



# TOWN OF WILKESBORO

*"Where the Mountains Begin"*

P.O. Box 1056 • 203 West Main Street

Wilkesboro, North Carolina 28697

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## RESOLUTION 2021-02

**WHEREAS**, the Town of Wilkesboro is to be compliant in Title VI under the Civil Rights Act of 1964 and subsequent non-discriminatory authorities; and

**WHEREAS**, the Town of Wilkesboro is to be compliant with regulations in place for State contracts such as the NCDOT; and

**WHEREAS**, the United States Department of Transportation have updated the guidelines for compliance in accordance with Federal Title VI authorities; and

**WHEREAS**, the Town of Wilkesboro shall not enter into contracts with entities that deal in exclusionary tactics and practices; and

**WHEREAS**, the Town of Wilkesboro shall prohibit exclusionary behaviors and actions taken directly by individual employees.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Wilkesboro has created a Title VI compliant Non-Discrimination Policy to provide protections to its citizens and employees of the Town of Wilkesboro and guidelines for those entering into contracts with the Town of Wilkesboro.

**ADOPTED THIS 11<sup>TH</sup> DAY OF JANUARY, 2021.**

**Mike Inscore, Mayor**



**James K. Byrd, Town Clerk**

## TITLE VI ASSURANCES

The provisions of this section related to United States Department of Transportation (US DOT) Order 1050.2A, Title 49 Code of Federal Regulations (CFR) part 21, 23 United States Code (U.S.C.) 140 and 23 CFR part 200 (or 49 CFR 303, 49 U.S.C. 5332 or 49 U.S.C. 47123) are applicable to all Town of Wilkesboro contracts and to all related subcontracts, material supply, engineering, architectural and other service contracts, regardless of dollar amount. Any Federal provision that is specifically required not specifically set forth is hereby incorporated by reference.

### Town of Wilkesboro Title VI Assurance

I. For the duration of the contract, the contractor, its assignees, and successors agrees in full to:

(1) Compliance with Regulations: The contractor will comply with the Acts and the Regulations relative to Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), including all updates and amendments to said policy.

(2) Nondiscrimination: The contractor, with regard to the work performed for the extent of the contract, will not discriminate on the grounds outlined in Civil Rights law, including race, color, or national origin. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program funded by the Town of Wilkesboro or the FHWA through the Town of Wilkesboro.

(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

- A. withholding payments to the contractor under the contract until the contractor complies; and/or
- B. cancelling, terminating, or suspending a contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

II. During the performance of this contract, the contractor, its assignees, and successors in interest agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, 2 policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

NCDOT Title VI Nondiscrimination Program (23 CFR 200.5(p))

The Town of Wilkesboro has assured the US DOT and NC DOT that, as a condition to receiving federal financial assistance, The Town of Wilkesboro will comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by Title 49 CFR part 21 and related nondiscrimination authorities to ensure that no person shall, on the ground of race, color, national origin, limited English proficiency, income-level, sex, age, or disability, (or religion, where applicable) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs, activities, or services conducted or funded by The Town of Wilkesboro. Contractors and other organizations under contract or agreement with The Town of Wilkesboro must also comply with Title VI and related authorities, therefore:

- I. During the performance of this contract or agreement, contractors (e.g., subcontractors, consultants, vendors, prime contractors) are responsible for complying with The Town of Wilkesboro's Title VI Program. Contractors are not required to prepare or submit Title VI Programs. (USDOJ Title VI Legal Manual, VI(F))
- II. Subrecipients may be required to prepare and submit a Title VI Program to The Town of Wilkesboro, which may include Title VI Nondiscrimination Assurances and/or agreements. (23 CFR 200.9(b)(7))
- III. If reviewed or investigated by The Town of Wilkesboro or funding entity, the contractor or subrecipient agrees to take affirmative action to correct any deficiencies found within a reasonable time period, which is not to exceed 90 calendar days, unless additional time is granted. (23 CFR 200.9(b)(15))

Town of Wilkesboro Title VI Nondiscrimination Policy Statement

It is the policy of the Town of Wilkesboro that itself, and any entity contracted to provide a service for the Town of Wilkesboro, shall not be exclusionary on the basis of sex, race, color, nation of origin, English proficiency, income, age, or disability. The Town of Wilkesboro seeks to provide fair access to all benefits, services, and goods to all residents and business owners. These standards are protected under Title VI of the Civil Rights Act of 1964, United States Department of Transportation order 1050.02A, Title 49 Code of Federal Regulations Part 21, The Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.

All Town of Wilkesboro Employees and Contractors are strongly compelled to abide by, at the minimum standard, the Title VI guidelines set forth in this document. Furthermore, the following behaviors, actions, and practices are to be prohibited by the Town of Wilkesboro and all contractors through the Town of Wilkesboro.

- Denying any person(s) a service or good regularly provided by the Town of Wilkesboro to its citizens;
- Providing any person(s) a service or good which is distinct in its level of quality or quantity, or in any way in a differing manner;
- The act of intimidation, coercion, retaliation, or threatening of any person(s) with the purpose of dissuading services, goods, or rights to that person(s);
- Restrictions to access of goods, services, or rights to any person(s);
- Restrictive methodology in the administration of goods, services, and their accessibility

To ensure these standards are properly applied and upheld, I have assigned:

Employee Name: \_\_\_\_\_

Employee Title: \_\_\_\_\_

Whom can be contacted at:

Employee Phone: \_\_\_\_\_ Ext. \_\_\_\_\_

Employee Email: \_\_\_\_\_

In order to show The Town of Wilkesboro's support for this policy initiative.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Town of Wilkesboro Title VI Grievance Procedure

The policies and procedures included below are the processes and requirements in which the Town of Wilkesboro will process grievances regarding alleged discrimination against individuals by the Town of Wilkesboro.

Applicability: Policies and Procedures are applicable to members of the public who could apply or receive services or goods from the Town of Wilkesboro.

Eligibility: Any persons who believes they have been discriminated against on the basis outlined in Civil Rights law of one's race, color, national origin, sex, age, or disability and in which these characteristics affect the individual not receiving services or goods from the Town of Wilkesboro.

Time Limits and Filing Options: Complaints must be received within 180 days of the alleged act/or becoming aware of the act of discrimination.

Filing of Complaints: The Town of Wilkesboro, 203 W. Main Street, Wilkesboro, NC 28697 or by phone at (336).838.3951.

Format for Complaints: Complaints alleging discrimination by the Town of Wilkesboro must be submitted in writing and signed by the complainant in a letter which includes the name, address, and phone number of the complainant. Submitting a printed letter or email is acceptable. If submitting a complaint via telephone, the complainant's statement will be transcribed as to provide fair and equitable access to all.

Town of Wilkesboro Complaint Procedure

Name:

Address:

Phone Number:

Ext.

Email Address:

Date and Place of alleged act of discrimination:

Name of individuals responsible for act:

Please outline how were you treated differently from other citizens.

The law prohibits retaliation to allegations of discrimination, if you feel you have been retaliated against – please outline the circumstances below.

Please provide any additional information that could be useful in our investigation and any witnesses below.

Please explain what course of action you are seeking to resolve the issue.

Signature:

Date: