



Civil Rights Bureau
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March 22, 2023

Gus Psihoyos, City Engineer/Title VI Coordinator
City of Dubuque
50 W 13th Street
Dubuque, IA 52001

Dear Gus:

Enclosed is the final report resulting from the Title VI Sub-Recipient Site review processes, conducted on March 1, 2023.

The City of Dubuque Title VI transportation programs and activities meet Iowa DOT and FHWA minimum requirements.

Overall, the Title VI procedures and processes in the City of Dubuque are being carried out in accordance with governing regulations, policies and procedures as they relate to transportation activities.

I thank you for the cooperation and courtesies extended during the review process.

Sincerely,

Tracey Bradley

Tracey Bradley
Civil Rights Compliance Officer

TB:tb
Enclosures



TRANSPORTATION TITLE VI PROGRAM REVIEW

Dubuque City
March 22, 2023

Introduction

It is the responsibility of the Civil Rights Bureau – Civil Rights Team (CRB-CRT) to conduct Title VI Program reviews of its sub-recipients of federal financial assistance as required by Title VI requirements of Federal Authority 23 CFR 200.9 (4)(b), (5), (6), and (7).

On March 1, 2023, the Iowa Department of Transportation (Iowa DOT) met with the Dubuque City to conduct a Title VI Program review of the City's transportation program and activities.

Goals

The primary goals of Title VI reviews are as follows:

- Ensure compliance with Title VI;
- Provide technical assistance in the implementation of the Title VI program; and,
- To correct deficiencies, when found to exist.

Each of these goals is addressed throughout the review report.

Participants

Those participating in the review were:

| | |
|-----------------|---|
| Gus Psihoyos | City Engineer/Title VI Coordinator |
| Crenna Brumwell | City Attorney |
| John Dienst | Civil Engineer |
| Tracey Bradley | Compliance Officer, Civil Rights Bureau |

Review Process and Findings

The Title VI review process focuses on, but is not limited to, compliance with 10 major components of Title VI as listed below:

1. Developing Title VI Assurances;
2. Developing a Title VI Policy Statement;
3. Identifying a Title VI Liaison;
4. Developing procedures for processing external discrimination complaints;
5. Providing the Iowa DOT with a list of external discrimination complaints;
6. Providing accommodations for Limited English Proficient (LEP) persons;
7. Ensuring nondiscrimination in the Dubuque City's public participation process;
8. Collecting and analyzing data to ensure nondiscrimination in the Dubuque City's programs and activities;
9. Ensuring that contracts contain the appropriate Title VI contract provisions; and

10. Ensuring nondiscrimination in the awarding of contracts.

In order to expedite the review process, provide structure to the review, and assure thorough consideration of the major components, the Iowa DOT's reviewer provided a Title VI compliance review tool prior to the on-site review. The following summarizes the questions, responses, and discussion of the issues.

Written Response:

A. AGENCY INFORMATION:

Recipient: Dubuque City

Administrative Head: Michael C. Van Milligen City Manager
Name Title

Address: 50 W. 13th Street

City's /State: Dubuque Zip Code/City's :52001 Dubuque

Phone: 563/589-4440 Fax: _____

Email: citmgr@cityofdubuque.org

Discussion/Comments:

Title VI Coordinator: Gus Psihoyos Title: City Engineer

Phone: 563/589-4275 Fax: _____ Email: gpsiho@cityofdubuque.org

Dubuque City organizational chart (received by the reviewer February 15, 2023) shows the City Engineer has a responsible position with the City and easy access to the City Manager and City Council Board Members (23 CFR § 200.9(b)(1)(2)).

Written Response:

B. SUB-RECIPIENT PROJECT OVERVIEW

| FUNDING AMT | |
|-------------|--|
| | |

C. Please list the Program (s) or Service (s) receiving financial assistance from the Iowa Department of Transportation and the amount received for the current year.

| PROGRAMS/SERVICES | FUNDING AMT | RECURRING (YES/NO) |
|--|--------------|--------------------|
| Chavenelle Hike/Bike Trail Ph2 | \$274,793.86 | No |
| NW Arterial State of Good Repair-Road Construction | \$303,545.86 | No |
| Southwest Arterial ROW Acquisition | \$720,277.11 | No |

Discussion/Comments:

The reviewer inquired about the process the city follows for ensuring opportunities are available for all contractors to submit bids on projects let through the Iowa DOT as well as locally. It was discussed the City's bidding is open for bids, and the lowest responsible bidder is allowed.

III. TITLE VI CERTIFICATIONS AND ASSURANCES & ADA COMPLIANCE

A. Has the agency signed and submitted its Title VI Assurances? Yes X No ____

Discussion/Comments:

Dubuque City submitted the Iowa Standard Assurance February 15, 2023, and was placed on file with the Iowa DOT.

B. Has the sub-recipient submitted its Title VI Program plan to the Iowa Department of Transportation? *Note: Agencies with population over 250,000 are required to have a Title VI Plan. Agencies with a population under 250,000 are required to have Title VI Nondiscrimination Agreement.* Yes X No ____ If yes, date submitted:

Discussion/Comments:

Dubuque City submitted the City's Title VI Non-Discrimination Agreement on February 15, 2023. It was executed on behalf of the Iowa DOT by Tracey Bradley, Compliance Officer, Civil Rights Bureau, and a copy returned to the city. It serves as the City's Title VI Plan for transportation programs and activities.

Written Response:

C. Does the agency complete an annual Title VI Accomplishment and Goals report? Yes ____ No X *Note: Agencies with populations over 250,000 must submit to the Iowa DOT by September 1st. Agencies with populations less than 250,000 must prepare and retain on file for 3 years.*

Discussion/Comments

Dubuque City responded "No". Dubuque City does not have a Title VI Annual Accomplishment and Goals report (as described in the non-discrimination agreement). It was recommended for Dubuque City to create an Accomplishment and Goals report.

D. Does the agency have a Title VI Policy? Yes X No ____ (Please provide a copy)

Discussion/Comments:

Dubuque City submitted their revised policy statement February 15, 2023. The reviewer explained the Title VI Nondiscrimination Agreement shall serve as the current Title VI Policy (page 7 of the Non-Discrimination Agreement). Policy to be updated with submission of updated Non-Discrimination Agreement.

E. What is the process used by sub-recipients to assure Title VI compliance? Please explain: All federal aid projects are bid through the Iowa DOT in Ames through the Office of Contracts.

Discussion/Comments:

The City discussed that the City follows the Iowa DOT Specifications, and in their contracts the nondiscrimination language is in the contracts. The reviewer discussed that the responsibilities regarding the Standard Assurances, the implementation procedures of the elements of the non-discrimination agreement as well as documenting said procedures. Also discussed the coordination between departments in implementing Title VI as it is a federal regulation not limited to just the transportation program and activities and the Iowa DOT reviewer clarified the purpose of the compliance review is to look at the City's processes in implementing the components of the Title VI Non-discrimination Agreement and Standard DOT Title VI Assurances within the jurisdiction of the Iowa DOT. The reviewer recommended to the City to post the Policy statement on the bulletin board and website.

F. Are the Title VI Assurances appendixes included in all contracts? Including deeds, permits, and leases. Yes X No _____

Discussion/Comments:

The City discussed the Title VI Assurances does have the Appendixes in the contracts. The reviewer requested a copy of their contract, and the City provided a contract. It was discussed the insertion of Appendices A & E of the Assurances in all applicable contracts including those with consultant engineering firms. Title VI language on contracts let through the Iowa DOT is included through reference via its specifications. The City's discussed they follow the Iowa DOT specification process and is used for most contracts, deeds, permits, and leases.

The Iowa DOT reviewer recommended, and the City agreed to review all its agreements and template for contracts to include Title VI language (ensure inclusion of Title VI language from the Assurances as well as applicable appendices).

G. Are planning manuals, directives, guidelines, operational procedures, and policies reviewed for Title VI compliance purposes? (Example: Contractor selection procedures and appraisal process for ROW.) Yes X No _____. Yes. The city regularly reviews are bidding forms and are transitioning to on-line bidding to improve access to potential bidders. All federal projects are bid through the Iowa DOT Office of Contracts in Ames.

Discussion/Comments:

The city discussed they follow the procurement process as it relates its' transportation program and activities was discussed. The Iowa DOT reviewer inquired as to the process the City follows for ensuring opportunities are available for all contractors to submit bids on projects let both locally and through the Iowa DOT. The city discussed that all local projects are let through the Iowa DOT letting process, and the bid process. The lowest responsible bidder is awarded to the contractor and uses the Iowa DOT's approval list for contractors. The Iowa DOT reviewer discussed the availability of the Iowa DOT's DBE Directory on its website as a resource as well.

The appraisal process for ROW is governed by the Uniform Acquisition & Relocation Act which the city abides by.

H. Does the agency have an ADA Coordinator? Yes X No ___ if yes, where can the public find contact information for the ADA Coordinator?

I. Does the agency have an ADA Transition Plan? Yes X No ___ If yes, how does the agency disseminate this information to the public? City Website, community engagement sessions, WEBQA (work order system the public has access to), Human Rights Office, City Attorneys office (has civil rights attorney)

Discussion/Comments:

The city discussed the ADA Coordinator is Shelley Stickfort, Human Resources Director, and there is an ADA Transition Plan. The reviewer discussed the elements of an ADA Transition Plan and provided the City with the I.M 1.080 ADA Requirements issued by the Iowa DOT's Office of Local Systems.

Written Response:

IV. SUB-RECIPIENT DEMOGRAPHIC INFORMATION

A. CITY'S /CITY'S POPULATION & DEMOGRAPHIC INFORMATION:

Total Population of Local Public Agency (LPA): 59,667

RACE/ETHNICITY'S

| RACE | NUMBER | % | HISPANIC | NUMBER | % |
|---|--------|-------|----------------------|--------|------|
| | | | ORIGIN | | |
| White | 50,794 | 85.1 | Hispanic - White | | |
| Black or African American | 3,745 | 6.28 | Hispanic – Non-White | | |
| Am. Indian or Alaskan Native | 223 | 0.37 | Other/Unknown | | |
| Asian | 690 | 1.16 | 2 or more races | | |
| Native Hawaiian or other Pacific Islander | 798 | 1.34 | Hispanic or Latino | 2,220 | 3.72 |
| Some other race | 769 | 12.89 | | | |

SEX

| SEX | NUMBER | % |
|--------|--------|------|
| Male | 28598 | 48.4 |
| Female | 30520 | 51.6 |

AGE

| AGE | NUMBER | % |
|-----------------------|--------|------|
| Under 18 years of age | 11561 | 19.5 |
| 18 – 64 years of age | 35943 | 60.9 |
| 65 & over | 11614 | 19.6 |

POVERTY

| | NUMBER | % |
|---------------------------|--------|------|
| Below poverty level | 7243 | 13.2 |
| At or above poverty level | 47549 | 86.8 |

FOREIGN-BORN POPULATION

| | NUMBER | % |
|---|--------|-----|
| Total foreign-born | | 3.1 |
| Speaks English “not well” or “not at all” | | 4.7 |

DISABILITY

| TYPE | NUMBER | % |
|----------------|--------|-----|
| Total disabled | | 9.1 |
| Employed | | |
| Non-employed | | |

Discussion/Comments

The reviewer discussed the importance of knowing the demographics of the city. It was also discussed the understanding of the City's demographic information as way to improve the outreach efforts of the city as it relates to its public participation process.

Written Response:

V. PUBLIC NOTIFICATION OF RIGHTS & ACCESSIBILITY

A. Is Title VI (i.e. Policy and/or Title VI Plan) information publicly displayed and accessible to staff and service beneficiaries? Yes X _____ No _____ If yes, please describe mechanism:

Discussion/Comments:

The City does have a Policy and a Title VI Non-Discrimination Agreement. The reviewer recommended for the City to post the policy on the City Hall Bulletin Board and Website.

B. Does all Title VI related information and materials identify the name and contact information to whom complaints should be referred? Yes No

Discussion/Comments:

No response provided. The City discussed Title VI related information and materials are not posted. The reviewer recommended to the city to create and implement the Title VI information and materials and identify with the name and contact information, and place on the City Website and City Hall. The reviewer provided the city with a Title VI Notice to the Public template which identifies the name and contact information to whom complaints should be referred.

C. Does the sub-recipient disseminate Title VI information to employees, clients, and constituents? Yes No X If yes, please describe process: If yes, please describe process: Brochures near the City Clerk's office in City Hall, on city website in notice to bidders

Discussion/Comments:

The city discussed Title VI information to employees, clients, and constituents have brochures near the City Clerk's Office in the City Hall, and on the website. The reviewer recommended the city to disseminate Title VI information to employees, clients, and constituents.

D. Does the sub-recipient provide Title VI training to agency staff? (Please provide documentation as to when, to whom, and what was presented.) Yes No X

Discussion/Comments:

The City discussed Title VI training is provided to all supervisor. The reviewer discussed the importance and recommended the city to develop and implement Title VI training sessions for its employees and staff. The reviewer also recommended the city to document the trainings by providing agendas and sign-in sheets. The reviewer suggested to include the information in its Annual Accomplishment & Goals report. In addition, the city can review the Iowa DOT's Civil Rights website as a resource of materials which could be used for training.

Written Response:

VI. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

A. Does the sub-recipient have a Limited English Proficiency (LEP) plan? Yes No X

B. What steps has the sub-recipient taken to ensure meaningful access to the benefits, services, information, and other important components of its programs and services to persons with Limited English Proficiency? Please describe: multi-language signs, interpreter availability, multi-language brochures, dedicated multi-cultural center,

administrative policies on telephone language interpretation service, administrative policies on use of interpreters and devices for the deaf.

Discussion/Comments:

The city discussed there are interpreters available. The reviewer discussed with Dubuque City the elements of conducting its LEP assessment (4-factor analysis) as a step in developing and implementing the city LEP plan. Also described the Iowa DOT's LEP plan and the methods used to ensure meaningful access to the benefits, services, information and other components of its programs and services to those persons with Limited English Proficiency, including the use of interpreters, language lifeline services (CTS language link), google translate for the web. It was discussed that LEP persons aren't just limited to those who live in Dubuque City, but the public (those traveling through the city or perhaps working in the city (i.e. construction companies) and therefore, should be ensured of meaningful access to the City's benefits, services and information. The reviewer recommended the city develop and implement its LEP plan, collaborating with other departments to find out what the city may already have in place. Reviewer provided the U.S. Department of Justice Language Access and Planning Tool for Federally Conducted, and Federally Assisted Programs guide as resource to aid in the development of their LEP plan. The progress is to be documented in the Annual Accomplishment & Goals report.

Written Response:

VII. TRANSPORTATION (BOARDS AND COMMISSIONS)

A. List transportation-related appointed board(s), commission(s), or advisory board(s), if any:

RACIAL/ETHNIC BREAKDOWN OF THE TRANSPORTATION-RELATED BOARD(S) AND/OR COMMISSION(S): Airport commission, airport zoning board of adjustment, airport zoning commission, transit advisory board, Long Range Planning Advisory Commission

| GROUP | NUMBER |
|---|---------------------------------|
| White | Do not collect this information |
| Black or African American | |
| Am. Indian or Alaskan Native | |
| Asian | |
| Native Hawaiian or other Pacific Islander | |
| Hispanic - White | |
| Hispanic – Non-white | |
| Other - Unknown | |

Written Response

The city discussed City Council Members are on all the boards mentioned above.

VIII. PUBLIC PARTICIPATION AND OUTREACH

A. Please provide documentation/evidence describing efforts to identify and involve minority and low-income residents and communities within your service area in the decision-making process. The City of Dubuque has an Office of Shared Prosperity with a Community Outreach Coordinator that specifically reaches out to under-represented minorities to solicit feedback and be involved.

Discussion/Comments:

The city discussed agendas are posted on the City Clerk's Bulletin Board, Website, social media, and Newspaper (Telegraph Herald). The minutes are published on the website. The reviewer recommended the City to utilize other entities such as Sheriff Department, Driver's License, Library, School, and Hospital.

B. Please describe the methods used to inform low-income, and minority populations of planning efforts for transportation-related services and/or improvements: We coordinate with minorities and underrepresented populations through our Office of Shared Prosperity and Community Engagement Coordinator

Discussion/Comments:

The city discussed the methods used to inform low-income and minority population of planning efforts are public meetings, newspaper, public notices, radio/television, and social media.

C. List minority and/or community media utilized to ensure notification of public meetings or public review of agency documents for residents in minority and low-income communities: We post information on meetings on social media, in the paper, on radio and through our cable TV channel. We also post notices at City Hall.

Discussion/Comments:

The city discussed there is no minority media to utilize, so to ensure notification public notices are posted at City Hall, Radio/TV, Newspaper, and with the Multi-Cultural Family Center.

D. List adverse social, environmental, economic, or demographic impacts identified on any planned or programmed transportation-related projects during the last two years: **None. Road Detours, traffic modifications, closure to public walkers. These have resulted in longer commute times.**

E. Are accessible locations and translation services considered or provided during public outreach sessions? Do you notify the public of available accessibility services? (Please provide a copy.) Please describe: Meeting notices and letters note the availability of translation services.

Discussion/Comments:

The city discussed public meetings are held in various locations and handicap accessible, and translators are available.

Written Response:

F. Is the data collected and retained on the attendance at public sessions? Is the information broken down by race, color, national origin and sex? (Please provide a copy of data or voluntary data collection form.) Yes No None

Discussion/Comments:

The City of Dubuque responded "None". The City of Dubuque discussed the City Manager and City Attorney does take attendance at public meetings. The Iowa DOT reviewer recommends the city to develop and implement a method of collecting demographic data from its public meetings. Various methods of data collection were discussed including the Iowa DOT's use of voluntary survey cards. The reviewer also provided the city with a sample sign-in sheet which includes the demographics to be recorded on a voluntary basis by those in attendance.

Written Response:

IX. INVESTIGATION AND COMPLAINT PROCESSES

A. Does your agency have written procedures for responding, recording, and resolving Title VI and ADA investigations, complaints, lawsuits? Yes No See attached administrative policy and also process used by Transportation Services.

Discussion/Comments:

The city discussed there are written procedures for responding or resolving Title VI and ADA investigations, complaints, and lawsuits. The reviewer recommended to the city to create and implement written procedures.

B. Has your agency made the public aware of the right to file a complaint? Yes No If so, by what mechanism? The information on how to file is on the City of Dubuque website www.cityofdubuque.org and via brochures at City Hall.

Discussion/Comments:

The City discussed the public is aware of right to file a complaint. The reviewer recommended to the city to create a document with the Title VI and ADA Coordinator's information and post on the City Hall bulletin board and website.

C. Please list any Title VI complaints on the basis of race, color and national origin in your agency in the past two years: None. See attached information. We are currently have a cross-departmental panel developing a strategy to better coordinate with city departments on Title VI

Were the complaints investigated? Yes X No By whom? The complaints are investigated by multiple staff members with departments.

Recommendations:

- It is recommended that the City create and implement a Title VI Annual Accomplishment and Goals report, and report on the Accomplishment and Goals Report.
- The reviewer recommended to the City to post the Policy Statement on City Hall's Bulletin Board and Website.
- The reviewer recommended, and the City agreed to review all its agreements and templates for contracts to include Title VI language.
- The reviewer recommended to the City to create and implement the Title VI information and materials and identify with the name and contact information, and place the information on the City Hall's Bulletin Board and Website.
- It is recommended to the City to disseminate Title VI information to employees, clients, and constituents.
- It is recommended the City develop and implement a training plan for all employees to ensure they are informed of the City's Title VI responsibilities. It was also recommended the City document the training sessions with agendas and sign-in sheets and report the information regarding the training sessions in its annual Accomplishment & Goals Report.
- It is recommended the City develop and implement a written LEP plan (including conducting the 4-factor analysis) and to document the process in its annual Accomplishment & Goals report.
- The reviewer recommended to the City to utilize other entities such as Sheriff Department, Library, School, and Hospital when communicating with low-income and minority community.
- The reviewer recommended the City to use other entities with utilizing media communication.
- The reviewer recommended the City to develop and implement methods of notifying the public of available accessibility services and where requests for accommodations can be made. The reviewer recommended the City develop methods of disseminating to the public (i.e. City website, City council meeting agenda) and its notification for requests for accommodation (the contact name and number to whom the requests can be made).
- The reviewer recommends the City to create and implement written procedures for Title VI

Conclusion:

The review team finds the City of Dubuque does meet Iowa DOT and FHWA minimum requirements.