

RESOLUTION NO. 2020-19

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, INDIANA UPDATING THE
TITLE VI IMPLEMENTATION PLAN

WHEREAS the Town of Middlebury, Indiana adopted a Title VI Implementation Plan in 2016 and updated it in 2018;

WHEREAS the Town of Middlebury, Indiana desires to update the Title VI Implementation Plan in order to maintain compliance with state and federal requirements;

WHEREAS the Town Council of the Town of Middlebury, Indiana deems it reasonable and appropriate to update the Town of Middlebury Title VI Implementation Plan in accordance with the terms and provisions of this Resolution;

NOW, THEREFORE, BE IT ORDERED AND RESOLVED by the Town Council of the Town of Middlebury, Indiana as follows:

1. The Town of Middlebury, Indiana Title VI Implementation Plan dated December 1, 2020 is hereby approved and adopted.
2. The Middlebury Town Manager as the Title VI Coordinator for the Town of Middlebury, Indiana is hereby authorized to administratively amend the Title VI Implementation Plan and update any necessary forms, annotations, dates, or other references as appropriate from time to time.

RESOLVED this 7th day of December, 2020.

TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, INDIANA

By: Miranda Cripe
Miranda Cripe, President

ATTEST:

By: Peggy A. Hutchison
Peggy A. Hutchison, Middlebury Clerk-Treasurer



**TOWN OF MIDDLEBURY, INDIANA
TITLE VI IMPLEMENTATION PLAN**

TOWN OF MIDDLEBURY, INDIANA
TITLE VI IMPLEMENTATION PLAN

Town of Middlebury, Indiana
418 N. Main
Middlebury, IN 46540
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Updated December 1, 2020

Mary Cripe, Middlebury ADA and Title VI Coordinator

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INTRODUCTION

This Title VI Implementation Plan is part of the Town of Middlebury's ("Town") regular and ongoing effort to proactively meet the compliance requirements established under Title VI of the Civil Rights Act of 1964 ("Title VI") and related anti-discrimination statutes and regulations. With this Implementation Plan, the Town seeks to provide direction and guidance for internal and external constituents regarding its Title VI program.

TOWN'S TITLE VI COMPLIANCE STATEMENT

The Town will maintain compliance with Title VI and related statutes and regulations. The Town confirms that its programs and activities will be conducted such that no person shall, on the grounds of race, color, national origin, sex, age, disability/handicap, nor low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination pursuant to and as provided by applicable state and federal law.

SCOPE OF TITLE VI PROGRAM

The Town's Title VI program is the system of requirements the Town developed to implement Title VI of the Civil Rights Act of 1964. References to Title VI requirements and regulations, however, are not limited to Title VI of the Civil Rights Act of 1964. Where appropriate and as required by other laws and regulations, this term also refers to the civil rights provisions of other federal statutes, regulations, and directives and Indiana state law to the extent that they prohibit discrimination on the grounds of religion, race, color, sex, sexual orientation, gender identity, age, disability, national origin, or income status in programs receiving federal financial assistance of the type subject to Title VI itself. These statutes include Title VI of the Civil Rights Act of 1964, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title VIII of the Civil Rights Act of 1968, the Civil Rights Restoration Act of 1987, the Rehabilitation Act of 1973, and Subsequent Federal-Aid Highway Acts and related statutes.

TOWN'S TITLE VI NON-DISCRIMINATION NOTICE AND POLICY

The Town values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of Middlebury. As a recipient of federal funds, the Town conforms to Title VI and all related statutes, regulations, and directives. To the extent and as provided therein, no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance by the Town on the grounds of race, color, age, sex, sexual orientation, gender identity, disability, national origin, religion, income status, or limited English proficiency. The Town further assures every

effort will be made to ensure non-discrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of the Town to comply, as applicable, with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; the 1973 Federal Aid Highway Act; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Civil Rights Restoration Act of 1987; the Americans with Disabilities Act of 1990; Title VIII of the Civil Rights Act of 1968, Executive Order 12898 (federal actions to address environmental justice in minority populations and low-income populations); and Executive Order 13166 (improving access to services for persons with limited English proficiency).

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, the Town hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from federal financial assistance.

The Town also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the Town will take reasonable steps to provide meaningful access to services for persons with limited English proficiency (LEP). The Town will, where necessary and appropriate, revise, update and incorporate non-discrimination requirements into appropriate manuals, directives, and procedures.

Whenever the Town has a subrecipient for federal-aid funds, the Town will include Title VI language in all related written agreements.

The following individual has been identified as the Town's ADA and Title VI Coordinator who is responsible for initiating and monitoring ADA and Title VI activities, preparing reports, and performing other responsibilities, as required by applicable regulations:

Mary Cripe, Town Manager
Title VI and ADA Coordinator
Middlebury Town Hall
418 N. Main
Middlebury, IN 46540
Ph: 574-825-1499
Email: townmanager@middleburyin.com

The Town affirms its commitment to non-discrimination annually by reviewing, updating, and posting its Title VI Implementation Plan.

The Town Council of the Town of Middlebury, Indiana has established its Title VI non-discrimination policy pursuant to Resolution No. 16-01 adopted January 18, 2016. The Town Council of the Town of Middlebury, Indiana has designated its Title VI coordinator and established its Title VI complaint procedure pursuant to Resolution 16-02 adopted January 18, 2016. See Exhibit A for Resolution No. 16-01 and Resolution No. 16-02. The Town Council of the Town of Middlebury updated the Title VI Implementation Plan pursuant to Resolution 2018-06 adopted October 1, 2018. This Implementation Plan has been adopted for the Town of Middlebury, Indiana pursuant to Resolution 2020-19 adopted December 7, 2020.

ASSURANCES OF NONDISCRIMINATION

Town of Middlebury, Indiana Title VI Assurances

The Town of Middlebury, Indiana (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, 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 (CFR), 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 (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of race, color, or national origin, sex (23 USC 324), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) 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 Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility" as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) 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.
2. That 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 all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The 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, Subtitle A, Office 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, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged 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, national origin, sex, sexual orientation, gender identity, age, disability/handicap, religion and/or low income in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Acts and the Regulations.
4. 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.
5. 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.
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 shall extend to rights to space on, over or under such property.
7. 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 Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal-Aid Highway 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, 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.
10. 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 including by the Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Miranda Cripe
Miranda Cripe, President
Town Council of the Town of
Middlebury, Indiana

12/17/2020
Date

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, sex, age, and disability/handicap and low income 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, sex, age, and disability/handicap and low income.
- (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 interests 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 Town of Middlebury, Indiana 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 Town of Middlebury, Indiana 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 Town of Middlebury, Indiana 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 Town of Middlebury, Indiana and its successors and assigns.

The Town of Middlebury, Indiana, 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 religion, race, color, or national origin, sex, sexual orientation, gender identity, age, and disability/handicap, and low income 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 Town of Middlebury, Indiana shall 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, 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 [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department of Transportation 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 by the Town of Middlebury, Indiana ("Town") 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 deeds 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 breach of any of the above nondiscrimination covenants, Town 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 breach of any of the above nondiscrimination covenants, Town 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 Town and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Town of Middlebury, Indiana 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, sex, age, disability/handicap, and low income shall be excluded from participation in, denied the benefits of, or he 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, sex, age, disability/handicap and low income, 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, Town 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 breach of any of the above nondiscrimination covenants, Town 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 Town 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.

TITLE VI COMPLAINT POLICY AND LOG

The Town has prepared a Complaint Procedure and Complaint Log. A copy of the Complaint Procedure and Log are contained in Exhibit C.

TITLE VI TRAINING

The Town of Middlebury's Title VI and ADA Coordinator attends Title VI training provided by the Indiana Department of Transportation. Utilizing training materials similar to those developed by the Indiana Department of Transportation, the Town of Middlebury's Title VI and ADA Coordinator will train the Town staff on the Title VI requirements and work toward integration of such requirements into the operations of the Town. Training records will be retained demonstrating attendance and training dates and documenting the agendas and training materials.

TOWN PROGRAMS AND ACTIVITIES

Program areas and activities of the Town will be reviewed and analyzed for compliance with the Title VI non-discrimination requirements including environmental justice and limited English proficiency. Data will be collected, reviewed, and analyzed when applicable with respect to race, color, gender, and national origin for right-of-way relocatees and others adversely affected by Town projects; attendees of public hearings, meetings, and open houses; and communities impacted by construction projects to ensure non-discrimination. The review of program areas and activities and the establishment of processes to collect such data will be established by the Town. Maps of environmental justice and limited English proficient populations based upon the most recent census data will be used to minimize and mitigate adverse effects upon such populations and ensure that no disproportionate impacts occur. Most recent maps for such populations from 2019 are attached hereto as Exhibit D.

MONITORING SUBRECIPIENTS OF FEDERAL FUNDS

Although not expected to occur, to the extent the Town has any subrecipients of federal funds, pre- and post-award subrecipient monitoring will occur. The Town will develop and implement such monitoring policies to ensure subrecipients who receive federal funds are compliant and remain compliant with Title VI. It is anticipated that such subrecipient monitoring policies will be completed prior to entering any subrecipient agreements.

COMMUNITY OUTREACH AND PUBLIC INVOLVEMENT

This Implementation Plan will be posted on the website of the Town of Middlebury. Public comment on the Implementation Plan will be solicited for recommendations and possible

improvements. The Town encourages and will continue to encourage public involvement and access to decision-making in the planning and development of Town transportation and other projects to include minority and low-income communities and populations who are not proficient in English.

INTERNAL COMPLIANCE REVIEWS AND MONITORING

The Town of Middlebury Title VI and ADA Coordinator will periodically review this Implementation Plan and update it annually. Statistical data collected on race, color, national origin, sex, disability, and age for participants in and beneficiaries of the Town's programs and activities will be reviewed and analyzed for non-discrimination compliance. Improvements for this Implementation Plan may be derived from the results of such analysis on the statistical data collected. The Town of Middlebury Title VI and ADA Coordinator will work with administration of the Town and other representatives of Town of Middlebury government as necessary to make adjustments to programs and activities to reduce discriminatory impacts and document its efforts.

EXHIBIT A

RESOLUTION 16-01 and 16-02

RESOLUTION NO. 16-01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIDDLEBURY, INDIANA
ESTABLISHING A TITLE VI NONDISCRIMINATION POLICY

WHEREAS a condition of Federal financial assistance is that a recipient must comply with Title VI of the Civil Rights Act of 1964 and the provisions of the applicable Code of Federal Regulations and Executive Orders related thereto;

WHEREAS Title VI of the Civil Rights Act of 1964, applicable Code of Federal Regulations, and Executive Orders related thereto provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability/handicap, nor low income, be excluded from participating in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which a recipient receives Federal financial assistance;

WHEREAS the Town of Middlebury, Indiana has been and may in the future be a recipient of Federal financial assistance for which these nondiscrimination provisions would be applicable;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Middlebury, Indiana hereby establishes this policy and confirms that the programs and activities of its departments to which federal financial assistance is extended will be conducted such that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability/handicap, nor low income, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination pursuant to and as provided by applicable State and Federal law.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Council of the Town of Middlebury, Indiana will from time to time name a Title VI Coordinator to assist in the implementation of this Nondiscrimination Policy and to assist in addressing any Title VI complaints which will be processed and administered in accordance with the same procedures as those established for the Town of Middlebury's ADA compliance program.

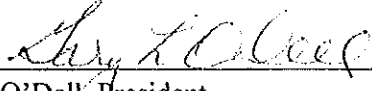
NOW, THEREFORE, BE IT FURTHER RESOLVED that this Nondiscrimination Policy shall be interpreted so as to be consistent with and in compliance with the requirements of applicable State and Federal law; that this Nondiscrimination Policy shall be understood and acknowledged to be a policy

which prohibits discrimination but does not otherwise grant nor afford any special advantages, privileges, or other benefits to any person in the United States; and that this Nondiscrimination Policy does not exceed the requirements of nor otherwise place any burden upon the Town of Middlebury, Indiana beyond the requirements of applicable State and Federal law.

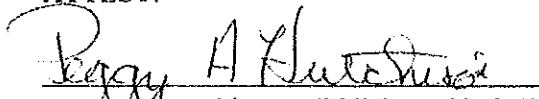
NOW, THEREFORE, BE IT FURTHER RESOLVED that the President of the Town Council of the Town of Middlebury, Indiana is authorized to execute the Town of Middlebury, Indiana Title VI Assurances as required by applicable State and Federal law.

RESOLVED AND ADOPTED this 18th day of January, 2016.

TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, INDIANA

By: 
Gary L. O'Dell, President

ATTEST:


Peggy A. Hutchison, Middlebury Clerk-Treasurer

RESOLUTION 16-02

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIDDLEBURY, INDIANA
APPOINTING THE TITLE VI COORDINATOR**

WHEREAS the Federal government enacted Title VI of the Civil Rights Act of 1964 (Title VI) to prevent discrimination under any program or activity receiving Federal financial assistance;

WHEREAS in compliance with Title VI, the Town of Middlebury, Indiana will name a Title VI Coordinator;

WHEREAS the Town of Middlebury will adopt the same procedures used for its ADA compliance program as its Complaint Procedure for Title VI complaints;

WHEREAS the Town of Middlebury will publish notice of its Title VI Nondiscrimination Policy; and

WHEREAS the Town of Middlebury will post the Title VI Coordinator's name, office address, and telephone number along with its Title VI Nondiscrimination Policy on its website;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Middlebury, Indiana as follows:

Mark Salee, Middlebury Town Manager, is designated as the Title VI Coordinator for the Town of Middlebury, Indiana.

The Town of Middlebury Grievance Procedure under the Americans with Disabilities Act is adopted as the Complaint Procedure for addressing complaints alleging discrimination under Title VI in the provision of services, activities, programs or benefits by the Town of Middlebury with complaints to be directed to the Title VI Coordinator.

For notice purposes, the Town of Middlebury, Indiana will post the contact information regarding the Title VI Coordinator and the Town of Middlebury's Title VI Nondiscrimination Policy on its website and at such other locations as may be determined from time to time.

RESOLVED AND ADOPTED this 18th day of January, 2016.

TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, INDIANA

By: 

Gary L. O'Dell, President

ATTEST:

By: 

Peggy A. Hutchison, Middlebury Clerk-Treasurer

EXHIBIT B

RESOLUTION 2018-06

RESOLUTION NO. 2018-06

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, INDIANA UPDATING THE 2016 TOWN OF
MIDDLEBURY PARK DEPARTMENT TITLE VI IMPLEMENTATION
PLAN FOR INDOT**

WHEREAS the Town of Middlebury, Indiana adopted a Title VI Implementation Plan for and on behalf of its Park Department for INDOT in 2016;

WHEREAS the Town of Middlebury, Indiana desires to update the Title VI Implementation Plan in order to maintain compliance with INDOT requirements;

WHEREAS the Town Council of the Town of Middlebury, Indiana deems it reasonable and appropriate to update the Town of Middlebury Park Department Title VI Implementation Plan for INDOT in accordance with the terms and provisions of this Resolution;

NOW, THEREFORE, BE IT ORDERED AND RESOLVED by the Town Council of the Town of Middlebury, Indiana as follows:

1. The External Complaint Form attached hereto as Exhibit A is hereby approved and will become a part of the Title VI Implementation Plan.
2. The Organizational Chart for the Town of Middlebury, Indiana attached hereto as Exhibit B is hereby approved and will become a part of the Title VI Implementation Plan.
3. The Language Identification Flashcards attached hereto as Exhibit C are hereby approved and will become a part of the Title VI Implementation Plan.
4. The Voluntary Title VI Public Involvement Survey attached hereto as Exhibit D is hereby approved and will become a part of the Title VI Implementation Plan.
5. The Middlebury Town Manager as the Title VI Coordinator for the Town of Middlebury, Indiana is hereby authorized to administratively amend the Title VI Implementation Plan in accordance with the terms and provisions of this Resolution and update any necessary forms, annotations, dates, or other references as appropriate.

RESOLVED this 1st day of October, 2018.

TOWN COUNCIL OF THE TOWN OF
MIDDLEBURY, INDIANA

By Gary L. O'Dell
Gary L. O'Dell, President

ATTEST:

Peggy A. Hutchison
Peggy A. Hutchison, Middlebury Clerk-Treasurer

EXHIBIT C

COMPLAINT PROCEDURE, COMPLAINT FORM, AND LOG

Town of Middlebury Complaint Procedure under Title VI

This Complaint Procedure is established to meet the requirements of Title VI of the Civil Rights Act of 1964 ("Title VI). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of race, color, national origin, sex, age, disability/handicap, religion, low income status, limited English proficiency, or other protected classification in the provision of services, activities, programs, or benefits under any program or activity for which the Town of Middlebury received Federal financial assistance. The Town's Employee Handbook governs employment-related complaints of disability discrimination.

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. Alternative means of filing complaints, such as personal interviews, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 30 calendar days after the alleged violation to:

**Title VI Coordinator
Middlebury Town Manager
418 N Main Street
Middlebury, IN 46540
townmanager@middleburyin.com**

Within 15 calendar days after receipt of the complaint, the Town Manager or the appropriate designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Town Manager or the appropriate designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Middlebury and offer options for substantive resolution of the complaint.

If the response by the Town does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Middlebury Town Council.

Within 15 calendar days after receipt of the appeal, the Town Council or the Council's designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Council will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Town Manager, appeals to the Town Council, and responses will be retained by the Town of Middlebury for at least three years.

Name of complainant	Date (month, day, year)
---------------------	-------------------------

Provide the names of any individuals with additional information regarding your complaint:		
Name of witness 1 (first, middle, and last)		Title
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
Name of witness 2 (first, middle, and last)		Title
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		

Name of witness 3 (first, middle, and last)		Title
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		
How would you like your complaint to be resolved?		

Name of complainant	Date (month, day, year)
---------------------	-------------------------

Have you filed a complaint alleging the same discrimination with another state or federal agency? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

If yes, please provide the following information for each agency:

Name of the agency	Date complaint filed (month, day, year)
--------------------	---

Case number assigned to your complaint	Current status of your complaint
--	----------------------------------

How did you learn about your right to file a discrimination complaint with INDOT?

Signature	Date signed (month, day, year)
-----------	--------------------------------

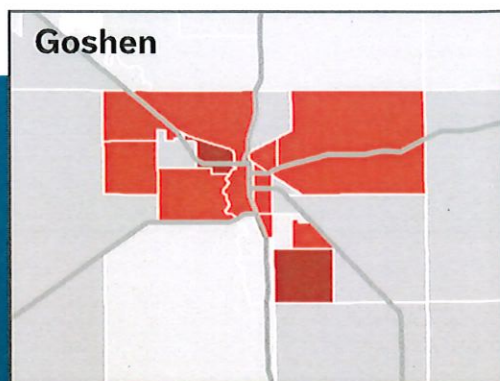
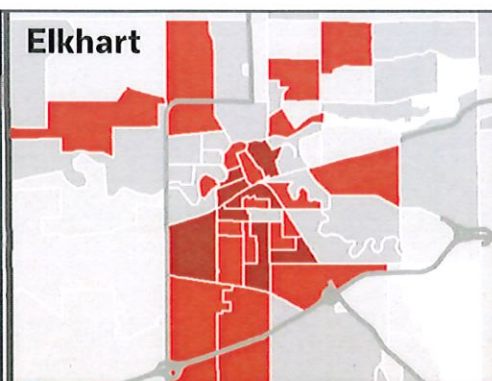
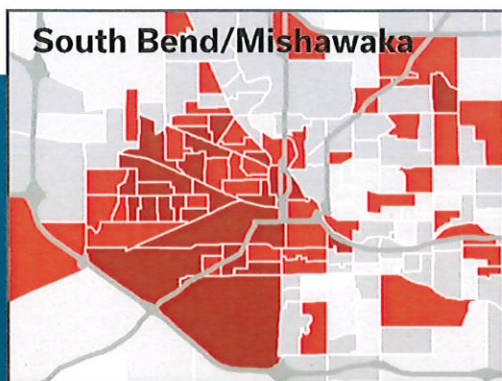
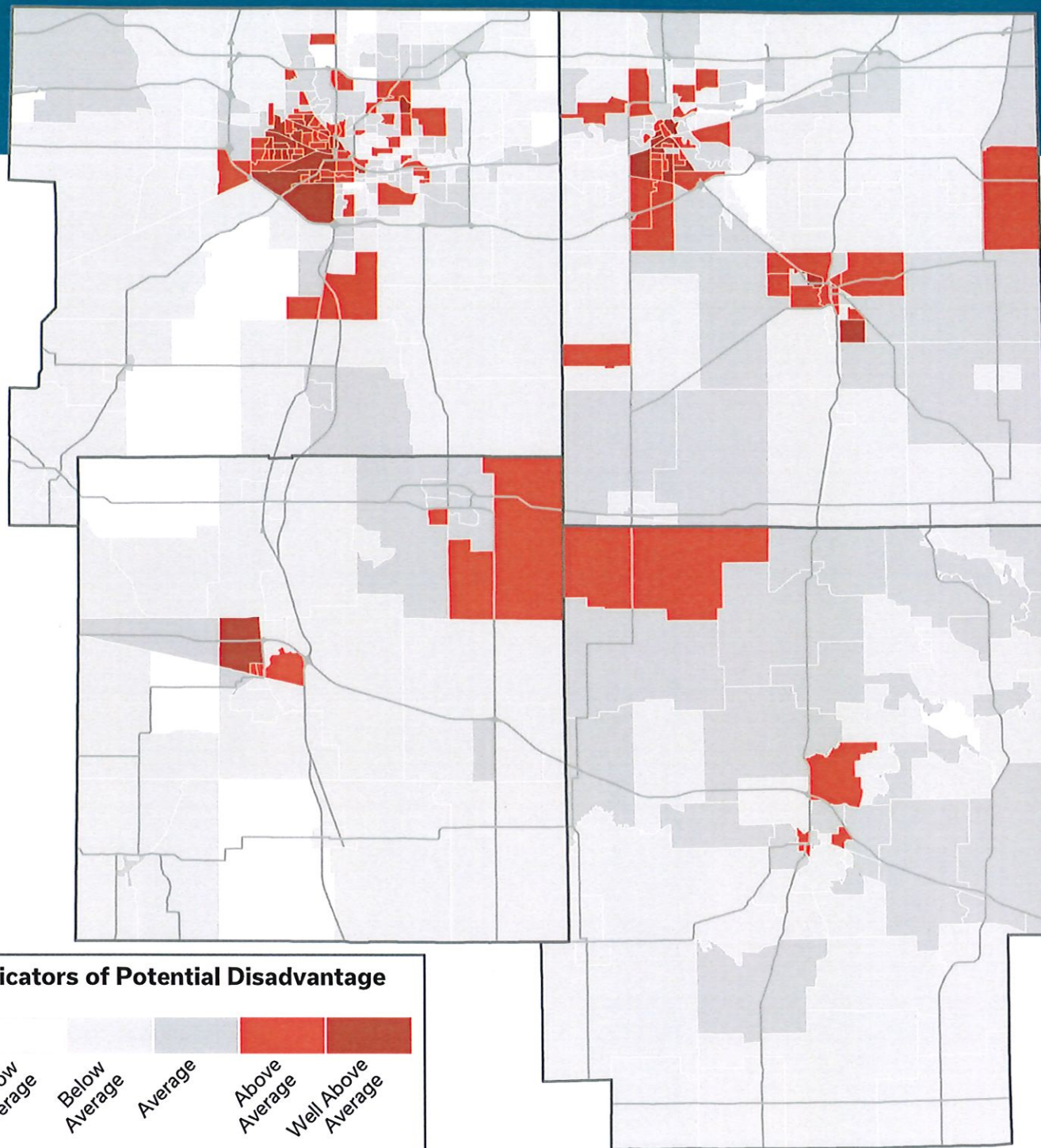
TOWN OF MIDDLEBURY, INDIANA COMPLAINT LOG

[illegible]

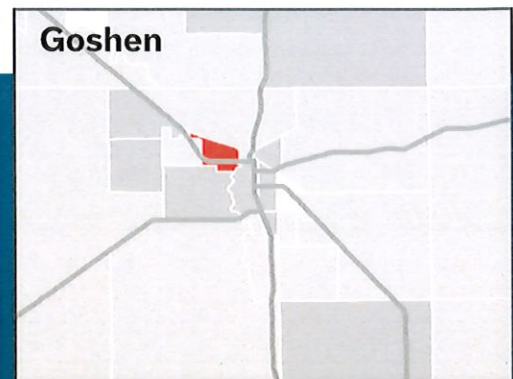
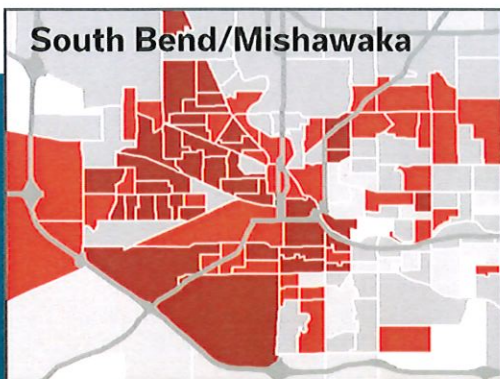
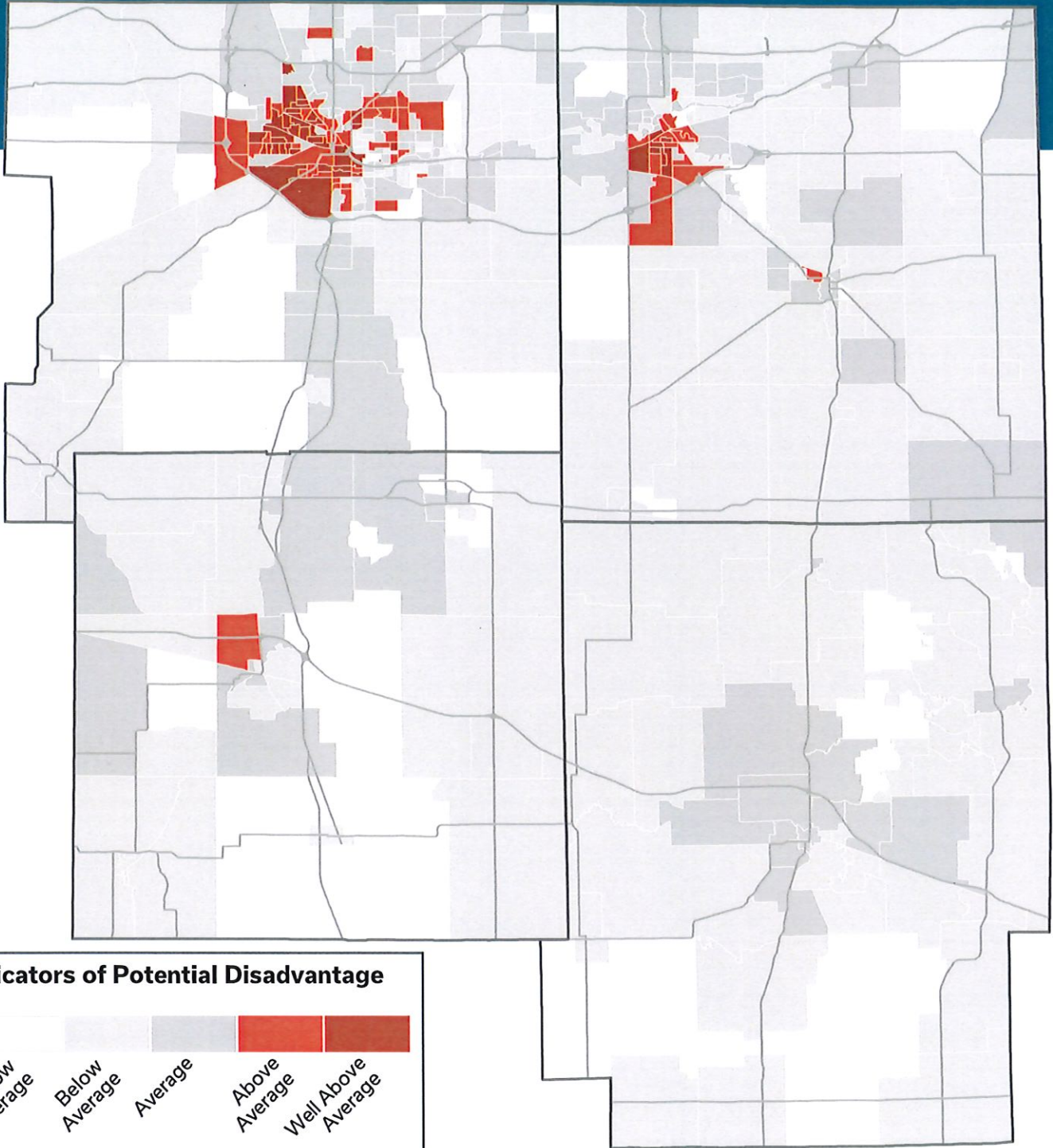
EXHIBIT D

2019 ENVIRONMENTAL JUSTICE MAPS

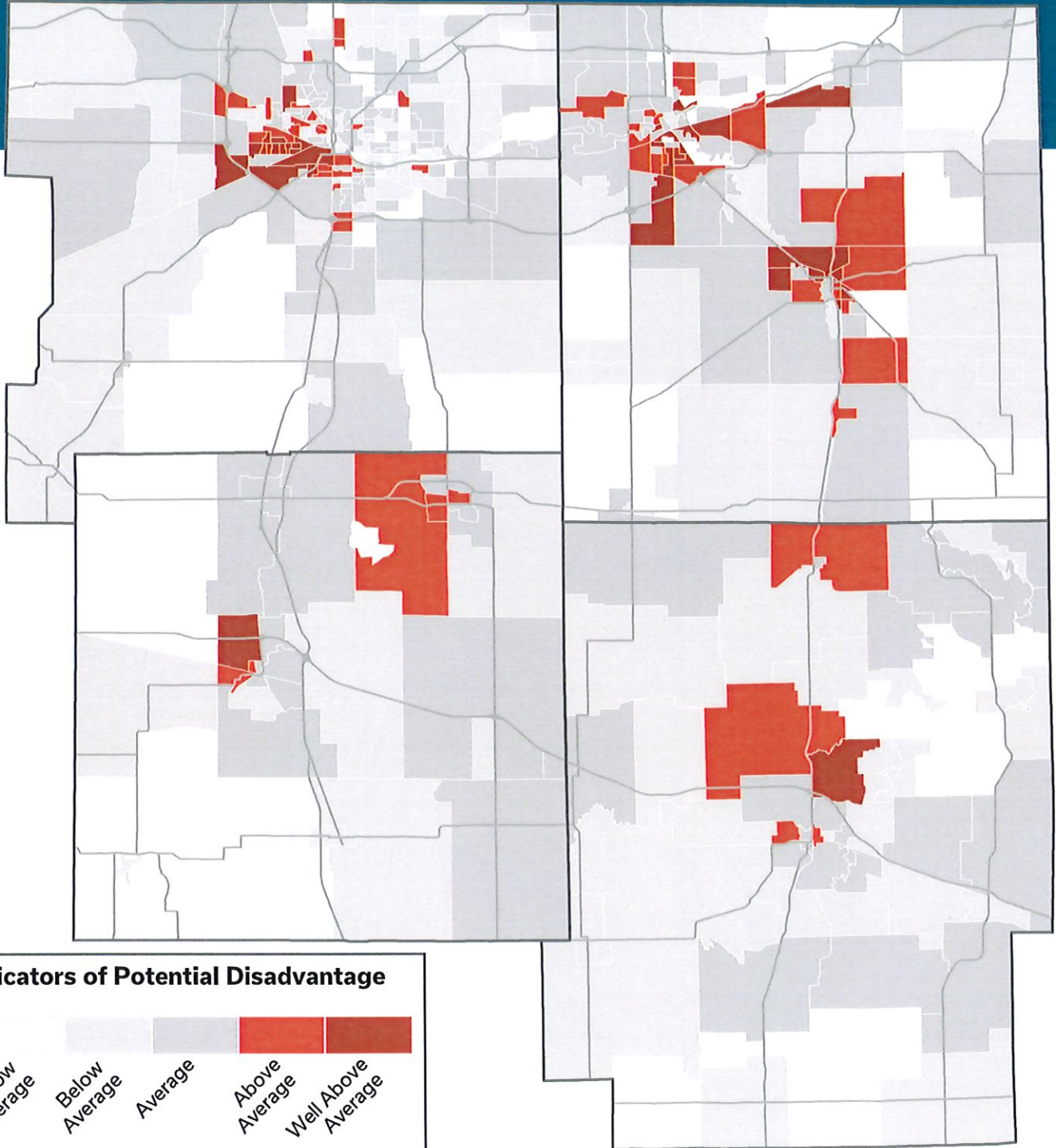
Overall Indicators of Potential Disadvantage (IPD)



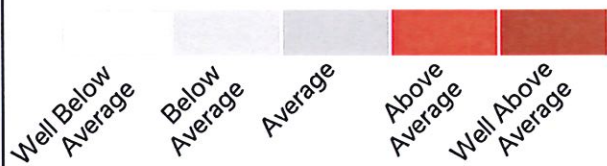
Racial Minority Population



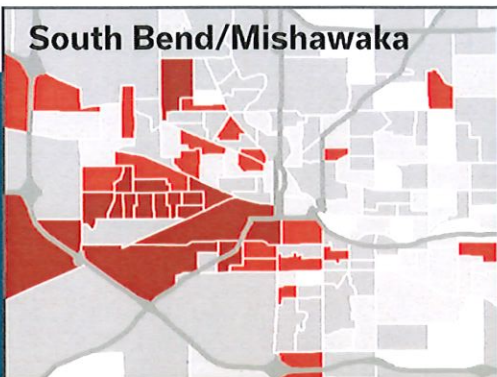
Hispanic Population



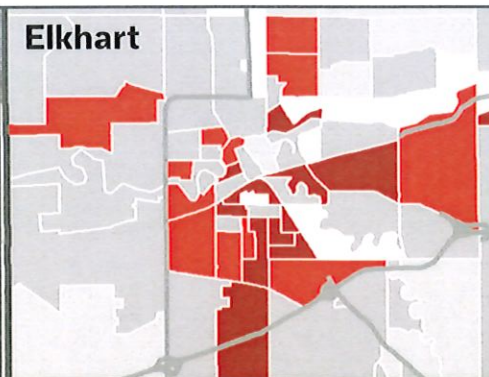
Indicators of Potential Disadvantage



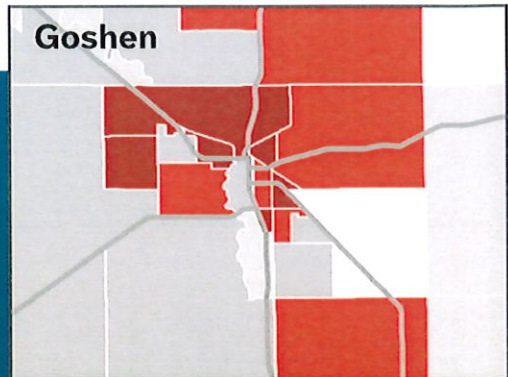
South Bend/Mishawaka



Elkhart



Goshen



Households in Poverty

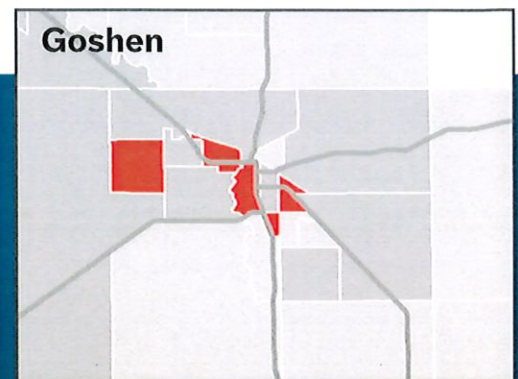
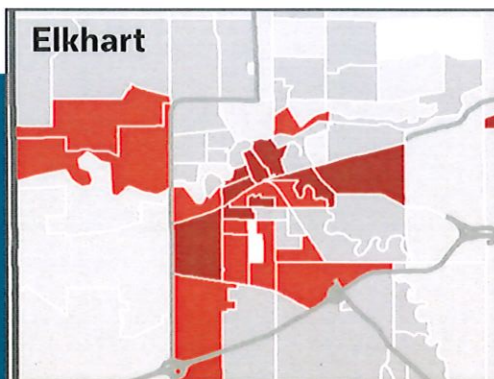
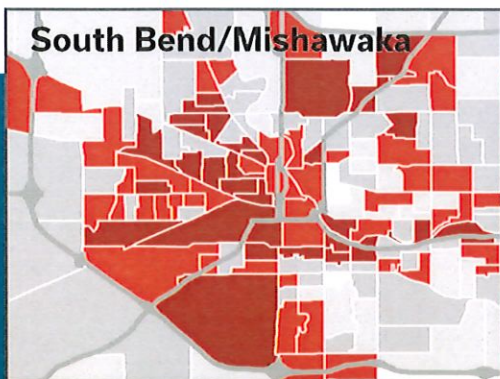
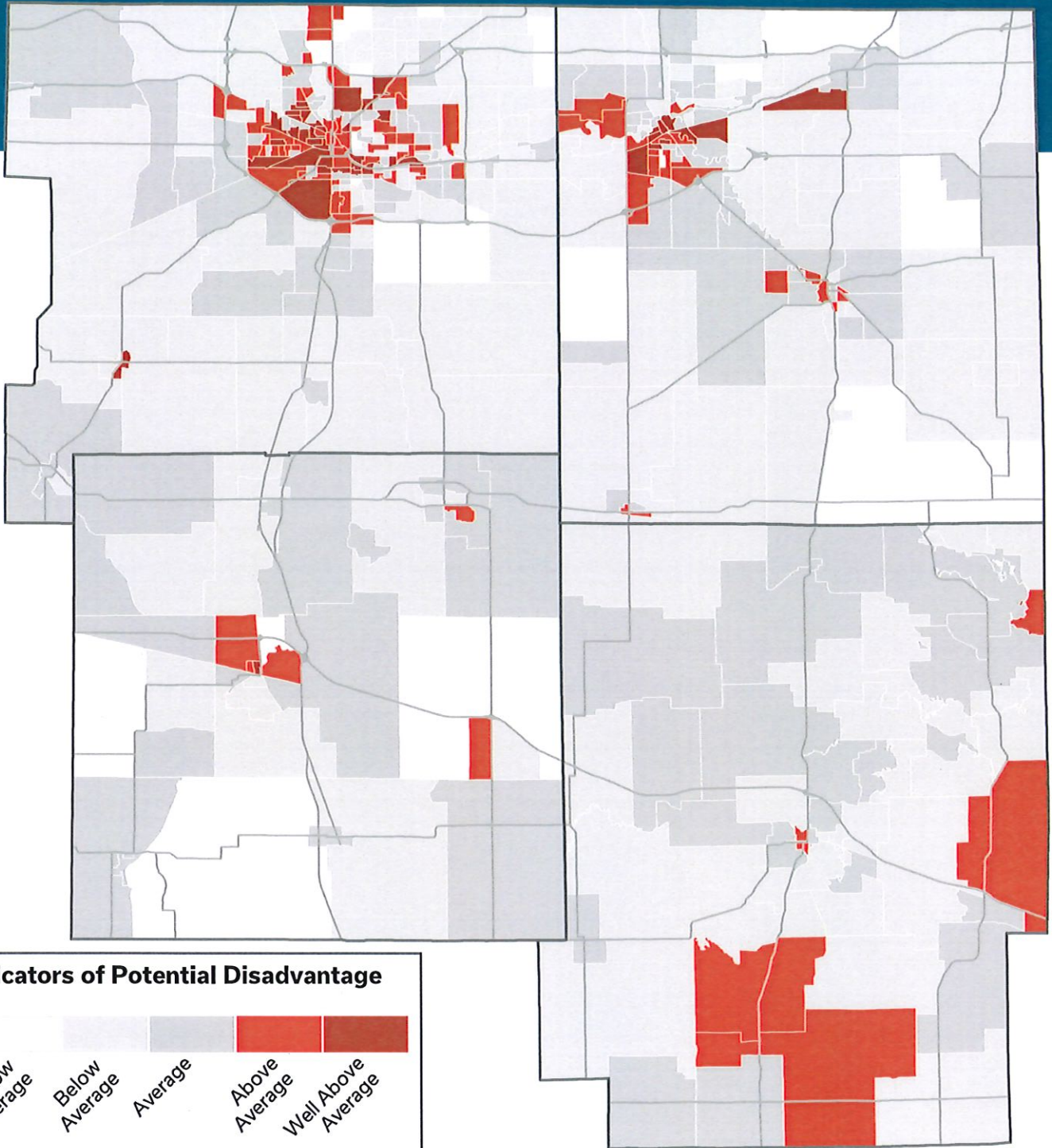


EXHIBIT E
ORGANIZATIONAL CHART

ORGANIZATIONAL CHART

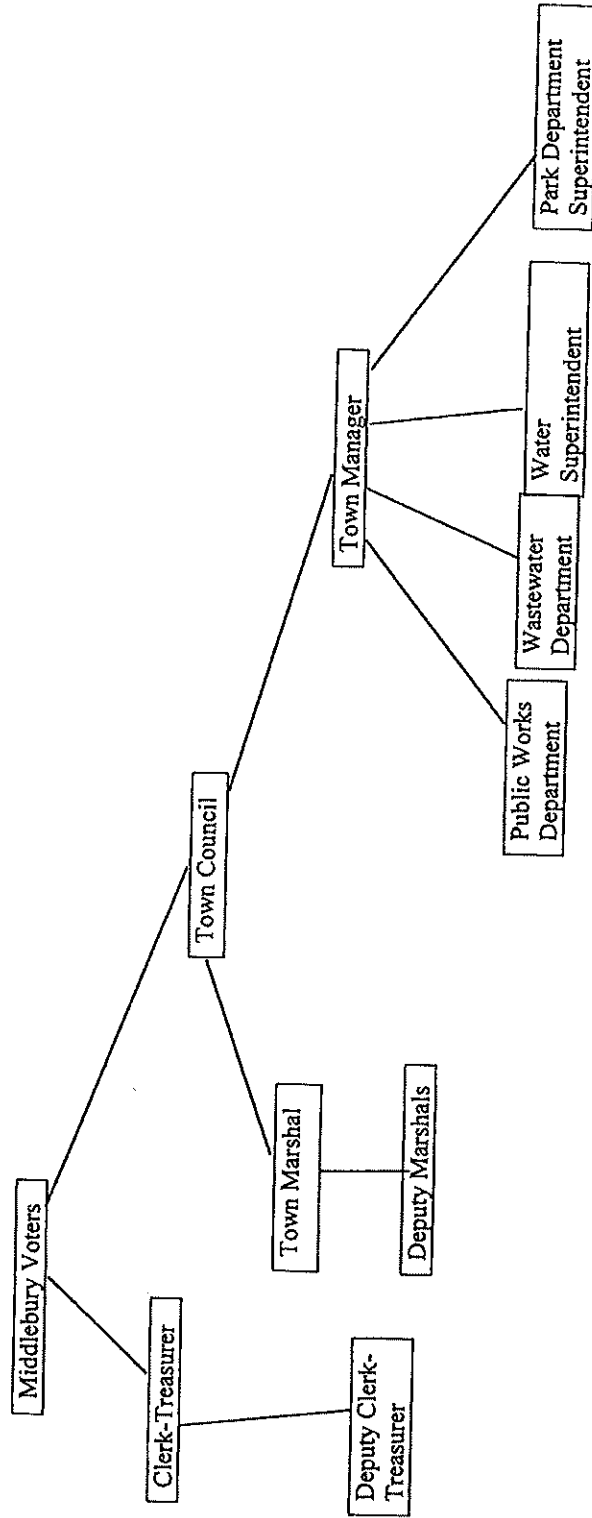


EXHIBIT F
LANGUAGE IDENTIFICATION FLASHCARDS

LANGUAGE IDENTIFICATION FLASHCARD

☐

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

☐

Խնդրում եմ հնչում կատարել այս քառասկզբում,
հիմնականում կամ կարգում եք հայերեն:

2. Armenian

☐

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

3. Bengali

☐

ឈ្មួញក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

☐

Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.

5. Chamorro

☐

如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

☐

如果你能讀中文或講中文，請選擇此框。

7. Traditional Chinese

☐

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

☐

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

☐

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

☐

Mark this box if you read or speak English.

11. English

☐

اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.

12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάσετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérte vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

- | | | |
|--------------------------|--|----------------|
| <input type="checkbox"/> | Assinale este quadrado se você lê ou fala português. | 26. Portuguese |
| <input type="checkbox"/> | Însemnați această căsuță dacă citiți sau vorbiți românește. | 27. Romanian |
| <input type="checkbox"/> | Пометьте этот квадратик, если вы читаете или говорите по-русски. | 28. Russian |
| <input type="checkbox"/> | Обележите овај квадратић уколико читате или говорите српски језик. | 29. Serbian |
| <input type="checkbox"/> | Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky. | 30. Slovak |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español. | 31. Spanish |
| <input type="checkbox"/> | Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. | 32. Tagalog |
| <input type="checkbox"/> | ให้กากเครื่องหมายลงในช่องดำท่านอ่านหรือพูดภาษาไทย. | 33. Thai |
| <input type="checkbox"/> | Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga. | 34. Tongan |
| <input type="checkbox"/> | Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою. | 35. Ukrainian |
| <input type="checkbox"/> | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔ | 36. Urdu |
| <input type="checkbox"/> | Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. | 37. Vietnamese |
| <input type="checkbox"/> | באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש. | 38. Yiddish |

EXHIBIT G

VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23 CFR §200.9(b)(4)). The (Name of LPA) is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that the (Name of LPA) will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding the (Name of LPA)'s responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact (Name), Title VI Coordinator, (Address), (City, State, Zip), (Email address).

You may return the survey by folding it and placing it on the registration table or by mailing or e-mailing it to the address below.

Date:		
Project Name:		
Proposed Project Location:		
Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino		
Race: (Check one or more) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White <input type="checkbox"/> Black or African-American <input type="checkbox"/> Multiracial		
Age: <input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40 <input type="checkbox"/> 41-65 <input type="checkbox"/> 65+		Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No
Household Income: <input type="checkbox"/> \$0-\$12,000 <input type="checkbox"/> \$12,001-\$24,000 <input type="checkbox"/> \$24,001-\$36,000 <input type="checkbox"/> \$36,001-\$48,000 <input type="checkbox"/> \$48,001-\$60,000 <input type="checkbox"/> \$60,001+		
Name, Title VI Coordinator Address City, State, Zip Phone Email		