

Avon Town Council

Resolution 2016 - 21

Resolution Approving the Town's Title VI Implementation Plan

Whereas, The Avon Town Council has previously adopted, by ordinance, a Title VI Grievance Procedure; and

Whereas, as part of that ordinance passed by the Town Council, the Council explicitly stated that the policy of Avon is that no person 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 receiving Federal financial assistance; and

Whereas, the Avon Town Council, in furtherance of its policy, believes it is in the best interest of the Town to develop a Title VI Implementation Plan ("Plan") describing the Town of Avon's policies and procedures to assure non-discrimination in the Town of Avon; and

Whereas, The Town of Avon's Title VI Coordinator, Ryan Cannon, has developed the Plan and presented it to the Town Council.

It is therefore resolved that The Town of Avon's Title VI Implementation Plan be approved and adopted. The Title VI Implementation Plan is attached below.

It is further resolved that the Title VI Implementation Plan and this Resolution shall be posted in the Avon Town Hall as well as made available on the Town of Avon website.

It is further resolved that if any provision of this Plan is not enforceable under the provisions of Title VI, then that provision shall be deemed void and the policy of Title VI shall be controlling. All other provisions shall remain in full force and effect until otherwise deemed contradictory.

It is further resolved that this Plan is effective immediately upon the adoption of the majority of the Avon Town Council.

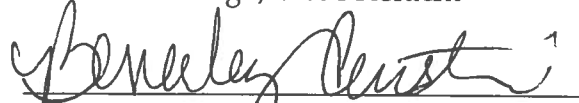
Adopted this 23 day of JUNE, 2016

A Majority of the Avon Town Council

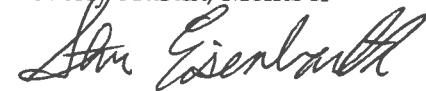


Marcus Turner, President

Aaron Tevebaugh, Vice President



Beverly Austin, Member



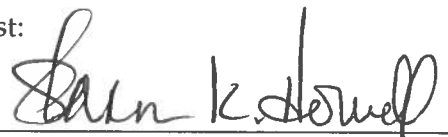
Steve Eisenbarth, Member

Steve Eisenbarth, Member



Greg Zusar, Member

Attest:



Sharon Howell, Clerk-Treasurer

Town of Avon
Title VI Nondiscrimination Implementation Plan and Policy

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Town of Avon, Indiana

Title VI Nondiscrimination Implementation Plan & Policy

1. **Policy Statement.** To establish a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities as it relates to transportation services. The Town of Avon recognizes its responsibilities to the community in which it operates and to the society it serves. It is the Town's policy to utilize its best efforts to assure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under its program of transit service delivery and related benefits.

1.1 Policy Objectives

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

- 1.2 **Title VI of the Civil Rights Act of 1964.** Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Pursuant to Title VI of the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, the Town of Avon, Indiana, will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the ground of race, color, or national origin.

2. **Title VI Coordinator**

Ryan Cannon
Title VI Coordinator
Town of Avon, Town Hall
6570 E US Highway 36
Avon, IN 46123
Telephone: 317.272.0948
E:Mail: rcannon@avongov.org

2.1. The Town of Avon Title VI Coordinator will:

- (A) Administer and implement the Town's Title VI plan and policy.
- (B) Develop and maintain a Title VI liaison team to ensure departments are implementing, monitoring and complying with the Town of Avon's Title VI plan and policy.
- (C) Conduct Title VI reviews with liaisons in an effort to assist with identifying, addressing and eliminating discrimination concerns in every department.
- (D) Conduct or facilitate Title VI training programs with department liaisons for dissemination to employees.
- (E) Work with liaisons to develop and disseminate Title VI information to contractors, subcontractors, vendors and consultants.
- (F) Work with liaisons to ensure community involvement and outreach is in compliance with Title VI and provides equitable opportunities for participation.
- (G) Ensure Title VI language is included in Town of Avon contracts.
- (H) Collect, review and preserve statistical data (race, color, national origin, language, gender, etc.) of participants in activities and programs to ensure Avon's continued compliance with Title VI.
- (I) Collect, review and preserve data regarding the number of federally funded projects awarded or ongoing for the past three (3) years.
- (J) Maintain all Title VI records and correspondence, including but not limited to, signed employee acknowledgements, complaints and all correspondence regarding such requests for language services, demographic statistics, department compliance reviews and all Title VI discrimination complaints.
- (K) Address all Title VI discrimination complaints.
- (L) Review and update the Title VI plan and policy as needed or required.
- (M) Prepare and submit the annual Title VI update report.

3. **Employer/Employee Discrimination & Training.**

3.1 **Plan & Policy.** Title VI plan and policy education and literature will be provided to all Town of Avon employees. Town employees will be required to sign an acknowledgement of receipt indicating they have received and reviewed Title VI policy guidelines.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, Town of Avon employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and **immediately** notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.

4. **Contractors, Subcontractors, Vendors & Consultants.** All contractors, subcontractors and vendors who receive payments from Town of Avon where funding originates from any federal assistance programs are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. Avon will include Title VI language consistent with the Standard U.S. DOT Title VI Assurances Appendices A, B & C, as relevant and appropriate, in written agreements and bid notices. Written agreements relevant to Title VI may not contain any form of discrimination, either written or implied.

5. **Concerns/Complaint Process.** The Town of Avon will take prompt and reasonable actions to thoroughly investigate concerns and complaints. Any individual, who believes they have been subjected to discrimination, may file a complaint with the Town of Avon Title VI Coordinator and/or Human Rights Commission. Complaint forms can be found on the Town of Avon website: avongov.org or by contacting the Town of Avon Title VI Coordinator.

5.1 **Grievance Procedure.** The Town of Avon has adopted and implemented a grievance procedure for complaints under § 2-251 of the Town of Avon, Indiana, Code of Ordinances. The grievance procedure was established to meet the requirements of Title VI of the Civil Rights Act of 1964. It may be used by anyone who wishes to file a complaint alleging the *Town of Avon* discriminated on the basis of race, color, or national origin regarding the exclusion from participation in, being denied the benefits of, or being subjected to discrimination under any program or activity receiving Federal financial assistance.

(A) The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem.

(B) The complaint should be submitted by the grievant or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Ryan Cannon
Title VI Grievance Coordinator
Town of Avon, Town Hall
6570 E US Highway 36
Avon, IN 46123

(317) 272 – 0948
rcannon@avongov.org

- (C) Within 15 calendar days after receipt of the complaint Ryan Cannon or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Ryan Cannon or his designee will respond in writing and where appropriate in a format accessible to the complainant. The response will explain the position of the *Town of Avon* and offer options for substantive resolution of the complaint.
- (D) If the response of Ryan Cannon or his designee does not satisfactory resolve the issue, the complainant or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Avon Town Council.
- (E) Within 15 calendar days after receipt of the appeal, the Avon Town Council will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after that meeting, the Avon Town Council will respond in writing and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- (F) All written complaints received by Ryan Cannon or his designee, appeals to the Avon Town Council and responses from these two offices will be retained by the *Town of Avon* for at least three years.

5.2 **Other Resources.** If a complainant is dissatisfied with the final resolution of the complaint, they have the right to file a complaint with:

Department of Justice
Federal Coordination and Compliance Section — NWB Civil
Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

- 6. **Public Dissemination.** Title VI information shall be displayed in Town of Avon buildings and all places in which public meetings are held. The name and contact information of the Town of Avon Title VI Coordinator will be displayed on the Title VI information. The Town of Avon Title VI plan and policy, which includes the ADA/Section 504 plan, Limited English Proficiency (LEP) plan and complaint procedures, shall be available on the Town of Avon website at avongov.org. Copies of these plans will be provided upon request. LEP individuals may obtain translated copies of these plans upon request. Any questions or comments regarding this plan should be directed to the Title VI Coordinator.
- 7. **Community Involvement & Outreach.** The Town of Avon is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide

equitable opportunities for participation.

The Avon Town Council meets at least twice monthly and those meetings are open to the public, as well as other various Town of Avon meetings. Any meetings that are open to the public are published on the main page of the Town of Avon website and distributed to local media outlets. All Town of Avon public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made 48 hours in advance.

Also published on the Town of Avon website are various meeting agendas, meeting minutes, Town of Avon notices, events and news. Some departments within the Town utilize signage, media and social media websites as another avenue to communicate with the community.

- 8. Data Collection.** The Town of Avon will collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

The Town of Avon will develop and utilize a voluntary Title VI public involvement survey that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. The facilitator of the public hearings and meetings will make an announcement at the beginning of the meeting informing attendees of the survey and its purpose and a request will be made for the attendees to complete the voluntary survey. Completed surveys will be retained by the Title VI Coordinator for three years.

The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics and department compliance reviews.

- 9. Section 504/Americans with Disabilities (ADA).** Under the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended, and the Americans with Disabilities Act of 1990, as well as any other local, federal and state laws and regulations, the Town of Avon will make every reasonable effort to ensure that no individual with a disability will be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of Town of Avon's programs or activities.

For more information regarding Avon's ADA policy, please visit the Town of Avon's website: avongov.org. Questions, concerns, comments or requests regarding the ADA should be made to Town of Avon's ADA Coordinator:

ADA Coordinator

Ryan Cannon
Coordinator
Town of Avon, Town Hall
6570 E US Highway 36

Avon, IN 46123
Telephone: 317.272.0948
E-Mail: rcannon@avongov.org

10. **Limited English Proficiency (LEP) Plan.**

10.1 **Plan Development.** The Town of Avon ("Avon") has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP person seeking meaningful access to Avon's services as required by Executive Order 13166. A Limited English Proficiency person does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. This plan details procedures on how to identify a person who may need language assistance, how assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

10.2 **Four-Factor Analysis.** In developing the plan while determining the program's extent of obligation to provide LEP services, the Department conducted a U.S. Department of Transportation four factor LEP analysis which considers: 1) the number or proportion of LEP person eligible in Avon's service area who may be served or likely to encounter Avon's services; 2) the frequency with which LEP individuals come in contact with Avon's services; 3) the nature and importance of the program, activity or service provided by Avon's programs and services to the LEP population; and 4) the resources available to the and overall costs to provide LEP assistance.

(A) The Department examined the US Census reports, and, using data from Census tracts within the Town's limits, could determine that approximately 91% within Town's service area age 5 and older spoke only English. Approximately 8% speak a language other than English. The Town of Avon is aware that the community profile is ever-changing; therefore, this LEP plan and the four – factor analysis will continue to be evaluated on an annual basis to ensure the plan remains reflective of the communities needs. Individuals requiring special language services or accommodations should contact the Town of Avon Title VI Coordinator.

11. **Social Equity and Environmental Justice.** Ensuring the meaningful involvement of low income, minority, disabled, senior, and other traditionally underrepresented communities is a key component of the Town's public participation activities. The Town of Avon's policies, procedures, and programs are consistent with federal and state environmental justice laws, regulations and requirements, Title VI, related nondiscrimination requirements and reflect the principles of social equity and environmental justice. Social equity means ensuring that all communities are treated fairly and are given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind. Environmental justice means ensuring that plans, policies, and action do not disproportionately affect low income and minority communities.

12. Town of Avon, Indiana Title VI Assurances.

12.1 The Town of Avon (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any federal financial assistance it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives to the end that is in accordance with the Act, Regulations, and other pertinent directives, 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 the "appropriate Grantor(s)" and, HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate the agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

12.2 More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the "appropriate Grantor(s):"

(A) That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

(B) The Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the "appropriate Grantor(s)" and, in adapted form in all proposals for negotiated agreements:

Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat, 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

(C) That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

- (D) That the Recipient shall insert the clauses of Appendix B of this assurance as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
 - (E) That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
 - (F) That where the Recipient receives federal financial assistance in the form, or for the acquisitions of real property or an interest in real property, the Assurance shall extend to rights to space on, over, or under such property.
 - (G) That the Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance as a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the "appropriate Grantor(s)" and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the "appropriate Grantor(s)."
- 12.3 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.
- 12.4 The Recipient shall 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-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.
- 12.5 The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance. This Assurance is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the "appropriate Grantor(s)" and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the

"appropriate Grantor(s)". The person or persons whose signature(s) appear below are authorized to sign this Assurance of behalf of the Recipient.

Adopted this 23 day of JUNE, 2016.

A Majority of the Avon Town Council:




Marcus Turner, President


Aaron Tevebaugh, Vice President



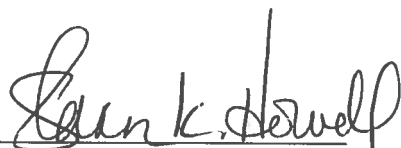
Beverley Austin, Member



Greg Zusan, Member



Steve Eisenbarth, Member

Attest: 

Sharon Howell, Clerk-Treasurer

APPENDIX A

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 shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- 2 **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3 **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- 4 **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5 **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. cancellation, termination or suspension of the contract, in whole or in part.

6 Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

APPENDIX B

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

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Indiana Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23, Code of Federal Regulations Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and

effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Indiana Department of Transportation* all the right, title and interest of the 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 Indiana Department of Transportation 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 shall be binding on the Indiana Department of Transportation, its successors and assigns.

The Indiana Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, 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

Indiana Department of Transportation shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of—the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of the Title VI of the Civil Rights Act of 1964, Title 23, Code of Federal Regulations, Part 200, Title VI Program and Related Statutes — Implementation and Review Procedures, and as said Regulations may be amended LI and (3) that in the event of a breach of any of the abovementioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into with the Indiana Department of Transportation (INDOT) pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deed and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23, Code of Federal Regulations, Part 200, Title VI Program and Related Statutes — Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc] *

That in the event of a breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of a breach of any of the above nondiscrimination covenants, Indiana Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by INDOT pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 shall 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 shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally-assisted programs of the Department of Transportation-
Effectuation of Title VI of the Civil Rights Act of 1964), Title 23, Code of Federal
Regulations, Part 200, Title VI Program and Related Statutes — Implementation and
Review Procedures, and as said Regulations may be amended.

- Reverter clause and related language to be used only when it is determined that such a clause is necessary in *order* to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

[Include in licenses, leases, permits, etc.]•

That in the event of breach of any of the above nondiscrimination covenants, INDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]•

That in the event of a breach of any of the above nondiscrimination covenants, INDOT shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

- Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

**Avon Town Council
Title VI Public Involvement Survey**

Completing this form is voluntary but encouraged. You are not required to provide the information requested in order to participate in this meeting.

Title VI of the Civil Rights Act of 1964 requires the Town of Avon ("Town") to provide opportunity for everyone to comment on Town programs, projects and activities that may affect the community. Title VI specifically 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 benefit of, or otherwise be subjected to discrimination under any program, service, or activity receiving federal financial assistance."

By completing this form, you are helping the Town to comply with Title VI and related statutes, which require the collection of statistical data to aid in assessing the Town's outreach efforts amount those who are affected or interested in Town programs, projects, and/or activities.

The Town's Title VI coordinator, Ryan Cannon, will handle any information provided below. Ryan Cannon may be contacted at (317) 272-0948 or by email, rcannon@avongov.org, if you have any questions or concerns regarding this form. Thank you for your participation!

Meeting Purpose:	Location of Meeting:	Date:
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Please check all that apply.

Gender: Female Male

Ethnicity: Hispanic or Latino Not Hispanic or Latino

Race: American Indian or Alaska Native Asian

Black or African American White

Native Hawaiian or Other Pacific Islander Multiracial

Age: 1-21 22-40 41-65 65+

Disability: Yes No

Income: \$0-\$12,000 \$12,001-\$24,000 \$24,001-\$36,000

\$36,001-\$48,000 \$48,001-\$60,000 \$60,001 +

Town of Avon Title VI Complaint Log

The **Town of Avon, Indiana** Title VI Complaint Procedure is made available in the following locations:

- 1) Town of Avon's website
- 2) Hard copy in the office of the Title VI Coordinator: Ryan Cannon
- 3) Available in appropriate languages for LEP populations, meeting the Safe Harbor Threshold.
- 4) Other, _____

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

Section IV				

Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, check all that apply: <input type="checkbox"/> Federal Agency: _____ <input type="checkbox"/> Federal Court _____ <input type="checkbox"/> State Agency _____ <input type="checkbox"/> State Court _____ <input type="checkbox"/> Local Agency _____		
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		

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

Signature and date required below

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Ryan Cannon
Title VI Coordinator
Town of Avon, Town Hall
6570 E US Highway 36
Avon, IN 46123
Telephone: 317.272.0948
E-Mail: rcannon@avongov.org