



## City of McCall

### RESOLUTION NO. 20-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCCALL, IDAHO RELATING TO THE REQUIREMENTS OF SECTION 504 OF THE VOCATIONAL REHABILITATION ACT OF 1973, THE AMERICANS WITH DISABILITIES ACT OF 1990, TITLE VI OF THE CIVIL RIGHTS ACT OF 1964; AND ADOPTING A TITLE VI DISCRIMINATION COMPLAINT PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title VI of the Civil Rights Act of 1964 provides 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 assistance under this title or carried out under this title"; and

WHEREAS, 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, sub -recipients, and contractors/ consultants, whether such programs and activities are federally assisted or not ( Public Law 100.259 (S. 557) March 22, 1988); and

WHEREAS, at the June 24, 2010, City Council Meeting, the McCall City Council approved an Affirmative Action Plan and a Limited English Proficiency plan; and

WHEREAS, at the December 2, 2010 City Council Meeting, the McCall City Council approved Resolution 10- 26 adopting a Non -Discrimination Policy Statement in compliance with Title VI of the Civil Rights Act of 1964; and

WHEREAS, at the October 20, 2011 City Council Meeting, the McCall City Council approved Resolution 11- 18 adopting a Fair Housing Policy; and

WHEREAS, at the December 15, 2011 City Council Meeting, the McCall City Council approved the 504 Transition Plan for the City of McCall; and

WHEREAS, at its regular meeting on January 10, 2013, the McCall City Council adopted a TITLE VI Discrimination Complaint Procedure and an ADA Grievance Procedure; and

WHEREAS, the McCall City Council desires to re-adopt both procedures as part of its commitment to avoid discrimination in City processes and procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCALL, Valley County, Idaho that:

Section 1: The City of McCall adopts the TITLE VI Discrimination Complaint Procedure for the City of McCall attached hereto as Attachment A and the ADA Grievance Procedure attached hereto as Attachment B.

Section 2: This resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED BY THE COUNCIL AND MAYOR OF THE CITY OF MCCALL  
THIS 19th DAY OF NOVEMBER 2020.

CITY OF MCCALL  
Valley County, Idaho



ATTEST:

  
BessieJo Wagner, City Clerk

Signed:   
Robert S. Giles, Mayor

City of McCall  
TITLE VI Discrimination Complaint Procedure

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the City of McCall. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the City of McCall's Title VI Coordinator for review and action.

In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:

1. The date of alleged act of discrimination; or
2. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In case, the City of McCall's Title VI Coordinator or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the City of McCall, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the Sponsor's investigative procedures.

Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as to the Idaho Transportation Department (ITD) and/or the US Department of Transportation (USDOT).

1. The City of McCall will advise ITD within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to ITD:
2. Name, address, and phone number of the complainant.
3. Name(s) and address(es) of alleged discriminating official(s).
4. Basis of complaint (i.e., race, color, national origin or sex)
5. Date of alleged discriminatory act(s).
6. Date of complaint received by the City of McCall.
7. A statement of the complaint.
8. Other agencies (state, local or Federal) where the complaint has been filed.
9. An explanation of the actions the City of McCall has taken or proposed to resolve the issue raised in the complaint.

Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the City of McCall's authorized representative. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, the City of McCall's authorized representative will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ITD, or USDOT, if they are dissatisfied with the final decision rendered by the City of McCall. The Title VI Coordinator will also provide ITD with a copy of this decision and summary of findings upon completion of the investigation.

Contacts for the different Title VI administrative jurisdictions are as follows:

Idaho Transportation Department Equal Employment  
Opportunity Office - External Programs  
EEO Manager PO Box 7149 Boise, ID 83707-1129  
208-334-8852

Federal Highway Administration Idaho Division Office  
Peter Hartman, Division Administrator  
3050 Lakeharbor Lane, Suite 126 Boise, ID 83703  
208-334-9180

ADA GRIEVANCE PROCEDURE  
CITY OF MCCALL

The following grievance procedure is established to meet the requirements of Section 504 of the Rehabilitation Act as amended and the Americans with Disabilities Act of 1990 (ADA).

According to these laws, the City of McCall, as a recipient of an Idaho Community Development Block Grant (ICDBG) funds other federal funding, certifies that all citizens shall have the right to submit a grievance on the basis of disability in policies or practices regarding employment, services, activities, facilities, or benefits provided by the City.

When filing a grievance, citizens must provide detailed information to allow an investigation, including the date, location, and description of the problem. The grievance should be in writing and should include the name, address, and telephone number of the complainant. Upon request, alternative means of filing complaints, such as personal interview or a tape recording, will be made available for individuals with disabilities upon request. The complaint should be submitted by the complainant or her/her designee as soon as possible, but no later than 60 days after the alleged violation. Complaints must be signed and sent to:

City Clerk  
City of McCall  
216 E Park Street  
McCall, ID 83638  
Telephone Number: 208-634-4874

Within 15 calendar days after receiving the complaint, the City Clerk will meet with the complainant to discuss the complaint and possible solution. Within 15 calendar days after the meeting, the City Clerk will respond in writing. Where appropriate, the response shall be in format assessable to the complainant (such as large print or audio tape). The response will explain the position of the City of McCall and offer options for resolving the complaint.

If the response by the City Clerk does not satisfactorily resolve the issue, the complainant or his designee may appeal the decision of the ADA Coordinator. Appeals must be made within 15 calendar days after receipt of the response. Appeals must be directed to the City Council of their designee.

Within 15 calendar days after receiving the appeal, the City Council or their designee will meet with the complainant to discuss the complaint and to discuss possible solutions. Within 15 calendar days, after the meeting, the City Council or their designee will provide a response in writing. Where appropriate, the response shall be in format assessable to the complainant (such as large print or audio tape). The response will explain the position of the City of McCall and offer options for resolving the complaint.

The 504/ADA Coordinator shall maintain the files and records of the City pertaining to the complaints filed for a period of three years after the grant is closed out.

Other Complaint Procedures

All individuals have a right to a prompt and equitable resolution. Individuals or classes of individuals who believe they have been subjected to discrimination based on disability have several ways to file a grievance.

1. Use the grievance procedure provided by the City
2. File a complaint with any agency that provides funding to the City
3. File with one of the eight federal agencies designated in the Title II regulations.

Under Title II, filing a grievance with the City's ADA Coordinator, filing a complaint with a federal agency, or filing a lawsuit may be done independently of the others. Individuals are not required to file either a grievance or complaint to bring a lawsuit. Lawsuits may be filed at any time. The following are four of the eight agencies where a Title II complaint can be filed:

Department of Justice  
Civil Rights Division  
Public Access Section  
PO Box 66738  
Washington, DC 20035-9998

Department of Housing & Urban Development  
Community Planning and Development  
451 7th Street  
Washington, DC 20410-4000

Architectural & Transportation Barriers Compliance Board (ATBCB)  
1331 T" Street NW, Suite 1000  
Washington, DC 20004-1111

Equal Employment Opportunity Commission (EEOC)  
1801 L Street NW  
Washington, DC 20507