

ORDINANCE 852

AN ORDINANCE BY THE OGDEN DUNES TOWN COUNCIL REITERATING AND ADOPTING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 INTO THE TOWN OF OGDEN DUNES CODE OF ORDINANCES

WHEREAS, it is the policy of the Town of Ogden Dunes 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 or activity receiving Federal financial assistance; and

WHEREAS, the Civil Rights Restoration Act defines "any program" as all of the operations of "(A) a department, agency, special purpose district, or other instrumentality of a State or of local government; or (B) the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government"; and

WHEREAS, the Town of Ogden Dunes' local government operates under the definition of "any program" as provided by the Civil Rights Act of 1964 and the Civil Rights Restoration Act; and

WHEREAS, it is the policy of the Town of Ogden Dunes to comply with the Title VI of the Civil Rights Act of 1964; and

WHEREAS, the Town of Ogden Dunes recognizes it is of the utmost importance to expel discrimination and to ensure that public funds are not spent in a way which encourages, subsidizes, or results in discrimination; and

WHEREAS, the Town of Ogden Dunes is committed to implementing Title VI of the Civil Rights Act of 1964 administratively, physically and financially; and

WHEREAS, the Town of Ogden Dunes has and will continue to disseminate sufficient information to applicants, participants, beneficiaries and other interested persons to inform them of their rights and protections afforded by Title VI of the Civil Rights Act of 1964; and

WHEREAS, the Town Council of the Town of Ogden Dunes previously adopted Ordinance 822 establishing a Title VI Policy for the Town of Ogden Dunes; and

WHEREAS, the Town Council of the Town of Ogden Dunes now desires to restate and amend the Title VI Policy.

It is therefore, ordained that Chapter 36 Town Policies, Section 36.01 of the Town of Ogden Dunes Indiana, Code of Ordinances shall be amended and hereafter read as follows:

Section 36.01 Title VI of the Civil Rights Act of 1964 Policy

(A) Policy Against Discrimination: It is the policy of the Town of Ogden Dunes 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 or activity receiving Federal financial assistance;


- (B) **Intention to Comply with Title VI of the Civil Rights Act of 1964:** It is the policy of the Town of Ogden Dunes to comply with the Title VI of the Civil Rights Act of 1964. If a policy of the Town and a provision of Title VI of the Civil Rights Act of 1964 conflict, the Title VI provision will be deemed to be the policy of the Town and will be enforceable as if specifically written in this policy;
- (C) **Importance of Equal Treatment:** The Town of Ogden Dunes recognizes that it is important to expel all discrimination and to ensure that public funds are not spent in a way which encourages, subsidizes, or results in discrimination;
- (D) **Notice of Rights:** The Town of Ogden Dunes has and will continue to disseminate sufficient information to applicants, participants, beneficiaries and other interested persons to inform them of their rights and protections afforded by Title VI of the Civil Rights Act of 1964;
- (E) **Grievance Procedure:** The Town of Ogden Dunes has adopted and implemented a grievance procedure for complaints under Section 36.01 of the Town of Ogden Dunes, 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 Ogden Dunes 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.

- (1) 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.
- (2) The complaint should be submitted by the grievant or his/her designee as soon as possible but no later than sixty (60) calendar days after the alleged violation. To protect the privacy of the grievant, the complaint must be sealed and marked as confidential and delivered to the Town Council President and to the appointed Title VI Coordinator for the Town of Ogden Dunes. Thereafter, the Town Council President and the Title VI Coordinator may meet with the town attorney for legal guidance on the appropriate steps to investigate the complaint. Any future actions indicated in this document and taken by the Title VI Coordinator will be under the legal guidance of the town attorney.
- (3) Within thirty (30) calendar days after receipt of the complaint, acting under legal guidance from the town attorney, the Town of Ogden Dunes' Title VI Coordinator will meet with the complainant to discuss the complaint and the possible resolution. Within thirty (30) calendar days of the meeting the Town of Ogden Dunes' Title VI Coordinator or his designee will respond in a format accessible to the complainant. The response will offer options for substantive resolution of the complaint.
- (4) If the response of the Town of Ogden Dunes' Title VI Coordinator or his designee does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision, in writing, within fifteen (15) calendar days after receipt of the response to the Ogden Dunes Town Council.

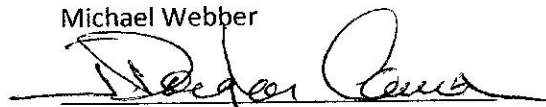
- (5) Within fifteen (15) calendar days after receipt of the appeal, the Ogden Dunes Town Council will meet with the complainant to discuss the complaint and possible resolution. Within fifteen (15) calendar days after that meeting, the Ogden Dunes Town Council will respond in a format accessible to the complainant with a final resolution of the complaint.
- (6) To ensure the confidentiality of the Grievance Procedure, all written complaints received by the Ogden Dunes' Title VI Coordinator or his designee, investigatory documents created, written appeals to the Ogden Dunes Town Council and responses from these two offices will be considered confidential and, at the discretion of the Town Council, shall be excepted from disclosure. All records shall be retained by the Town of Ogden Dunes for not less than three (3) years. In the case of records involving employees of the Town, such records shall be maintained in a file separate from the employee's personnel file.


This ordinance shall be in full force and effect from and after its adoption by the Ogden Dunes Town Council.

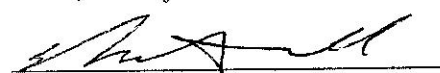
All of which is passed and adopted this 4th day of NOVEMBER, 2019.


Scott Lehmann, President


ABSENT
Michael Webber


Doug Cannon


Carolyn Saxton


Nate Ball

ATTEST:


Jean Manna, Clerk-Treasurer