

**AN ORDINANCE OF THE CITY COUNCIL OF NIXA, MISSOURI,
ADOPTING THE CITY OF NIXA, MISSOURI TITLE VI PROGRAM**

WHEREAS, the City Council of the City of Nixa, Missouri desires to comply with all federal laws and state and federal regulations; and

WHEREAS, the City Council of the City of Nixa, Missouri desires to reinforce its practice of compliance by adopting The City of Nixa, Missouri's Title VI Program; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIXA, MISSOURI AS FOLLOWS:

Section I. The attached Title VI Program for the City of Nixa, Missouri shall be adopted by in its entirety.

Section II. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

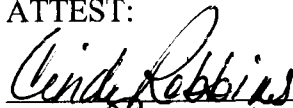
Section III. This ordinance shall be in full force and effect from and after the date of its passage.

READ TWO (2) TIMES AND PASSED BY THE CITY COUNCIL FOR THE CITY OF NIXA, MISSOURI THIS 25TH DAY OF SEPTEMBER, 2017



Presiding Officer

ATTEST:



City Clerk

APPROVED THIS 25th DAY OF SEPTEMBER, 2017.



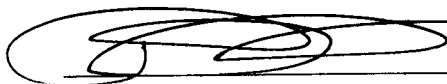
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

Title VI Program

CITY OF NIXA
715 W. Mt. Vernon
Nixa, Missouri 65714
417-725-3785

**Title VI Plan
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**CITY OF NIXA
POLICY STATEMENT**

The City of Nixa is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants, and to ensuring that the residents, businesses and visitors of our City are afforded access to our programs and services.

To that end, no person shall be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination under any City of Nixa program or activity on the grounds of race, color, national origin, income, sex, age, disability, or limited English proficiency. The City of Nixa assures that all of its programs and activities will be free from discrimination, whether those programs and activities are federally funded or not.

The City of Nixa will include Title VI language in all written agreements and bid notices where funding originates from federal assistance and is subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. The City of Nixa will monitor compliance.

The City of Nixa designates the City Administrator as the Title VI Officer with the responsibility of ensuring that the City of Nixa complies with the Title VI regulations.

The City Administrator of the City of Nixa will be responsible for initiating and monitoring Title VI activities.

Inquiries concerning the City of Nixa policies, investigations, complaints, compliances with applicable laws and concerns regarding compliance with Title VI may be directed to the City Administrator, 715 W. Mt. Vernon, Nixa, MO. 65714, 417-725-3785.

This policy statement will be circulated throughout the City of Nixa and included by reference in all contract agreements, programs and services administrated by the City of Nixa.

Mayor

Date

A. CITY OF NIXA TITLE VI ASSURANCE

The City of Nixa agrees to comply with all provisions prohibiting discrimination on the basis of race, color or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 200d *et seq.*, and with U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act”, 49 CFR part 21.

The City of Nixa assures that no person shall, as provided by Federal and State civil rights laws, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity. The City of Nixa further ensures every effort will be made to ensure non-discrimination in all programs and activities, whether those programs and activities are federally funded or not.

The City of Nixa meets the objectives of the FTA Master Agreement which governs all entities applying for FTA funding, including the City of Nixa and its third-party contractors by promoting acting that:

- A. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin.
- B. Identify and address, as appropriate, disproportionately high and adverse effects of programs and activities on minority populations and low-income populations.
- C. Promote the full and fair participation of all affected Title VI populations in transportation decision making.
- D. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
- E. Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

B. AGENCY INFORMATION

The City of Nixa is located in Christian County. It was incorporated as a village in 1902 and as of the 2010 U.S. Census, the population of the City of Nixa was at 19,022. Important major roads that run through Nixa are State Highway 14 and U.S. Highway 160. The population served for the City of Nixa is African American 0.9%, Caucasian 94.4%, Hispanic 3.1%, Two or more races 2.2%, Asian 0.8%, American Indian 0.7%, Other race 0.9%, Native Hawaiian and other Pacific Islander alone 0.1%. The City of Nixa is run by a city council which consists of seven (7) members: Mayor, six (6) council members. Council members are elected for staggered three (3) year terms. The city's general election is held every year in April.

C. NOTICE TO THE PUBLIC

Notifying the Public of Rights under Title VI

The City of Nixa will post Title VI notices on our agency's website, in public areas of our agency.

The City of Nixa operates its programs and services without regard to race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964.

If you believe you have been discriminated against on the basis of race, color, or national origin by the City of Nixa, you may file a Title VI complaint by completing, signing, and submitting the agency's Title VI Complaint Form.

How to file a Title VI complaint with City of Nixa

1. Complaint Forms (Attachment 1) are available at the reception desk at City Hall of the City of Nixa, located at 715 W. Mt. Vernon, Nixa, MO. 65714 or by calling 417-725-3785 and requesting a copy or website address.
2. In addition to the complaint process at the City of Nixa, complaints may be filed directly with the Federal Transit Administration, Office of Civil Rights, Region 6, Attn: Title VI Program Coordinator, 400 7th Street, SW Room 9100, Washington, DC. 20590.
3. Complaints must be filed within 180 days following the date of the alleged discriminatory occurrence and should contain as much detailed information about the alleged discrimination as possible.

4. The form must be signed and dated, and include your contact information.

If information is needed in another language, contact 417-725-3785.

D. PROCEDURE FOR FILING A TITLE VI COMPLAINT

Filing a Title VI Complaint

The complaint procedures apply to the beneficiaries of City of Nixa's programs, activities, and services.

RIGHT TO FILE A COMPLAINT: Any person who believes they have been discriminated against on the basis of race, color, or national origin by City of Nixa may file a Title VI complaint by completing and submitting the agency's **Title VI Complaint Form**. Title VI complaints must be received in writing within 180 days of the alleged discriminatory complaint.

HOW TO FILE A COMPLAINT: Information on how to file a Title VI complaint is posted on our agency's website, and in public areas of our agency.

You may download the City of Nixa's Title VI Complaint Form at www.nixa.com, or pick up a copy from the reception desk at City Hall of the City of Nixa, located at 715 W. Mt. Vernon, Nixa, MO. 65714 or request a copy by writing to City Administrator, City of Nixa, 715 W. Mt. Vernon, Nixa, MO. 65714. Information on how to file a Title VI complaint may also be obtained by calling City Hall at 417-725-3785.

You may file a signed, dated complaint no more than 180 days from the date of the alleged incident. The complaint should include:

- Your name, address and telephone number.
- Specific, detailed information (how, why and when) about the alleged act of discrimination.
- Any other relevant information, including the names of any persons, if known, the agency should contact for clarity of the allegations.

Please submit your complaint form to City Administrator, City of Nixa, 715 W. Mt. Vernon, Nixa, MO. 65714.

COMPLAINT ACCEPTANCE: The City of Nixa will process complaints that are complete. Once a completed Title VI Complaint Form is received, City Administrator will review it to determine if the City of Nixa has jurisdiction. The complainant will receive an acknowledgement letter informing them whether or not the complaint will be investigated by the City of Nixa.

INVESTIGATIONS: The City of Nixa will generally complete an investigation within 90 days from receipt of a completed complaint form. If more information is needed to resolve the case, City Administrator may contact the complainant. Unless a longer period is specified by the City of Nixa, the complainant will have ten (10) days from the date of the letter to send requested information to the City of Nixa investigator assigned to the case.

If the requested information is not received within that timeframe the case will be closed. Also, a case can be administratively closed if the complainant no longer wishes to pursue the case.

LETTERS OF CLOSURE OR FINDING: After the Title VI investigator reviews the complaint, the Title VI investigator will issue one of two letters to the complainant: a closure letter or letter of finding (LOF).

- A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.

- A Letter of Finding (LOF) summarizes the allegations and provides an explanation of the corrective action taken.

If the complainant disagrees with the City of Nixa's determination, the complainant may request reconsideration by submitting the request in writing to the Title VI investigator within seven (7) days after the date of the letter of closure or letter of finding, stating with specificity the basis for the reconsideration. The City of Nixa will notify the complainant of the decision either to accept or reject the request for reconsideration within ten (10) days. In cases where reconsideration is granted, the City of Nixa will issue a determination letter to the complainant upon completion of the reconsideration review.

A person may also file a complaint directly with the Federal Transit Administration, at the FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, contact 816-461-4287.

E. MONITORING TITLE VI COMPLAINTS, INVESTIGATIONS, LAWSUITS AND DOCUMENTING EVIDENCE OF AGENCY STAFF TITLE VI TRAINING

Documenting Title VI Complaints/Investigations

All Title VI complaints will be entered and tracked in the City of Nixa’s complaint log. Active investigations will be monitored for timely response on the part of all parties. The agency’s Title VI Coordinator shall maintain the log.

Agency Title VI Complaint Log

Date complaint filed	Complainant	Basis of complaint R-C-NO	Summary of allegation	Pending status of complaint	Actions taken	Closure Letter (CL)	Letter of Finding (LOF)	Date of CL or LOF	

Documenting Evidence of Agency Staff Title VI Training

Upon implementation of this program, The City of Nixa’s staff will be given training by the Human Resources Department. At the implementation of this program, all existing employees will be provided training. All new employees will receive training during orientation including Title Vi responsibilities pertaining to their specific duties. The Human Resources department shall maintain records of Title VI training for all new/existing employees and elected/appointed officials.

F. PUBLIC ENGAGEMENT PLAN

Goal

The goal of the Public Engagement Plan is to have significant and ongoing public involvement, by all identified audiences, in the public participation process for major agency outreach efforts.

Objectives

- To understand the service area demographics and determine what non-English languages and other cultural barriers exist to public participation.
- To provide general notification of meetings and forums for public input, in a manner that is understandable to all populations in the area.
- To hold public meetings in locations that are accessible to all area stakeholders, including but not limited to minority and low income members of the community.
- To provide methods for two-way communication and information and input from populations which are less likely to attend meetings.
- To convey the information in various formats to reach all key stakeholder groups.

Identification of Stakeholders

Stakeholders are those who are either directly or indirectly affected by an outreach effort, system or service plan or recommendations of that plan. Stakeholders include but are not limited to the following:

- City of Nixa City Council Members – The City Council defines the agency’s mission, establishes goals, and approves the budget to accomplish the goals
- Advisory Bodies – non-elected advisory bodies review current and proposed activities of the agency, and are encouraged to be active in the agency’s public engagement process. Advisory bodies provide insight and feedback to the agency.
- Minority and low income populations, including limited English proficient persons
- Local jurisdictions and other government stakeholders
- Private businesses and organizations
- Employers
- Partner agencies

Elements of the Public Engagement Plan

It is necessary to establish a public participation plan that includes an outreach plan to engage minority and limited English proficient (LEP) populations.

Elements of the Public Engagement Plan include:

1. Public Notice

- a. Official notification of intent to provide opportunity for members of the general public to participate in plan development, including participation in open Board/council meetings, and any advisory committees.

2. Public Engagement Process/Outreach Efforts:

- a. Public meetings/hearings: All City public hearings are held the second and fourth Monday of every month at City Hall 715 W. Mt. Vernon Nixa, MO.

3. Public Comment

- a. Formal public comment periods are used to solicit comments on major public involvement efforts around an agency service or system change.
- b. Comments are accepted through various means:
 - i. Dedicated email address.
 - ii. Website.
 - iii. Regular mail.
 - iv. Forms using survey tool for compilation.
 - v. Videotaping.
 - vi. Phone calls to City of Nixa's City Administrator at 417-725-3785.

4. Response to Public Input

All public comments are provided to the Nixa City Council prior to decision making. A publicly available summary report is compiled, including all individual comments.

G. LANGUAGE ASSISTANCE PLAN

City of Nixa Limited English Proficiency Plan

This limited English Proficiency (LEP) Plan has been prepared to address the City of Nixa's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964; Federal Transit Administration Circular

4702.1B, dated October 1, 2012, which states that the level and quality of transportation service is provided without regard to race, color, or national origin.

Executive order 13166, titled “Improving Access to Services for Persons with Limited English Proficiency,” indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discriminations do not take place. This order applies to all state and local agencies which receive federal funds.

Service Area Description:

The City of Nixa is located in Christian County. It was incorporated as a village in 1902 and as of the 2010 U.S. Census, the population of the City of Nixa was at 19,022. Important major roads that run through Nixa are State Highway 14 and U.S. Highway 160. The population served for the City of Nixa is African American 0.9%, Caucasian 94.4%, Hispanic 3.1%, Two or more races 2.2%, Asian 0.8%, American Indian 0.7%, Other race 0.9%, Native Hawaiian and other Pacific Islander alone 0.1%. The City of Nixa is run by a city council which consists of seven (7) members: Mayor, six (6) council members. Council members are elected for staggered three (3) year terms. The city’s general election is held every year in April.

The City of Nixa has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by the City of Nixa. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, and the ways in which assistance may be provided.

In order to prepare this plan, the City of Nixa will undertake the **four-factor LEP analysis** which considers the following factors:

Four Factor Analysis

1. The number and proportion of LEP persons eligible to be served or likely to be encountered in the service area:

A significant majority of people in the City of Nixa service area are proficient in the English language. Based on 2010 Census data, 1.4% of the population five years of age and older speak English “less than very well” – a definition of limited English proficiency

2. Frequency of Contact by LEP Persons with City of Nixa’s Services: (N/A to City of Nixa)

The City of Nixa staff will review the frequency with which office staff, dispatchers have or could have, contact with LEP persons. Staff will also determine on an average how often a request for an interpreter has been made per month.

3. The importance of programs, activities or services provided by the City of Nixa to LEP persons:

Outreach activities, summarized in the City of Nixa’s Title VI Public Engagement Plan, include events such as public meetings

4. The resources available to the city and overall cost to provide LEP assistance:

Strategies for Engaging Individual with Limited English Proficiency include providing website information and, with advance notice of seven calendar days, the City will provide interpreter services as needed. Interpreter services include foreign languages and services for the hearing impaired.

H. ADVISORY BODIES

The current committees and councils are Caucasian.

Table Depicting Membership of Committees, Councils, By Race

Committee [examples]	Caucasian	Latino	African American	Asian American		Total
Population Committee	100%					100%
Access Committee	100%					100%
Citizens Advisory Council	100%					100%

Description of efforts to be made to encourage minority participation on committees:

In the city’s advertisement for committee members we will ask for minority participation.

I. EQUITY ANALYSIS OF FACILITIES

City of Nixa has not constructed any storage facilities, maintenance facilities, or operations centers in the last three years.

I. RECORD KEEPING

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

J. SUBCONTRACTORS AND VENDORS

All subcontractors and vendors who receive payments from the City of Nixa where funding originates from federal assistance 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.

Attachment 1

City of Nixa Title VI Complaint Form

“No person in the United States shall, on the basis 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.”

If you feel that you have been discriminated against in the provision of transportation services, please provide the following information to assist us in processing your complaint. Should you require any assistance in completing this form or need information in alternate formats, please let us know.

Please mail or return this form to:

City Administrator
City of Nixa
715 W. Mt. Vernon
PO Box 395
Nixa, MO. 65714
Phone 417-725-3785
Fax number 417-725-6394

PLEASE PRINT

1. Complainant's Name:			
a. Address:			
b. City:	State:	Zip	
Code:			
c. Telephone (include area code): Home: () _____; and/or			
Cell () _____; and/or			
Work () _____.			
d. Electronic mail (e-mail) address:			
Do you prefer to be contacted by this e-mail address? () YES () NO			
2. Accessible Format of Form Needed? () YES			
specify: _____ () NO			
3. Are you filing this complaint on your own behalf? () YES If YES, please go to question 7.			
() NO If no, please go to question 4			
4. If you answered NO to question 3 above, please provide your name and address.			
a. Name of Person Filing Complaint:			
b. Address:			

c. City:	State:	Zip
Code:		
a. Telephone (include area code): Home: () _____; and/or Cell () _____; and/or Work () _____.		
-		
d. Electronic mail (e-mail) address:		
Do you prefer to be contacted by this e-mail address? () YES () NO		
5. What is your relationship to the person for whom you are filing the complaint?		
6. Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. () YES, I have permission. () NO, I do not have permission.		
7. I believe that the discrimination I experienced was based on (check all that apply): () Race () Color () National Origin (classes protected by Title VI) () Other (please specify)		

Continued

TITLE VI COMPLAINT FORM – PAGE 2

8. Date of Alleged Discrimination (Month, Day, Year):
9. Where did the Alleged Discrimination take place?
10. Explain as clearly as possible what happened and why you believe that you were discriminated against. Describe all of the persons that were involved. Include the name and contact information of the person(s) who discriminated against you (if known). <i>Use the back of this form or separate pages if additional space is required.</i>
11. Please list any and all witnesses' names and phone numbers/contact information. <i>Use the back of this form or separate pages if additional space is required.</i>
12. What type of corrective action would you like to see taken?
13. Have you filed a complaint with any other Federal, State, or local agency, or with any Federal or State court? () YES If yes, check all that apply. () NO a. () Federal Agency (List agency's name) b. () Federal Court (Please provide location) c. () State Court d. () State Agency (Specify Agency) e. () County Court (Specify Court and County) f. () Local Agency (Specify Agency)
14. If YES to question 14 above, please provide information about a contact person at the agency/court where the complaint was filed.
Name: _____ Title: _____
Agency: _____ Telephone: () _____ - _____
Address: _____
City: _____ State: _____ Zip Code: _____

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

Signature and date is required:

Signature

Date

If you completed Questions 4, 5 and 6, your signature and date is required:

Signature

Date