

Sponsor: Administrator

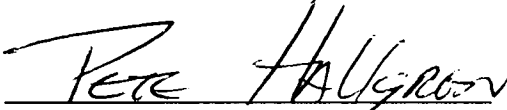
**CITY AND BOROUGH OF SITKA**

**ORDINANCE NO. 97-1429**


**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA ADOPTING COMPLAINT PROCEDURES FOR PERSONS REPORTING VIOLATIONS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND CHAPTER 18.80 OF THE ALASKA STATUTES**

1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not intended to become a part of the Sitka General Code.
2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person or circumstances shall not be affected thereby.
3. **PURPOSE.** While the municipality has had an open policy concerning civil rights complaints, changing times and grant requirements suggest that a more formal procedure should be adopted.
4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Complaint Procedures for Persons Reporting Violations of Title VI of the Civil Rights Act of 1964 and Chapter 18.80 of the Alaska Statutes attached hereto are hereby adopted.
5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska this 22nd day of April, 1997.

  
Peter S. Hallgren, Mayor

**ATTEST:**

  
Kathy Hope Erickson  
Municipal Clerk

**COMPLAINT PROCEDURES**  
**FOR**  
**PERSONS REPORTING VIOLATIONS**  
**OF**  
**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**  
**and**  
**CHAPTER 18.80 OF THE ALASKA STATUTES**

**These Procedures are established for individuals who believe that they have been discriminated against by the City and Borough of Sitka in violation of Title VI of the Federal Civil Right Act of 1964 and Chapter 18.80 of The Alaska Statutes.**

## **City and Borough of Sitka Policy Against Discrimination**

**IT IS THE POLICY of the City and Borough of Sitka that:**

- **The municipality will fully comply with Title VI of the Civil Rights Act of 1964.**
- **The municipality will not discriminate against any person because of race, religion, color, national origin, age, sex, physical or mental disability, marital status, changes in marital status, pregnancy or parenthood in employment when the reasonable demands of the position do not require such distinction.**
- **The municipality will not refuse, withhold from or deny any person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, religion, sex, color, or national origin or because of physical or mental disability.**

## COMPLAINT PROCEDURE

The Municipality's Title VI and equal rights (hereinafter Title VI Complaint Procedure) complaint procedure is applicable to all Municipal Program Areas.

The Title VI Complaint Procedure<sup>2</sup> for any person or group of people shall be to file a complaint in writing with the Municipalities Finance Director. The complaint shall be adjudicated by the Finance Director. Any appeal of the Finance Director's decision shall be made to the Municipal Administrator. Any further appeal shall be resolved through the Assembly, or in the appropriate Court of Law.

The process that the Finance Director shall follow to resolve the complaint is:

1. Within five (5) working days of receipt of the complaint, acknowledge receipt to the complainant by registered mail. The acknowledgment from the Finance Director shall include a questionnaire requesting the following information:
  - a. Name, address, and telephone number of the complainant.
  - b. Names(s), and addresses(es) if available, of alleged discriminating organization(s)/individual(s).
  - c. Basis of complaint (i.e. race, color, gender, or national origin).
  - d. Date of alleged discriminatory act(s).
  - e. A statement of the complaint.
  - f. Any other agencies (state, local, or federal) with which the complaint has been filed.
2. Within five (5) working days of receipt of the complaint, notify the department head for the department implicated in the complaint, and the Administrator. This notification shall include the nature of the complaint, the date the complaint was received, and any action(s) proposed or already taken to resolve the complaint.
3. With five (5) work days of receipt of the completed questionnaire, acknowledge receipt of the completed questionnaire to the complainant by registered mail.
4. Assure that the allegation is investigated by a person trained in compliance investigations involving violations of Title VI of the 1964 Civil Rights Act, as amended.
5. Prepare a Report of Findings for the Administrator.
6. Within forty-five (45) days of receipt of the completed questionnaire, notify the complainant of the decision reached by the Finance Director including proposed disposition of the matter. The notification should advise the complainant of avenues for appeal if dissatisfied with the decision. The proposed resolution should require action adequate to correct and prevent similar occurrences of discrimination.

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<sup>2</sup>This complaint procedure is also enforceable under authority of the Civil rights Restoration Act of 1987.

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7. **Within sixty (60) days of receipt of the completed questionnaire, provide the Administrator with a copy of the complaint and a report containing the following information:**
  - a. **The race, color, sex, or national origin of the complainants(s).**
  - b. **The recipient of the complaint.**
  - c. **The nature of the complaint.**
  - d. **The date the complaint was filed and the date that the investigation was completed.**
  - e. **The disposition and the date of the disposition.**
  - f. **Other pertinent information.**
  
8. **Periodically inform the Administrator regarding the status of all complaints.**

**This procedure shall not prohibit informal attempts to resolve the matters, but such informal attempts and their results shall be included in the periodic report of investigations.**

**The fact that an allegation has been filed directly with the FHWA does not relieve the Municipality, upon being informed of the allegation, of responsibility for taking action, pursuant to its own internal procedures, to resolve the matter.**