



## **TRANSPORTATION TITLE VI PROGRAM REVIEW**

City of Bondurant

April 2, 2019

### **Introduction**

It is the responsibility of the Office of Employee Services – Civil Rights Team (OES-CRT) to conduct Title VI Program reviews of its sub-recipients of federal financial assistance as required by Title VI requirements of Federal Authority 23 CFR 200.9 (4)(b), (5), (6), and (7).

On March 8, 2019, the Iowa Department of Transportation (Iowa DOT) met with the City of Bondurant to conduct a Title VI Program review of the City's transportation program and activities.

### **Goals**

The primary goals of Title VI reviews are as follows:

- Ensure compliance with Title VI;
- Provide technical assistance in the implementation of the Title VI program; and,
- To correct deficiencies, when found to exist.

Each of these goals is addressed throughout the review report.

### **Participants**

Those participating in the review were:

Jene' Jess	Finance Director/Title VI Coordinator
Shelby Hagan	City Clerk
Marketa Oliver	City Administrator
Tracey Bradley	Office of Employees Services-Civil Rights Team Iowa DOT

### **Review Process and Findings**

The Title VI review process focuses on, but is not limited to, compliance with 10 major components of Title VI as listed below:

1. Developing Title VI Assurances;
2. Developing a Title VI Policy Statement;
3. Identifying a Title VI Liaison;
4. Developing procedures for processing external discrimination complaints;
5. Providing the Iowa DOT with a list of external discrimination complaints;
6. Providing accommodations for Limited English Proficient (LEP) persons;
7. Ensuring nondiscrimination in the City of Bondurant's public participation process;
8. Collecting and analyzing data to ensure nondiscrimination in the City of Bondurant's programs and activities;
9. Ensuring that contracts contain the appropriate Title VI contract provisions; and

10. Ensuring nondiscrimination in the awarding of contracts.

In order to expedite the review process, provide structure to the review, and assure thorough consideration of the major components, the Iowa DOT's reviewer provided a Title VI compliance review tool prior to the on-site review. The following summarizes the questions, responses and discussion of the issues.

*Written Response:*

**A. AGENCY INFORMATION:**

Recipient: City of Bondurant  
Administrative Head: Marketa Oliver City Administrator  
Name Title  
Address: 200 2<sup>nd</sup> Street NE  
City/State: Bondurant, IA Zip Code/County: 50035/Polk  
Phone: 515/697-2418 Fax: 515/697-5732  
Email: [moliver@cityofbondurant.com](mailto:moliver@cityofbondurant.com)

*Discussion/Comments:*

Title VI Coordinator: Jene Jess Title: Deputy Finance Director  
Phone: 515/967-2418 Fax: 515/967-5732 Email: [injess@cityofbondurant.com](mailto:injess@cityofbondurant.com)

The City's organizational chart received by the reviewer March 8, 2019, shows Finance Director has a responsible position with the City and easy access to the Mayor and City Council. (23 CFR § 200.9(b)(1)(2)).

*Written Response:*

**B. SUB-RECIPIENT PROJECT OVERVIEW**

FUNDING AMT	
Gaylea Wilson 2018	\$67, 278.00
MPO Grant (Under Highway 65)	\$400,00.00

**C. Please list the Program (s) or Service (s) receiving financial assistance from the Iowa Department of Transportation and the amount received for the current year.**

PROGRAMS/SERVICES	FUNDING AMT	RECURRING (YES/NO)

*Discussion/Comments:*

The reviewer inquired about the process the City follows for ensuring opportunities are available for all contractors to submit bids on projects let through the Iowa DOT as well as locally. It was discussed the City's bidding is open for bids, and the lowest responsible bidder is allowed. The reviewer discussed and recommended the insertion of Title VI language into all contracts

(Appendices A & E) whether federal funds are involved as well as including in bid notifications paragraph 2 (under Specific Assurances) of the Assurances.

### **III. TITLE VI CERTIFICATIONS AND ASSURANCES & ADA COMPLIANCE**

**A.** Has the agency signed and submitted its Title VI Assurances? Yes \_\_\_ No\_\_\_

*Discussion/Comments:*

No response provided. The City of Bondurant submitted their Standard Assurances on March 8, 2019 and was placed on file with the Iowa DOT.

**B.** Has the sub-recipient submitted its Title VI Program plan to the Iowa Department of Transportation? *Note: Agencies with population over 250,000 are required to have a Title VI Plan. Agencies with a population under 250,000 are required to have Title VI Nondiscrimination Agreement.* Yes \_\_\_ No\_\_\_ If yes, date submitted:

*Discussion/Comments:*

No response provided. The City's Title VI Non-Discrimination Agreement was submitted and received by the Iowa DOT, March 8, 2019. It was executed on behalf of the Iowa DOT by Todd Sadler, Director Office of Employment Services, and a copy returned to the City. It serves as the City's Title VI Plan for transportation programs and activities.

*Written Response:*

**C.** Does the agency complete an annual Title VI Accomplishment and Goals report? Yes \_\_\_ No \_\_\_ *Note: Agencies with populations over 250,000 must submit to the Iowa DOT by September 1<sup>st</sup>. Agencies with populations less than 250,000 must prepare and retain on file for 3 years.*

*Discussion/Comments*

No response provided. The reviewer discussed the elements of a Title VI Annual Accomplishment and Goals report (as described in the non-discrimination agreement) and recommends the City to develop and implement the process of generating its A&G report. The reviewer will provide technical assistance to the City.

**D.** Does the agency have a Title VI Policy? Yes \_\_\_\_\_ No \_\_\_\_\_ (Please provide a copy)

*Discussion/Comments:*

No response provided. The City does have a Title VI Policy. The Title VI Policy, was submitted and received March 8, 2019 (page 7 of the Non-Discrimination Agreement). Policy to be updated with submission of updated Non-Discrimination Agreement.

**E.** What is the process used by sub-recipients to assure Title VI compliance? Please explain:

*Discussion/Comments:*

No response provided. The City discussed State and Federal Aid projects follow the Iowa DOT specifications, as for other projects the City knows that the same process is followed. The City

discussed that the Standard Assurances are in all contracts. The reviewer discussed that the responsibilities regarding the standard assurances, the implementation procedures of the elements of the non-discrimination agreement as well as documenting said procedures. Also discussed the coordination between City departments in implementing Title VI as it is a federal regulation not limited to just the transportation program and activities and the Iowa DOT reviewer clarified the purpose of the compliance review is to look at the City's processes in implementing the components of the Title VI Non-discrimination Agreement and Standard DOT Title VI Assurances within the jurisdiction of the Iowa DOT. It was recommended that the City provides all new employees with an employee handbook which has Title VI compliance information.

**F.** Are the Title VI Assurances appendixes included in all contracts? Including deeds, permits, and leases. Yes \_\_\_\_\_ No \_\_\_\_\_

*Discussion/Comments:*

No response provided. The City discussed that all contracts are prepared by an outside Consultant Company, and all contracts have the Title VI language. It was discussed the insertion of Appendices A & E of the Assurances in all applicable contracts including those with an outside consultant firm. Title VI language on contracts let through the Iowa DOT is included through reference via its specifications.

The Iowa DOT reviewer recommended, and the City agreed to review all its agreements and template for contracts to include Title VI language (ensure inclusion of Title VI language from the Assurances as well as applicable appendices).

**G.** Are planning manuals, directives, guidelines, operational procedures, and policies reviewed for Title VI compliance purposes? (Example: Contractor selection procedures and appraisal process for ROW.) Yes \_\_\_\_ No \_\_\_\_

*Discussion/Comments:*

No response provided. The City's procurement process as it relates its' transportation program and activities was discussed. The Iowa DOT reviewer inquired as to the process the City follows for ensuring opportunities are available for all contractors to submit bids on projects let both locally and through the Iowa DOT. The City discussed that most contracts have the Non-Discrimination language, but not in the manuals or directives. The City discuss that the bidding process follows the Iowa Specifications, and the lowest responsible bidder is awarded the contract and uses the Iowa DOT's approval list for contractors. The Iowa DOT reviewer discussed the availability of the Iowa DOT's DBE Directory on its website as a resource as well.

The appraisal process for ROW is governed by the Uniform Acquisition & Relocation Act which the City abides by.

The reviewer recommended, and the City agreed to ensure public solicitation for bids includes Title VI language as well as to review their manuals, directives, guidelines, operational procedures and policies for Title VI compliance purposes.

**H.** Does the agency have an ADA Coordinator? Yes \_\_\_\_\_ No \_\_\_\_ if yes, where can the public find contact information for the ADA Coordinator?

**I.** Does the agency have an ADA Transition Plan? Yes \_\_\_\_ No \_\_\_\_ If yes, how does the agency disseminate this information to the public?

*Discussion/Comments:*

No response provided. The City does not have a designated ADA Coordinator or ADA Transition Plan. The City discussed that the City Council has to appoint someone, and this will happen in the next couple of weeks. The reviewer discussed the elements of an ADA Transition Plan and provided the City with the I.M 1.080 ADA Requirements issued by the Iowa DOT's Office of Local Systems. The reviewer recommended the City to develop and implement an ADA Coordinator and an ADA Transition Plan.

*Written Response:*

**IV. SUB-RECIPIENT DEMOGRAPHIC INFORMATION**

**A. CITY/COUNTY POPULATION & DEMOGRAPHIC INFORMATION:**

*Total Population of Local Public Agency (LPA): 5493 (2015)*

**RACE/ETHNICITY**

RACE	NUMBER	%	HISPANIC ORIGIN	NUMBER	%
White	5329	97.4	Hispanic - White		
Black or African American			Hispanic – Non-White	273	5
Am. Indian or Alaskan Native			Other/Unknown	35	.6
Asian	93	1.7			
Native Hawaiian or other Pacific Islander					
Some other race	36	.7			

**SEX**

SEX	NUMBER	%
Male	2610	47.8
Female	2847	52.2

**AGE**

AGE	NUMBER	%
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Under 20 years of age	2057	37.7
20 – 64 years of age	3400	44.2
65 & over	419	7.7

### **POVERTY**

	NUMBER	%
Below poverty level	43	2.4
At or above poverty level		

### **FOREIGN-BORN POPULATION**

	NUMBER	%
Total foreign-born		
Speaks English “not well” or “not at all”		

### **DISABILITY**

TYPE	NUMBER	%
Total disabled		
Employed		
Non-employed		

#### *Discussion/Comments*

The reviewer discussed the importance of knowing the demographics of the City. It was also discussed the understanding of the City’s demographic information to improve the outreach efforts of the City as it relates to its public participation process.

#### *Written Response:*

### **V. PUBLIC NOTIFICATION OF RIGHTS & ACCESSIBILITY**

- A. Is Title VI (i.e. Policy and/or Title VI Plan) information publicly displayed and accessible to staff and service beneficiaries? Yes \_\_\_\_\_ No \_\_\_\_ If yes, please describe mechanism:

#### *Discussion/Comments:*

No response provided. The City of Bondurant discussed they do post City Council meetings on the City Hall board, website, and the City of Bondurant calendar.

- B. Does all Title VI related information and materials identify the name and contact information to whom complaints should be referred? Yes \_\_\_\_ No \_\_\_\_

*Discussion/Comments:*

No response provided. The City discussed the Title VI related information and materials does not identify the information to whom complaints should be referred and moving forward the information will be added to whom complaints should go to. The reviewer recommended to the city to add the Title VI contact name and contact information to whom complaints are referred to and document to the A&G report.

- C. Does the sub-recipient disseminate Title VI information to employees, clients and constituents? Yes \_\_\_\_ No \_\_\_\_ If yes, please describe process: If yes, please describe process:

*Discussion/Comments:*

No response provided. The City discussed that they do disseminate to employees, clients, and constituents, and in the future the city will add to the website and Facebook. The City discussed that Title VI language is in employee handbook, manuals, and all applications. The reviewer provided the City with Title VI & You brochures in English and Spanish for public dissemination. It was also discussed that the City does post Title VI information in various entities. The reviewer provided the City with a Title VI Notice to the Public template which identifies the name and contact information to whom complaints should be referred.

- D. Does the sub-recipient provide Title VI training to agency staff? (Please provide documentation as to when, to whom, and what was presented.) Yes \_\_\_\_ No \_\_\_\_

*Discussion/Comments:*

No response provided. The reviewer discussed the importance and recommended the City to develop and implement Title VI training sessions for its employees and staff. The reviewer also recommended the City to document the trainings by providing agendas and sign-in sheets. The reviewer suggested to include the information in its Annual Accomplishment & Goals report. In addition, the City can review the Iowa DOT's Civil Rights website as a resource of materials which could be used for training.

*Written Response:*

**VI. LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

- A. Does the sub-recipient have a Limited English Proficiency (LEP) plan? Yes \_\_\_\_ No \_\_\_\_
- B. What steps has the sub-recipient taken to ensure meaningful access to the benefits, services, information, and other important components of its programs and services to persons with Limited English Proficiency? Please describe:

*Discussion/Comments:*

No response provided. The reviewer discussed with the City the elements of conducting its LEP assessment (4-factor analysis) as a step in developing and implementing the City's LEP plan. Also described the Iowa DOT's LEP plan and the methods used to ensure meaningful access to the benefits, services, information and other components of its programs and services to those persons with Limited English Proficiency, including the use of interpreters, language lifeline services (CTS language link), google translate for the web. It was discussed that LEP persons aren't just limited to those who live in Bondurant, but the public (those traveling through the City or perhaps working in the City (i.e. construction companies) and therefore, should be ensured of meaningful access to the City's benefits, services and information. The reviewer recommended the City develop and implement its LEP plan, collaborating with other departments to find out what the City may already have in place. Reviewer provided the U.S. Department of Justice Language Access and Planning Tool for Federally Conducted and Federally Assisted Programs guide as resource to aid in the development of their LEP plan. The progress is to be documented in the annual Accomplishment & Goals report.

*Written Response:*

**VII. TRANSPORTATION (BOARDS AND COMMISSIONS)**

- A. List transportation-related appointed board(s), commission(s), or advisory board(s), if any:  
City of Bondurant is on the Des Moines Area Regional Transit

**RACIAL/ETHNIC BREAKDOWN OF THE TRANSPORTATION-RELATED BOARD(S) AND/OR COMMISSION(S):**

GROUP	NUMBER
White	2
Black or African American	0
Am. Indian or Alaskan Native	0
Asian	0
Native Hawaiian or other Pacific Islander	0
Hispanic - White	0
Hispanic – Non-white	0
Other - Unknown	0

*Written Response:*

**VIII. PUBLIC PARTICIPATION AND OUTREACH**

- A. Please provide documentation/evidence describing efforts to identify and involve minority and low-income residents and communities within your service area in the decision-making process.



*Discussion/Comments:*

No response provided. The City discussed they post meeting notices and agendas on their website, and City Hall bulletin board.

- B. Please describe the methods used to inform low-income, and minority populations of planning efforts for transportation-related services and/or improvements:

*Discussion/Comments:*

No response provided. The City discussed in addition to posts, when there are special projects the city sends out letters, post on website.

- C. List minority and/or community media utilized to ensure notification of public meetings or public review of agency documents for residents in minority and low-income communities: None
- D. List adverse social, environmental, economic or demographic impacts identified on any planned or programmed transportation-related projects during the last two years: None.
- E. Are accessible locations and translation services considered or provided during public outreach sessions? Do you notify the public of available accessibility services? (Please provide a copy.) Please describe:

*Discussion/Comments:*

No response provided. The City of Bondurant discussed meetings locations are at the public library and City Hall. The reviewer recommended the City develop methods of disseminating to the public (i.e. City website, City council meeting agenda) and its notification for requests for accommodation (the contact name and number to whom the requests can be made).

*Written Response:*

- F. Is the data collected and retained on the attendance at public sessions? Is the information broken down by race, color, national origin and sex? (Please provide a copy of data or voluntary data collection form.) Yes \_\_\_ No \_\_\_

*Discussion/Comments:*

No response provided. The Iowa DOT reviewer recommends the City to develop and implement a method of collecting demographic data from its public meetings. Various methods of data collection were discussed including the Iowa DOT's use of voluntary survey cards. The reviewer also provided the City with a sample sign-in sheet which includes the demographics to be recorded on a voluntary basis by those in attendance.

## **IX. INVESTIGATION AND COMPLAINT PROCESSES**

- A. Does your agency have written procedures for responding, recording, and resolving Title VI and ADA investigations, complaints, lawsuits? Yes \_\_\_\_\_ No \_\_\_\_\_

*Discussion/Comments:*

No response provided. The reviewer provided the City with sample Title II and Title VI complaint forms. The reviewer recommended the City to develop, implement, and document complaint process and progress in the Annual Accomplishment & Goals report.

- B. Has your agency made the public aware of the right to file a complaint? Yes \_\_\_ No \_\_\_ If so, by what mechanism?

*Discussion/Comments:*

No response provided. The reviewer recommended the City to develop and implement a right to file a complaint and with whom.

- C. Please list any Title VI complaints on the basis of race, color and national origin in your agency in the past two years: None.

Were the complaints investigated? Yes \_\_\_ No \_\_\_ By whom?

**Recommendations:**

- It is recommended and the City agreed to review all contracts and insertion of Title VI language into all contracts including Appendices A&E.
- It is recommended the City develop & implement the process of generating its Annual Accomplishment & Goals Report.
- It was recommended that the City provides all new employees with an employee handbook that has Title VI compliance information.
- It is recommended and the City agreed to review all of its agreements and template for contracts to ensure inclusion of Title VI language (and required Appendices) from the Assurances.
- It is recommended and the City agreed to ensure public solicitation for bids includes Title VI language and to review their manuals, directives, guidelines, operational procedures and policies for Title VI compliance purposes.
- It is recommended that the City designate an ADA Coordinator and develop and implement an ADA Transition Plan.
- It is recommended that the City add the Title VI contact name and contact information to whom complaints should be referred to.

- It is recommended the City develop and implement a training plan for all employees to ensure they are informed of the City's Title VI responsibilities. It was also recommended the City document the training sessions with agendas and sign-in sheets and report the information regarding the training sessions in its Annual Accomplishments & Goals Report.
- It is recommended the City develop and implement a written LEP plan (including conducting the 4-factor analysis) and to document the process in its Annual Accomplishment & Goals report.
- The Iowa DOT reviewer recommends the City to develop methods of notifying the public of available accessibility services and where requests for accommodations can be made. The reviewer recommended the City develop methods of disseminating to the public (i.e. City website, City council meeting agenda) and its notification for requests for accommodation (the contact name and number to whom the requests can be made).
- It is recommended the City develop and implement a data collection method for collecting statistical data of participants in, and beneficiaries of, the programs and activities conducted by the City.
- It is recommended the City to develop, implement, and document complaint progress in the Annual Accomplishment & Goals report.
- It is recommended that the City develop and implement a right to file a complaint and with whom.

**Conclusion:**

The review team finds the City of Bondurant does meet Iowa DOT and FHWA minimum requirements.