


COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	23-118	Meeting:	March 6, 2023
	Agenda Item:	35	Roll Call:	23-0310
	Submitted by:	Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Approving renewal of United States Department of Transportation (USDOT) and Iowa Department of Transportation (IDOT) Standard Title VI Assurances and Agreement.

SYNOPSIS:

Recommend renewal of the USDOT and IDOT Standard Title VI Assurances and Agreement, which must be renewed every five (5) years. The last renewal was approved by City Council on January 22, 2018, and was originally approved by City Council on December 17, 2012, along with the City of Des Moines Title VI Policy Statement and Implementation Procedures.

Title VI of the Civil Rights Act of 1964 is a federal law that protects individuals and groups from discrimination on the basis of their race, color and national origin in programs and activities that receive federal financial assistance. Pursuant to 23 U.S.C. § 302, the Federal Highway Administration (FHWA) primary recipients are the state highway (transportation) agencies. In Iowa, the IDOT is the primary recipient. IDOT and its subrecipients and contractors are all required to prevent discrimination and ensure nondiscrimination in all transportation-related programs and activities whether they are federally funded or not.

Subrecipients of federal assistance include cities, counties, contractors, consultants, suppliers, universities, colleges, transit agencies, and regional and metropolitan planning agencies. IDOT requires all subrecipients of federal funds, such as the City of Des Moines, to provide IDOT with certain documentation before Local Public Agencies (City) can enter into agreements for federal funding assistance for transportation-related projects. This documentation includes the Standard Title VI Assurances, and the Title VI Agreement which also outlines the Local Public Agency implementation procedures.

The Title VI Requirements and Program document (attached to the roll call) identifies the minimum Title VI elements that may be adopted by subrecipients. Also included in the document are the Title VI Implementation procedures previously approved and proposed for the City of Des Moines, including the Title VI Policy statement.

The Engineering and Human Rights Departments are responsible for the implementation and administration of the above-stated Title VI Assurances and Agreement for federally funded transportation-related projects.

The Title VI Assurances and Agreement are required to be eligible to receive federal transportation funds.

FISCAL IMPACT: NONE**ADDITIONAL INFORMATION:**

- Federally assisted programs include any transportation project, program or activity for the provision of services and benefits. Transportation-related programs may include education, training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by a recipient or indirectly by a subrecipient.
- A primary recipient is an entity or person that directly receives federal financial assistance and/or manages a program or activity, which would subject them to Title VI compliance responsibilities. For Iowa's federally funded transportation projects, IDOT is the primary recipient. A subrecipient is an entity or person that indirectly receives federal financial assistance to implement a program or activity, which subjects them to Title VI compliance responsibilities. A subrecipient may include a city, county, metropolitan, or regional planning organization, transit agency, college/university, contractor, or subgrantee.
- The City of Des Moines is considered a subrecipient, and thus is subject to Title VI compliance for transportation-related projects. IDOT's compliance requires the City be entered into a Title VI Agreement with IDOT, to provide Title VI Assurances to IDOT, and have implemented a Title VI compliance plan as set forth in the Agreement.
- On December 17, 2012, by Roll Call No. 12-1916, City Council approved the USDOT Standard Title VI/Non-Discrimination Assurances, IDOT Title VI Non-Discrimination Agreement, City of Des Moines Title VI Policy Statement, designation of a City of Des Moines Title VI Coordinator, modification of the City of Des Moines Contract Compliance Program to include a Title VI non-discrimination statement, and implementation of procedures to meet the requirements in the Standard Title VI Agreement.
- On January 22, 2018, by Roll Call No. 18-0100, City Council approved the renewal of USDOT Standard Title VI/Non-Discrimination Assurances, IDOT Title VI Non-Discrimination Agreement, designation of the City of Des Moines Title VI Coordinator, and updates to the City of Des Moines Contract Compliance Program to meet the requirements of the Standard Title VI Agreement.
- IDOT is again requiring the City to renew the USDOT Standard Title VI/Non-Discrimination Assurances and IDOT Title VI Non-Discrimination Agreement, and confirm the designation of the Deputy City Manager as the City of Des Moines Title VI Coordinator, and the City Engineer recommends approval of said renewals and further recommends updating the City's Contract Compliance Program to better incorporate Title VI and similar federal requirements.

PREVIOUS COUNCIL ACTION(S):

Date: January 22, 2018

Roll Call Number: [18-0100](#)

Action: [Approving](#) renewal of Iowa Department of Transportation (IDOT) Standard Title VI Assurances and Agreement. ([Council Communication No. 18-031](#)) Moved by Coleman to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Departments shall implement and administer the Title VI requirements.

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