness 3 (first, middle, and last)	Title	
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number (     )     -	Work telephone number (     )     -	Cellular telephone number (     )     -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
How would you like your complaint to be resolved?		



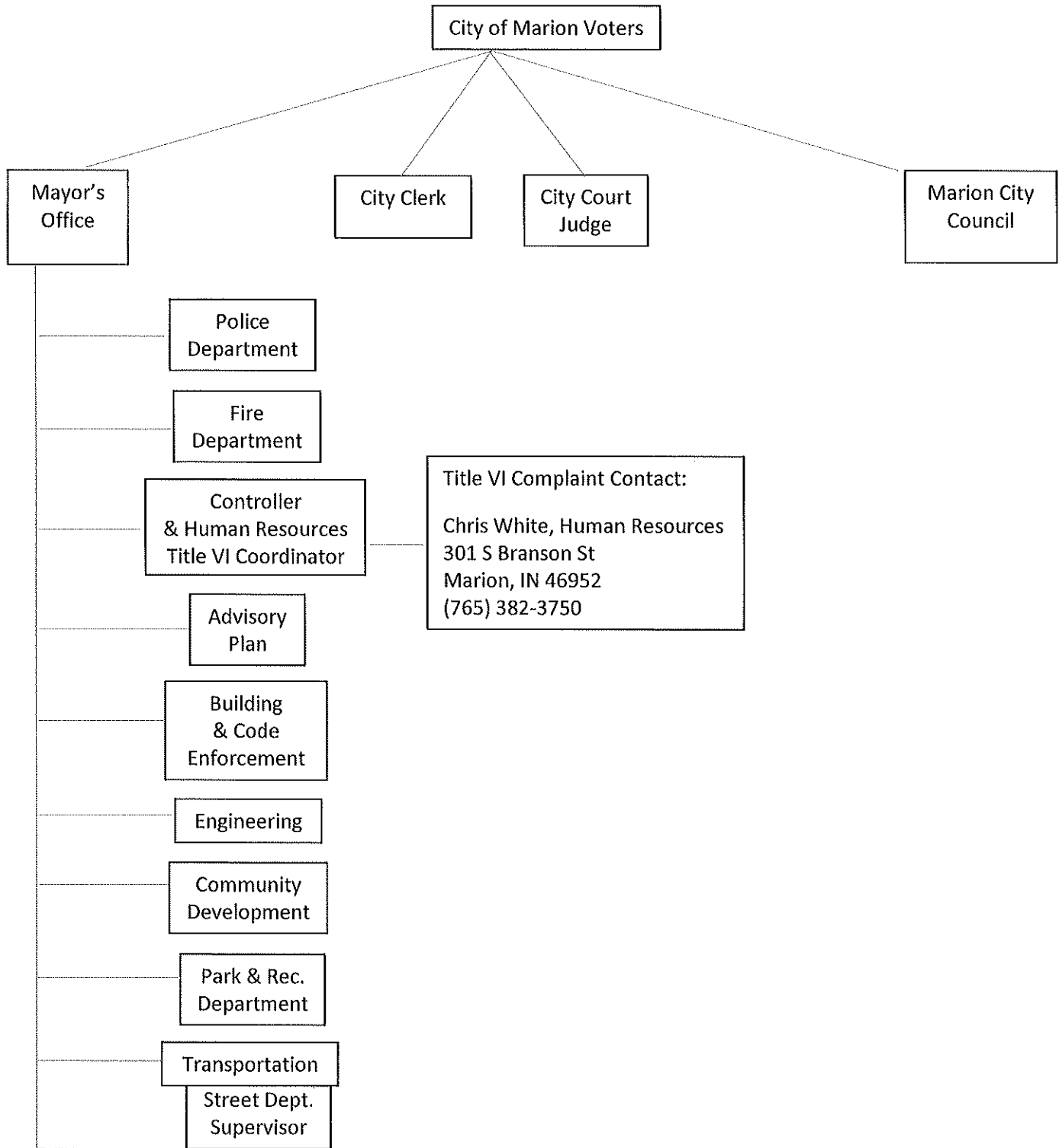
Name of complainant	Date (month, day, year)
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Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>If yes, please provide the following information for each agency:</i>	
Name of the agency	Date complaint filed (month, day, year)
Case number assigned to your complaint	Current status of your complaint
How did you learn about your right to file a discrimination complaint with INDOT?	
Signature	Date signed (month, day, year)

**Exhibit "B"**

**City of Marion**

**Title VI Organizational Chart**



**Exhibit "C"**

**City of Marion, Indiana**

**Title VI Assurance of Compliance**

City of Marion, Indiana Title VI Assurance of Compliance with Federal Regulations for Receiving Federal Financial Assistance from the U.S. Department of Transportation. The City of Marion, Indiana, by its executive, The Mayor by executive authority (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation -Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, 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 for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Indiana Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its **Federal Aid Transportation Program**:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all **Federal Aid Transportation Program** and, in adapted form in all proposals for negotiated agreements:

**The City of Marion, Indiana** in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact 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 in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient 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. That where the Recipient 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. Standard U.S. DOT Title VI
6. That where the Recipient 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. That the Recipient 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 Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal Aid Transportation Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under Federal Aid Transportation Program.

8. That this assurance obligates the Recipient 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 Recipient 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 Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, 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 Recipient 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 Recipient Department of Transportation under the **Federal Aid Transportation Program** and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the **Federal Aid Transportation Program**. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Recipient Printed \_\_\_\_\_

By Signature of "Mayor" of the City of Marion \_\_\_\_\_

Dated \_\_\_\_\_

## 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 Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, 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 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 by section 21.5 of the 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.

**(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 Marion, Indiana** or the Indiana Department of Transportation (INDOT) or the Federal Highway Administration (FHWA) 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 Marion, Indiana** or the INDOT or the FHWA 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 Marion, Indiana** shall impose such contract sanctions as it or INDOT or the FHWA may determine to be appropriate, including, but not limited to: a. withholding of payments to the contractor under the contract until the contractor complies, and/or b. cancellation, termination or suspension of the contract, in whole or in part.

**(6) Incorporation of Provisions:** The contractor 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 contractor shall take such action with respect to any subcontractor procurement as **City of Marion, Indiana** or the INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request **City of Marion, Indiana** to enter into such litigation to protect the interests of the **City of Marion, Indiana**, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B

- A. 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 Department of Transportation, as authorized by law, and upon the condition that **City of Marion, Indiana** will accept Title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal Aid Highway Programs and the policies and procedures prescribed by the FHWA and the Indiana Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (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 **City of Marion, Indiana** all the right, Title and interest of the Department of Transportation 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 Marion, Indiana** 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 **City of Marion, Indiana**, its successors and assigns. **City of Marion, Indiana**, in consideration of 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, 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 Marion, Indiana** shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations maybe amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to reenter 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 Department of Transportation and its assigns as such interest existed prior to this instruction.\* \*

Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by **City of Marion, Indiana** 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 Department of Transportation 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 Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, 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, **City of Marion, Indiana** 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 Marion, Indiana** shall have the right to reenter 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 Marion, Indiana** and its assigns. The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by **City of Marion, Indiana** 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 shall be excluded from participation in, denied the benefits of, or he 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 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 Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), 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, **City of Marion, Indiana** shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of **City of Marion, Indiana** and its assigns.

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



# Exhibit "D"

## City of Marion Title VI Goals 2020

### Accomplishments For 2021

### And Goals for 2022

#### 2020 TITLE VI GOALS

##### Goal # 1:

Develop and distribute Title VI Newsletters to City of Marion Departments which will contain reminders to current and new employees to review and abide by the city of Marion's Title VI implementation Plan and Policies. The ADA & Title VI Coordinator distributed to all City Departments. The Newsletter will provide Departments with useful information, links, reminders, and a short quiz to test their knowledge about nondiscrimination regulations and requirements.

Goal # 2: Publish annually a nondiscrimination statement in the local newspaper. Below is an example of the nondiscrimination statement to be published. NOTICE OF NONDISCRIMINATION City of Marion values each individual's civil rights and intends to provide equal opportunity and equitable service for the citizens of this county. As a recipient of federal funds, Perry County will conform to Title VI of the Civil Rights Act of 1964 and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status, or limited English proficiency. Pursuant to Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and implementing regulations, The City of Marion will not discriminate against qualified individuals with disabilities in its policies, or in the admission of, access to, treatment of or employment in its programs, services or activities. Upon request, Perry County will use its best efforts to provide appropriate auxiliary aids and services to facilitate effective communication for qualified persons with disabilities and will make reasonable modifications to policies and programs to ensure that they have an equal opportunity to enjoy its programs and activities. Perry County will not place a surcharge on qualified individuals with disabilities to cover the cost of providing auxiliary aids, services or reasonable modifications of policies. The City of Marion is not required to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial burden or administrative burden. For more information visit [www.perrycounty.in.gov](http://www.perrycounty.in.gov). Comments or complaints should be directed to City of Marion's Title VI Coordinator Chris White HR Department. Phone 765-622-9931 or email [cwhite@cityofmarion.in.gov](mailto:cwhite@cityofmarion.in.gov)

Goal # 3: Continue to monitor and use Census data, reports from City Departments, voluntary surveys, and any other methods available to ensure that minority populations and LEP individuals have

meaningful access to the County's programs, activities and services. Updated Census data may be viewed in the 2020 Title VI Implementation Plan. This past year, no Public Involvement Surveys were submitted, and no LEP Encounters were reported by City Departments.

Goal # 4: Review City of Marion's requests for proposals, bid solicitations, contracts, etc. for verification the Title VI language was included in each.

Goal # 5: Meet annually with the Marion Transportation to review their policy on Title VI

#### 2021 TITLE VI ACCOMPLISHMENTS:

##### Goal # 1:

Publish annually a nondiscrimination statement in the local newspaper. Below is an example of the nondiscrimination statement to be published. NOTICE OF NONDISCRIMINATION City of Marion values each individual's civil rights and intends to provide equal opportunity and equitable service for the citizens of this county. As a recipient of federal funds, Perry County will conform to Title VI of the Civil Rights Act of 1964 and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status, or limited English proficiency. Pursuant to Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and implementing regulations, The City of Marion will not discriminate against qualified individuals with disabilities in its policies, or in the admission of, access to, treatment of or employment in its programs, services or activities. Upon request, Perry County will use its best efforts to provide appropriate auxiliary aids and services to facilitate effective communication for qualified persons with disabilities and will make reasonable modifications to policies and programs to ensure that they have an equal opportunity to enjoy its programs and activities. Perry County will not place a surcharge on qualified individuals with disabilities to cover the cost of providing auxiliary aids, services or reasonable modifications of policies. The City of Marion is not required to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial burden or administrative burden. For more information visit [www.perrycounty.in.gov](http://www.perrycounty.in.gov). Comments or complaints should be directed to City of Marion's ADA & Title VI Coordinator Chris White HR Department. Phone 765-622-9931 or email [cwhite@cityofmarion.in.gov](mailto:cwhite@cityofmarion.in.gov)

##### Accomplishment of Goal #1:

Continue to place Title VI nondiscrimination statement into local media:

The City of Marion has not published an ad yet but we have placed it on social media and have spoken about Title VI on our local radio station when they host on the air with the Mayor.

Goal # 2:

Continue to monitor and use Census data, reports from City Departments, voluntary surveys, and any other methods available to ensure that minority populations and LEP individuals have meaningful access to the County's programs, activities and services. Updated Census data may be viewed in the 2020 Title VI Implementation Plan.

Accomplishment of Goal # 2:

This past year, no Public Involvement Surveys were submitted, and no LEP Encounters were reported by City Departments.

Goal # 3: Review City of Marion's requests for proposals, bid solicitations, contracts, etc. for verification the Title VI language was included in each.

Accomplishment of Goal #3:

Reviewed these areas and updated any paperwork that did not meet The City of Marion's expectations

Goal # 4: Meet annually with the Marion Transportation to review their policy on Title VI

Accomplishment of Goal #4

Meet this Transportation Director and reviewed the Policy he has on hand and discussed any needs

## City of Marion Title VI Goals 2022

### TITLE VI GOALS

Goal # 1:

1. Department Staff Updates on Title VI Requirements
2. Review ADA and Title VI Complaint Log
3. Post Title VI Policy in all City Departments
4. Continue updating City owned buildings to become more compliant
5. Deploy "I speak Cards" to all departments