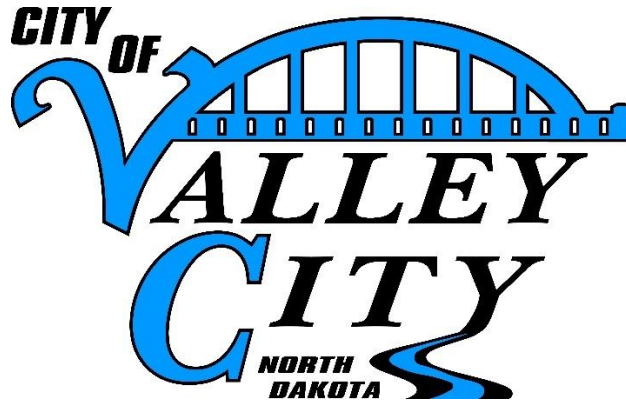




Nondiscrimination Program Title VI / ADA / EEO

Implementation Plan

FY2026

prepared by
CITY OF VALLEY CITY

Valley City, North Dakota
www.valleycity.us

Table of Contents

INTRODUCTION	1
TITLE VI/NONDISCRIMINATION AND ADA POLICY STATEMENT	4
EQUAL OPPORTUNITY EMPLOYER	15
ORGANIZATION AND STAFFING	17
A. City Administrator/Chief Executive Officer	17
B. City Attorney/Nondiscrimination Coordinator	18
C. Department Heads and City Engineers	19
D. Supervisors	20
E. Employees	20
MONITORING AND REVIEW PROCESS	21
A. General Guidelines for Review	21
B. Internal Review and Compliance Procedures	21
C. Subrecipient Review and Compliance Procedures	23
D. Data Collection and Analysis	24
E. Training	25
F. Performance Management and Accountability	26
COMPLAINTS OF DISCRIMINATION	27
A. Purpose and Scope	27
B. Who can file?	27
C. Where can one file?	27
D. Non-Retaliation	28
E. When must one file?	29
F. What should a complaint look like?	29
G. How are complaints processed?	29
DISSEMINATION OF NONDISCRIMINATION INFORMATION	32
A. Internal Notification	32
B. Notification to Beneficiaries - Website	32
C. Notification to Beneficiaries - Posters and Brochures	32
D. Public Involvement	33
CONFLICT PREVENTION AND RESOLUTION	34
LIMITED ENGLISH PROFICIENCY (LEP)	35
ENVIRONMENTAL JUSTICE	37

EXHIBITS 38

EXHIBIT A -- CITY OF VALLEY CITY ORGANIZATION CHART 39

EXHIBIT B -- EXTERNAL COMPLAINTS OF DISCRIMINATION FORM 41

**EXHIBIT C -- COMPLAINANT CONSENT/RELEASE AND NOTICE ABOUT INVESTIGATORY
USES OF PERSONAL INFORMATION 44**

EXHIBIT D -- EXTERNAL COMPLAINTS OF DISCRIMINATION LOG 47

EXHIBIT E -- REQUEST FOR REASONABLE ACCOMMODATIONS 49

EXHIBIT F -- PUBLIC MEETING ATTENDANCE LOG 52

EXHIBIT G -- NONDISCRIMINATION PUBLIC PARTICIPATION SURVEY 54

EXHIBIT H -- EQUAL EMPLOYMENT OPPORTUNITY SURVEY 57

EXHIBIT I -- EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER REPORT 59

EXHIBIT J -- NONDISCRIMINATION TRAINING REPORT 61

INTRODUCTION

1. Purpose and Scope

Purpose. This Nondiscrimination Implementation Plan establishes standards, responsibilities, and procedures to ensure City officers and employees demonstrate cultural competence, foster inclusive public service, and maintain respectful, effective communication with all community members, including residents, visitors, businesses, and community-based organizations.

Scope. This Policy applies to all City departments and functions, including in-person, telephonic, electronic, and field-based interactions; public meetings; program and service delivery; enforcement; and emergency and non-emergency communications.

Guiding Principles. The City is committed to (a) dignity and respect for all persons; (b) equitable access to services; (c) meaningful community engagement; (d) continuous learning and improvement; and (e) accountability for conduct.

2. Legal Authority

The City of Valley City ("Valley City" or the "City") is a recipient of Federal financial assistance. The Civil Rights Act of 1964 requires recipients to comply with various nondiscrimination laws and regulations.

Title VI of the Civil Rights Act of 1964, as amended, bars discrimination against anyone in the United States because of race, color, or national origin by any agency receiving federal funds.

Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 and the Civil Rights Act of 1991, prohibits discrimination on the basis of race, color, religion, national origin, or sex in all institutions with 15 or more employees—including state and local governments and labor organizations.

The broader application of nondiscrimination law is found in other statutes, regulations, and Executive Orders which are detailed in this Nondiscrimination Program.

The Age Discrimination in Employment Act of 1967, as amended, prohibits employment discrimination against employees based on age.

Section 162a of the Federal-Aid Highway Act of 1973, as amended, requires that there be no discrimination on the ground of sex.

Section 503 of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act of 1993, requires firms holding Federal contracts or subcontracts in excess of \$10,000 to "take affirmative action to employ and advance in employment qualified individuals with disabilities."

Section 504 of the Rehabilitation Act of 1973 states, "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." DOT regulations implementing provisions of the Rehabilitation Act are contained in 49 C.F.R. Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance: "No

qualified person with a disability shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance administered by the Department of Transportation.”

The Americans With Disabilities Act of 1990, as amended, further prohibits discrimination against persons with disabilities.

Title II of the Genetic Information Nondiscrimination Act of 2008, as amended, prohibits discrimination on the basis of genetic information

Additionally, the Civil Rights Restoration Act of 1987, as amended, defined “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance. Thus, subrecipients are required to comply with related nondiscrimination laws and regulations.

Nondiscrimination regulations are for the protection of the public in regard to the City’s activities and effects. The State of North Dakota is the primary recipient of Federal financial assistance. Sub recipients may include contractors, subcontractors, suppliers, consultants, cities, local governments (including Valley City), transit agencies, or any other entity receiving funds directly from the State.

The City is required to protect the public interest by developing a Nondiscrimination Program for their benefit. Title VI, ADA, and EEO Assurances are the foundation of our commitment to nondiscrimination. This Nondiscrimination Implementation Plan identifies the implementation, compliance, and enforcement policies and procedures the City has developed to ensure compliance with nondiscrimination laws and regulations at all levels.

For purposes of this Plan, national origin discrimination shall include discrimination on the basis of limited English proficiency, and sex discrimination shall include discrimination on the basis of sexual orientation, gender identity, pregnancy, or a sex stereotype.

In addition to Federal requirements, the North Dakota Human Rights Act (N.D.C.C. chapter 14-02.4) prohibits discrimination on the basis of marital status, receipt of public assistance, or participation in lawful activities off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.

3. Definitions

Cultural Competence means the integrated knowledge, skills, and behaviors enabling employees to work effectively across differences in culture, race, ethnicity, language, nationality, religion, age, sex, disability, marital status, socioeconomic status, veteran status, and other identities.

Inclusive Communication means respectful, accessible, and plain-language communication that accommodates linguistic, cultural, and disability-related needs.

Community Stakeholders include residents, neighborhood associations, advocacy groups, faith-based and cultural organizations, youth and elder groups, business associations, and service providers.

Limited English Proficient (LEP) Individuals are persons whose primary language is not English

and who have a limited ability to read, write, speak, or understand English.

Microaggression means brief, everyday exchanges that send denigrating messages to individuals based on group membership, whether intentional or unintentional.

Translation means written conversion from one language to another.

Interpretation means oral or signed communication from one language to another.

4. Policy Statements

Respectful Conduct. The City shall treat all persons with courtesy, patience, and impartiality. Disparaging remarks, stereotyping, microaggressions, or conduct that intimidates or demeans any person or group are prohibited.

Inclusivity and Equity. The City shall provide services equitably, remove avoidable barriers to access, and proactively accommodate language, disability, cultural, and religious practices consistent with law and department capabilities.

Effective, Accessible Communication. The City shall use inclusive, plain language and ensure access to qualified language services, auxiliary aids, and alternative formats when needed and available pursuant to Section 6.

Community Engagement. The City shall engage stakeholders early and continuously in the planning, delivery, and evaluation of City programs and policies.

Conflict Prevention and Resolution. The City shall employ de-escalation, mediation, and restorative approaches to address misunderstandings or disputes.

Training and Continuous Improvement. City officers and employees shall complete required training and refreshers. Supervisors shall reinforce learning through coaching and performance management.

Non-Retaliation. The City prohibits retaliation against any person who raises concerns, requests accommodation, or participates in related investigations.

TITLE VI/NONDISCRIMINATION AND ADA POLICY STATEMENT

[See following page]

CITY OF VALLEY CITY

TITLE VI/NONDISCRIMINATION AND ADA POLICY STATEMENT

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Specifically, 42 USC 2000d states that "No person in the United States shall, on the ground 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." In addition to Title VI, there are other Nondiscrimination statutes which include: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/ADA of 1990 (disability). Taken together, these requirements define an over-arching Title VI/Nondiscrimination and ADA Program. Title VI and the additional Nondiscrimination requirements are applicable to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

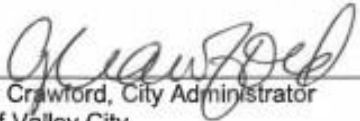
There are two Presidential Executive Orders that place further emphasis upon the Title VI protections of race and national origin. Executive Order 12898 ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations. Executive Order 13166 directs recipients of Federal financial assistance that to ensure compliance with Title VI, they must take reasonable steps to ensure that limited English proficiency persons have meaningful access to their programs.

I, as City Administrator and Chief Executive Officer of the City of Valley City, am personally committed to and support taking all steps to ensure that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the City of Valley City, its recipients, sub recipients, and contractors.

The City Attorney of the City of Valley City is appointed as the Title VI Coordinator and ADA Coordinator and is granted the authority to develop, administer, and monitor the Title VI/Nondiscrimination and ADA Program as promulgated.

Further, I sub-delegate and charge the City Department Heads and City Engineers with the responsibilities to ensure compliance with Title VI/Nondiscrimination and ADA Program requirements in their respective program areas.

Anyone who believes that they have been discriminated against should contact Carl Martineck, Nondiscrimination Coordinator, City of Valley City, 254 2nd Avenue NE, Valley City North Dakota, at 701-845-8136. TTY users may call Relay North Dakota at 711 or 1-800-366-6888 (toll free).


Gwen Crawford, City Administrator
City of Valley City

10-1-2025
Date

USDOT STANDARD TITLE VI/NON-DISCRIMINATION ASSURANCES

[See following page]

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The City of Valley City (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

Statutory/Regulatory 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);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Valley City, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

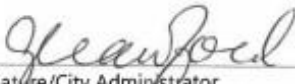
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the City of Valley City also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City of Valley City gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on City of Valley City, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.


Name (Type/print)

Recipient: City of Valley City


Signature/City Administrator

10-1-2025
Date

**CITY OF VALLEY CITY, RECIPIENT
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. 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 set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, 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 Non-discrimination 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 Federal Highway Administration 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 Federal Highway Administration 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 Federal Highway Administration 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 Federal Highway Administration 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.

A

**CITY OF VALLEY CITY
APPENDIX B OF THE TITLE VI ASSURANCES**

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Valley City 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 the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Valley City all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Valley City 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 Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Valley City, its successors and assigns.

The City of Valley City, 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 will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the City of Valley City will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

B

CITY OF VALLEY CITY
APPENDIX C OF THE TITLE VI ASSURANCES

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY,
FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by City of Valley City pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, City of Valley City will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, City of Valley City will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Valley City and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

C

**CITY OF VALLEY CITY
APPENDIX D OF THE TITLE VI ASSURANCES**

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY,
FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by City of Valley City pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, 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 the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, City of Valley City will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Valley City will there upon revert to and vest in and become the absolute property of City of Valley City and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

D

**CITY OF VALLEY CITY
APPENDIX E OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination 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 Non-discrimination 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 non-discrimination against minority populations by discouraging programs, 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.*).

E

EQUAL OPPORTUNITY EMPLOYER

The City of Valley City is committed to and will ensure Equal Employment Opportunity (EEO) for all applicants and employees, as well as appointees to commissions, committees, and boards, regardless of race, color, religion, sex, national origin, age, mental or physical disability, genetic information, or marital status.

EEO information may be submitted voluntarily by applicants of all posted positions (See EXHIBIT H).

Bi-annually, the City is required to complete an EEO-4 Report on the demographics of its workforce (See EXHIBIT I).

Selection Process

When a position becomes vacant, the City Human Resources Director works with the applicable City department to advertise and announce the vacancy to internal and external candidates. Vacancies are posted in City Hall and on the City's social media accounts, the City's official website- valleycity.us/career, and NDWorkforceConnection.com (Job Service). Vacancies may also be advertised with the following, depending on the position: local newspaper and radio, Facebook, Instagram, Indeed, LinkedIn, Handshake, North Dakota League of Cities, North Dakota Rural Water Systems Association, and other position-specific organizations.

For most positions, residency within the City is not required, and searches are focused on individuals within a 70-mile radius.

The City requests either a standardized employment application or a letter of interest and resume from any member of the public who is interested in applying for an open position. Application materials are collected by the Human Resource Director and presented to the applicable Department Head and City Administrator for review. The Department Head and City Administrator screen each application to determine if the candidate meets minimum requirements for the position. Prescreen interviews may be conducted by administrative staff to further inquire about minimum qualifications and to evaluate basic interpersonal skills and professionalism. Initial interviews are generally conducted by the Human Resource Director, department head, and other affected staff. Upon completion of interviews, at least three finalists are selected for further consideration based on education, experience, and interview performance. The City Administrator conducts second interviews with one or more finalists. Generally, the City Administrator makes the final hiring decision based on interview performance and the recommendations of the Department Head and Human Resource Director. Candidates for Chief of Police and City Administrator are appointed by the Board of City Commissioners based on the recommendation of a hiring committee that utilizes the foregoing process.

The Board of City Commissioners also appoints individuals to various City commissions, boards, and committees, including the Planning and Zoning Commission, Special Assessment Commission, Renaissance Zone Board, Visitor's Committee, Library Board, and Beautification Committee.

When a seat becomes vacant, the City Auditor's Office posts a notice in City Hall along with the City's social media accounts and the City's official website. The Valley City Times Record may be provided with a press release containing information pertinent to the vacant position. In most cases, residency in the city is a requirement for serving as a board or committee member. The exception would be the City Planning and Zoning Commission, which provides two positions for individuals who live within the City's Extra Territorial Area (ETA); these representatives reside within Barnes County but outside the corporate limits of the City of Valley City.

The City requests a letter of interest and qualifications from any member of the public who is interested in applying for an open position on a board. The letters are collected by the Auditor's Office and presented to the City Administrator for review. The City Administrator reviews each letter to determine qualifications and credentials appropriate for serving in an advisory capacity and consults with City staff. All letters and the recommendation of the City Administrator, when appropriate, is provided to the Board of City Commissioners, at which time the Commission is tasked with appointing the individual best suited to serve on the applicable commission, board, or committee.

ORGANIZATION AND STAFFING

The City of Valley City is a Home Rule City operating under a City Manager (Administrator) Plan of municipal government with a governing body operating under the commission system. Four commissioners and a commission president are elected at large (not within wards or districts) and reside within the city limits. The President votes as a member of the board and does not have veto power. Each commissioner and the president of the board of city commissioners holds office for four years commencing on the first day of July of the year in which the officer was elected and until a successor has been duly elected and qualified. The commission has the power to enact or adopt all such ordinances, resolutions, and regulations, not repugnant to the constitution and laws of North Dakota, as may be proper and necessary to carry into effect the powers granted to the City or as the general welfare of the City may require, and to repeal, alter, or amend the same, along with all other powers provided by law.

There are five portfolios designated to each member of the City Commission. Commissioners also serve on City advisory boards. Each commissioner is responsible for serving as the liaison with the Department Head, commission, committee, or board assigned. Portfolios may be reassigned annually.

The City Commission appoints, oversees, and removes the City Administrator in accordance with state law and city ordinance.

A. City Administrator/Chief Executive Officer

The City Administrator, as the chief appointive officer of the City generally appoints, supervises and removes all other appointive officers, city department heads, and employees of the city (with the exception of the Chief of Police).

The City Administrator oversees the day to day functions of the city and coordinates the city departments and their personnel activities.

The City Administrator acts as the Chief Executive Officer of the city with the power to execute and enforce the laws of the city.

The City Administrator establishes goals and objectives for all city departments to ensure compliance with City Commission policy directives and all applicable local, state or federal laws, rules and regulations.

The City Administrator has established a Civil Rights Program to be coordinated by the City Attorney. The City Administrator will ensure that the City Attorney has sufficient staffing to effectively administer the Civil Rights Program. The City Attorney will report directly to the City Administrator. Each City department will be responsible for ensuring compliance with this Plan and department heads will report directly to the City Administrator. (See EXHIBIT A).

As the chief civil rights administrator for the City, the City Administrator will provide the City with the administrative direction necessary to ensure that City policies and procedures relating to the Nondiscrimination Program are implemented and that its established goals are appropriately attained.

The City Administrator is granted the authority to develop, administer, and monitor the Nondiscrimination Program, and monitors other City programs, activities, and services for all funding sources.

The City Administrator's Title VI responsibilities will include the following:

1. Oversee procedures for the prompt processing and resolution of External Complaints of Discrimination.
2. Oversee procedures for prompt processing of Requests for Reasonable Accommodations.
3. Oversee City's budget process to ensure that the City has an earmarked budget and appropriation for civil rights enforcement. The City Administrator has authority over the funds received for salaries, office resources, equipment, and Title VI enforcement.
4. Oversee coordination and preparation of the Nondiscrimination Program Implementation Plan, Goals and Accomplishment Report, and the External Complaints of Discrimination Log that is submitted annually to state or federal authorities.

B. City Attorney/Nondiscrimination Coordinator

The City Attorney will act as the Nondiscrimination Program Coordinator, under the direct supervision of the City Administrator, and will be responsible for the day-to-day administration of the Nondiscrimination Program including:

1. Coordinate Program development and implementation in all city departments.
2. Provide technical assistance and advice on Program matters to city leadership, department heads and supervisors.
3. Develop and conduct annual Program reviews of city departments, consultants, contractors and other stakeholder and subrecipient activities to ensure Program compliance.
4. Correct identified Title VI, Title VII, and ADA problems, including discriminatory practices or policies.
5. Coordinate and prepare the City's Nondiscrimination Implementation Plan for submission to the appropriate state and/or federal authority in the time required.
6. Complete the City's Annual Goals and Accomplishment Report for submission to the appropriate state and/or federal authority in the time required. Ensure collection of data necessary to evaluate the effectiveness of compliance with Title VI, Title VII, ADA, LEP, and EJ requirements within City departments.
7. Implement procedures for prompt processing and disposition of discrimination complaints. Conduct complaint investigation and resolution.
8. Develop procedures for collecting statistical data on sex, race, color, and national origin for participants and beneficiaries of the state highway program. Work with City

departments to collect and document statistical data.

9. Coordinate activities related to obtaining public input, particularly in minority and traditionally underserved areas.
10. Develop and publish nondiscrimination information for dissemination to the general public and where appropriate ensure that the information is translated in languages other than English.
11. Review City program manuals, contracts, and policy documents to determine whether nondiscrimination is appropriately addressed and implemented agency-wide.
12. Coordinate activities related to the effective and efficient implementation of the City's Nondiscrimination Program.
13. Develop procedures and processes for preventing discrimination and addressing and resolving complaints of discrimination.
14. Provide technical assistance, guidance, and training to City staff, elected officials, consultants, contractors, suppliers, architectural and engineering firms, and other stakeholders and recipients of federal-aid highway funds.
15. Review contractual procedures for consultants and contractors to ensure equity and consistency.
16. Develop procedures for and conduct pre-award and post-award approval reviews of programs for compliance with nondiscrimination requirements.
17. Attend public meetings or hearings involving activities with nondiscrimination implications, when appropriate or required.

C. Department Heads and City Engineers

Department Heads, and City Engineers' responsibilities will include the following:

1. Assist the City Administrator and City Attorney to ensure compliance with Nondiscrimination Program (including Title VI, Title VII, ADA, LEP and EJ) requirements in their respective departments.
2. Maintain knowledge of and adhere to City's Nondiscrimination Program.
3. Assure prompt reporting, processing, and disposition of nondiscrimination issues or complaints in their respective departments and coordinate with the City Administrator and City Attorney.
4. Prepare, gather, and submit documentation for Request for Information for Department Reviews.
5. Assure that practices and procedures involving all programs and activities within their area of responsibility are applied uniformly and equitably in conformance with

nondiscrimination regulations.

6. Communicate to City Administrator and City Attorney all deficiencies found in the program and promote new concepts to the program.
7. Receive and report External Complaints of Discrimination to the City Administrator and City Attorney for processing.
8. Receive, report, and assist City Administrator and City Attorney in processing Requests for Reasonable Accommodations (See EXHIBIT E).
9. Report concerns of discrimination issues to the City Administrator and City Attorney for guidance.
10. Collect statistical data for the annual Goals and Accomplishments Report.
11. Annually conduct pre-award and post-award Title VI reviews of subrecipients.
12. Coordinate nondiscrimination awareness training for respective department staff members on the requirements of the Nondiscrimination Program.
13. Participate in the identification of nondiscrimination impacts and mitigation measures of proposed projects.
14. Attend public meetings or hearings involving activities with nondiscrimination implications.
15. Assist in obtaining public input, particularly in minority and traditionally underserved areas.
16. Collect demographic data in right-of-way and related activities.

D. Supervisors

Supervisors shall (a) model compliant behavior; (b) schedule and track training; (c) monitor service interactions; (d) address issues promptly; and (e) include nondiscrimination compliance goals in performance evaluations.

E. Employees

Employees shall (a) comply with this Policy; (b) use approved communication aids; (c) report incidents and barriers; and (d) participate in training and engagement activities.

MONITORING AND REVIEW PROCESS

A. General Guidelines for Review

The City will use a process to annually review activities to ensure nondiscrimination. The Coordinator will examine data and take action for compliance, which may include, but not be limited to:

1. Completion of the NDDOT Sub-Recipient Audit Checklist.
2. Sampling of contracts to ensure inclusion of required nondiscrimination provisions as well as nondiscrimination in the selection of consulting firms, contractors, and other subrecipients;
3. Sampling of public involvement materials including meeting notices, project flyers, and other similar documents to ensure appropriate nondiscrimination language and to ensure that such outreach is conducted in other languages as appropriate;
4. Reviewing annual reports analyzing data for possible trends of discrimination;
5. Interviewing department staff to identify emerging issues and needs;
6. Choosing media outlets and other disbursement networks to ensure access to traditionally underserved and LEP customers;
7. Ensuring that meetings, hearings and other public involvement events are held in accessible locations and at times to garner the best representation of the impacted community; and/or
8. Collecting questions, concerns, comments or complaints from the public, ensuring they are appropriately addressed and forwarding potential discrimination concerns to the appropriate official.

B. Internal Review and Compliance Procedures

City departments, commissions, committees, and other boards will be reviewed on a triennial basis, when funding and resources are available.

When an internal entity is selected for review, the following procedures will apply:

1. An entity scheduled for review will be notified in writing at least 60 days in advance to coordinate a date that ensures the attendance of the department head or board chair. The notice of review will include a compliance review questionnaire that the department or board is required to complete in writing and return 30 days prior to the scheduled on-site review.
2. The Title VI Coordinator will review the response to the questionnaire during the desk review process in advance of the on-site review. The on-site review will consist of an entrance conference, review of files and documentation, staff interviews, and an exit

conference.

3. A Determination of Findings will be issued within a 30-day period following the exit conference. A copy of the findings will be provided to the department head or chair of the department or board being reviewed. No action on the part of the department or board will be required on findings of compliance, unless a condition of compliance is specified. However, departments or boards found out of compliance will result in the development of a Corrective Action Plan (CAP) to overcome any deficiencies noted in the Determination of Finding within a period not to exceed 90 days. If it is determined that the matter cannot be resolved voluntarily, by informal means, action will be taken to effectuate compliance, up to and including notice to the NDDOT.

The assessment process is designed to give the Nondiscrimination Coordinator and City Administrator an opportunity to understand the business practices of each department or board and to identify areas of improvement and corresponding corrective actions. This will be accomplished through the following methods:

1. Desk Audits. By requesting and reviewing the documents used by the department or board, the Coordinator is able to determine the extent to which nondiscrimination activities are woven into the activities of those entities. This review looks primarily for the presence of standard nondiscrimination assurance language, as needed. This is also an opportunity for the Coordinator to identify opportunities for nondiscrimination data gathering and/or training opportunities.
2. Interviews. The Coordinator relies on in-person interviews of department or board staff to determine the extent of compliance with nondiscrimination obligations. These interviews reach both supervisory and frontline staff. It is critical for supervisors to be sufficiently trained on nondiscrimination principles to articulate its importance to their staff and to instruct on how adherence to nondiscrimination is demonstrated through the particular actions of a department. It is equally important that front-line staff be able to articulate the ways in which nondiscrimination activities are a part of their course of business as well as the resources available to address nondiscrimination concerns by members of the public (such as the availability of a complaint resolution process and the procedure for engaging it).
3. Shadowing. This describes instances where the Coordinator will accompany department or board staff on their business activities in order to better understand the nature of the work (and possible discrimination risk factors therein) as well as monitor staff for compliance with nondiscrimination obligations.
4. Technical Assistance. The Coordinator provides technical assistance on nondiscrimination compliance across the City. This can include identifying language needs in impacted communities, informing reasonable accommodation interactive process, developing new methods of data collection and analysis, and providing recommendations on new nondiscrimination related questions and issues. Oftentimes, this technical assistance is prompted by the direct request of staff. These instances provide Coordinator with an opportunity to gauge current levels of nondiscrimination compliance throughout the City as well as areas for improvement.
5. Attendance at Public Outreach Events. By attending public outreach events, such as public hearings, meetings, and information sessions, the Coordinator is able to observe

staff in their direct interactions with members of the public. This gives the Coordinator an opportunity to identify any needs or additional training and to ascertain the effectiveness of nondiscrimination related request processes (such as language services and reasonable accommodations). Attending these sessions also provides an opportunity to learn of project-level community concerns that may be nondiscrimination related.

C. Subrecipient Review and Compliance Procedures

Annually, the City will review contractors, consultants, suppliers, architectural and engineering firms, and other stakeholders and subrecipients of federal-aid highway funds for non-compliance when one of the following occurs:

1. The City knows of or has received (formal or informal) complaints regarding the subrecipient;
2. City staff have identified subrecipients with known nondiscrimination issues/concerns;
3. The subrecipient has submitted problematic responses to a nondiscrimination compliance questionnaire and/or submitted incomplete nondiscrimination documentation following a questionnaire; or
4. The subrecipient receives a large amount of funding from the City relative to other subrecipients.

Reviews will be conducted by the Nondiscrimination Coordinator (or designee) when funding and other resources are available.

When a subrecipient has been selected for a compliance review, the following procedures will be followed.

1. Notice of compliance review
 - a. When a compliance review commences, the Coordinator will send a notice of compliance review providing the reason for the review and a request for documents to the subrecipient
 - b. The subrecipient will be given an initial thirty (30) day time period to produce the requested documentation. This time period may be extended when a reasonable request for extension is made and at the discretion of the Coordinator.
 - c. Any subrecipient who fails to respond to a notice of compliance review, including the request for information, within the prescribed deadline shall receive written notification of their deficiency status from the Coordinator.
2. Desk Review
 - a. Information received from the subrecipient is reviewed by the Coordinator and a telephone call may be scheduled to discuss preliminary deficiencies observed and to request additional information as necessary.
 - b. The following factors will play a role in determining whether or not an on-site review is necessary:
 - i. Deficiencies are directly related to improvements being constructed or maintained by the subrecipient;
 - ii. Deficiencies include missing entire program components or are otherwise considered major deficiencies;

- iii. The subrecipient's project coordinator or representative has not been identified and/or does not appear to have the support of the executive leadership of the agency in ensuring program compliance; and,
 - iv. The review is based upon the receipt of a complaint.
- c. Preliminary findings

Following the conclusion of the desk review and/or on-site review, the Coordinator shall provide the subrecipient with a written report of preliminary findings which shall:

 - i. Document any deficiencies observed and direct the subrecipient to come into compliance within 90 days.
 - ii. Require that any deficiencies which cannot possibly be resolved within 90 days shall be reflected in a compliance plan submitted to the City for approval within the 90-day period and shall include dates by which compliance will be achieved and specific action steps with identified task ownership.
 - iii. In addition, it is the subrecipient's responsibility to notify the City that it has achieved its approved compliance plan goals. Failure to provide such notice will place them in deficiency status.
 - iv. Failure to comply: If the subrecipient does not voluntarily comply within 90 days of the original notification or alternative period approved by the City, the City will issue a Notice of Noncompliance. If the subrecipient fails to submit appropriate and complete documentation to support its commitment to comply with nondiscrimination rules and regulations, the City will issue a noncompliance letter and forward a copy to NDDOT and may then take or participate in other legally available action against the subrecipient for failure to comply, such as withholding payment on a contract, and/or suspending or terminating the contract.
 - v. Following the expiration of 90 days, the City may do any of the following:
 - 1) Certify the current subrecipient compliant and eligible to receive funds;
 - 2) Identify the current subrecipient as deficient but on an approved corrective action plan; or
 - 3) Issue a notice of noncompliance.

D. Data Collection and Analysis

The City is required by federal regulations to collect statistical data on the age, sex, race, color, national origin, and income level of participants in and beneficiaries of its programs. City civil rights staff will work with staff in each department on collecting and analyzing data in the following areas:

1. Demographic data from individuals who are affected by right of way activities within the City, and providing education on the reason why the data is collected.
2. Demographic data from individuals expected to be impacted by City projects.
3. Demographic data from individuals attending public meetings (See EXHIBITS F & G).
4. Data on use of translation or interpretation services.

The data collected may be analyzed to address compliance with nondiscrimination laws and regulations, as follows:

1. Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
2. Allocation of funds by mode (highway, bus, etc.);
3. Impact of investments on protected classes;
4. Projected population increases versus planned facilities and type of facilities;
5. Impacts of the location of existing or proposed facilities connected with a project;
6. Alternatives to modes, locations, and types of facilities;
7. Language needs assessment;
8. Transportation needs of all persons within boundaries of plans or projects;
9. Persons included in the decision-making process;
10. Strategies to address impacts;
11. Priorities for investments;
12. Sources for financing investments, and
13. Strategies to disseminate information.

When determining compliance with nondiscrimination laws and regulations, the City may consider the following:

1. The manner in which services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services on the basis of a protected class, as defined by nondiscrimination authorities;
2. The population eligible to be served by protected class;
3. The location of existing or proposed facilities connected with the City, and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination;
4. The present or proposed membership protected class, in any planning or advisory body which is an integral part of the City; and
5. Where determination of location is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of a protected class.

E. Training

1. The City will provide new employee orientation that incorporates nondiscrimination

training, as well as annual refreshers. Topics will include:

- a. Laws and regulations that prohibit discrimination on the basis of race, color, national origin, sex, mental or physical disability, age, religion, genetic information, marital status, receipt of public assistance or lawful activities off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.
 - b. Discrimination complaint process.
 - c. Protections against retaliation for filing civil rights complaints or related actions.
 - d. Requirements for posting nondiscrimination notices in City facilities.
 - e. Nondiscrimination clauses that must be included in contracts.
 - f. Language interpretation and translation service policies and availability of services.
 - g. Cultural and community relations sensitivity policies and availability of related training.
 - h. Anti-harassment policies and availability of related training.
2. Training for consultants, contractors, suppliers, architectural and engineering firms, and other stakeholders and recipients of federal-aid highway funds will be coordinated through the NDDOT, as needed.
 3. All training records will be maintained by the Nondiscrimination Coordinator. These records include training schedules, agendas, sign-in sheets, and training materials such as presentations, handouts, etc. A training report will be maintained which lists the name of the training event, date, location, and the attendees for each training event held during the reporting period (See EXHIBIT J).

F. Performance Management and Accountability

Expectations. Job descriptions and performance plans shall incorporate cultural competence and community engagement responsibilities appropriate to the role.

Evaluation. Annual evaluations shall assess compliance with this Policy, including communication quality, engagement effectiveness, and resolution of issues.

Recognition. Departments may recognize exemplary conduct, innovations, or improvements that advance inclusivity and community trust.

Corrective Action. Noncompliance may result in coaching and/or corrective action up to and including termination per the Employee Policy and Procedure Manual.

COMPLAINTS OF DISCRIMINATION

A. Purpose and Scope

This section establishes a uniform process for the City of Valley City to receive, review, investigate, and resolve external complaints alleging discrimination prohibited by Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and the North Dakota Human Rights Act (NDHRA); in particular complaints alleging discrimination on the basis of race, sex, color, age, national origin, mental or physical disability, religion, marital status, receipt of public assistance, or lawful activities off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer, in the programs and activities of the City.

B. Who can file?

Complaints may be submitted by applicants, participants, customers, contractors, vendors, employees of contractors, or members of the public who allege discrimination by the City, its departments, officials, or employees in City programs, services, activities, or employment practices, as applicable to the cited laws.

C. Where can one file?

Complaints may be filed with the City Nondiscrimination Coordination (City Attorney) by mail, email, or in person:

City of Valley City – Discrimination Complaint
Attn: City Attorney
220 3rd Street NE
Valley City, ND 58072
Ph: 701-845-8136
TTY: 711
cmartineck@valleycity.us

This section provides an procedure that a complainant may use to resolve a complaint without state or federal intervention or litigation; however, nothing in this section limits a complainant's right to file directly with external agencies, including but not limited to the U.S. Equal Employment Opportunity Commission, the U.S. Department of Justice, the U.S. Department of Transportation/Federal Transit Administration (for Title VI transit matters), or the North Dakota Department of Labor and Human Rights.

North Dakota Department of Transportation Civil Rights Division 608 E Boulevard Ave. Bismarck, ND 58507-0700 Phone: (701) 328-2576 TTY: 711 or (800) 366-6888 Email: civilrights@nd.gov	United States Department of Transportation (USDOT) Departmental Office of Civil Rights US Department of Transportation Office of Civil Rights 1200 New Jersey Ave., SE. Washington, DC 20590 Phone: (202) 366-4648 Fax: (202) 366-5575 TTY: 711
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FHWA North Dakota Division Office 4503 Coleman St. N., Suite 205 Bismarck, ND 58503 Phone: (701) 250-4204 Fax: (701) 250-4395 Email: NorthDakota.fhwa@dot.gov	USDOJ - Race, Color, National Origin Complaints Federal Coordination and Compliance Section - NWB Civil Rights Division US Department of Justice 950 Pennsylvania Avenue, NW. Washington, DC 20530 Phone: (888) 848-5306 (English and Spanish) (202) 307-2222 (voice) (202) 307-2678 (TDD)
United States Department of Transportation (FHWA) Federal Highway Administration US Department of Transportation Office of Civil Rights 1200 New Jersey Ave., SE. 8th Floor E81-105 Washington, DC 20590 Phone: (202) 366-0693 TTY: 711 Email: CivilRights.FHWA@dot.gov	USDOJ - ADA Complaints US Department of Justice Civil Rights Division 950 Pennsylvania Avenue, NW. Washington, DC 20530-0001 Phone: (202) 514-3847 Toll Free: (855) 856-1247 TTY: (202) 514-0716 Online: https://civilrights.justice.gov/
Federal Transit Administration (FTA) Office of Civil Rights 1200 New Jersey Ave., SE. Washington, DC 20590 Phone: (888) 446-4511 or (202) 366-4018 TTY: 711	United States Equal Employment Opportunity Commission Minneapolis Area Office Towle Building 330 South Second Avenue, Suite 270 Minneapolis, MN 55401-2224 Phone: (612) 552-7306 Fax: (612) 564-4707 TTY: (800) 669-6820 ASL video phone: (844) 234-5122 Public portal: https://publicportal.eeoc.gov
North Dakota Department of Labor and Human Rights 600 East Boulevard Avenue, Dept. 406 Bismarck, ND 58505-0340 Phone: (701) 328-2660 Fax: (701) 328-2031 TTY: (800)366-6888 Email: labor@nd.gov	

D. Non-Retaliation

The City prohibits retaliation against any person for filing a complaint, participating in an investigation, or opposing conduct believed to be discriminatory. Allegations of retaliation will be handled under this section

E. When must one file?

A complaint must be filed not later than 180 days after the date of the the alleged incident or the latest instance of a continuing practice.

F. What should a complaint look like?

A complaint should contain at least the following information:

1. Name and contact information;
2. Basis of alleged discrimination (e.g., race, color, national origin, sex, religion, disability, age, or other protected status);
3. Description of the alleged conduct;
4. Date(s), location(s), involved City department(s) and/or personnel; and
5. Any supporting documents or witnesses.

A complaint form may be used. (See EXHIBIT B). This form and the associated release of information (See EXHIBIT C) is provided on the City's website and in the north lobby of City Hall, 220 3rd Street NE, Valley City, North Dakota. A complainant may also contact the Nondiscrimination Coordinator to obtain a form.

The City will provide meaningful access for individuals with limited English proficiency and ensure effective communication with individuals with disabilities, including accessible formats and reasonable modifications, upon request.

G. How are complaints processed?

Acknowledgement and Initial Screening

1. All complaints received by any City official must be forwarded to the Coordinator within five business days of receipt.
2. The Coordinator is required to maintain a log of all complaints alleging discrimination (see EXHIBIT D).
3. Acknowledgment: Within 5 business days of receipt, the Coordinator will send written acknowledgment to the complainant confirming receipt, summarizing the allegations, and identifying the assigned City contact.
4. Jurisdictional/Threshold Review (10 business days): The Coordinator will determine whether:
 - a. The complaint alleges discrimination under Title VI, Title VII, ADA, or NDHRA;
 - b. The complaint concerns a City program, service, activity, or employment practice within the City's control;
 - c. The complaint is timely or demonstrates good cause for late filing.
5. Intake Outcomes:
 - a. The North Dakota Department of Transportation is notified of all complaints alleging discrimination on the basis of race, color, national origin, sex, age, disability.
 - b. Acceptance for Investigation: Proceed to "Investigation".
 - c. Referral: If the complaint is outside City jurisdiction or better addressed by another agency, the Coordinator will, within 10 business days, notify the complainant and, where appropriate, provide referral information or forward the complaint with the complainant's consent.

- d. Insufficient Information: The Coordinator may request additional information with a response deadline of 10 business days; failure to respond may result in administrative closure with written notice.
- e. Administrative Closure: If the complaint is duplicative, previously resolved, or not plausibly alleging prohibited discrimination, the Coordinator will close the matter and notify the complainant in writing, stating reasons and external filing options.

Investigation

1. Notice of Investigation: Upon acceptance, the Coordinator will issue, within 5 business days, a Notice of Investigation to the complainant and relevant City department(s), identifying the issues to be investigated and the assigned investigator.
2. Investigator: The investigation will be conducted by the Coordinator or a qualified outside investigator, as assigned by the City Administrator to ensure impartiality.
3. Investigation Steps: The investigation may include interviews of the complainant, witnesses, and City personnel; requests for documents; site inspections; and review of applicable policies and practices. The City will take steps to preserve relevant evidence.
4. Interim Measures: Where appropriate, the City may implement interim measures to prevent potential ongoing discrimination or retaliation during the investigation. Interim measures do not reflect findings on the merits.
5. Timeline: The City will aim to complete investigations within 60 calendar days of acceptance. If additional time is required due to complexity, unavailability of witnesses, or parallel proceedings, the Coordinator will notify the complainant and provide an estimated completion date, with updates at least every 30 calendar days.

Findings and Resolution

1. Investigative Report: Upon completion, the investigator will prepare a written report summarizing the allegations, scope, evidence considered, and factual findings.
2. Determination: The Coordinator will issue a written determination within 15 business days after the investigative report is finalized, stating whether the evidence substantiates a violation of Title VI, Title VII, ADA, or NDHRA, or City policy.
3. Remedies and Corrective Actions: If a violation is substantiated, the City will implement appropriate corrective actions, which may include policy revisions, training, targeted outreach, reasonable modifications, reassignment of duties, or other remedial measures within the City's control. Any monetary relief will be handled consistent with applicable law and City authority.
4. Communication to Complainant: The City will provide the complainant with a written outcome letter summarizing the determination and, as appropriate, the corrective actions the City will undertake. The City will protect confidential personnel information and other legally protected information from disclosure.
5. Department Implementation: Department Heads will coordinate implementation of corrective actions by the responsible department within the timelines specified by the Coordinator and report completion to the Coordinator.

Informal Resolution and Mediation

1. At any stage after acceptance and before a final determination, the City may offer voluntary informal resolution, including mediation, where appropriate and with the consent of the complainant. Participation is voluntary and may be discontinued by either party at any time.
2. If informal resolution is reached, the Coordinator will document the terms and monitor compliance. Failure to reach resolution will return the matter to investigation without prejudice.

Appeals

1. Internal Appeal: A complainant may appeal a non-jurisdictional administrative closure or an adverse determination to the City Administrator within 15 business days of the outcome letter, stating specific grounds for appeal.
2. Appeal Review: The City Administrator will review the record and may affirm, reverse, or remand for further investigation. A written appeal decision will issue within 30 calendar days of receipt, absent good-cause extension with notice to the complainant.
3. External Rights: The appeal process does not limit a complainant's right to file with external agencies. Information on external filing options will be included in outcome and appeal letters.

Confidentiality and Records

1. The City will maintain confidentiality to the extent permitted by law and consistent with a thorough investigation and any applicable public records requirements.
2. Records Retention: The City will maintain complaint files, including intake, correspondence, investigative records, determinations, corrective actions, and appeal decisions, for 10 years after final resolution.

Coordination with Other Policies and Agreements

This procedure supplements, and does not replace, other City policies regarding equal employment opportunity, ADA/Section 504 grievance procedures, Title VI program plans, procurement nondiscrimination clauses, and contractual complaint processes. In the event of a conflict, the City will apply the process that affords the complainant equal or greater procedural protections, consistent with applicable law.

Summary Timeline

1. Acknowledgment of receipt: within 5 business days.
2. Jurisdictional/threshold review: within 10 business days.
3. Notice of investigation after acceptance: within 5 business days.
4. Investigation completion target: within 60 calendar days of acceptance; status updates at least every 30 calendar days if extended.
5. Written determination: within 15 business days after investigative report finalization.
6. Appeal filing window: within 15 business days of outcome letter.
7. Appeal decision: within 30 calendar days of appeal receipt, subject to good-cause extension with notice.

DISSEMINATION OF NONDISCRIMINATION INFORMATION

The City will develop nondiscrimination information for dissemination to City officials and staff, the general public and, where appropriate, in languages other than English.

A. Internal Notification

The City will disseminate the Nondiscrimination Program internally, via email, and will maintain current posters and brochures in staff common areas.

B. Notification to Beneficiaries - Website

The City's website will be utilized to ensure nondiscrimination information is readily accessible to the public. The website will inform the public of their rights under nondiscrimination laws and regulations and will provide information on how to file a complaint. Nondiscrimination information available on the City's website will include:

1. The City's Nondiscrimination Plan
2. Nondiscrimination Related Statutes and Regulations
3. Nondiscrimination Statement
4. Title VI Nondiscrimination Assurances
5. The City's Annual Work Plan & Accomplishment Report
6. The City's External Discrimination Complaint Form
7. Request for Reasonable Accommodations
8. Nondiscrimination Poster
9. Nondiscrimination Requirements for Subrecipients
10. The City's Language Assistance Plan
11. Link to NDDOT Technical Assistance Guide for Subrecipients

The above information will be located at www.valley.us/titlevi

C. Notification to Beneficiaries - Posters and Brochures

The City will provide posters, brochures, and survey cards at every public hearing and meeting. These program posters and brochures will be translated to languages other than English, as needed. Furthermore, current copies of the City's Nondiscrimination Notice to the Public will be available and accessible at City buildings.

Additional notifications to the public may include posting of fliers or brochures at local libraries, community centers, local businesses, local government offices, and places of worship.

D. Public Involvement

It is the City's policy and commitment to foster public involvement in all of its projects. The City welcomes everyone, regardless of sex, age, race, color, national origin, mental or physical disability, religion, genetic information, or marital status to participate in and benefit from its public involvement activities. Special efforts need to be made to engage stakeholders from all demographic groups. Efforts to involve these affected stakeholders in public participation activities can include both general measures, such as placing public notices in public areas (e.g., libraries, community centers, local businesses, local government offices, and places of worship), as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent such populations from effectively and meaningfully participating in the decision-making process. In particular, the City has implemented the following community engagement guidelines:

Planning. Prior to launching policies or programs with community impact, departments shall develop an engagement plan that includes: goals; affected stakeholders; outreach strategies; language and accessibility needs; timeline; roles; and feedback mechanisms.

Outreach Channels. Use a mix of channels to reach diverse audiences, including community partners, ethnic and neighborhood media, social media, SMS, flyers, community events, schools, libraries, faith institutions, and door-to-door outreach as appropriate.

Meeting Design. Provide: (a) Advance notice of at least 10 days when practicable. (b) Multiple formats (in-person, virtual, hybrid). (c) Interpretation and accessibility services per the City's LEP policies. (d) Family-friendly scheduling, and safe, welcoming spaces. (e) Materials in plain language and threshold languages.

Respect for Cultural and Religious Practices. Accommodate dress, dietary, prayer, and holiday observances to the extent practicable and lawful; schedule meetings to avoid major cultural/religious holidays when feasible.

Partnership Building. Establish regular liaison meetings with cultural, faith-based, disability, immigrant/refugee, youth, elder, and LGBTQIA+ organizations. Maintain a current directory of partners and trusted messengers.

Feedback and Closing the Loop. Offer multiple feedback options (surveys, comment boxes, hotlines). Document summaries of input, decisions made, and rationales.

Compensation and Support. Where appropriate and permissible, provide stipends or support (e.g., transportation vouchers, childcare) for community participants who contribute significant time to advisory roles.

CONFLICT PREVENTION AND RESOLUTION

The following best practices have been adopted for use by City officers and employees in furtherance of the cultural and community relations sensitivity goals of this Plan.

Prevention. Use active listening, neutral tone, and nonjudgmental language; acknowledge cultural differences; clarify expectations; and set ground rules at meetings.

De-escalation. When tension arises: (a) Maintain safety and calm; create space; lower voice; avoid physical barriers or crowding. (b) Offer choices to restore autonomy. (c) Engage a qualified interpreter if language barriers exist. (d) Request supervisor or trained staff assistance when needed.

Mediation and Restorative Options. For non-emergency disputes with community members or between employees and community members: (a) Offer voluntary mediation with the City Administrator or HR Director. (b) Consider a meeting facilitated by a trained practitioner where appropriate. (c) Document outcomes and agreed next steps.

Incident Documentation. Record date, time, location, parties, description, steps taken, and resolution in the department's case management system within 24 hours or as soon as practicable.

Safety and Emergency Protocols. If there is an imminent threat, follow departmental safety procedures and contact the appropriate emergency responders. Resume this policy's procedures once safety is secured.

LIMITED ENGLISH PROFICIENCY (LEP)

Under Title VI of the Civil Rights Act of 1964, individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English may be entitled to language assistance under Title VI in order to access public services or benefits for which they are eligible. The City seeks to ensure access to the City's governing process, information published by the City, and the City's programs to area residents who do not speak or read English proficiently.

Persons Served

According to the 2024 American Community Survey published by the United States Census Bureau the population of Valley City is estimated to be 6,541, which is represented by the following demographic groups:

White	5758	88%
Black or African American	25	.4%
American Indian or Alaskan Native	84	1.3%
Asian	212	3.2%
Native Hawaiian or Pac. Islander	30	.5%
Hispanic or Latino	189	2.9%
All other including two or more races	243	3.7%

The US Department of Education through the National Center of Education Statistics reported the following enrollment data for the Valley City Public School District for the 2024-2025 school year:

Total	943	100%
White	818	87%
Hispanic	44	5%
Black	19	4%
American Indian or Alaskan Native	10	2%
Asian or Asian/Pac. Islander	11	1%
Native Hawaiian or Other Pac. Islander	2	1%
All other including two or more races	39	<1%

The North Dakota Department of Public Instruction reports that less than 25 students in the District are English Language Learners.

Frequency of Contacts

An informal review of contacts with City employees indicates that LEP individuals seek services or information from City officials and employees once weekly, on average, with most from the Asian and Hispanic communities.

Services Provided

The City provides numerous forms and documents which allow members of the public to access or learn about city services, programs, and employment including but not limited to applications,

letters, notices, and complaint forms. The City also produces monthly invoices and utility billing statements.

Resources

City officers and employees shall conduct themselves according to the following guidelines. No cost shall be assessed to the LEP individual.

Plain Language. Use clear, concise, and objective language; avoid jargon and acronyms or define them upon first use; confirm understanding using teach-back where appropriate.

Language Identification. At first contact, determine language needs via (a) language identification cards or posters; (b) self-identification; or (c) prior records.

Interpretation. For oral communications with LEP individuals, employees shall: (a) Use Language Link Over-the Phone Interpretation Services, (b) Use City-approved machine translation when an Individual does not wish to use an interpreter service, (c) Refrain from using family members, friends, or bystanders as interpreters except in emergencies until a qualified interpreter or machine translation is available, and (d) Document interpreter and machine translation use in the service record, including date, language, and provider.

Translation. The City will maintain documents in other languages when required by federal law. Employees may upload documents into an approved machine translation service or use oral interpretation (see above) to translate a document.

Data Privacy. Protect personal information obtained for accommodation purposes consistent with City privacy and records policies.

ENVIRONMENTAL JUSTICE

This is section reserved until such time that federal laws, regulations, and/or policies are implemented to address environmental justice in minority and low-income populations.

EXHIBITS

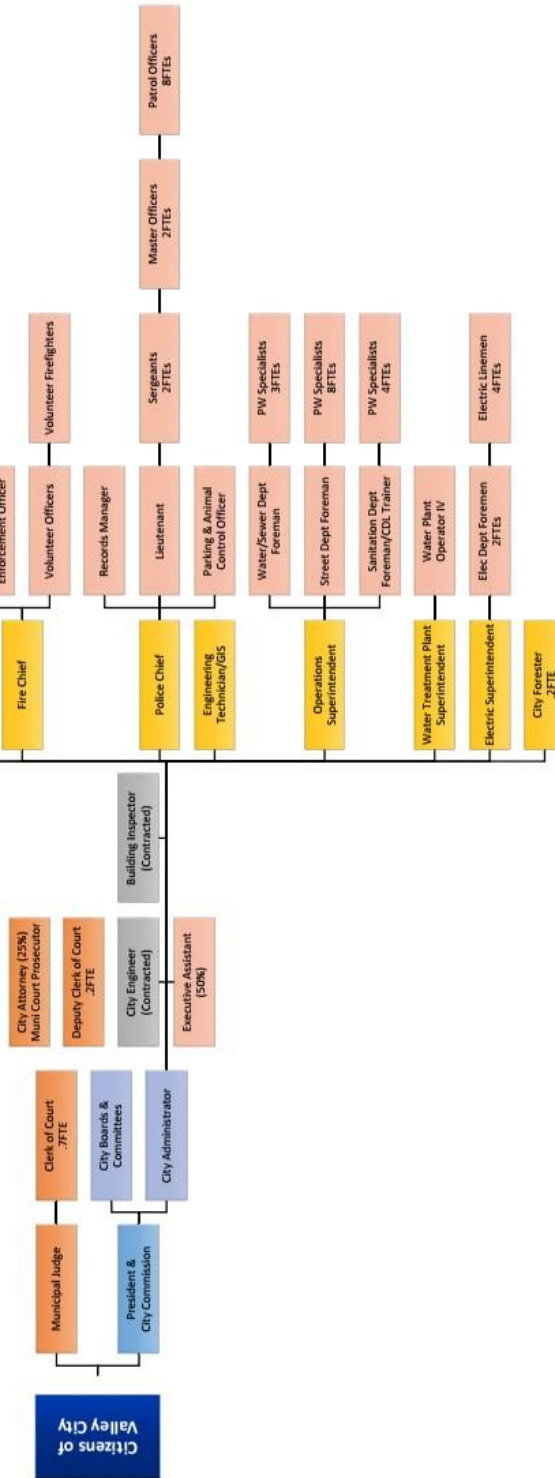
The following pages include 10 Exhibits. They are identified as Exhibit A through Exhibit J.

**EXHIBIT A --
CITY OF VALLEY CITY ORGANIZATION CHART**

Valley City Organizational Chart

REVISED 02.01.2026

Total FTEs	59	Elected Officials	6	Contracted	2
City Administrator	1	Commission President	1	City Engineer	1
City Attorney/HR	1	Commissioners	4	Building Inspector	1
General Government	23	Municipal Judge	1		
Public Works	33				
Municipal Court	1				



**EXHIBIT B --
EXTERNAL COMPLAINTS OF DISCRIMINATION FORM**

EXTERNAL COMPLAINTS OF DISCRIMINATION

City of Valley City

COMPLAINANT INFORMATION (Complete all items below.)

Name		Telephone Number	
Address	City	State	ZIP Code
Email Address			

CAUSE OF DISCRIMINATION (Check all that apply.)

- | | | | |
|--|-------------------------------------|--|---|
| ☐ Race | ☐ Sex | ☐ Genetic information | ☐ Receipt of public assistance |
| ☐ Color | ☐ Age | ☐ Religion | ☐ Protected activity |
| ☐ National origin | ☐ Disability | ☐ Marital status | ☐ Other _____ |

Specific city department and personnel complaint is against.
Provide an explanation of what happened, the location and date(s) of the alleged discriminatory act and location. Attach additional sheets if necessary and supporting documentation, if available.

WE CANNOT ACCEPT YOUR COMPLAINT WITHOUT A SIGNATURE AND DATE.

Complainant's Signature	Date
-------------------------	------

Any person or specific class of persons, who believes they were subjected to discrimination on the basis of race, color, national origin; or sex, age, disability, religion, marital status, genetic information, receipt of public assistance, or participation in a lawful activity, in the programs and activities of the City of Valley City or its sub-recipients (e.g., consultants, contractors, suppliers, architectural and engineering firms, and other stakeholders and recipients of federal-aid highway funds, etc.) may by himself/herself or through his/her legally authorized representative, make, sign and date a written complaint and file such complaint with the City within 180 calendar days following the date of the last instance of the alleged discriminatory action. Complainants must complete in its entirety, sign, and date the City's External Complaints of Discrimination form and file by mail, in person, or e-mail. However, the complainant may not call the City and provide the allegations by telephone.

To request accommodations, complainants may contact the City Attorney at (701) 845-8136 or cmartineck@valleycity.us. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

For more information on how complaints are processed, the City's Nondiscrimination Implementation Plan is available to review online at www.valleycity.us/ttitlevi, or at City Hall, 220 3rd Street NE, Valley City, ND, 58072; phone: 701-845-1700.

Agencies Authorized to Receive and Process Complaints

North Dakota Department of Transportation

Civil Rights Division
608 E Boulevard Ave.
Bismarck, ND 58507-0700
Phone: (701) 328-2576
TTY: 711 or (800) 366-6888
E-mail: civilrights@nd.gov

FHWA

North Dakota Division Office
4503 Coleman St. N., Suite 205
Bismarck, ND 58503
Phone: (701) 250-4204
Fax: (701) 250-4395
E-mail: NorthDakota.fhwa@dot.gov

Federal Transit Administration (FTA)

Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor -
TCR 1200 New Jersey Ave.,
S.E. Washington, DC 20590
Phone: (888) 446-4511

USDOJ - ADA Complaints

U.S. Department of Justice (USDOJ)
950 Pennsylvania Avenue, N.W.
Civil Rights Division
Disability Rights Section - 1425 NYAV
Washington, DC 20530
Fax: (202) 307-1197
ADA Information Line:
(800) 514-0301 (voice) or (800)514-0383 (TTY)
Main Section Telephone Number:
(202) 307-0663 (voice and TTY)

North Dakota Department of Labor and Human Rights

600 East Boulevard Avenue, Dept. 406
Bismarck, ND 58505-0340
Phone: (701) 328-2660
Fax: (701) 328-2031
TTY: (800)366-6888
Email: labor@nd.gov

United States Department of Transportation (USDOT)

Departmental Office of Civil Rights
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: (202) 366-4648
Fax: (202) 366-5575
TTY: 711

USDOJ - Race, Color, National Origin Complaints

Federal Coordination and Compliance Section - NRB
Civil Rights Division
U.S. Department of Justice (USDOJ)
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Phone: (888) 848-5306 (English and Spanish)
(202) 307-2222 (voice)
(202) 307-2678 (TDD)

United States Department of Transportation (FHWA)

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Ave., S.E.
8th Floor E81-105
Washington, DC 20590
Phone: (202) 366-0693
Fax: (202) 366-1599
TTY: (202) 366-5132
E-mail: CivilRights.FHWA@dot.gov

United States Equal Employment Opportunity Commission

Minneapolis Area Office
Towle Building
330 South Second Avenue, Suite 270
Minneapolis, MN 55401-2224
Phone: (612) 552-7306
Fax: (612) 564-4707
TTY: (800) 669-6820
ASL video phone: (844) 234-5122
Public portal: <https://publicportal.eeoc.gov>

**EXHIBIT C --
COMPLAINANT CONSENT/RELEASE AND
NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION**

**COMPLAINANT CONSENT/RELEASE
(EXTERNAL COMPLAINTS OF DISCRIMINATION)**

City of Valley City

Name			
Mailing Address	City	State	ZIP Code
Complaint Number(s) if known:			

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice About Investigatory Uses of Personal Information by the City of Valley City (the "City"). As a complainant, I understand that in the course of an investigation it may become necessary for the City to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of the City to honor requests under the Freedom of Information Act and North Dakota Century Code 44-04-18. I understand that it may be necessary for the City to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by the City's regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by the City.

CONSENT/RELEASE

☐ CONSENT - I have read and understand the above information and authorize the City to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the the City to receive material and information about me pertinent to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.	
☐ CONSENT- The respondent named in this complaint may receive a copy of my complaint upon request.	
☐ CONSENT DENIED - I have read and understand the above information and do not want the City to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.	
Signature	Date

**NOTICE ABOUT INVESTIGATORY
USES OF PERSONAL INFORMATION
(External Complaints of Discrimination)**

Page 2 of 2

**City of Valley City
NOTICE OF COMPLAINANT/INTERVIEWEE RIGHTS AND PRIVILEGES**

Complainants and individuals who cooperate in an investigation, proceeding or hearing conducted by the City are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

- A respondent may not force its employees to be represented by the respondent's counsel nor may it intimidate, threaten, coerce or discriminate against any employee who refuses to reveal to the respondent the content of an interview. An employee does, however, have the right to representation during an interview with the City. The representative may be the respondent's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.

- The laws and regulations which govern the City's compliance and enforcement authority provide that no respondent or other person shall intimidate, threaten, coerce or discriminate against any individual because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing conducted under the City's jurisdiction, or has asserted rights protected by statutes the City enforces.

- Information obtained from the complainant or other individuals which is maintained in the City's investigative files may be exempt from disclosure under the Privacy Act, the Freedom of Information Act (FOIA), or North Dakota Century Code (NDCC) chapter 44-04 if release of such information would constitute an unwarranted invasion of personal privacy.

The law governing personal information submitted to any public entity, including the City is NDCC chapter 44-04.

NDCC chapter 44-04 protects individuals from misuse of personal information held by the City. The law applies to records that are kept and that can be located by the individual's name or social security number or other personal identification system. Persons who submit information to the public entity should know that:

- The City is required to investigate complaints of discrimination on the basis of race, color, national origin, sex, disability, age, and, in some instances, religion against respondents of Federal financial assistance. The City also is authorized to conduct reviews of federally funded respondents to assess their compliance with civil rights laws. The City may investigate other forms of discrimination when alleged.

- Information that the City collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. City staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. The City also may be required to reveal certain information to any individual who requests it under the provisions of NDCC chapter 44-04-18. (See below)

- Personal information will be used only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. Except in the instances defined by NDCC chapter 44-04, the City will not release the information to any other agency or individual unless the person who supplied the information submits a written consent. One of these exceptions is when release is required under NDCC 44-04-18. (See below)

- No law requires a complainant to give personal information to the City, and no sanctions will be imposed on complainants or other individuals who deny the City's request. However, if the City fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

- NDCC ch. 44-04 permits certain types of systems of records to be exempt from some of its requirements, including the access provisions. It is the policy of the City to exercise authority to exempt systems of records only in compelling cases. The City may deny a complainant access to the files compiled during the agency investigation of his or her civil rights complaint against a recipient of Federal financial assistance. Complaint files are exempt in order to aid negotiations between respondents and the City in resolving civil rights issues and to encourage respondents to furnish information essential to the investigation.

- The City does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a respondent that violates the laws, or unless such information is required to be disclosed under NDCC ch 44-04. The City will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under NDCC ch 44-04 or otherwise required by law.

NDCC 44-04-18 gives the public access to certain files and records of the public entity. Individuals can obtain items from many categories of records of the public entity--not just materials that apply to them personally. The City must honor requests under NDCC 44-04-18, with some exceptions. The City generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of the agency to do its job.

Also, a public entity may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual. Requests for other records, such as personnel and medical files, may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."

**EXHIBIT D --
EXTERNAL COMPLAINTS OF DISCRIMINATION LOG**

Discrimination Complaint Log

Complainant Information	Date Requested		Basis of Complaint (race, sex, color, age, national origin, disability, religion, marital status, other)	Additional Information Regarding Complaint	City Response		Date Complaint Closed
	Year	Month/Day			Action	Status (active, pending comment, closed)	

**EXHIBIT E --
REQUEST FOR REASONABLE ACCOMMODATIONS**

REQUEST FOR REASONABLE ACCOMMODATIONS

City of Valley City

				Date
PART I				
Name			Telephone Number	
Street/Mailing Address		City	State	ZIP Code
Preferred Method of Contact ☐ Day Phone ☐ Email ☐ USPS		Email Address		
Type of Event: ☐ Public Meeting/Public Hearing ☐ Training ☐ Other (specify)				
Date of Event	and/or	Date Needed	Location of Event	
PART II: LIMITED ENGLISH PROFICIENCY (LEP)				
☐ Yes ☐ No Do you need language assistance for LEP?				
Language Assistance				
☐ Oral Interpretation (specify language)				
☐ Written Translation (specify language)				
Name of Documents				
PART III: AMERICANS WITH DISABILITIES ACT (ADA)				
☐ Yes ☐ No Do you need an accommodation for a disability?				
Types of Accommodation				
☐ Interpreter for deaf (specify ASL, tactile, etc.)				
☐ Assistive Listening device (specify)				
☐ Physical location accessible for persons with a physical mobility impairment.				
☐ Other (specify)				
Nature of Disability (Medical documentation may be requested)				
☐ Physical Mobility Impairment (specify)				
☐ Speech Impairment (specify)				
☐ Visual impairment (specify)				
☐ Hearing Impairment (specify)				
☐ Other (specify)				
Alternative Format (Indicate first, second, third choice if possible.)				Date Needed
Braille				
☐ Large Print (font point size)		☐ Audio Recording -MP3		
☐ Other (specify)		☐ CD/Flash Drive		
Name of Documents				
For Office Use Only				
The accommodation request is:				
☐ Granted as requested ☐ Granted with change - see additional information ☐ Denied - see additional information				

INSTRUCTIONS

General:

1. Requests for Reasonable Accommodations can be made by completing this form.
2. You may submit the completed form as follows:
Save the completed form to your computer, click on the email link and attach your completed form. Email to: cmartineck@valleycity.us.

Mail to: CITY OF VALLEY CITY
CITY ATTORNEY
220 3RD STREET NE
VALLEY CITY, ND 58072

3. If you need assistance to complete the Request for Reasonable Accommodations form, please contact Carl Martineck, Nondiscrimination Coordinator, at (701-845-8136) or cmartineck@valleycity.us. TTY users may use Relay North Dakota at 711 or 800-366-6888.
4. Appropriate provisions will be considered when the City is notified at least 10 days prior to the meeting date or 15 days prior to the date the written comments or grant applications are due.
 - Requests should be made as soon as possible
 - Converting printed material may take several weeks.
5. A representative of the City will contact you to discuss your request.

PART I

Complete all information in this section.

PART II: Limited English Proficiency (LEP)

Check all boxes that apply to the type of language assistance that you are requesting.

PART III: Americans with Disabilities Act (ADA)

Check all boxes that apply to the accommodation(s) that you are requesting.

**EXHIBIT F --
PUBLIC MEETING ATTENDANCE LOG**

SIGN-IN SHEET

City of Valley City

Page ____ of ____

Meeting Location	Meeting Type	Meeting Date
Project Number	PCN	
Project Description		

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address	Telephone Number		

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address	Telephone Number		

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address	Telephone Number		

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address	Telephone Number		

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address	Telephone Number		

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address	Telephone Number		

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address	Telephone Number		

**EXHIBIT G --
NONDISCRIMINATION PUBLIC PARTICIPATION SURVEY**

NONDISCRIMINATION PUBLIC PARTICIPATION SURVEY

City of Valley City

PLEASE USE DARK INK AND PRINT CLEARLY

The Civil Rights Act of 1964 and related nondiscrimination authorities require the City of Valley City to ensure everyone has the opportunity to comment on the transportation programs and activities that may affect their community.

To help with that, we ask that you respond to the following questions. You are not required to disclose the information requested in order to participate. Any information provided to the City will be retained solely for the purpose of collecting statistical data to ensure inclusion of all segments of the population affected by transportation programs and activities.

Sex: ☐ Female ☐ Male ☐	Disability: ☐ Yes ☐ No
Age: ☐ Under 18 ☐ 18-40 ☐ 41-65 ☐ 65+	
Race: ☐ White ☐ Asian ☐ Native Hawaiian/Other Pacific Islander ☐ American Indian/Alaskan Native ☐ Hispanic or Latino ☐ _____ ☐ Black/African American	
Language Most Frequently Spoken in your Home: ☐ Spanish ☐ Vietnamese ☐ Japanese ☐ German ☐ Arabic ☐ Other Slavic Language ☐ Other African Language ☐ Russian ☐ English ☐ Chinese ☐ Other India Language ☐ _____	
Do you receive public assistance? ☐ Yes ☐ No	
How did you hear about this event? ☐ Internet ☐ NDDOT Contact ☐ Television ☐ Radio ☐ Newspaper ☐ Advocacy Group ☐ Mailing ☐ Social Service Agency ☐ _____	

For Office Use Only

Meeting Location	Meeting Type	Meeting Date
Project Number	PCN	
Project Description		

ROW:

- ☐ Negotiation
☐ Relocation

Subrecipient:

- ☐ Yes
☐ No

*After you have completed this form, please place it in the designated location.

**City of Valley City Nondiscrimination
Public Participation Survey**

- **Instructions**
 - NDDOT developed the Title VI Public Participation Survey to collect statistical data of participants and beneficiaries of NDDOT and its' sub recipient's programs. This survey is a means to determine if federal financial assistance is reaching communities and populations that need the assistance as well to quantitatively monitor the performance of the City's nondiscrimination programs.
 - At a public event, the City will explain the purpose of the survey. The purpose of the survey is printed on the survey along with instructions on filling out the survey. The language question is intended to capture Limited English Proficiency (LEP) persons attending. The public assistance question is intended to capture traditionally underserved populations attending. The City will encourage event attendees to complete the survey. (Only the public attending the events should complete the survey. It is not intended for NDDOT, city, county, or consultant employees who are hosting the event.)
 - The survey information will be processed by the City.
- **Survey Preparation**
- **Prior to printing the survey, certain fields need to be filled out.**
 - **Event Date:** Enter the date the event is being held.
 - **City:** Enter the ND city number. See code list on NDDOT website.
 - **County:** Enter the ND county number. See code list on NDDOT website.
 - **Division/District Number:** Enter Division/District Number. See code list on NDDOT website.
 - https://www.dot.nd.gov/divisions/civilrights/docs/titlevi/div-dist_city_county%20CODES.pdf
 - **Project Control Number (PCN):** Enter number if applicable. If there are multiple PCN's, only enter the Parent PCN.
 - **Right of Way (ROW):** Select the appropriate only if the survey is being completed for the specific activity selected.
 - **MPO:** For use by MPO's only. If you are an MPO, select your MPO area.
 - **Sub recipient:** Select appropriate answer.
- **The City will maintain the surveys in its files.**
- **The City will print as many original documents as needed for a public event.**

**EXHIBIT H --
EQUAL EMPLOYMENT OPPORTUNITY SURVEY**

City of Valley City
EEO-4 Voluntary Self-Identification Form

The Equal Employment Opportunity Commission (EEOC) requires all state and local government employers with 15 or more employees to make or keep records and the information therefrom which are or would be necessary for the completion of report EEO-4 each year. Covered employers must invite employees to self-identify gender and race for this report.

Completion of this form is voluntary, and your choice to complete it will not affect your opportunity for employment or the terms and conditions of your employment. Your responses also will not affect your opportunity for or the terms/conditions of employment. This form will be used for EEO-4 reporting purposes only and will be kept separate from all other personnel records; only the human resources department will have access to this form. Please return completed forms to the HR department.

If you choose not to self-identify at this time, the federal government requires the City of Valley City to determine this information by visual survey and/or other available information.

NAME: _____ DATE COMPLETED: _____

JOB TITLE: _____

GENDER:

(Please check one of the two¹ options below.)

☐ Male
☐ Female

RACE/ETHNICITY:

(Please check one of the descriptions below corresponding to the ethnic group with which you identify.)

☐ Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin regardless of race.

☐ White (Not Hispanic or Latino): A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

☐ Black or African American (Not Hispanic or Latino): A person having origins in any of the Black racial groups of Africa.

☐ Native Hawaiian or Pacific Islander (Not Hispanic or Latino): A person having origins in any of the peoples of Hawaii, Guam, Samoa or other Pacific Islands.

☐ Asian (Not Hispanic or Latino): A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

☐ Native American or Alaska Native (Not Hispanic or Latino): A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

☐ Two or more races (Not Hispanic or Latino): All persons who identify with more than one of the above five races. (For the purposes of this group, identifying as Hispanic or Latino and only one of the listed five race groups does *not* qualify.)

☐ I do not wish to disclose.

¹ Note: EEO-4 component data collection provides only binary options (i.e., male or female).

**EXHIBIT I --
EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER REPORT**

[illegible]

**EXHIBIT J --
NONDISCRIMINATION TRAINING REPORT**

CITY OF VALLEY CITY TRAINING REPORT – NONDISCRIMINATION PROGRAMS

TOPICS	DATE	TIME	HRS	LOCATIONS	PARTICIPANTS