



# **Town of McCordsville**

## **TITLE VI**

### **Nondiscrimination Implementation**

### **Plan & Policy**

### **And**

### **ADA Transition Plan Update**

**July 12, 2016**



## **Table of Contents**

1. Policy Statement .....	Page 3
2. Title VI Coordinator .....	Page 3
3. Employer/Employee Training & Responsibilities .....	Page 4
4. Contractors, Subcontractors, Consultants & Vendors .....	Page 4
5. Concerns/Complaint Process .....	Page 5
6. Public Dissemination .....	Page 7
7. Community Involvement & Outreach .....	Page 7
8. Data Collection .....	Page 8
9. Section 504/Americans with Disabilities (ADA) .....	Page 8
10. Implementation of the ADA Transition Plan to Date .....	Page 9
11. Limited English Proficiency (LEP) Plan .....	Page 10
12. Assurances .....	Page 11
13. Environmental Justice .....	Page 15

Appendix A – Contractor Assurances

Appendix B – Clauses for deeds Effecting or Recording the Transfer of Real Property, Structures or Improvements

Appendix C – Clauses for Deeds, Licenses, Leases, Permits or Similar Instruments Entered Into by McCordsville

Appendix D – Employee Acknowledgement

Appendix E – Complaint Form and Log

Appendix F – Voluntary Public Survey

Appendix G – Public Outreach

Appendix H – Civil Rights Training

Appendix I – McCordsville Town Standards

Appendix J – Implementation

Appendix K – Resolution

A copy of the 2012 plan can be found at

[http://www.mccordsville.org/egov/documents/1348757032\\_450866.pdf](http://www.mccordsville.org/egov/documents/1348757032_450866.pdf)

It will be replaced by the revised 2016 plan.

## **1. POLICY STATEMENT**

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. Specifically, Title VI provides that “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance” (42 U.S.C. Section 2000d).

Pursuant to Title VI of the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, The Town of McCordsville, hereinafter referred to as “McCordsville”, will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the grounds of race, color, or national origin, sex, age, disability, limited English proficiency and income status.

## **2. TITLE VI COORDINATOR**

Tonya Galbraith  
ADA Coordinator & Title VI Coordinator  
Town of McCordsville Town Manager  
6280 W 800 N  
McCordsville, IN 46055  
Phone: 317-335-3151  
Fax: 317-336-7483  
Email: [TGalbraith@mccordsville.org](mailto:TGalbraith@mccordsville.org)

The McCordsville Title VI Coordinator will:

- Administer and implement the McCordsville Title VI plan and policy.
- Conduct Title VI yearly reviews with employees in an effort to assist with identifying, addressing and eliminating discrimination concerns in every department.
- Conduct or facilitate Title VI training programs with department heads for dissemination to employees.
- Work with employees to develop and disseminate Title VI information to contractors, subcontractors, vendors and consultants.
- Work with employees to ensure community involvement and outreach is in compliance with Title VI and provides equitable opportunities for participation.

- Ensure Title VI language is included in McCordsville contracts.
- Collect review and preserve statistical data (race, color, national origin, language, gender, etc.) of participants in activities and programs to ensure McCordsville’s continued compliance with Title VI.
- 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 federal agency correspondence and records.
- Address all Title VI discrimination complaints.
- Review and update the Title VI plan and policy as needed or required.
- Prepare and submit the annual Title VI update report.

### **3. EMPLOYER/EMPLOYEE DISSEMINATION & TRAINING**

Title VI plan and policy education and literature will be provided to all McCordsville employees. McCordsville employees will be required to sign an acknowledgement (Appendix D) or receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature within their new employee packet. Employees will be provided with updated education and literature as McCordsville deems necessary.

Employees will be expected to follow the Title VI policy and guidelines set forth. In addition, McCordsville 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 McCordsville 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. McCordsville will include Title VI language, as per 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 shall not contain any form of discrimination, either written or implied.

## **5. CONCERNS/COMPLAINT PROCESS**

McCordsville 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 McCordsville Title VI Coordinator. Complaint forms (Appendix E) can be found on the McCordsville website: [www.mccordsville.org](http://www.mccordsville.org) or by contacting the McCordsville Title VI Coordinator. In order for the complaint to be considered, the complainant must file the appropriate documentation:

1. Within 180 days of the alleged act of discrimination; or
2. Where there has been a continuing course of alleged discriminatory conduct, on the date in which the alleged conduct was discontinued.

Complaints shall be made in writing and shall be signed by the complainant and/or the complainant's representative. Or complaints may be made on the town's action center

[http://www.mccordsville.org/egov/apps/action/center.egov?eGov\\_searchDepartment=6#](http://www.mccordsville.org/egov/apps/action/center.egov?eGov_searchDepartment=6#). Complaints must contain the following and describe as completely as possible the facts and circumstances surrounding the alleged discrimination:

- Name of the complainant.
- Contact information (telephone number, address, email address).
- Basis for the allegations(s) (i.e. race, color, national origin, gender, age, etc.).
- A detailed description of the alleged discrimination (how, when, where & why they believe they were discriminated against including the locations(s), names(s) and contact information of all witnesses, if applicable.
- Any other information that is deemed significant.

If the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the McCordsville Title VI Coordinator. Under these circumstances, the complainant will be interviewed and the

McCordsville Title VI Coordinator will assist the complainant in completing a written statement.

Within fifteen (15) calendar days after receipt of the complaint, the Title VI Coordinator will arrange to meet with the complainant to discuss the complaint and the possible resolutions if applicable. If a complaint is deemed incomplete, additional information will be requested. The complainant has sixty (60) business days to respond to the request for the additional information. A complainant's failure to respond to the request within sixty (60) business days may result in the administrative closure of the complaint.

If McCordsville does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate local, state or federal agency holding such jurisdiction. The Title VI Coordinator will notify the complainant or their representative, in writing, that the complaint is outside of the McCordsville jurisdiction and where the complaint has been referred for further handling.

The Title VI Coordinator will conduct a complete and thorough investigation of complaints inside the McCordsville jurisdiction and based upon the information obtained will render a final written response letter to the complainant or their representative by registered mail or hand delivery within sixty (60) business days. The final written response will include a description of the complaint, a summary of the investigation and the findings of such, summaries of all individuals interviewed, and if appropriate, recommendations and resolutions. All written complaints, investigations and responses will be retained by McCordsville for at least three (3) years (Appendix E).

A complainant's identity shall be kept confidential except to the extent necessary to complete the investigation. If it is necessary to disclose the complainant's identity to the alleged person who may have discriminated or a third-party, McCordsville must first obtain the complainant's written consent. McCordsville must also obtain the complainant's written consent before providing a copy of the complaint to any other individual(s) involved with the investigation.

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, NW  
Washington, D.C. 20530

## **6. PUBLIC DISSIMINATION**

Title VI information shall be displayed in the McCordsville Town Hall and all places in which public meetings are held. The name and contact information of the McCordsville Title VI Coordinator will be displayed on the Title VI information.

The McCordsville Title VI plan and policy, which includes the ADA/Section 504 plan, Limited English Proficiency (LEP) plan and complaint procedures, is available on the McCordsville website at [www.mccordsville.org](http://www.mccordsville.org). Copies of any 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**

McCordsville 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 McCordsville Town Council and various boards and commissions meet monthly and those meetings are open to the public. Any meetings that are open to the public are published on the McCordsville website's main page and distributed to local media outlets. All McCordsville public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those 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 within forty-eight (48) hours in advance.

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

## **8. DATA COLLECTION**

Pursuant to 23 CFR 200.9(b)(4), McCordsville shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

McCordsville shall utilize a voluntary Title VI Public Involvement Survey (Appendix F) 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. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

The Title VI Coordinator will also collect and report statistical data for the past three (30) 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)**

Pursuant to 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, McCordsville 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 the McCordsville programs or activities.

## **10.IMPLEMENTATION OF THE PLAN TO DATE**

History of the McCordsville ADA ramp progress:

- 2013 – Concrete Plus installed 27 ramps in Austin Trace for a cost of \$20,000.00.
- 2014 – Karnes Inc. installed 26 ramps in Emerald Springs for a cost of \$20,250.00.
- 2015 – JS Concrete installed 18 ramps in Emerald Springs and Bay Creek section 4 for a cost of \$19,738.08.
- 2016 – JS Concrete will be installing 15 ramps in Emerald Springs and Bay Creek section 4 for a cost of \$18,738.00 this is being scheduled. JS Concrete will be installing 60 ramps in Gateway Crossing for \$74,952.00 if the town gets the grant from the state. Where we are installing pedestrian crossing signals there are no ADA ramps at the crossings. Staff is looking into this problem.

Breakdown of current ADA ramps that still need replaced as of today:

- Austin Trace – 34
- Bay Creek – 32 (If done with Community Crossing Grant x4/ Will happen in 2016 x4)
- Bay Creek East – 18
- Bay Creek West – 29 (If done with Community Crossing Grant x4)
- Deer Crossing – 24
- Gateway Crossing – 0 (If done with State Grant x60)
- Geist Wood Estates – 16
- Hampton Cove– 2
- Highland Springs – 0 (If done with Community Crossing Grant x1)
- Villages @ Brookside – 20 (If done with Community Crossing Grant x2)
- McCordsville Commons – 3
- McCordsville Corner Shoppes – 5
- Elementary School Path – 6

Grand Total - 189 (If all funding happens)

For more information regarding McCordsville policy, please visit the McCordsville website at [www.mccordsville.org](http://www.mccordsville.org). ADA complaint forms can also be obtained on the McCordsville website or by contacting the McCordsville ADA Coordinator.

Questions, concerns, comments or requests regarding ADA should be made to the McCordsville ADA Officer:

Tonya Galbraith  
ADA Coordinator & Title VI Coordinator  
Town of McCordsville Town Manager  
6280 W 800 N  
McCordsville, IN 46055  
Phone: 317-335-3151  
Fax: 317-336-7483  
Email: [TGalbraith@mccordsville.org](mailto:TGalbraith@mccordsville.org)

## **11. LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

McCordsville has prepared this plan in accordance with Title VI of the Civil Rights Act of 1964, as amended, which states that no person shall be subjected to discrimination on the basis of race, color or national origin. The purpose of this plan is to help identify reasonable steps for providing language assistance to individuals with limited English proficiency who wish to access services provided by McCordsville.

Presidential Executive Order No. 13166, titled “Improving Access to services for Persons with Limited English Proficiency,” indicates that individuals treated differently based upon their inability to speak, read, write or understand English is a type of national origin discrimination. Presidential Executive Order 13166 defines limited English proficiency persons as those individuals who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

In order to prepare this plan, McCordsville utilized the U.S. Department of Transportation four-factor LEP analysis which considers the following factors:

1. The number of proportion of LEP persons in the service area who may be served or are likely to encounter a McCordsville program, activity or service.
2. The frequency with which LEP persons come in contact with McCordsville programs, activities or services.
3. The nature and importance of programs, activities or services provided by McCordsville to the LEP population.

4. The resources available to McCordsville and overall cost to provide LEP assistance.

Based upon 2014 American Community Survey data only 0.9% of all households in the Town have no one in the home, age 14 or older that only speaks English or speaks English “very well”. Therefore, over 99% of the households in the community have at least 1 person who speaks only English or English “very well”. The analyses of the four factors suggest that LEP services are not substantial at McCordsville at this time. McCordsville however has committed to the following:

- Continue offering, upon request, translators free of charge for McCordsville public meetings, programs and activities if requested within forty-eight (48) hours in advance.
- Provide access to information and documents in other languages in those demographic areas identified with limited English proficiencies
- Continually monitor our website and make adjustments as necessary to ensure information is accessible to LEP individuals

McCordsville is aware that the community profile is ever-changing; therefore, this LEP and the four factor analysis will be re-evaluated on an annual basis or if and when new census data is available to ensure to ensure that the plan remains reflective of the community’s needs. Individuals requiring special language service or accommodations should contact the McCordsville Title VI Coordinator.

## **12. McCORDSVILLE, INDIANA TITLE VI ASSURANCES**

McCordsville (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving Federal financial assistance from the Department of Transportation 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 40, 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 this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations. More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the “appropriate Grantor(s)”

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

1. That the Recipient agrees that each “program” and each “facility” as definite in subsections 21.23(c) 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.
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 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 bidden 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.*

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

4. That the Recipient shall insert the clauses of Appendix B of this assurances 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 a 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 acquisitions of real property or an interest in real property, the Assurance shall extend to the rights on space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix B of this Assurance as a covenant running with the land, in any further 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)”.
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 improvement 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 service 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/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees contractors, subcontractors, transferees, successors in inters and other participants of Federal financial assistance under such program will comply with

all requirement 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 Regulation 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 signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

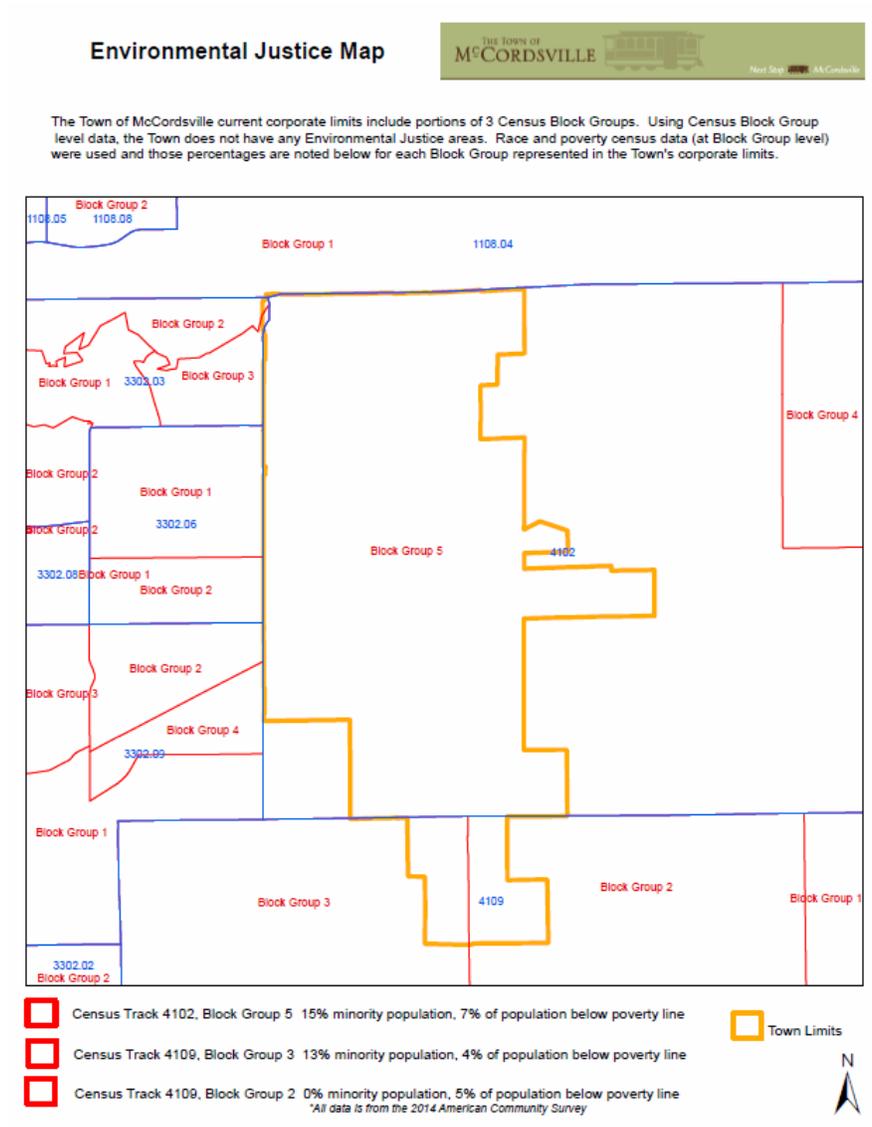
Dated: \_\_\_\_\_

\_\_\_\_\_  
(Recipient)

By: \_\_\_\_\_  
President  
McCordsville Town Council

### 13. ENVIRONMENTAL JUSTICE

The Town of McCordsville is in portions of Block Group 5 of Census Tract 4102, and Block Groups 2 & 3 of Census Tract 4109. The Town utilized the number of households below the poverty line and the number of minority individuals, at the Census Block Group level, in order to provide a baseline for environmental justice issues. A map showing the Town's current corporate limits has been superimposed upon a base map showing the Census Tracts and Census Block Groups. To date the Town has not had any environmental justice complaints. Our policies and procedures as stipulated in this plan will ensure environmental justice for all areas of the community.



**Appendix A**  
**Contractor Assurances**

During the performance of the 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, 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 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 Material and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor work to be performed under a subcontractor, 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 McCordsville and \_\_\_\_\_ 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 contract shall so certify to McCordsville and

\_\_\_\_\_ as appropriate, and shall set forth what effort has been made to obtain information.

5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provision of this contract, McCordsville shall impose such sanctions as it and the \_\_\_\_\_ 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 provision of paragraphs (1) through (6) in every subcontract, including procurements of materials and lease of equipment, unless exempt by the Regulation or directive issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as McCordsville and \_\_\_\_\_ may direct as a means of enforcing such provisions including sanctions for noncompliance. 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 directions, the contractor may request McCordsville to enter into such litigations to protect the interests of McCordsville 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**

# **Clauses for Deeds Effecting or Recording the Transfer of Real Property, Structures or Improvements**

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 McCordsville will accept Title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the administration of \_\_\_\_\_ and the policies and procedures prescribed by the \_\_\_\_\_

And, also in accordance with and in compliance with 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 to the Department of Transportation (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 to McCordsville all the right Title and interest of the Department of Transportation in and said lands described in Exhibit A attached hereto and made a part thereof.

### **HABENDUM CLAUSE**

TO HAVE AND TO HOLD said lands and interest therein unto McCordsville 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 the Federal financial assistance is extended or for another purpose involving the provisions of similar service or benefits and shall be binding on McCordsville, its successors and assigns.

McCordsville, 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 be on the grounds of a race, color or national origin be excluded from participation in, be denied the benefits of or be otherwise subject to discrimination with regard to any facility location wholly or in part on, over or under such lands

hereby conveyed [,](and) (2) that McCordsville 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, Sub Title A, Office of the secretary, Part 21, Nondiscrimination of federally assisted programs of the Department of transportation-Effectuation of Title VI of the Civil Rights of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above mentioned non-discrimination 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.<sup>1</sup>

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<sup>1</sup> 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**

**Clauses for Deeds, Licenses, Leases,  
Permits or Similar Instruments  
Entered Into by McCordsville**

***The following clauses shall be included in all deeds, licenses, leases permits or similar instruments entered into by McCordsville pursuant to the provisions of Title VI Assurances, item 7(a).***

The \_\_\_\_\_ (grantee, licensee, lessee, permittee, etc., as appropriate), for himself, his heirs, personal representatives, successors in interest and assigns, as part of 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, licenses, lease, permit, etc.) for a purpose of 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, 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 1963, and as said Regulations may be amended.

***The following shall be included in all licenses, leases permits, etc.:***

That in the event of breach of any of the above nondiscrimination covenants, McCordsville 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.

***The following shall be included in all deeds:***

That in the event of breach of any of the above nondiscrimination covenants, McCordsville 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 McCordsville and its assigns.

***The following shall be included in all deeds, licenses, leases permits, or similar agreements entered into by McCordsville pursuant to the provisions of Title VI 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 subject to discrimination in the use of said facilities, (2) that in the construction of any improvement on, over or under such land and the furnishing of service 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, 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, and as said regulations may be amended.

***The following shall be included in all licenses, leases, permits, etc.:***

That in the event of breach of any of the above nondiscrimination covenants, McCordsville shall have the right to terminate the \_\_\_\_\_ [license, lease, permit, etc.] as if it had never been made or issued

*The following shall be included in all deeds:*

That in the event of breach of any of the above nondiscrimination covenants, McCordsville 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 McCordsville and its assigns.<sup>2</sup>

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<sup>2</sup>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 D**  
**Employee Acknowledgement**

**McCORDSVILLE**  
**TITLE VI EMPLOYEE ACKNOWLEDGEMENT**  
**The Town of McCordsville, Indiana**  
*An Equal Opportunity Employer*

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. Specifically Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance” (42 U.S.C. Section 2000d) .

Pursuant to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 McCordsville will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the grounds of race, color or national origin.

All McCordsville employees are expected to consider, respect and observe this policy in their daily work responsibilities and interactions with other employees and the public. McCordsville employees should work to prevent and alleviate any barriers to service or public use that would restrict public access or usage and take prompt and reasonable action to avoid or to minimize discrimination incidences. If another employee or citizen approaches with a question, concern or complaint regarding discrimination, please refer them to the McCordsville Title VI Coordinator:

Tonya Galbraith  
 ADA Coordinator & Title VI Coordinator  
 6280 W 800 N  
 McCordsville, IN 46055  
 Phone: 317-335-3151  
 Fax: 317-336-7483  
 Email: [TGalbraith@mccordsville.org](mailto:TGalbraith@mccordsville.org)

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

Employee Signature: \_\_\_\_\_ Dept.: \_\_\_\_\_

*\*\*Employee signature confirms receipt and understanding of Title VI Plan and Policy\*\**

**Appendix E**  
**Complaint Form**  
**And**  
**Complaint Log**

**TITLE VI COMPLAINT FORM**

**The Town of McCordsville, Indiana**  
*An Equal Opportunity Employer*

**Section 1:**

Complainant's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Accessible format:  Large Print  Audio Tape

Requirements:  TDD  Other

**Section 2:**

Are you filing this complaint on your own behalf?  Yes  No

\*If you answered "yes" to this question, go to Section 3. If not, please supply the name and relationship of the person for whom you are complaining:

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Please explain why you have file for 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

Person discriminated against: (if someone other than the complainant)

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

**Section 3:**

Please indicate why you believe the discrimination occurred:

Race     Color     National Origin

Date of Alleged Discrimination (Month, Date, 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:

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**Section 4:**

Have you previously filed a Title VI complaint with McCordsville?  Yes     No

**Section 5:**

Have you filed this complaint with any other federal, state or local agency; or with any federal or state court?  Yes     No

If yes, check all that apply

Federal Agency: \_\_\_\_\_  Federal Court: \_\_\_\_\_

State Agency: \_\_\_\_\_  State Court: \_\_\_\_\_

Local Agency: \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

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

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

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Section 6:**

Name of agency complaint is against: \_\_\_\_\_

Contact Person: \_\_\_\_\_

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

Telephone Number: \_\_\_\_\_

Please attach any documents or other information that you believe is relevant to your complaint.  
Please sign date and send your complaint to:

Tonya Galbraith  
ADA Coordinator & Title VI Coordinator  
6280 W 800 N  
McCordsville, IN 46055  
Phone: 317-335-3151  
Fax: 317-336-7483  
Email: [TPGalbraith@mccordsville.org](mailto:TPGalbraith@mccordsville.org)

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Appendix F**  
**Voluntary Public Survey**

## VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, McCordsville is required to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid programs and activities (23 CFR 200.0(b)(4)). McCordsville is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by McCordsville activities.

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

If you have any questions regarding McCordsville's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Tonya Galbraith, ADA Coordinator & Title VI Coordinator.

You may return the survey by folding it and placing it on the registration table or by regular mail, email or by faxing it to the address below.

**Date (month, day, year):** \_\_\_\_\_

**Meeting:**

- |   |                                       |   |
|---|---------------------------------------|---|
| <input type="checkbox"/> Architectural Review     | <input type="checkbox"/> Parks Board  | <input type="checkbox"/> Planning Commission          |
| <input type="checkbox"/> Board of Zoning Appeals  | <input type="checkbox"/> Public Works | <input type="checkbox"/> Public Safety                |
| <input type="checkbox"/> Redevelopment Commission | <input type="checkbox"/> Town Council | <input type="checkbox"/> Technical Advisory Committee |

**Community Event** \_\_\_\_\_

**Gender:**  Female  Male      **Ethnicity:**  Hispanic or Latino  Not Hispanic or Latino

**National Origin:**  U.S.A.  Other

**Race:**  American Indian or Alaska Native       Asian       Black or African-American  
 Native Hawaiian or Other Pacific Islander       White       Multiracial

**Disability:**  Yes  No

**Age:**  1 – 21     22 – 40     41 – 65     65+

**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"/> \$60,000 +          |

Tonya Galbraith, ADA/Title VI Coordinator  
6280 W 800 N  
McCordsville, IN 46055

Phone: 317-335-3151  
Fax: 317-335-3495  
Email: TGalbraith@mccordsville.org

**Appendix G**  
**Public Outreach**



**NOTICE OF PUBLIC HEARING  
 McCORDSVILLE BOARD OF ZONING APPEALS  
 Docket No. BZA-15-001**

Hearing Information: Notice is hereby given that on the 5<sup>th</sup> day of August, 2015 at 6:30pm, a public hearing will be held by the McCordsville Board of Zoning Appeals at the McCordsville Municipal Building, 6280 W County Road 800 N, McCordsville, Indiana for the purpose of considering multiple Development Standard variances from the Town's Zoning Ordinance on the property located on the southeast corner of CR 700 W (Carroll Rd) and W. Broadway (SR 67). The property is addressed as 7061 N CR 700 W, McCordsville, IN 46055.

A copy of the petition, submitted by Woolpert, on behalf of Meijer Stores Limited Partnership, is on record and can be viewed at the Planning and Building Dept., which is located at the McCordsville Municipal Building. Interested persons can also contact the Planning and Building staff at 335-3604 or [building@mccordsville.org](mailto:building@mccordsville.org) for more information. A copy of the meeting agenda and other information can be found on the Town's website at [www.mccordsville.org](http://www.mccordsville.org). Written comments may be filed with the Planning and Building Dept. at or before the hearing. Oral comments concerning this proposal will be heard at the aforementioned public hearing. Such hearing may be continued from time to time as may be found necessary and without further notice.

All interested persons desiring to present their views upon the Petition will have an opportunity to be heard. Pursuant to the Americans With Disabilities Act, any individual interested in attending the hearing should contact the McCordsville Municipal Building and advise what, if any, accommodation is needed to attend the hearing.



## Town Council Meeting

6280 W. 800 North  
McCordsville, In 46055  
[www.mccordsville.org](http://www.mccordsville.org)

**Agenda for Tuesday, July 12, 2016 at 07:00 PM**

1. **Roll Call and Pledge of Allegiance**
2. **Approval of Minutes**
3. Clerk-Treasurer's Report
4. Public Safety Report

**Documents:** [June Public Safety Report](#)

5. HEDC Update - Skip Kuker
6. ADA/Title VI Compliance Resolution  
**Documents:** [ADA Compliance Resolution](#)
7. Comp Plan Amendment  
**Documents:** [Comp Plan Amendment](#)
8. Noise Ordinance
9. Ordinance 062816 re-establishing a CCD  
**Documents:** [Ordinance to Reestablish a CCD Fund](#)
10. **Old Business-**

11. **New Business -**

12. **Other Committee Reports**

- \* Redevelopment Commission -
- \* Plan Commission
- \* Architectural Review
- \* Parks Board -
- \* Hancock County Solid Waste Management District
- \* Public Safety Committee - Authorizing hiring of 2 new officers & equipment
- \* Public Works Committee -

13. Town Manager's Report -

14. **Public Works Commissioner's Report**

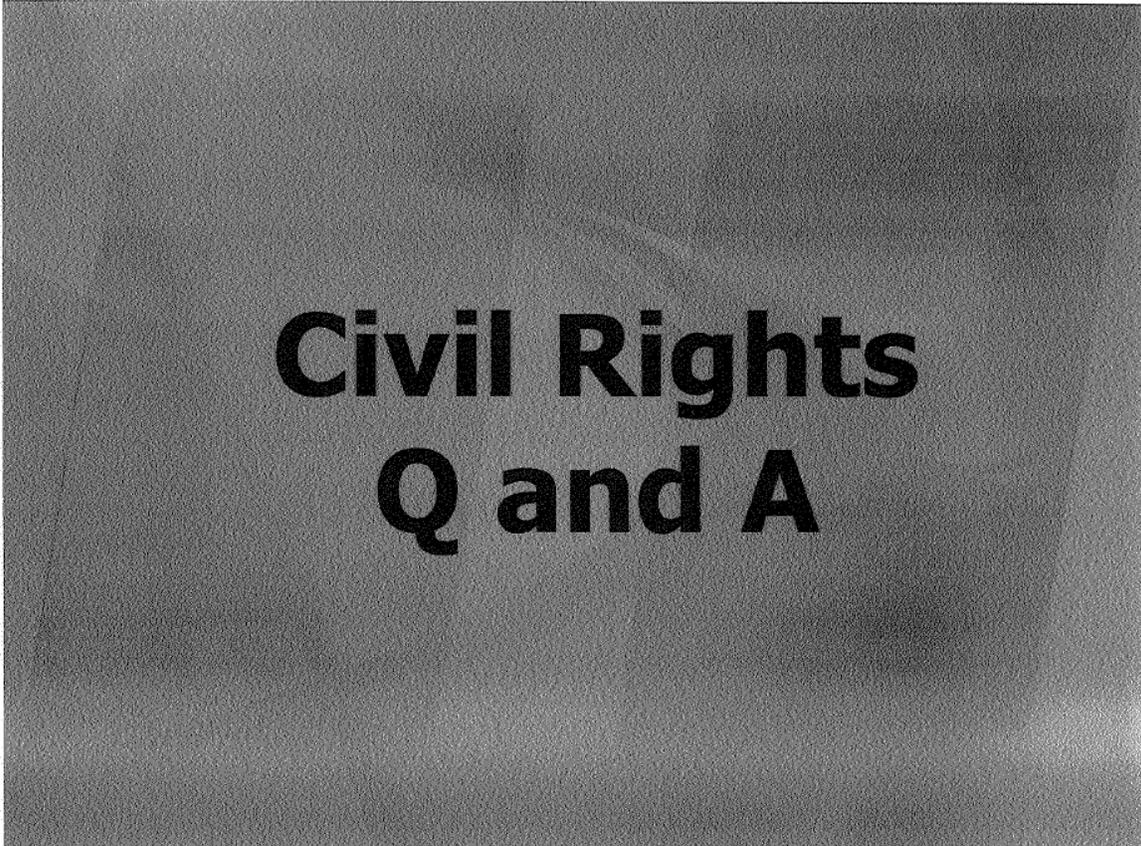
15. Planning & Building Director's Report -

16. **Public Comments\***

17. For accommodation needs for persons with disabilities, please call 317-335-3151

\* Public comments are limited to 2 minutes per person unless additional time is authorized by the Chair.

**Appendix H**  
**Civil Rights Training**



The full training document may be found at

[Civil Rights training.pdf](#)

THE TOWN OF  
**M<sup>C</sup>CORDSVILLE**

**Employee Training Log**  
**Title VI and ADA**

Date	Employee Name	Employee Signature
7/11/16	Tanya CHERATH	<i>Tanya CHERATH</i>
7-11-16	ARANDLO C. RODGERS, JR.	<i>Arandlo C. Rodgers, Jr.</i>
7-11-16	Ron Crider	<i>Ron Crider</i>
"	Cathy Gardner	<i>Cathy Gardner</i>
7-11-16	Wilby DOTSON	<i>Wilby DOTSON</i>
7-11-16	LIMON ADAMS	<i>Limon Adams</i>
"	STEVE GIPSON	<i>Steve Gipson</i>
7-11-16	Shaw Starcher	<i>Shaw Starcher</i>
7-11-16	ERICA OLSEN	<i>Erica Olson</i>
7-11-16	MELISSA DAVENPORT	<i>Melissa Davenport</i>
7/11/16	MIKE COUSINS	<i>Mike Cousins</i>
7/11/16	Col Martell	<i>Col Martell</i>
7/11/16	Nick Brown	<i>Nick Brown</i>
7/11/16	Ryan Crum	<i>Ryan Crum</i>
7/11/16	Mark Witsman	<i>Mark Witsman</i>

**Appendix I**  
**McCordsville**  
**Town Standards**

## The McCordsville Town Standards

Document may be found at

[http://www.mccordsville.org/egov/documents/1468341285\\_32776.pdf](http://www.mccordsville.org/egov/documents/1468341285_32776.pdf)

**Appendix J**  
**Implementation**

ADA Transition Plan Inventory				
Town Facilities	Construction	Compliance Date	Compliance Date	Note
Town Hall	Constructed 2011	9/19/2012		
Public Works		9/19/2012		
Town Hall Park	Constructed 2014	7/11/2016*		*Mulch path is temporary.
Subdivision/Area	# of Compliant Curb Ramps	# of non-Compliant Curb Ramps	Compliance Date	Note
Austin Trace	27	34		
Bay Creek (E of 600 W)	20	32		36 non-compliant if Community Crossing Group B is not awarded
Bay Creek (W of 600 W)	4	29		33 non-compliant if Community Crossing Group B is not awarded
Bay Creek East	22	18		
Deer Crossing	18	24		
Emerald Springs	53	0	12/31/2016	
Gateway Crossing	61	0		60 non-compliant if Community Crossing Group B is not awarded
Geist Woods Estates	8	16		
Hampton Cove	0	2		
Highland Springs	2	0	12/31/2016	
McCordsville Corner Shoppes	0	5		
McCordsville Commons	0	3		
Villages at Brookside	29	20		22 non-compliant if Community Crossing Group B is not awarded
Old Town	2	2		
Meijer	1	0	12/31/2015	
Elementary School Path	0	6		
<b>Total</b>	<b>247</b>	<b>191</b>		
<b>Percentage</b>	<b>56%</b>	<b>44%</b>		If ADA Replacement Group B is not awarded, 59% non-compliant.



Y3 (2015)	Emerald Springs & Bay Creek (E of 600W)	18	
Y4 (2016)	Emerald Springs & Bay Creek (E of 600W)	15	
Y5 (2017)	Bay Creek (W of 600W)	16	Y5-10 change if awarded ADA Ramp Replace Group B in '16
Y6 (2018)	Bay Creek (W of 600W)	17	
Y7 (2019)	Bay Creek (E of 600W)	16	
Y8 (2020)	Bay Creek (E of 600W)	16	
Y9 (2021)	Bay Creek East	16	
Y10 (2022)	Miscellaneous	16	
End of 10 Year Plan			

**Appendix K**  
**Resolution**

RESOLUTION ~~071216~~ 07122016

A RESOLUTION ADOPTING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR THE TOWN OF MCCORDSVILLE, INDIANA

WHEREAS, the Federal Government enacted Title VI of the Civil Rights Act of 1964, as amended, to prevent discrimination on the grounds of race, color, sex, age, gender, disability or national origin and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, sex, age, gender, disability or national origin;

WHEREAS, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of Title VI; and

WHEREAS, it is a requirement of the Indiana Department of Transportation and the U.S. Department of Transportation that communities receiving Federal financial assistance adopt a Title VI Plan.

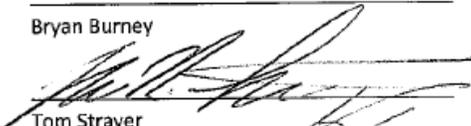
NOW THEREFORE be it resolved by the Town Council of the Town of McCordsville, Indiana that it hereby adopts the attached Title VI Program and Implementation Plan.

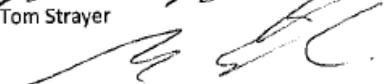
PASSED AND ADOPTED by the Town Council of the Town of McCordsville, Indiana this 12<sup>th</sup> day of July 2016.

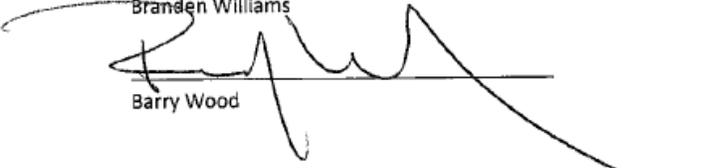
MCCORDSVILLE TOWN COUNCIL:

\_\_\_\_\_  
Larry Longman, President

\_\_\_\_\_  
Bryan Burney

  
\_\_\_\_\_  
Tom Strayer

  
\_\_\_\_\_  
Branden Williams

  
\_\_\_\_\_  
Barry Wood

ATTEST:

  
\_\_\_\_\_  
Catherine C. Gardner  
Clerk-Treasurer