



RESOLUTION NO.: 200325  
PRESENTED: AUG 10 2020  
ADOPTED: 8-17-2020

**RESOLUTION TO ADOPT NOTICE OF NONDISCRIMINATION AND GRIEVANCE  
PROCEDURE**

**BY THE CITY ADMINISTRATOR:**

**WHEREAS,** On August 23, 2016, Environmental Protection Agency External Civil Rights Compliance Office (ECRO) accepted for investigation EPA Complaint No. 19RD-16-R5 and opened an investigation into whether the Michigan Department of Environmental Quality (MDEQ), Genesee County, and the City of Flint discriminated against the complainant and other similarly situated individuals in Flint, Michigan, on the bases of race, national origin, including limited-English proficiency (LEP), and disability with respect to the administration of the Safe Drinking Water Act of 1974, including public notification and involvement, in violation of Title VI and 40 C.F.R. Part 7, and whether MDEQ, Genesee County, and the City of Flint discriminated against individuals in Flint, Michigan on the basis of race, national origin, including limited-English proficiency, and disability by failing to have in place procedures for addressing compliance with the non-discrimination requirements, per 40 C.F.R. Part 7.

**WHEREAS,** On March 4, 2020 the City of Flint voluntarily entered into an Informal Resolution Agreement with the Environmental Protection Agency, External Civil Rights Compliance Office to resolve EPA Complaint NO. 19RD-16-R4.

**WHEREAS,** to comply with the Informal Resolution Agreement the City must adopt and post a Notice of Nondiscrimination and a Grievance Procedure for the Public.

**WHEREAS,** City Administrator Clyde Edwards recommends adopting the Notice of Nondiscrimination and Grievance Procedure for the Public.

**THEREFORE, BE IT RESOLVED** that the Flint City Council agrees to adopt the Notice of Nondiscrimination and Grievance Procedure for the Public.

<Signatures on the Following Page>



**APPROVED AS TO FORM:**

Angela Wheeler  
Angela Wheeler, Chief Legal Officer

**FOR THE CITY OF FLINT:**

Clyde Edwards  
Clyde Edwards, City Administrator  
CE

**APPROVED AS TO FINANCE:**

Amanda Trujillo  
Amanda Trujillo, Acting Chief Financial Officer

**APPROVED BY CITY COUNCIL:**

Monica Galloway  
Monica Galloway, City Council President

**Notice of Nondiscrimination in the Provision of City of Flint Services**

The City of Flint does not discriminate in its programs and activities based on race, ethnicity, color, national origin, sex, marital status, sexual orientation, age, religion, disability, veteran status, or other protected status in accordance with all state and federal laws and does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

The City of Flint is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Nondiscrimination in Programs or Activities Receiving Federal Assistant from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972.

If you have any questions about this notice or any of the City's non-discrimination programs, policies or procedures or if you believe that you have been discriminated against with respect to a City program or activity, you may contact:

**Tia Lewis, PhD**

Nondiscrimination Coordinator

810-766-7280 Ext. 2954

1101 South Saginaw Street, Room 9, Flint, Michigan 48502

[tmlewis@cityofflint.com](mailto:tmlewis@cityofflint.com)

**Keosha Brooks**

Alternate Nondiscrimination Coordinator

810-766-7280 Ext. 2963

1101 South Saginaw Street, Room 9, Flint, Michigan 48502

[kbrooks@cityofflint.com](mailto:kbrooks@cityofflint.com)

You may visit our Website at <https://www.cityofflint.com/> and click the link for Nondiscrimination Policy and Procedure to obtain a copy of the City's procedures to file a grievance/complaint of discrimination.

## **City of Flint Grievance Procedure**

A person believing that he or she has been denied a City service because of his/her race, ethnicity, color, national origin, sex, marital status, sexual orientation, age, religion, disability, veteran status, or other protected status as defined in federal or state law; or if any person feels that they have been intimidated or retaliated against because they have exercised their rights to participate in or opposed actions protected or prohibited by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights, or who has been otherwise discriminated against in the provision of City programs and activities because of their protected status, should contact the City's Nondiscrimination Coordinator, Tia Lewis, 810-766-7280 Ext. 2954, 1101 South Saginaw Street, Room 9, Flint, Michigan 48502, [tmlewis@cityofflint.com](mailto:tmlewis@cityofflint.com).

Complainants must submit a complaint with the Nondiscrimination Coordinator within 180 calendar days of the occurrence of the alleged discriminatory or retaliatory conduct. The time for filing a complaint may be extended for up to 90 calendar days by the Nondiscrimination Coordinator for good cause upon written request by the complainant setting forth the reasons for the extension. A written complaint will ensure that the alleged conduct is stated in the complainant's own words. The Nondiscrimination coordinator will ask the complainant to provide specific information, including: date, time and location of incident(s); to the extent known, the names and job titles of persons involved; a concise statement of the facts constituting the alleged discriminatory conduct; names of witnesses, if any; and the complainant's full name, address, telephone number, and email address.

The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. The Nondiscrimination Coordinator will determine whether further investigation is necessary and, if so, who will conduct the investigation. The Nondiscrimination Coordinator may consult with the City Administrator and/or City Attorney at any time during this process. The Nondiscrimination Coordinator shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

It is the intent of the City to investigate discrimination complaints promptly and efficiently. Although it is hoped that an investigation can be completed within fourteen (14) calendar days, some investigations may require more time. In such cases, the Nondiscrimination Coordinator will keep the complainant advised of the status of the investigation no less frequently than every fourteen (14) days.

At the conclusion of the investigation, the Nondiscrimination Coordinator and City Administrator will review the findings and collectively determine whether the discrimination has occurred and an appropriate remedy, if warranted. Unless extended by written agreement with the complainant, the Nondiscrimination Coordinator shall prepare and send to the complainant a written report within 60 calendar days of the City's receipt of the complaint. For all complaints, the decision shall include:

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint
6. Notice of the complainant's right to appeal the City's decision within fifteen (15) calendar days

As it is the City's desire to resolve complaints amicably, the City may engage the complainant in conciliation discussions at any time before, during or after the investigation.

Nothing in these procedures should be construed to limit a complainants' right to file a complaint with the appropriate state or federal agency that regulates the service in question or that adjudicates claims of discrimination.