City of Leavenworth

Notifying the Public of Rights Under Title VI

- The City of Leavenworth operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act.

- Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Leavenworth.

- For more information on the City of Leavenworth's Civil Rights program, and the procedures to file a complaint, contact 913-680-2604;
  email to ttedder@firstcity.org
  or visit our administrative offices at
  100 N. 5th Street,
  Leavenworth, KS, 66048.

A complainant may file a complaint directly with;
Kansas Department of Transportation Office of Contract Compliance,
700 SW. Harrison,
3rd Floor West,
Topeka, KS, 66603-3754,
ATTN: Title VI Program Coordinator.

If information is needed in an alternate format, Contact;

- KDOT Bureau of Transportation Information,
- Eisenhower Building,
- 700 SW. Harrison,
- 2nd Floor West,
- Topeka, KS, 66603-3754,
- or (785) 296-3585 (voice)/Hearing Impaired – 711.

Nondiscrimination Agreement
Population Under 100,000

Kansas Department of Transportation
And Recipient Policy Statement

The City of Leavenworth, hereinafter referred to as the "Recipient" assures that no person shall on the grounds of race, color, national origin, sex, disability, age or low income status as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs and 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 100259 [S.557] March 22, 1988).

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The City of Leavenworth Assistant City Manager/ Taylour Tedder, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 Code of Federal Regulation 21.

Signature

Larry Dedeke, Mayor
Title

October 11, 2016
Date

Title VI Program
Organization and Staffing

Pursuant to 23 CFR 200, the City of Leavenworth has designated a Title VI Coordinator who is responsible for Attachment 1, which describes the hierarchy for the City of Leavenworth's Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

Assurances
49 CFR Part 21.7

The City of Leavenworth hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, sex, disability, age or low income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
    a. List all major programs and activities of the recipient and Title VI responsibilities for each of them. Include information as Attachment 2 to this Nondiscrimination Agreement.
2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each program, activity, and facility (i.e., lands change to roadways, park and ride lots, etc.) as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
4. That these assurances are 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 by the Kansas Department of Transportation (KDOT) under the federally-funded program is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.
5. 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 federally-funded programs and, in all proposals for negotiated agreements.

    The City of Leavenworth, 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 of 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 ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 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, national origin, or sex in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix 1 of this Agreement in every contract subject to the Act and the Regulations.

7. That the Recipient shall insert the clauses of Appendix 2 of this Agreement, as a covenant running with the land, in any deed from the United States effect a transfer of real property, structures, or improvements thereon, or interest therein.
8. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of the Agreement, 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 a federal aid program; and (b) for the construction or use of or access to space on, over and under property acquired, or improved under a federal aid program.
9. 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 agreement.

Implementation Procedures

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. Grants and loans of federal funds.
2. The grant or donation of federal property and interest in property.
3. The detail of federal personnel.
4. The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.
5. Any federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The recipient shall:

1. Issue a policy statement, signed by the head of the recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by KDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.
3. Designate a civil rights coordinator who has a responsible position in the organization and easy access to the head of the recipient. The civil rights coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. The civil rights coordinator shall adequately implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the

complaint, the date of the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report of investigation, will be forwarded to KDOT's Office Contract Compliance (OCC) within 10 days of the date the complaint was received by the recipient.

6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the Transportation programs and activities conducted by the recipient.
7. Conduct Title VI reviews of the recipient and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Attend training programs on Title VI and related statutes conducted by KDOT Office of Contract Compliance.

Discrimination Complaint Procedure

1. 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 recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Coordinator for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
    a. The date of alleged act of discrimination; or
    b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

    In either case, the recipient 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.
3. 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 recipient, 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 recipient's investigative procedures.
4. 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 KDOT or USDOT.
5. The recipient will advise KDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to KDOT:
    a. Name, address, and phone number of the complainant.
    b. Name(s) and address(es) of alleged discriminating official(s).
    c. Basis of complaint (i.e., race, color, national origin, or sex)
    d. Date of alleged discriminatory act(s).
    e. Date of complaint received by the recipient.
    f. A statement of the complaint.

Sanctions

In the event the recipient fails or refuses to comply with the terms of this agreement, KDOT may take any or all of the following actions:

1. Cancel, terminate, or suspend this agreement in whole or in part;
2. Refrain from extending any further assistance to the recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
4. Refer the case to the Department of Justice for appropriate legal proceedings.

KANSAS DEPARTMENT OF TRANSPORTATION:

Signature - **Civil Rights Administrator**

September 12, 2016
Date

City of Leavenworth:

Signature

Larry Dedeke, Mayor
Title

October 11, 2016
Date

Appendix 1

During the performance of this contract, the contractor/consultant, 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 Regulations relative to nondiscrimination in federally-assisted programs of United States Department of Transportation (USDOT), 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, sex, or national origin in the selection and retention of sub-contractors, including procurement 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 Subcontracts, Including Procurement of Materials and Equipment** – In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor 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, sex, 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 contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to KDOT or the USDOT 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 contracting agency shall impose such contract sanctions as it or the USDOT 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 (5) in every subcontract, including procurement 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 or procurement as the contracting agency or USDOT 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 sub-contractor or supplier as a result of such direction, the contractor may request KDOT enter

into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Appendix 2

The following clauses shall be included in any deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Kansas will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States 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, the Department of Transportation KDOT (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 USC 2000d to 2000d – 4) does hereby remise, release, quitclaim, and convey unto the state of Kansas all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the state of Kansas, 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 the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Kansas, its successors, and assigns.

The state of Kansas, 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, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,)(and)* (2) that the state of Kansas, shall use the 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, Non-Discrimination of 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 (,) 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.

Appendix 3

The following clauses shall be included in all transportation related deeds, licenses, leases, permits, or similar instruments entered into by the City of Leavenworth pursuant to the provisions of Assurance 8.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on said property described in this lease, for a purpose of which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE 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, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease has never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Kansas Department of Transportation pursuant to the provisions of Assurance 8.
The LESSEE, or himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does herby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be 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 furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises 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 may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

City of Leavenworth Title VI Program Organizational Chart

Paul Kramer
City Manager

Taylour Tedder
Assistant City Manager
Title VI/Civil Rights Coordinator

Carla Williamson	**Mike Hooper**	**Steve Grant**	**Kristi Lee**	**Pat Kitchens**	**Gary Birch**
City Clerk	**Dep. Dir. of Public Works**	**Parks & Rec. Director**	**CVB Manager**	**Chief of Police**	**Fire Chief**
Contract/Bid Admin.	**Bid Advertisement/Letting**	**Recreational Activities**	**Tourism/Convention**	**Police/ Municipal Court**	**Fire Safety**

Attachment 2

City of Leavenworth Major Programs and Activities

1. Contract/Bid Administration
   a. Provide assurance that all disadvantage business enterprises are afforded full opportunity to submit bids in response to invitations and enter into contracts without the fear of discrimination on the grounds of age, race, color, national origin, or sex.

2. Bid Advertisement/Letting
   a. Provide assurance that all disadvantage business enterprises are afforded full opportunity to submit bids in response to invitations without the fear of discrimination on the grounds of age, race, color, national origin, or sex.

3. Recreational Activities
   a. Provide assurance that all disadvantaged residents are afforded full opportunity to use city facilities, participate in the Recreation Activity Scholarship Programs, and participate in all city organized sports activities without the fear of discrimination on the grounds of financial means, age, race, color, national origin, or sex.

4. Tourism, Convention and Visitors Bureau
   a. Provide assurance that all employees/volunteers will attend and promote multi-cultural trade shows and events, and that all residents and tourists are afforded full opportunity to receive all available information regarding multi-cultural events, historical sites, tours, and local history without the fear of discrimination on the grounds of financial means, age, race, color, national origin, or sex.

5. Police/Fire
   a. Provide assurance that all employees/volunteers/citizens are afforded full opportunity to receive all available information and assistance regarding public safety, municipal court proceedings, and public outreach programs without the fear of discrimination on the grounds of financial means, age, race, color, national origin, or sex.

City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas, 66048

City of Leavenworth
Public Participation Plan Outline

1. Brief description of provider's activities and services

   The City of Leavenworth provides a wide range of services to the population of the City of Leavenworth. Most of our services are available to the public of all ages in accordance with the requirements of the funding source and any supporting grants. All of our services are available for residents of the City of Leavenworth. We will provide service to anyone, within the City of Leavenworth, who qualifies in accordance with the criteria set forth for the program service they are in need of.

   Following is a list of services and programs that receive Federal funding:

   CDBG Funding
   Road Projects

2. Brief description of activities that would warrant public participation.

   Provide assurance that all disadvantaged residents are afforded full opportunity to use city facilities, participate in the Recreation Activity Scholarship Programs, and participate in all city organized sports activities without the fear of discrimination on the grounds of financial means, age, race, color, national origin, or sex.

3. Brief description of the proactive public participation strategies would be used.

   Provide assurance that all employees/volunteers/citizens are afforded full opportunity to receive all available information and assistance regarding public safety, municipal court proceedings, and public outreach programs without the fear of discrimination on the grounds of financial means, age, race, color, national origin, or sex.

4. Brief description of outreach methods to engage minority and Limited English Proficiency (LEP) individuals.

   Provide assurance that all disadvantage business enterprises are afforded full opportunity to submit bids in response to invitations and enter into contracts without the fear of discrimination on the grounds of age, race, color, national origin, or sex.

5. Brief description of the desired outcomes of the agency's public participation efforts.

   - The agency desires to have actively engaged members of the citizens, general public and stakeholders in the decision making process.

- The agency strives to have given adequate public notice of public participation activities and allowed time for proper public review and comment on key decision points.
- The agency desires to provide timely information about issues and processes to citizens, stakeholders and the general public.
- The agency will provide responses to all public input as appropriate.
- The agency will have facilitated effective communication among a diverse group of citizens, stakeholders, and the general public.
- The agency will have established a timetable for review of the Public Participation Process to ensure it provides full and open access to all.

6. Brief summary of recent outreach efforts over the past three (3) years.

- The City Commission conducts an open City Commission work session every first and third Tuesday of the month. The work session is also televised on the City public access channel and City website.
- The City Commission conducts an open City Commission meeting every second and fourth Tuesday of the month. The commission meeting is also televised on the City public access channel and City website.

Menu of Public Participation Strategies:

- The City's phone lines are open during regular business hours, 8:00a.m. – 5:00 p.m., Monday - Friday, for the public to make any comment or concern of any program offered.
- The City utilizes a variety of advertising platforms; newspapers, public announcements, brochures, email, City website, and public meetings.
- The City maintains a database of contacts to include at a minimum the following members; members of the public, elected officials, City staff, KDOT staff, and local media
- The City will electronically send and/or email meeting announcements (invitations) to groups likely to be interested in the City's activities as well as those included in the database.
- The City will use direct mailings and/or emails to announce upcoming meetings or activities or to provide information to specifically targeted areas, groups of people, and advocacy groups.

City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

Title VI Complaint Procedure

The following pertains only to Title VI complaints regarding the services of:

The City of Leavenworth (herein referred to as City)

Title VI, 42 U.S.C. 2000d et seq., was enacted as part of the Civil Rights Act of 1964. At the heart of the regulation is the statement 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 subject to discrimination under any program or activity receiving Federal financial assistance.*

The City has in place Title VI Complaint Procedures, which outline a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter III of the Federal Transit Administration Circular 4702.1B, dated October 1, 2012. If you believe the City federally funded programs have discriminated your civil rights on the basis of race, color, or national origin, you may file a written complaint by following the procedures outlined below:

1. **Submission of Complaint.**

   Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by the City, may file a written complaint with the City's City Manager. A complaint form is available in hard copy at City Hall, Office of the City Manager, or you may call, 913-680-2604, to request the form be emailed or have the form mailed to you. **Such complaints must be filed within 180 calendar days after the date the discrimination occurred.**

   Note: Assistance in the preparation of any complaints will be provided to any person or persons upon request as appropriate. If information is needed in another language, then contact Linda New at 913-680-2604.

   Complaints should be mailed to or submitted by hand to:

   City of Leavenworth
   100 N. 5th Street
   Leavenworth, Kansas 66048

2. **Referral to Review Officer**

   Upon receipt of the complaint, the Assistant City Manager shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint. If necessary, the Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the agency received the complaint. If more time is required, the

Assistant City Manager shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the City processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the Assistant City Manager for concurrence. If the Assistant City Manager concurs, he or she shall issue the City's written response to the Complainant. The final report should include a summary of the investigation, all findings with recommendations, corrective measures where appropriate.

Note: Upon receipt of a complaint, the City shall forward a copy of this complaint and the resulting written response to the appropriate KDOT and FTA-Region 7 contacts.

3. **Request for Reconsideration**

   If the Complainant disagrees with the Assistant City Manager's response, he or she may request reconsideration by submitting the request, in writing, to the Assistant City Manager within 10 calendar days after receipt of the Assistant City manager's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully addressed or understood by the Assistant City Manager. The Assistant City Manager will notify the Complainant of his or her decision in writing either to accept or deny the request from reconsideration within 10 calendar days. In cases where the Assistant City manager agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2 above.

4. **Appeal**

   If the request for reconsideration is denied, the Complainant may appeal the Assistant City manager's response by submitting a written appeal to the City Commission no later than 10 calendar days after receipt of the Assistant City Manager's written decision rejecting reconsideration. The City Commission will then make a determination to either request re-evaluation by the staff review officer(s) or forward the complaint to KDOT for further investigation.

5. **Submission of Complaint to the State of Kansas Department of Transportation**
   If the Complainant is dissatisfied with the City's resolution of the complaint, he or she may also submit a written complaint within 180 calendar days after the alleged date of discrimination to the State of Kansas Department of Transportation for further investigation.

   KDOT Office of Contract Compliance
   Eisenhower State Office Building
   700 SW Harrison
   3rd Floor West
   Topeka, KS 66603

City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

Title VI Complaint Form

The purpose of this form is to assist you in filing a complaint with the City. You are not required to use this form; a letter containing the same information will be sufficient.

Section I:				
Name:				
Address:				
Telephone (Home):		Telephone (Work):		
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?		Yes*	No	
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person For whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No	
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
( ) Race		( ) Color	( ) National Origin	
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please attach additional pages.				

Section IV:		
Have you previously filed a Title VI complaint with this agency?	Yes	No

Section V:
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: _____
Please provide information about a contact person at the agency/court where the complaint was filed.
Name:
Title:
Agency:
Address:
Telephone:
Section VI:
Name of agency complaint is against:
Contact person:
Title:
Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature _____ Date _____

Please submit this form in person at the address below, or mail this form to:
ATTN: Assistant City Manager
City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

List of Title VI Investigations, Lawsuits and Complaints

	Date Submitted/Filed (Month, Day, Year)	Summary of allegation (include basis of complaint: race, color, or national origin)	Status	Resolution/Action Taken
Investigations				
1				
2				
Lawsuits				
1				
2				
Complaints				
1				
2				

City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

Limited English Proficiency (LEP) Plan

Introduction

On August 11, 2000, President Bill Clinton issued Executive Order 13166 "Improving Access to Services for Limited English Proficiency", (65 FR 50121). The intent of this Executive Order is to improve access to federally conducted and federally assisted programs and activities for persons who are limited in their English proficiency. The purpose of developing an LEP plan, as a recipient of federal funds, is to identify the extent of LEP individuals in the region and identify ways that the city can reduce or eliminate the barriers to LEP individuals. The starting point for developing this plan is to perform a four factor analysis to determine the individualized needs of the region. After these needs are identified, the city should develop a language assistance plan addressing the mix of services that will be provided.

Limited English Proficiency Plan

Utilizing the information gathered from the Four Factor Analysis, the following plan is developed in order to provide the necessary assistance to LEP persons.

Identified LEP Individuals

There are not any specific population groups that meet the criteria of more than 5% of the population in the City of Leavenworth, Kansas or more than 1,000 individuals that speak English less than well.

Language Assistance Measures

The City of Leavenworth would contact an individual that is proficient in the language of origin for the individual. To aid in identifying the language we would utilize the I Speak Cards at http://www.lep.gov/ISpeakCards2004.pdf.

Training Staff

Staff members will be knowledgeable in the protocol of obtaining the translator.

Providing Notice

The LEP Plan will be available to any person or agency requesting a copy. Please call 913-680-2604 to request a copy.

Monitoring and Updating LEP Plan

The City will update the plan in accordance with the Title VI update schedule of every three years. The plan will also be updated anytime changes in demographics of the City's service area are significant in regards to LEP persons.

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Language Assistance Plan
Limited English Proficiency Plan (LEP) Preview

The purpose of developing an LEP, as a recipient of federal funds, is to identify the extent of LEP individuals and identify ways the City can reduce or eliminate barriers to LEP individuals.

Four Factor Analyses

(1) Identify number of or proportion of LEP individuals that can utilize the services provided by the City.

Using the 2007-2011 American Community Survey data, we find that there are not any language groups that fit the criteria of more than 5% of the population and more than 1,000 persons who "speak English less than very well" in our service area. Currently we do service some people who would be categorized as LEP but so far the staff seems to manage in understanding and accommodating their needs.

According to the Four Factor Analysis for Title VI Plans, the City of Leavenworth has the following individuals in the community who speak English less than "very well":

Spanish or Spanish Creole – 757
French – 70
Italian – 8
Russian – 24
African Languages – 16
Other Indic Languages – 47
Other Indo-European Languages – 14
Other Native North American Languages – 9
Japanese – 10
Korean - 66
Vietnamese – 20
German - 48
Chinese – 8

(2) Identify the frequency in which LEP individuals come in contact with the City.

Although there is not any one language group that qualifies as a LEP group, we do provide service to 6 or more people on a weekly basis that speak English less than very well.

(3) Identify the importance of the City to the LEP community.

We provide general services to the residents of the City of Leavenworth. The services are for individuals within the boundaries of the City. Many people, including those that speak English less than very well, depend on our services for recreation activities, housing, trash pick-up and recycling activities, police and fire protection, court services, and infrastructure information.

(4) Identify the resources available and the respective costs of these resources.
The Kansas Relay provides an operator for those that are hard of hearing, 1-800-766-3777. The operator for the Spanish speaking population is 1-866-305-1343. For any other language population, we are not aware of a service. To aid in identifying the language we would utilize the I Speak Cards at http://www.lep.gov/ISpeakCards2004.pdf. These services are of no cost to the City and provided by the State of Kansas and the Federal Government.

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Table Depicting Membership of Committees, Councils, Broken Down by Race

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Population within service area	25,455	2,954	5,072	514	214	1,225
City Commission	4	1	0	0	0	0
Leavenworth County Commission	3	0	0	0	0	0
Planning Commission	7	0	0	0	0	0
Community Development Advisory Board	6	0	1	0	0	0