



HISTORIC
FRANKLIN
TENNESSEE

ITEM #16
WRKS
01/14/14

MEMORANDUM

January 2, 2014

TO: Board of Mayor and Aldermen

FROM: Eric S. Stuckey, City Administrator
Shirley Harmon, Human Resources Director
Sara E. Sylvis, Risk Manager

SUBJECT: Resolution 2014-01, a resolution to affirm compliance with Federal Title VI Regulations

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information to consider Resolution 2014-01, a resolution to affirm compliance with Federal Title VI regulations for the City of Franklin.

Background

Title VI of the 1964 Civil Rights Act states 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 subjected to discrimination under any program or activity receiving federal financial assistance."

Financial Impact

If the City of Franklin is non-compliant with Title VI regulations, this could prohibit federal funding for City projects. Currently, the Risk Manager is the Title VI Coordinator and has to periodically complete Title VI self-surveys that either the Department of the Military or the Department of Justice send to the City of Franklin. Through these self-surveys, we prove that we are compliant with Title VI regulations. This allows the City of Franklin to receive federal grant money. Some examples of compliance are, putting Title VI language in all of our bid documents and contracts, Title VI training for new employees, having a LEP (Limited English Person) policy in place in case one of our customers or citizens doesn't speak English, and putting Title VI language on our applications, etc.

Options

Not applicable to this item.

Recommendation

Approval of the Resolution is recommended.

**RESOLUTION 2014-01
A RESOLUTION TO AFFIRM COMPLIANCE WITH
FEDERAL TITLE VI REGULATIONS**

WHEREAS, both Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 provide 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; and

WHEREAS, the Tennessee Attorney General opined in Opinion No. 92.47 that state and local governments are required to comply with Title VI of the Civil Rights Act in administering federally funded programs; and

WHEREAS, the City of Franklin receives federal funds for various projects through several state agencies such as the Tennessee Department of Transportation (TDOT) the Tennessee Department of Environment and Conservation (TDEC) and others, as well as some federal agencies directly; and

WHEREAS, by virtue receiving the federal funds through the state agencies, the Board of Mayor and Aldermen need to confirm that the City is in compliance with the regulations of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987.

NOW THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee:

SECTION 1. The Board of Mayor and Aldermen of the City of Franklin declares that the City is in compliance with the federal Title VI regulations.

SECTION 2. Any state agency providing pass through federal funds to the City, or any federal agency providing funds directly to the City may from time to time monitor the City's compliance with federal Title VI regulations.

SECTION 3. This Resolution shall take effect upon adoption, the public welfare requiring it.

Adopted this 28th day of January, 2014.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
ERIC S. STUCKEY
City Recorder

By: _____
DR. KEN MOORE
Mayor



HISTORIC
FRANKLIN
TENNESSEE

The City of Franklin Title VI Management Plan

Notice:

This plan was developed to guide the City of Franklin in its administration and management of Title VI-related activities. It is a working plan and is not codified within the City Charter nor its ordinances.

As with any other city activity, the public is invited to review and submit comments and suggestions at any time regarding the Title VI program.

Suggestions and comments may be submitted to the attention of the Title VI Coordinator, 109 Third Avenue South Franklin, TN 37064.

The City of Franklin Title VI Management Plan

I. Statement of Policy:

No person shall, on the grounds 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.

II. Applicability:

Program or Activity defined: A program or activity implemented by the City of Franklin to facilitate a scope of work.

This policy applies to all activities of any department if any federal assistance is received.

III. Title VI Coordinator:

An employee will be designated to serve as the Title VI Coordinator. The Title VI primary responsibility is to facilitate Title VI matters.

VI. Record Keeping:

The Title VI Coordinator will maintain permanent records, submit required Title VI reports and complete all Title VI self-surveys. Records may include, but are not limited to, rosters of Non-Elected Boards and Commissions, copies of complaints and related documentation, records of correspondence to and from complainants, and self-surveys requested by a department of the State of Tennessee or any other government entity.

VII. Title VI Information Dissemination:

Title VI information posters, including the name of the Title VI Coordinator and contact information, shall be prominently and publicly displayed in each department.

Title VI information shall be disseminated to city employees at least once per year via the Employee Education form (see Appendix) in payroll envelopes. This form reminds employees of the City of Franklin policy statement, and of their Title VI responsibilities in their daily work and duties.

During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and the City of Franklin's expectations to perform their duties accordingly.

Title VI information shall be disseminated to citizens at least once per year by public service announcements over local broadcast media.

Whenever possible, the City of Franklin will take positive and specific actions to advise minorities of program availability by using such means of communication as local news media, mass media, internet messaging, and public area postings.

VIII. Subcontracts and Vendors:

All subcontractors and vendors who receive payments from the City of Franklin where funding originates from any federal assistance received by the involved department are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

IX. Public Interaction:

City facilities (such as restrooms, park facilities, sidewalks, streets, etc.) which are accessible to citizens shall be accessible without regard to race, color, or national origin.

The City of Franklin employees shall use courtesy titles (i.e. Mr., Mrs., Ms., or Miss) to address citizens without regard to race, color or national origin.

X. Complaint Management:

Any individual, group of individuals, or entity that believes that they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the City of Franklin Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complainant must meet the following requirements.

- Complaint shall be in writing and signed by the complainant(s).

- Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct).
- Present a detailed description of the issues, including the names and job titles of those individuals perceived as parties in the complained-of incident.
- Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for the City of Franklin to be able to process it.
- Allegations received by telephone will be reduced to writing and provided to the complainant(s) for confirmation or revision before processing. Note: A complaint form will be forwarded to the complainant(s) for him/her to complete, sign, and return to the City of Franklin for processing.
- Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and needed for additional information, as well as investigate the merit of the complaint if appropriate. Complaints against the City of Franklin will be referred to the appropriate State or Federal agency for proper disposition pursuant to their procedures.

In order to be accepted, a complaint must meet the following criteria:

- The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- The allegation(s) must involve a covered basis such as race, color, national origin.
- The allegation(s) must involve a program or activity of a Federal-aid recipient, City of Franklin, or contractor.

A complaint may be dismissed for the following reasons:

- The complainant requests the withdrawal of the complaint.
- The complainant fails to respond to repeated questions for additional information needed to process the complaint.
- The complainant cannot be located after reasonable attempts.

Once the City of Franklin decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within 7 calendar days. The complaint will receive a case number and will then be logged into the City of Franklin records identifying its basis and alleged harm.

In cases where the City of Franklin assumes the investigation of the complaint, the City of Franklin will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of the City of Franklin written notification of acceptance of the complaint to furnish his/her response to the allegation.

The City of Franklin final investigative report and a copy of the complaint will be forwarded to the appropriate State and Federal Agency and affected parties with 60 calendar days of the acceptance of the complaint.

The City of Franklin will notify the parties of its final decision.

If the complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of the right to appeal to the appropriate State or Federal Agency.

XI. Public Involvement Plan – Capital Construction Projects

Introduction

This section of the plan lays the foundation for public involvement in planning for the City of Franklin Capital Construction projects. Public participation is encouraged throughout the project and will be incorporated into the decision-making process.

Public involvement is critical to the planning process and serves to inform the public as well as solicit public response regarding the community's needs, values and evaluations of proposed solutions.

There may be many different types of solutions, each having advantages and disadvantages. These alternative solutions can be discussed with the public to receive input and ultimately reach a solution that will best meet the city's needs.

Situation Analysis

The City of Franklin will carefully identify the needs and interests of the constituency it serves focusing on human health and safety, protection of property values, the economic vitality of the area, and environmental considerations in the process of identifying, prioritizing, designing, and implementing capital construction projects.

Public Involvement Objectives

To create an open and visible decision-making process to which stakeholders have equal access and input.

To provide a mechanism by which stakeholders are informed and have an understanding of the process, issues, and possible solutions from the perspectives of various interests.

To incorporate public comments throughout the decision-making process.

Public Involvement Tools and Tactics

The following provides a partial list of community outreach and media relations tools and tactics that may be used to disseminate information about the program and provide an opportunity to solicit and incorporate public input throughout the process. These tools may be used singly or in combination, as each situation merits.

Community Outreach Media Relations

- Broadcast Coverage
- Calendar Releases
- Community Presentations
- Fact Sheets
- News Releases
- Newspaper Articles
- Public Meeting Comment Cards
- Public Meeting Notice Fliers
- Public Meetings
- Public Service Announcements
- Web Site

Example of Process

Public Notification

- Public meeting notice advertisements
- Notice on web site
- Media Coverage: news releases, calendar releases, articles, Radio PSAs

Solicitation of Comments from Stakeholders

- Public meetings
- Comment cards
- Web site
- Questionnaires/Surveys

Incorporate Public Comments and Respond to Inquiries

XII. Procedure for Communicating with Limited English Proficiency Residents

In the event a person with Limited English Proficiency (LEP) initiates any contact with city personnel regarding activities, projects, or communication items, it behooves the City to provide the best services, information, or response possible, as with persons who have no language barrier.

The sequence of attempts to communicate should be:

Ask if the person can speak English. In their excitement or confusion, it is not unusual for English as a Second Language person to revert to their native language when trying to communicate.

Use "I Speak" cards to attempt to determine the primary language. Whether this works or not, contact the Language Translation Line to speak to the person either face to face or on the phone to communicate with them. "I Speak" cards are available from internet listings, or from the Title VI Coordinator.

At all times, maintain a gracious, friendly attitude to put the resident at ease, and to indicate our attempt to be helpful. **(See LEP Policy for Further Details)**

XIII. Contracting and Minority Contractor Relationships

The City of Franklin is subject to Tennessee law governing the awarding of contracts. Most simply stated, contracts are to be let to the "lowest and best bidder." Other variables cannot be inserted into non-emergency purchasing decisions.

To ensure minority-owned and women-owned businesses are afforded opportunity to be considered for contracts, the city has expanded the various means of publicizing bid announcements. While some funding agencies may require specific advertising activities, most procurement activities do not. In those cases, any or all of the following means of reaching potential vendors may be used:

- Advertising in local/state-wide news media
- Internet posting on the web-site
- All vendors who have completed a Vendor Application listing the service/commodity are sent a bid notice
- SBA Website search may be conducted
- Former contract holders may be contacted
- Internet searches for potential vendors

On occasion, specific minority contractor participation goals may set by funding agencies. Large projects may result in the procurement of a prime contractor. During pre-bid and pre-construction conferences, potential prime contractors are advised of the minority contractor goals and the efforts required seeking sub-contract opportunities for the small contractor within the overall prime contract scope of work. This communication responsibility lies with the city project director.

APPENDIX

SPECIAL NOTE:

All material in the Appendix is ancillary to the Management Plan, and is subject to change on an unannounced basis.

APPENDIX A Employee Annual Education Form

Title VI Policy

No person shall, on the grounds 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.

All employees of The City of Franklin are expected to consider, respect and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to Sara Sylvis, Interim Risk Manager, The City of Franklin Title VI Coordinator, phone number 615-791-3277.

In all dealings with citizens, use courtesy titles (i.e. Mr., Mrs., Ms., or Miss) to address them without regard to race, color or national origin.

APPENDIX B New Employee Orientation on Title VI

Statement of the policy: No person shall, on the grounds 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.

All employees of The City of Franklin are expected to consider, respect and observe this policy in their daily work and duties. If a citizen approaches you with a discrimination question or complaint that appears to be based on some type of discrimination, direct him or her to the Title VI Coordinator, currently the Risk Manager, who serves as the Title VI Coordinator, and is located at 109 3rd Avenue South Franklin TN37064. Phone number is 615-791-3277.

APPENDIX C Title VI Discrimination Complaint Form

Case Number _____

Note: We are asking for the following information to assist us in processing your complaint. If you need help in completing this form, please let us know. If you are not able to complete the form personally, the Title VI Coordinator will assist you to do so at a mutually convenient time. Simply call 615-791-3277 to make your request. If the Title VI Coordinator assists you in completing the form, you will still need to sign it to validate the information provided.

1. Complainant's Name _____

Street Address _____

City, State and Zip Code _____

Telephone Number – home (____) _____

business (____) _____

2. Person discriminated against (if someone other than the complainant)

Name _____

Street Address _____

City, State, and Zip Code _____

Telephone Number (____) _____

3. What is the name and location of the person/entity that you believe discriminated against you?

Name _____

Location _____

4. Which of the following best describes the reason you believe discrimination took place? Was it because of your:

a. Race (specify why)

b. Color (specify why)

c. National Origin (specify why)

d. What date did the alleged discrimination take place?

(Must be within the past 180 days)

5. In your own words, describe the alleged discrimination. Explain what happened, and whom you believe was responsible.

(Use more sheets or the back of this page, if needed)

6. Have you tried to resolve this complaint through internal grievance procedures elsewhere? _____ Yes _____ No

If yes, what is the status of the grievance?

Name and title of the person who is handling the grievance procedure.

Name _____ Title _____

7. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? _____ Yes _____ No

If yes, check all that apply:

Federal agency _____

Federal court _____

State agency _____

State court _____

Local agency _____

8. Please provide information about a contact person at the other agency/court where the complaint was filed.

Name

Street Address

City, State, and Zip Code

Telephone Number (_____) _____

9. Do you intend to file this complaint with another agency?

_____ Yes _____ No

If yes, when and where do you plan to file the complaint?

Date _____

Agency _____

Street Address _____

City, State, and Zip Code _____

Telephone Number (_____) _____

10. Has the complaint been filed with The City of Franklin before?

_____ Yes _____ No

If yes, when? Date

11. Have you filed any other discrimination complaints with The City of Franklin?

_____ Yes _____ No

If yes, when and against who were they filed?

Date

Agency

Street Address

City, State, and Zip Code

Telephone Number (____)

12. Please sign and date this form below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature

Date

If this form was completed by someone other than the complainant, please provide information about who assisted the citizen with this document:

APPENDIX D Letter Acknowledging Receipt of Complaint

Today's Date .

Ms. Jo Doe
1234 Main St.
Franklin, Tennessee 37064

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against The City of Franklin alleging _____ in the _____ program.

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 615-791-3277, or writing to me at this address.

Sincerely,

Sara E. Sylvis,
Title VI Coordinator

APPENDIX E Letter Notifying Complainant That Complaint is Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
Franklin, Tennessee 37064

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against The City of Franklin alleging denial of participation of minorities in the _____ program 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,

Sara E. Sylvis
Title VI Coordinator

APPENDIX F Letter Notifying Complainant that the Complaint Is Not Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
Franklin, Tennessee 37064

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against The City of Franklin alleging _____ in the _____ program 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 City Administration has analyzed the materials and facts pertaining to your case for evidence of The City of Franklin'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.

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,

Sara E. Sylvis
Title VI Coordinator

