

## LA VISTA CITY COUNCIL MEETING AGENDA

March 5, 2024

6:00 p.m.

Harold "Andy" Anderson Council Chamber  
La Vista City Hall  
8116 Park View Blvd

- **Call to Order**
- **Pledge of Allegiance**
- **Announcement of Location of Posted Open Meetings Act**
- **Proclamation: Women in Construction Week**
- **Service Award: Ben Iversen – 20 Years**

*All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

**A. CONSENT AGENDA**

1. Approval of the Agenda as Presented
2. Approval of the Minutes of the February 20, 2024 City Council Meeting
3. Request for Payment – RDG Planning & Design – Professional Services – Municipal Campus Plan & Design – \$3,000.25
4. Request for Payment – HGM Associates Inc – Professional Services – East La Vista Sewer and Pavement Rehabilitation – Phase 2 Final Design – \$20,858.48
5. Request for Payment – Olsson, Inc – Professional Services – City Park Pavilion Testing – \$900.00
6. Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – Central Park Improvements – \$550.00
7. Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – Central Park Improvements – \$415.00
8. Request for Payment – Benesch – Professional Services – Giles Road Widening – \$25,013.52
9. Approval of Claims

- **Reports from City Administrator and Department Heads**

**B. Resolution – Council Policy Statement – Capital Asset Management Policy**

**C. Amend Council Policy Statements 124 and 125**

1. Resolution – Amend Council Policy Statement 124 – Programs, Services and Activities related to Sections 504 – Rehabilitation Act of 1973
2. Resolution – Amend Council Policy Statement 125 – Programs, Services and Activities – Title VI of the Civil Rights Act of 1964

- **Comments from the Floor**
- **Comments from Mayor and Council**
- **Adjournment**

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact the City Clerk prior to the meeting at 402-331-4343. A copy of the Open Meeting Act is posted in the Council Chamber and available in the public copies of the Council packet. Citizens may address the Mayor and Council under "Comments from the Floor." Comments should be limited to three minutes. We ask for your cooperation in order to provide for an organized meeting.



**PROCLAMATION  
2024 WOMEN IN CONSTRUCTION WEEK  
NATIONAL ASSOCIATION OF WOMEN IN  
CONSTRUCTION**

WHEREAS, the National Association of Women in Construction (NAWIC) Greater Omaha Chapter has distinguished itself for over 60 years as the voice of women in construction in Eastern Nebraska; and

WHEREAS, the work done by the NAWIC Greater Omaha Chapter has benefited the City of La Vista through community development and educational programs; and

WHEREAS, the NAWIC Greater Omaha Chapter has unceasingly promoted the employment and advancement of women in the construction industry; and

WHEREAS, the construction community, represented by NAWIC Greater Omaha Chapter has been a driving force in fostering community development through renovation and beautification projects; promotion of skilled trades careers; and a positive vision of the future; and

WHEREAS, the NAWIC Greater Omaha Chapter has sought to achieve successful results for the City of La Vista and surrounding areas in a cooperative spirit with other organizations.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby recognize the National Association of Women in Construction Greater Omaha Chapter and its many dedicated volunteers for its steadfast work on behalf and support of women in construction and do proudly proclaim the week of March 3-9, 2024 as **WOMEN IN CONSTRUCTION WEEK** and encourage our residents to congratulate the organization on its many accomplishments.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 5<sup>th</sup> day of March 2024.

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk





CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO **BEN IVERSEN OF THE LA VISTA POLICE DEPARTMENT**, FOR 20 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Ben Iversen** has served the City of La Vista since March 1, 2004; and

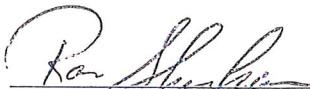
WHEREAS, **Ben Iversen's** input and contributions to the City of La Vista have contributed to the success of the City;

NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to **Ben Iversen** on behalf of the City of La Vista for 20 years of service to the City.

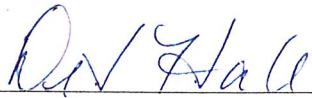
DATED THIS 5TH DAY OF MARCH 2024.



Terrilyn Quick  
Councilmember, Ward I



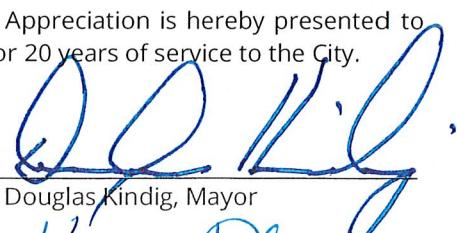
Ronald Sheehan  
Councilmember, Ward II



Deb Hale  
Councilmember, Ward III



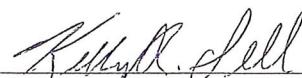
Kevin Wetuski  
Councilmember, Ward IV



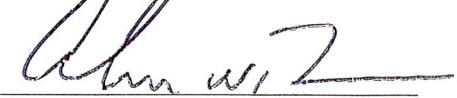
Douglas Kindig, Mayor



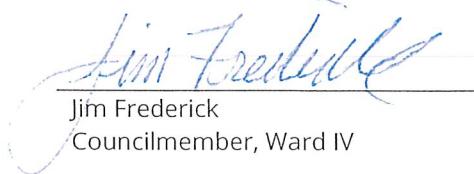
Kim J. Thomas  
Councilmember, Ward I



Kelly R. Sell  
Councilmember, Ward II



Alan W. Ronan  
Councilmember, Ward III



Jim Frederick  
Councilmember, Ward IV

ATTEST:



Pamela A. Buethe, MMC  
City Clerk

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# MINUTE RECORD

A-2

No. 729 — REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING February 20, 2024

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on February 20, 2024. Present were Mayor Kindig and Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Director of Administrative Services Pokorny, Police Captain Barcal, Director of Public Works Soucie, Recreation Director Buller, Human Resources Director Lowery, Community Development Director Fountain, Library Director Barcal and City Engineer Dowse.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on February 7, 2024. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and made the announcements.

### **PROCLAMATION – GOVERNMENT COMMUNICATORS DAY**

Mayor Kindig proclaimed February 24, 2024 as Government Communicators Day and presented the proclamation to Communication Manager Beaumont and Communication Specialist Grams.

### **SERVICE AWARDS: KRAIG GOMON – 25 YEARS; BRIAN MATHEW – 10 YEARS; PAT DOWSE – 5 YEARS**

Mayor Kindig recognized Kraig Gomon for 25 years of service to the City, Brian Mathew for 10 years of service to the City and Pat Dowse for 5 years of service to the City.

#### **A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF THE MINUTES OF THE FEBRUARY 6, 2024 CITY COUNCIL  
MEETING**
- 3. MONTHLY FINANCIAL REPORT – JANUARY 2024**
- 4. REQUEST FOR PAYMENT – LAMP RYNEARSON – PROFESSIONAL  
SERVICES – 2023 PAVEMENT CONDITION – \$926.60**
- 5. RESOLUTION 24-012 – APPROVE APPOINTMENT OF SAFETY STEERING  
COMMITTEE MEMBER**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROVIDING FOR THE APPOINTMENT OF A SAFETY STEERING COMMITTEE MEMBER.

WHEREAS, The City Council of the City of La Vista has determined that an appointment to the La Vista Safety Steering Committee is necessary; and

WHEREAS, a recommendation by the City Administrator, in consultation with the staff, has been made regarding appointments; and

WHEREAS, the recommended appointment complies with N.R.S. 48-443:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby appoint the following city employee to the La Vista Safety Steering Committee for the term specified:

Brad Baber Employer Representative (fill vacancy) 2 year term through 4/2025

#### **6. APPROVAL OF CLAIMS**

A-1 FLAGS, POLES & REPAIR, services	200.00
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# MINUTE RECORD

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February 20, 2024

ABM INDUSTRIES, services	30,328.35
ACCESS BANK, services	35.00
ACTION BATTERIES UNLTD, supplies	22.00
ACTIVE NETWORK, services	96.11
AKRS EQUIPMENT SOLUTIONS, maint.	1,587.64
AMAZON, supplies	3,571.72
ARCORO HOLDINGS CORP, services	1,995.00
ARNOLD MOTOR SUPPLY, maint.	2,727.44
BABER, B, training	310.50
BACON LETTUCE CREATIVE, services	3,893.60
BIBLIOTHECA, books	54.39
BIG RED LOCKSMITHS, services	160.00
BISHOP BUSINESS EQUIPMENT, supplies	1,471.19
BLACK HILLS ENERGY, utilities	11,856.85
BLUE COURAGE, services	22,280.00
BOBCAT OF OMAHA, maint.	254.40
BRONDELL, services	79.99
BUSBOOM, D, training	198.00
CENTER POINT, books	236.10
CENTURY LINK/LUMEN, maint.	1,848.65
CINTAS CORP, services	1,727.87
CITY OF OMAHA, services	779,070.00
CITY OF PAPILLION, services	21,703.80
CITY OF PAPILLION - MFO, services	237,694.00
COLLAB. SUMMER LIBRARY PROGRAM, books	886.83
CONVERGINT TECHNOLOGIES, services	1,218.28
COX COMMUNICATIONS, services	1,364.18
CULLIGAN OF OMAHA, supplies	45.65
DELL MARKETING, services	26.50
DFC FLOORING SPECIALISTS, bldg & grnds	9,678.63
DXP ENTERPRISES, services	134.00
ESSENTIAL SCREENS, services	296.22
EYMAN PLUMBING, services	617.52
FASTENAL COMPANY, supplies	12.18
FERGUSON US HOLDINGS, maint.	369.00
FIKES COMMERCIAL, supplies	33.00
FNBO, services	38.10
FIRST RESPONDER OUTFITTERS, apparel	32.23
FISHER PARKING & SECURITY, bldg & grnds	10,078.00
FITZGERALD SCHORR BARMETTLER, services	29,835.60
FLAGSHOOTER, supplies	222.72
FNIC, services	6,730.75
FUN EXPRESS, supplies	77.88
GALE, books	28.49
GENERAL FIRE & SAFETY, services	2,380.50
GENERAL TRAFFIC CONTROLS, supplies	55.00
GENUINE PARTS CO, supplies	337.78
GREAT PLAINS COMMUNICATION, services	1,084.79
GREAT PLAINS UNIFORMS, apparel	453.46
GREATAMERICA FINANCIAL, services	3,782.89
GREGG YOUNG CHEVROLET, maint.	1,217.75
HANEY SHOE STORE, apparel	131.99
HGM ASSOCIATES, services	27,949.44
HOBBY LOBBY, services	213.89
HOTSY EQUIPMENT CO, bldg & grnds	148.24

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HY-VEE, supplies	734.64
INGRAM LIBRARY, books	1,693.60
J & J SMALL ENGINE, services	2,799.00
KANOPY, services	248.00
KINDIG, D, business	79.34
KRIHA FLUID POWER CO, maint	427.32
LABRIE, DON, services	600.00
LARSEN SUPPLY CO, supplies	655.50
LARSON, C, supplies	53.84
LIBRARY SUPPLY, books	105.32
MARCO INC, services	61.43
MATHESON TRI-GAS, services	292.56
MECHANICAL SALES, bldg & grnds	220.55
MENARDS, supplies	688.58
METRO AREA TRANSIT, services	1,684.00
METRO COMM COLLEGE, services	19,051.12
MUD, utilities	1,397.90
MICHAEL TODD & CO, supplies	379.23
MID-AMERICAN BENEFITS, services	237.18
MIDWEST TAPE, media	94.90
MIDWEST TURF & IRRIGATION, maint.	3,191.69
MSC INDUSTRIAL SUPPLY CO, supplies	119.24
NCOA, training	450.00
NE ASSN OF COMM PROPERTY OWNERS, services	30.00
NE DEPT OF REVENUE, taxes	83,776.75
NE ARBORISTS ASSOC, training	215.00
NE IA INDL FASTENERS, maint.	67.12
NE STATE PATROL, services	2,714.50
NEWMAN SIGNS, maint.	3,715.52
NMC GROUP, maint.	154.74
NE PLANNING/ZONING ASSN, training	705.00
OFFICE DEPOT, supplies	381.99
OLD NEWS, services	17.00
OLSSON, services	900.00
OMAHA SLINGS, maint.	140.10
OMAHA WORLD-HERALD, services	966.20
OMNI ENGINEERING, services	1,639.75
ONE CALL CONCEPTS, services	263.84
O'REILLY AUTO PARTS, supplies	5,951.78
PAPILLION SANITATION, services	5,806.48
PAYROLL MAXX, payroll & taxes	431,264.11
PER MAR SECURITY, services	430.20
POINT C HEALTH, services	8,164.91
POMP'S TIRE SERVICE, maint.	4,513.52
QUESTICA, services	23,175.00
RDG PLANNING & DESIGN, services	6,734.74
RTG BUILDING SERVICES, bldg & grnds	6,765.00
SARPY CO FISCAL ADMIN, services	9,365.30
SARPY DOUGLAS LAW ENFORCE. ACADEMY, services	3,051.00
SCHAFFER MFG CO, maint.	686.40
SHERWIN-WILLIAMS, supplies	119.93
SHI INTERNATIONAL CORP, services	656.80
SIGN IT, services	427.00
SMALL, B, training	114.50

# MINUTE RECORD

SPORTS FACILITY MAINT, services	3,060.00
SUBURBAN NEWSPAPERS, services	246.71
SUCCESS FACTORS INC, services	12,617.12
TEAMSIDELINE.COM, services	699.00
THE COLONIAL PRESS, services	6,955.27
THE FILTER SHOP, maint.	86.20
THE LIBRARY STORE, books	187.40
THE SCHEMMER ASSOC, services	770.00
THE WALDINGER CORP, bldg & grnds	1,100.00
THOMPSON DREESSEN & DORNER, services	349.50
THREE RIVERS LIBRARY SYSTEM, services	15.00
TORNADO WASH, services	147.00
TRAFFIC & PARKING CONTROL CO, maint.	1,370.50
TRANS UNION RISK, services	75.00
TRUCK CENTER CO, maint.	530.61
TURF TANK, services	1,700.00
TURFWERKS, maint.	531.30
TY'S OUTDOOR POWER, services	1,030.02
U.S. CELLULAR, phones	1,875.13
UNITE PRIVATE NETWORKS, services	4,950.00
UPS, services	13.32
UNMC, services	338.00
US BANK NAT'L ASSOC, supplies	19,751.27
VERIZON CONNECT, phones	608.00
VERIZON WIRELESS, phones	383.87
VOIANCE LANGUAGE, services	41.12
WALMART, supplies	366.63
WELDON PARTS, supplies	1,593.43
WINTER EQUIPMENT CO, maint.	2,047.50
ZEITNER, Z, training	114.50

Councilmember Thomas made a motion to approve the consent agenda. Seconded by Councilmember Hale. Councilmember Sell reviewed the bills and had no questions. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Nays: None. Abstain: None. Absent: Wetuski. Motion carried.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded Council that the Strategic Planning Workshop will be held on February 24th.

Director of Public Works Soucie provided a road report and a project report.

## PRESENTATION – CODE ENFORCEMENT PROCESS

The Code Enforcement Improvement Team presented information on the Code Enforcement Process that they went through.

## B. RESOLUTION – APPROVE PROFESSIONAL SERVICES AGREEMENT – POINT C

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-013 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH POINT C, CHERRY HILLS, NEW JERSEY TO PROVIDE PROFESSIONAL ADMINISTRATIVE SERVICES FOR THE CITY'S FSA PLAN IN AN AMOUNT NOT TO EXCEED \$2,706.00.

WHEREAS, the City Council of the City of La Vista has determined that said services are necessary; and

# MINUTE RECORD

February 20, 2024

No. 729 — REDFIELD DIRECT E2106195KV

WHEREAS, the FY23/FY24 Biennial Budget includes funding for this project; and

WHEREAS, that the form of amended and restated Welfare Benefit Plan, effective January 01, 2024, presented to this meeting (and a copy of which is attached hereto) is hereby approved and adopted, and that the proper agents of the city are hereby authorized and directed to execute and deliver to the Administrator of said Plan one or more counterparts of the Plan; and

WHEREAS, that the Administrator shall be instructed to take such actions that the Administrator deems necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures for the provision of benefits under the Plan; and

WHEREAS, that the proper agents of the City shall act as soon as possible to notify the employees of the City of the adoption of the Plan and to deliver to each employee a copy of the Summary Plan Description of the Plan, which Summary Plan Description is attached hereto and is hereby approved.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorize the mayor to execute a professional services agreement with Point C to provide professional administrative services for the City's FSA plan in an amount not to exceed \$2,706.00.

Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Nays: None. Abstain: None. Absent: Wetuski. Motion carried.

## **C. RESOLUTION – AUTHORIZE AMENDMENT NO. 11 – PROFESSIONAL SERVICES AGREEMENT – PARKING FACILITIES DESIGN**

Mayor and Council requested that Item C be tabled to a future date. Councilmember Thomas made a motion to table Item C. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Nays: None. Abstain: None. Absent: Wetuski. Motion carried.

## **D. RESOLUTION – AWARD BID – 2024 PAVEMENT REHABILITATION**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 24-015 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH WESTERN ENGINEERING COMPANY, INC., HARLAN, IOWA FOR THE 2024 PAVEMENT REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED \$1,347,918.50.

WHEREAS, the Mayor and City Council have determined that the 2024 Pavement Rehabilitation Project is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for this project;

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a professional services agreement, in a form satisfactory to the City Administrator and City Attorney, be authorized with Western Engineering Company, Inc. for the 2024 Pavement Rehabilitation Project in an amount not to exceed \$1,347,918.50.

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Nays: None. Abstain: None. Absent: Wetuski. Motion carried.

# MINUTE RECORD

## E. RESOLUTION – AUTHORIZE PURCHASE – TACTICAL ATHLETE PROGRAM (TAP)

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-016 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF THE TACTICAL ATHLETE PROGRAM (TAP) COURSE FROM COMPLETE TACTICAL CONSULTANTS, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$5,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of the Tactical Athlete Program course is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorizing the purchase of the Tactical Athlete Program course from Complete Tactical Consultants, Omaha, Nebraska in an amount not to exceed \$5,000.00.

Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Nays: None. Abstain: None. Absent: Wetuski. Motion carried.

## F. RESOLUTION – AUTHORIZE PURCHASE – HVAC SYSTEM (ANNEX)

Councilmember Sell introduced and moved for the adoption of Resolution No. 24-017 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE AND INSTALLATION OF A HVAC SYSTEM FOR THE ANNEX FROM THE WALDINGER CORPORATION, LA VISTA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$23,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase and installation of a HVAC system is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase and installation; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorizing the purchase and installation of a HVAC System for the Annex from Waldinger Corporation, La Vista, Nebraska in an amount not to exceed \$23,000.00.

Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Nays: None. Abstain: None. Absent: Wetuski. Motion carried.

## G. RESOLUTION – AUTHORIZE PURCHASE – CENTRAL PARK SHELTER

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-018 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE AND INSTALLATION OF A REPLACEMENT SHELTER FOR CENTRAL PARK FROM CROUCH RECREATION IN AN AMOUNT NOT TO EXCEED \$137,869.00.

# MINUTE RECORD

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WHEREAS, the City Council of the City of La Vista has determined that the purchase and installation of a replacement shelter is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase and installation; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorizing the purchase and installation of a replacement shelter for Central Park in an amount not to exceed \$137,869.00.

Seconded by Councilmember Frederick. Jason Allen gave an update on the plan for the shelter replacement. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Nays: None. Abstain: None. Absent: Wetuski. Motion carried.

## H. RESOLUTION – AUTHORIZE PURCHASE – COMPUTER EQUIPMENT

Councilmember Frederick introduced and moved for the adoption of Resolution No. 24-019 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF TWENTY-THREE (23) DELL COMPUTERS AND ACCESSORIES ON THE STATE CONTRACT BID FROM DELL IN AN AMOUNT NOT TO EXCEED \$51,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of twenty-three (23) computers and accessories for various City departments is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed computer equipment purchase; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the city administrator secure Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the purchase of twenty-three (23) Dell Computers and accessories on the state contract bid from Dell in an amount not to exceed \$51,000.00.

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Nays: None. Abstain: None. Absent: Wetuski. Motion carried.

## I. RESOLUTION – EXPENDITURE AUTHORIZATION – LA VISTA DAYS CELEBRATION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-020 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING VARIOUS EXPENDITURES ASSOCIATED WITH THE ANNUAL LA VISTA DAYS CELEBRATION IN AN AMOUNT NOT TO EXCEED THE APPROVED FY24 BUDGET OF \$167,200.00.

WHEREAS, the City Council of the City of La Vista has determined that the La Vista Days celebration is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the La Vista Days event; and

# MINUTE RECORD

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorizing various expenditures associated with the annual La Vista Days celebration in an amount not to exceed the approved FY24 budget of \$167,200.00.

Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Nays: None. Abstain: None. Absent: Wetuski. Motion carried.

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig and City Administrator Gunn provided a legislative update.

At 7:02 p.m. Councilmember Sheehan made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell and Hale. Nays: None. Abstain: None. Absent: Wetuski. Motion carried.

PASSED AND APPROVED THIS 5TH DAY OF MARCH 2024.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk



**Remit To:**  
**RDG Planning & Design**  
**301 Grand Avenue**  
**Des Moines, Iowa 50309**  
**Questions: [invoicing@rdgusa.com](mailto:invoicing@rdgusa.com)**

Rachel Carl  
 City of La Vista  
 City Hall  
 8116 Park View Blvd.  
 La Vista, NE 68128

January 31, 2024  
 Project No: R3005.930.00  
 Invoice No: 56277

Project R3005.930.00 City of La Vista - Municipal Campus Master Plan and Design

**Professional Services through January 31, 2024**

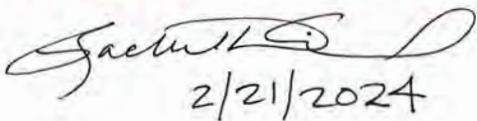
**Fee**

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee	
Planning	149,750.00	34.5008	51,665.00	48,664.75	3,000.25	
Total Fee	149,750.00		51,665.00	48,664.75	3,000.25	
			<b>Total Fee</b>			<b>3,000.25</b>
				<b>Total this Invoice</b>		<b>\$3,000.25</b>

**Outstanding Invoices**

Number	Date	Balance
56055	12/31/2023	6,734.74
<b>Total</b>		<b>6,734.74</b>

05.71.0917.000-CTHL15002

  
 2/21/2024





450 Regency Pkwy  
Suite 120  
Omaha, NE 68114  
(712) 323-0530

**City of LaVista**  
Attn: Mr. Patrick Dowse, P.E.  
9900 Portal Road  
LaVista, NE 68128

## INVOICE

Invoice Number: 702619-28  
Date: February 09, 2024  
Client Code: 7220  
P.O. Number: 20-008340

Progress billing for engineering services for the East LaVista Sewer and Pavement Rehabilitation - Phase 2 Final Design, per agreement dated June 4, 2019 & Amendments..

### Construction Observation, Administration & Testing Through: January 31, 2024

	Hours	Rate	Current Period	Billed To Date
001: Phase I Investigation (LS \$53,340)		90% Complete		\$48,006.00
002: Trekk (\$90,420) (Hrly)				\$89,172.71
003: Thiele Geotech (\$18,675) (Hrly)				\$19,200.00
004: Emspace & Lovgren (\$9,775) (Hrly)				\$11,809.67
005: Amendment 1 HGM (LS \$923)		100% Complete		\$923.00
006: Amendment 1 TREKK (\$4,000) (Hrly)				\$4,000.00
007: Phase 2 Final Design (Hrly)				\$201,345.71
008: Phase 2 Final Design TREKK (Hrly)				\$64,665.61
009: Phase 2 Final Design Emspace (Hrly)				\$10,763.73
010: Midwest Right of Way (\$58,725) (Hrly)				\$20,205.00
011: Construction Admin (Hrly)				
Design Engineer	16.00	117.12	\$1,873.92	
Design Engineer	74.00	136.32	\$10,087.68	
Design Engineer	43.50	148.48	\$6,458.88	
Engineer Technician	10.00	105.60	\$1,056.00	
			\$19,476.48	\$359,888.10

Hours Rate Current Period Billed To Date

## 012: Const. Testing - Thiele Geotech (\$93,873) (Hrly)

Thiele Geotech, Inc.	\$1,382.00	
	<u>\$1,382.00</u>	\$21,685.00

Total Amount Billed	\$851,664.53
Less Previous Invoices	<u>\$830,806.05</u>
<b>Invoice Total</b>	<b><u>\$20,858.48</u></b>

## Outstanding Invoices

Invoice	0 - 30	31 - 60	61-90	Over 90	Balance
702619-27	1/14/2024	\$27,949.44			\$27,949.44
		<u>\$27,949.44</u>			<u>\$27,949.44</u>

OK TO PAY  
PMD 2/28/24

Q2.71.0917.CE-SEWER 17001  
 $(4E:)\text{SEWER} = \$10,012.07$   
 $(5E:)\text{STAFF} = \$10,846.41$

## Invoice

601 P St Suite 200  
 PO Box 84608  
 Lincoln, NE 68501-4608  
 Tel 402.474.6311, Fax 402.474.5063

# olsson

February 22, 2024  
 Invoice No: 488493

Pat Dowse  
 City Engineer  
 City of La Vista NE  
 8116 Park View Blvd  
 La Vista, NE 68128-2198

**Invoice Total** **\$900.00**

Olsson Project # 022-03277

La Vista City Park Pavilion Testing

Professional services rendered through February 3, 2024 for work completed in accordance with our Agreement dated June 1, 2022.

Phase 500 SWPPP

**Fee**

Number of internal units	1.00
Fee Each	900.00
Subtotal	900.00

<b>Subtotal</b>	<b>900.00</b>
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<b>Total this Phase</b>	<b>\$900.00</b>
-------------------------	-----------------

<b>AMOUNT DUE THIS INVOICE</b>	<b>\$900.00</b>
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Email invoices to: pdowse@cityoflavista.org

Authorized By: Douglas Carey

OK TO PAY  
 PMD 2/28/24  
 16.71.0917.00 - PARK 16021



Thompson, Dreessen & Dorner, Inc.  
Consulting Engineers & Land Surveyors

INVOICE

Please remit to:

TD2 Nebraska Office  
10836 Old Mill Road; Omaha, NE 68154  
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office  
5000 S. Minnesota Ave., Unif 312; Sioux Falls, SD 57108  
Office: 605/951-0886

CITY OF LA VISTA  
PAT DOWSE  
9900 PORTAL ROAD  
LA VISTA, NE 68128

Invoice number 161751  
Date 02/19/2024

Project 0171-422 CENTRAL PARK  
IMPROVEMENTS

Professional Services from January 1, 2024 through February 04, 2024

Description	Contract Amount	Prior Billed	Remaining	Current Billed
Task A2.1 - Utility Relocate Park View Blvd St Swr Inlet Constr	2,220.00	0.00	2,220.00	0.00
Task A2.2 - Drainage Calculations for Park View Blvd Inlets	2,080.00	0.00	2,080.00	0.00
Task A2.3 - Interim Roadway Lighting Plans	1,120.00	957.50	162.50	0.00
Reimbursables - Consultant Alvine & Assoc	3,500.00	3,150.00	0.00	350.00
Task A2.4-Limit Access to Portion of Central Park Plz Serving The Astro/The Link	2,280.00	512.50	1,567.50	200.00
Task A2.5 -Drawings for Lighting Sub-consultant & Constr Docs for Water Quality	7,200.00	7,200.00	0.00	0.00
Task A2.6 - Construction Phase Srvcs for Access Road Modifications	75,360.00	14,571.92	60,788.08	0.00
Task A2.7 - Geotechnical Exploration	2,120.00	2,120.00	0.00	0.00
Total	95,880.00	28,511.92	66,818.08	550.00

Invoice total 550.00

## Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
161751	02/19/2024	550.00	550.00				
	Total	550.00	550.00	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

OKPA +  
PMD 2/28/24  
05.71.0917.000 - STRQ4006



Thompson, Dreessen & Dorner, Inc.  
Consulting Engineers & Land Surveyors

INVOICE

## Please remit to:

TD2 Nebraska Office  
10836 Old Mill Road; Omaha, NE 68154  
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office  
5000 S. Minnesota Ave., Unit 312; Sioux Falls, SD 57108  
Office: 605/951-0886

CITY OF LA VISTA  
PAT DOWSE  
9900 PORTAL ROAD  
LA VISTA, NE 68128

Invoice number 161752  
Date 02/19/2024  
Project 0171-422 CENTRAL PARK  
IMPROVEMENTS

Professional Services from January 1, 2024 through February 04, 2024

Description	Current Billed
Task A3.0 - Central Park Road Construction Plans	200.00
Task A3.1 - Central Park Road Construction Observation	215.00
<b>Total</b>	<b>415.00</b>

Invoice total 415.00

## Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
161752	02/19/2024	415.00	415.00				
	Total	415.00	415.00	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

OK TO PAY  
PMD 2/26/24  
09.710917.000-5TR124006



Value Focused. Community Minded. Quality Driven.

Pat Dowse  
 City Engineer  
 City of La Vista  
 9900 Portal Road  
 La Vista, NE 68128

February 22, 2024  
 Project No: 00120869.00  
 Invoice No: 273517

Preliminary & Final Design  
 Giles Road, BNSF Bridge to Interstate 80 Eastbound On-Ramp Improvements  
 M376(230) STRT-17-003

**Professional Services from January 15, 2024 to February 11, 2024**

Task	00001	PM, Coordination, Meeting & QC	Hours	Rate	Amount
<b>Professional Personnel</b>					
Sr Project Manager Sockel, Jeffery			1.00	270.00	270.00
Sr Project Manager O'Bryan, Timothy			2.00	220.50	441.00
Project Engineer II Barahona, Alejandro			9.00	144.00	1,296.00
Sr Project Manager Higgins, John			1.00	207.00	207.00
<b>Totals</b>			13.00		2,214.00
<b>Total Labor</b>					<b>2,214.00</b>
<b>Total this Task</b>					<b>\$2,214.00</b>
<hr/>					
Task	00002	Site Inv, Traffic Eng & Alternative Eval	Hours	Rate	Amount
<b>Professional Personnel</b>					
Sr Project Manager Sockel, Jeffery			2.00	270.00	540.00
Project Manager II Romero, Michael			45.50	193.50	8,804.25
Project Engineer II Alangurli, Fouad			4.00	141.00	564.00
Barahona, Alejandro			18.50	144.00	2,664.00
Designer I Alajmi, Abdallah			17.00	96.00	1,632.00
Sr Project Manager Jussel, James			.50	219.00	109.50
<b>Totals</b>			87.50		14,313.75
<b>Total Labor</b>					<b>14,313.75</b>

Project	00120869.00	La Vista Giles Rd BNSF Bridge to I-80	Invoice	273517
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**Reimbursable Expenses**
**Equipment/Room Rental**

2/5/2024	Highway Signing, Inc.	Arrowboard Rental	82.39	
	<b>Total Reimbursables</b>		<b>82.39</b>	<b>82.39</b>

**Unit Billing**

2020 Chevy Silverado-WJC774 23CVN8

1/25/2024	15.0 Miles @ 0.67	10.05
1/31/2024	28.0 Miles @ 0.67	18.76
2/5/2024	21.0 Miles @ 0.67	14.07

CF10 Concrete Coring

	7.0 Each @ 137.00	959.00
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CL5 Measure Core Lengths

	7.0 Each @ 33.00	231.00
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M2 Trip Charge

	1.0 Each @ 118.00	118.00
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M3 Coring Mobilization

	1.0 Each @ 232.00	232.00
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<b>Total Units</b>	<b>1,582.88</b>	<b>1,582.88</b>
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 Total this Task **\$15,979.02**

Task 00003 Preliminary Design

**Professional Personnel**

	Hours	Rate	Amount
Project Engineer II Barahona, Alejandro	4.50	144.00	648.00
Designer II Najera, Gabriel	36.50	111.00	4,051.50
Sr Technical Specialist Snook, Kevin	4.50	168.00	756.00
Technologist IV Salisbury, Tracy	13.00	105.00	1,365.00
Totals	58.50		6,820.50
<b>Total Labor</b>			<b>6,820.50</b>
		<b>Total this Task</b>	<b>\$6,820.50</b>

Billing Limits	Current	Prior	To-Date
Total Billings	25,013.52	0.00	25,013.52
Limit			211,749.82
Remaining			186,736.30

 Total this Invoice **\$25,013.52**

OH TO PAY  
 PMD 2/28/24  
 05-71-09117.000 - GRT 17003

User: LELIAS

DB: La Vista

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
141648	02/21/2024	FITZGERALD SCHORR BARMETTLER	6,979.60	N
141649	02/21/2024	FRANCOIS ROSS	4,350.00	N
141650	02/21/2024	LAMP RYNEARSON & ASSOCIATES	926.60	N
141651	02/21/2024	UNITED STATES POSTAL SERVICE	2,641.94	N
2952(E)	03/05/2024	ACTIVE NETWORK LLC	602.71	N
2953(E)	03/05/2024	AMERICAN HERITAGE LIFE INSURANCE CO	438.45	N
2954(E)	03/05/2024	CENTURY LINK/LUMEN	760.88	N
2955(E)	03/05/2024	CENTURY LINK/LUMEN	92.39	N
2956(E)	03/05/2024	COLONIAL LIFE & ACCIDENT INS CO	2,017.56	N
2957(E)	03/05/2024	DEARBORN NATIONAL LIFE INSURANCE CO	1,209.00	N
2958(E)	03/05/2024	DEARBORN NATIONAL LIFE INSURANCE CO	7,065.35	N
2959(E)	03/05/2024	LINCOLN NATIONAL LIFE INS CO	6,667.07	N
2960(E)	03/05/2024	MEDICA INSURANCE COMPANY	144,440.15	N
2961(E)	03/05/2024	METLIFE	1,106.51	N
2962(E)	03/05/2024	METROPOLITAN UTILITIES DISTRICT	2,748.86	N
2963(E)	03/05/2024	MID-AMERICAN BENEFITS INC	3,473.51	N
2964(E)	03/05/2024	OMAHA PUBLIC POWER DISTRICT	47,880.25	N
2965(E)	03/05/2024	PAYROLL MAXX	458,845.23	N
2966(E)	03/05/2024	PITNEY BOWES-EFT POSTAGE	1,887.00	N
2967(A)	03/05/2024	ABM INDUSTRIES, INC	19,331.57	N
2968(A)	03/05/2024	CITY OF PAPILLION - MFO	237,694.00	N
141652	03/05/2024	AMAZON CAPITAL SERVICES, INC.	1,547.84	N
141654	03/05/2024	ANDERSON, PATTI	170.50	N
141655	03/05/2024	ASSOCIATED FIRE PROTECTION	456.00	N
141656	03/05/2024	AT&T MOBILITY LLC	98.40	N
141657	03/05/2024	BARCO MUNICIPAL PRODUCTS INC	197.81	N
141658	03/05/2024	BERGANKDV LLC	7,000.00	N
141659	03/05/2024	BISHOP BUSINESS EQUIPMENT	49.21	N
141660	03/05/2024	BIZCO, INC.	1,617.60	N
141661	03/05/2024	BOBCAT OF OMAHA	1,651.46	N
141662	03/05/2024	BOOT BARN	150.00	N
141663	03/05/2024	BRODERSEN, CALE	143.92	N
141664	03/05/2024	BUETHE, PAM	170.50	N
141665	03/05/2024	CAVLOVIC, PAT	150.00	N
141666	03/05/2024	CENTER POINT, INC.	47.94	N
141667	03/05/2024	CHI HEALTH EMPLOYEE ASST PROGRAM	3,146.55	N
141668	03/05/2024	CINTAS CORPORATION NO. 2	87.52	N
141669	03/05/2024	COMP CHOICE INC	170.00	N
141670	03/05/2024	COMPLETE TACTICAL CONSULTANTS	5,000.00	N
141671	03/05/2024	CREATIVE PLANNING BUSINESS SERVICES	3,357.50	N
141672	03/05/2024	D & K PRODUCTS	482.65	N
141673	03/05/2024	DEMCO INCORPORATED	122.94	N
141674	03/05/2024	DOUG SHOEMAKER	897.48	N
141675	03/05/2024	DOUGLAS COUNTY SHERIFF'S OFC	300.00	N
141676	03/05/2024	FANTASY DRONE SHOWS LLC	6,250.00	N
141677	03/05/2024	FIRST RESPONDER OUTFITTERS, INC	746.30	N
141678	03/05/2024	FUN EXPRESS LLC	672.13	N

User: LELIAS

DB: La Vista

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
141679	03/05/2024	GALE	297.64	N
141680	03/05/2024	GENERAL FIRE & SAFETY EQUIP CO	403.75	N
141681	03/05/2024	GREY HOUSE PUBLISHING	310.50	N
141682	03/05/2024	HD SUPPLY, INC	71.16	N
141683	03/05/2024	HELGET SAFETY SUPPLY INC	155.00	N
141684	03/05/2024	HOBBY LOBBY STORES INC	207.90	N
141685	03/05/2024	HOLIDAYGOO	2,827.00	N
141686	03/05/2024	HY-VEE INC	180.00	N
141687	03/05/2024	INGRAM LIBRARY SERVICES LLC	2,445.33	N
141688	03/05/2024	J RETZ LANDSCAPE, INC	2,890.00	N
141689	03/05/2024	JANITOR DEPOT MIDWEST LLC	1,827.15	N
141690	03/05/2024	KRIHA FLUID POWER CO INC	129.25	N
141691	03/05/2024	LARSEN SUPPLY COMPANY	131.36	N
141692	03/05/2024	LAURIE SCOTT	728.75	N
141693	03/05/2024	LIBRARY ADVANTAGE	700.00	N
141694	03/05/2024	LIBRARY IDEAS LLC	1,205.66	N
141695	03/05/2024	MADSEN, LARRY	150.00	N
141696	03/05/2024	MALLORY VALLIER	200.00	N
141697	03/05/2024	MENARDS-RALSTON	517.05	N
141698	03/05/2024	METRO AREA TRANSIT	1,067.00	N
141699	03/05/2024	MICHAEL TODD AND COMPANY INC	135.81	N
141700	03/05/2024	MIDWEST TAPE	65.47	N
141701	03/05/2024	MIKE SCHOFIELD	243.88	N
141702	03/05/2024	NLA-NEBRASKA LIBRARY ASSN	60.00	N
141703	03/05/2024	NMC GROUP INC	260.28	N
141704	03/05/2024	NORTH AMERICAN RESCUE	1,244.48	N
141705	03/05/2024	ODEYS INCORPORATED	1,737.40	N
141706	03/05/2024	OFFICE DEPOT INC	478.69	N
141707	03/05/2024	OMAHA WORLD-HERALD	967.20	N
141708	03/05/2024	ON THE SPOT PRODUCTIONS	10,000.00	N
141709	03/05/2024	QUALITY AUTO REPAIR & TOWING, INC.	200.00	N
141710	03/05/2024	RDG PLANNING & DESIGN	650.00	N
141711	03/05/2024	SCHOLASTIC LIBRARY PUBLISHING	163.80	N
141712	03/05/2024	SHERWIN-WILLIAMS	127.49	N
141713	03/05/2024	SOUTHEAST AREA CLERK'S ASSOCIATION	20.00	N
141714	03/05/2024	SUBURBAN NEWSPAPERS INC	554.53	N
141715	03/05/2024	SUNSET LAW ENFORCEMENT LLC	32,218.75	N
141716	03/05/2024	THE COLONIAL PRESS, INC	121.98	N
141717	03/05/2024	THOMAS GJERE	200.00	N
141718	03/05/2024	TROUT, DONNA L	2,415.00	N
141719	03/05/2024	UNITED PARCEL SERVICE	13.32	N
141720	03/05/2024	UNMC	419.00	N
141721	03/05/2024	VERIZON WIRELESS	18.02	N
141722	03/05/2024	WESTLAKE HARDWARE INC NE-022	47.97	N
141723	03/05/2024	WESTLAKE HARDWARE INC NE-022	1,813.09	N
141724	03/05/2024	WIRELESS CCTV LLC	3,100.00	N
141725	03/05/2024	CITY OF PAPILLION	11,417.94	N

## COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
141726	03/05/2024	METROPOLITAN COMMUNITY COLLEGE	15,340.56	N
95	CHECKS PRINTED	TOTAL CLAIM AMOUNT:	\$1,086,322.04	0

Check #	Check Date	Vendor Name	Amount	Voided
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APPROVED BY COUNCIL MEMBERS ON: 03/05/2024

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COUNCIL MEMBER

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 5, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
COUNCIL POLICY STATEMENT CAPITAL ASSET MANAGEMENT POLICY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	MEG HARRIS FINANCE DIRECTOR

#### **SYNOPSIS**

A resolution has been prepared to approve a Council Policy Statement regarding Capital Asset Management to replace Council Policy Statement 120 – Asset Control Program.

#### **FISCAL IMPACT**

N/A.

#### **RECOMMENDATION**

Approval.

#### **BACKGROUND**

This policy has been created to replace the existing Asset Control Program Policy to update it in accordance with GFOA recommendations which state that local governments consider the following guidelines in establishing capitalization thresholds:

- *Potentially capitalizable items should only be capitalized only if they have an estimated useful life of at least two years following the date of acquisition;*
- *Capitalization thresholds are best applied to individual items rather than to groups of similar items (e.g., desks and tables), unless the effect of doing so would be to eliminate a significant portion of total capital assets (e.g., books of a library district);*
- *In no case should a government establish a capitalization threshold of less than \$5,000 for any individual item;*
- *In establishing capitalization thresholds, governments that are recipients of federal awards should be aware of federal requirements that prevent the use of capitalization thresholds in excess of certain specified maximum amounts (i.e., currently \$5,000) for purposes of federal reimbursement; and*
- *Governments should exercise control over potentially capitalizable items that fall under the operative capitalization threshold.*

GASB 34 states that capital assets should be reported at historical cost. The cost of a capital asset should include any charges necessary to put the asset into place. Donated capital assets should be reported at their IRS estimated fair value at the date of donation. Capital assets include moveable property (furniture & fixtures, machinery & equipment, automobiles, etc.), land, land improvements, buildings, building improvements, leasehold improvements, infrastructure, historical treasures & works of art, and all other tangible or intangible assets that are used in operations that have initial useful lives beyond a single reporting period. Capital assets that are not being depreciated should be disclosed separately from those that are being depreciated.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A COUNCIL POLICY STATEMENT.

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, replacement of the current Council Policy Statement "Asset Control Program" is being recommended; and

WHEREAS, a Council Policy Statement entitled "Capital Asset Management Policy" has been created to update the asset policy in conjunction with recommendations from the Government Finance office on Accounting (GFOA).

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve a Council Policy Statement entitles "Capital Asset Management Policy" and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

PASSED AND APPROVED THIS 5TH DAY OF MARCH 2024

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

## Capital Asset Management Policy

### Purpose

This policy is intended to be a guide to the City of La Vista's determination of expenditures which are subject to capitalization, guidance on depreciable life, asset inventory and accountability procedures, and asset disposal to comply with the requirements of GASB Statement 34: Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments.

### Definitions

The City of La Vista adopts the following definitions:

**Capital Asset** - an investment in tangible assets (things you can physically touch) intended for long term use in the ordinary course of business operations. An asset must meet both qualifications below to be considered a capital asset:

- a. It must have a useful life of more than 2 years.
- b. It must not lose its physical identity upon installation. For example, a pump that can be utilized in several production areas would be a capital asset. However, a pump that is a built-in component of another capital asset, and can only be used for that purpose, would not be considered a capital asset by itself.

**Capital Improvement** – An expenditure to bring the asset to a condition of intended use, beyond its original or current state. Improvements will increase an asset's useful function or service capacity, perform a required extension of "useful life," enhance the quality of services, reduce future operating costs, or upgrade essential parts of the asset. Examples include modernizing elevator cabs, installing variable frequency drive on cooling tower motors, upgrading to energy efficient lighting, or any other major, value-adding improvements.

**Construction-In-Progress** – is a category of capital assets, which represent the cost of building, improvements other than buildings, infrastructure or equipment under construction. When completed, the total cost is removed from construction-in-progress and reported under the appropriate capital asset category. Construction-in-progress is not depreciated.

**Economic Utility** - the capacity of an individual capital asset to satisfy its intended economic purpose. This definition will most likely apply to repairs of current capital assets. Some repairs will clearly add economic utility and should be capitalized, where others do not add economic utility and should not be capitalized.

**Historical Cost** - An accounting method in which assets are listed on a balance sheet with the value at which they were purchased, rather than the current market value. The historical cost principle is used to reflect the amount of capital expended to acquire an

# City of La Vista

## Council Policy Statement

### Capital Asset Management Policy

asset, and is useful for matching against changes in profits or expenses relating to the asset purchased, as well as for determining past opportunity costs.

**Infrastructure** - Long-lived capital assets that normally are stationary in nature and normally can be preserved for a significantly greater number of years than most capital assets. Examples of infrastructure assets include: roads, bridges, tunnels, drainage systems, water and sewer systems, dams, lighting systems, and data and communication networks.

**Intangible Asset** – an investment in intangible assets (things which you cannot touch) include intellectual property such as software, patents, trademarks, and copyrights.

**Repair and Maintenance** – Both routine repair and maintenance are performed to restore the asset's physical condition and/or operation to a specified standard, prevent further deterioration, replace or substitute a component at the end of its "useful life", serve as an immediate but temporary repair, or assess ongoing maintenance requirements.

#### Guidelines

##### A. Improvements

Improvements provide additional value by either 1) lengthening a capital asset's estimated useful life or 2) increasing a capital asset's ability to provide service (i.e., greater effectiveness or efficiency).

The City will also consider the "three-part improvement test" for capitalizing expenditures to "improve" a pre-existing unit of property. For this purpose, a unit of property is improved if the expenditures result in:

1. A betterment to the structure, material condition, increase productivity, efficiency, strength, quality or output of the unit of property. Example: 50% reduction in energy costs is considered material while 10% is not.
2. Restorations are made to restore a unit of property. The amount paid for the replacement of a "major component or substantial structural part" of a unit of property is an amount paid to restore (and therefore improve) the unit of property. Determination of whether a component or part was "major" or "substantial" depends on the facts and circumstances.
3. New or different use – adaptation of property to a new or different use.

##### B. Donated Assets

1. Prior to accepting any donated capital assets, the capital asset will be reported to the City Clerk.

# City of La Vista

## Council Policy Statement

### Capital Asset Management Policy

- Upon approval from the City Administrator, the donated capital assets will be reported to the Treasurer at their estimated fair value at the time of acquisition plus ancillary charges, if any.

#### Method of Depreciation

For simplicity and consistency, the City of La Vista will use the straight-line depreciation method (historical cost divided by useful life) for depreciation of all depreciable capital assets. In addition, it will be assumed that the capital assets will have no salvage value.

A half year of depreciation will be taken in the year the asset is placed into service or disposed of, regardless of the actual date of service or disposal. The actual date of service will be tracked, however.

#### Asset's Threshold & Useful Life

The City of La Vista Finance Department's parameters for treatment of Fixed Assets:

- Capitalization threshold levels and useful lives for capital assets are as follows:

Capital Asset	Threshold	Useful Life (in years)
Movable Property (not including computer software)	\$10,000	Varies – see table detail
Computer s/w purchased or developed for internal use	\$10,000	3 years
Buildings & improvements	\$10,000	Varies – see table detail
Land and non-depreciable land improvements	N/A – capitalize all	No useful life assigned for inexhaustible assets
Infrastructure	\$10,000	30 years
Historical works of art	N/A	No useful life – inexhaustible

# City of La Vista

## Council Policy Statement

### ***Capital Asset Management Policy***

Leasehold improvements	\$10,000	< of 20 years or lease term

2. The straight-line depreciation method will be used for depreciation of all depreciable capital assets.
3. A half year will be taken for the year assets are placed into service or disposed of.
4. Repairs and maintenance will not be capitalized only improvements. See definition.
5. Land and construction in progress are not depreciated.

Description of Assets and Examples	Useful Life (in years)
<b>Moveable Property</b>	
Office furniture & fixtures  Examples: desks, file cabinets, large cubicles, fireproof secure storage containers	10
Computers & peripheral equipment  Examples: hard drives, printers, servers, large scanners, TV screens, mounted projectors, AV equipment	4
Medical equipment	5
Automobiles	7
High mileage automobiles  Examples: Police cars	5
Light general-purpose trucks (<13,000 lbs.)	5

**City of La Vista**  
**Council Policy Statement**

***Capital Asset Management Policy***

Heavy general-purpose trucks (>13,000 lbs.)	6
Trailers and trailer mounted container	8
Buses	9
Construction equipment  Including lawn and snow removal equipment.	6
Recreation assets used in the community center.  Examples: exercise equipment, pool tables, billiards and pool halls, bowling alleys, theatres, and miniature golf courses.	8
Telephone central office equipment, police scanners and radios	10
Buildings and Improvements	
Single Use buildings	40
Service station buildings and related exterior improvements.	30
Roof	20
Depreciable Land Improvements	

# City of La Vista

## Council Policy Statement

### Capital Asset Management Policy

Land improvements that are depreciable & other improvements other than buildings  Examples: sidewalks, paths and trails, sprinkler systems, fences & gates, landscaping, fountains,	20
Infrastructure	
Examples: highways, roads, bridges, tunnels, sidewalks, curbs, gutters, street signage, streetlamps, traffic signals, drainage systems, water and sewer systems, lighting systems, railroad tracks, trestles, canals, waterways, spillways, locks, dams, levees, seawalls, lakes/reservoirs, water bottoms, beaches, boat ramps, boat docks, piers, wharfs, boardwalks, radio or television towers, airport runway/taxiway, data and communication networks	30

#### Asset Control

Maintaining an effective and accurate inventory of City-owned property (assets) is necessary for insurance and reporting purposes. The Finance Director or designee is responsible for the maintenance of automated inventory records for City property over the established value threshold and for reporting said assets as part of the City's Financial Statements.

# City of La Vista

## Council Policy Statement

### Capital Asset Management Policy

#### Asset Inventory

The Finance Director or designee will periodically oversee a physical inventory of the assets within each Department and Property Coordinators will be notified prior to the actual physical count. A list of assets assigned to each location will be generated from the automated database records. The list will include an inventory number, description of the item, the account number and a location where the item can be found. The individuals performing the inventory will verify the location of each item on the list and identify any new assets that need to be assigned an inventory number and added to the database. If there are items on the list that are not found, an inquiry will be made to determine the location or disposition of the item(s). Finance Personnel and Property Coordinators will complete any necessary disposition forms or theft reports.

#### Asset Accountability

Department Directors will be responsible for tracking and controlling all property owned by the City of La Vista and assigned to their department. Property over an established value threshold will be appropriately identified, periodically verified, transferred according to established guidelines, and accounted for in a computerized database system by Finance Director or designee and the designated Property Coordinators from all City departments.

Department Directors shall:

1. Appoint a Property Coordinator for their Department.
2. Make each employee aware of the Asset Control policy.
3. Inform employees that the City is not responsible for personal items brought into the workplace.

Property Coordinators shall:

1. Serve as the liaison regarding property between their department and the Finance Director.
2. Be responsible for assisting the Finance Director or designee with maintaining the fixed asset inventory and periodic inventory of the equipment.
3. Be aware of all equipment additions, transfers and disposals in their department and report the same to the Finance Director when the event occurs and according to the following procedure.
  - a. Acquisition of property over the value threshold shall be reported to the Finance Director on the Fixed Asset Report Form accompanied by a copy of the purchase order and the invoice.
  - b. Acquisition of property over the value threshold that must be licensed shall, in addition to the above requirements, be reported to the City Clerk with all original paperwork (invoice, manufacturer's certificate of origin(or title if used), sales and use tax statement, and application of title).

# City of La Vista

## Council Policy Statement

### Capital Asset Management Policy

#### Construction-In-Progress

During the construction of or upgrading of buildings, improvements other than buildings, infrastructure or equipment, the cost of the construction-in-progress will not be depreciated. When completed and signed off as completed by the City Engineer, the total cost is removed from construction-in-progress and reported under the appropriate capital asset category.

#### Surplus Assets

City property that has become unserviceable, unusable, or outdated may be considered surplus. Disposal of surplus property can be accomplished by transfer, trade-in, auction or disposal.

1. Transfer - Equipment that is included in the database can be transferred to another department within the City by completing the Fixed Asset Report Form and sending a copy to the Finance and the City Clerk Departments. Property Coordinators in both the transferring and the receiving department should also keep copies of the form.
2. Disposal – Real property owned by the City shall be disposed of in accordance with Nebraska State Statute 16-202. The City Council shall hold a public hearing prior to any such sale or lease, as per statute, and will make a formal decision regarding the disposal of such asset at a public meeting. Other property shall be disposed at public auction, after being declared surplus in accordance with La Vista Municipal Code §34.29(B). All City identifying information shall be removed prior to disposal. Any electronic or digital media shall be erased of any information or rendered inoperable and useless prior to disposal. Department heads shall provide written documentation of assets disposed and full accounting will be provided to the Finance and City Clerk departments.
3. Annexation – Upon annexation of county property/infrastructure by the City (roads/bridges/etc.), those items will be absorbed from the county's capital asset listing.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 5, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
UPDATE COUNCIL POLICY STATEMENTS – PROGRAMS, SERVICES, AND ACTIVITIES RELATED TO ADA/SECTION 504 AND TITLE VI OF CIVIL RIGHTS ACT OF 1964	◆ RESOLUTIONS (2) ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

**SYNOPSIS**

Resolutions have been prepared to update Council Policy Statements 124 and 125 pertaining to Programs, Services and Activities of the City of La Vista that are subject to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and Title VI of the Civil Rights Act of 1964.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

In 2010 the City of La Vista, as a sub-recipient of Federal-Aid funding, was charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, and the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Transportation. This included compliance with the Americans with Disability Act of 1990, Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964.

The current updates are required by the Nebraska Department of Transportation and the Code of Federal Regulations.

Both a redlined and clean version of the Council Policy Statements are included.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA UPDATING A COUNCIL POLICY STATEMENT PERTAINING TO PROGRAMS, SERVICES AND ACTIVITIES OF THE CITY OF LA VISTA THAT ARE SUBJECT TO SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT OF 1990 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Certain transportation facilities (roads, streets, trails, and others) in the City of La Vista have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

WHEREAS: City of La Vista desires to continue to participate in Federal-Aid transportation construction programs;

WHEREAS: The Nebraska Department of Transportation as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

WHEREAS: The Nebraska Department of Transportation and the Code of Federal Regulation requires updates be made to the Council Policy Statement; and

WHEREAS: City of La Vista understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in City of La Vista being required to repay some or all of the federal funds expended for a project(s).

NOW THEREFORE BE IT RESOLVED: The Mayor and City Council of La Vista, Nebraska do hereby approve the updating of the Council Policy Statement pertaining to programs, services and activities of the City of La Vista that are subject to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

PASSED AND APPROVED THIS 5TH DAY OF MARCH 2024.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

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**Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with Disabilities Act of 1990**

**POLICY STATEMENT**

The *City of La Vista* will ensure that no qualified individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). *The City of La Vista* further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

An individual with a disability is defined by the ADA as a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a history or record of such an impairment, or
- Is perceived by others as having such an impairment.

**AUTHORITIES**

Section 504 of the Rehabilitation Act of 1973, as amended, provides that “No otherwise qualified individual with a disability in the United States, as defined in section 7(20), shall, solely by reason of her or his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

49 CFR Part 27.13 - Designation of responsible employee and adoption of complaint procedures.

- (a) *Designation of responsible employee.* Each recipient shall designate at least one person to coordinate its efforts to comply with this part.
- (b) *Adoption of complaint procedures.* A recipient shall adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part and 49 CFR parts 37, 38, and 39. The procedures shall meet the following requirements:
  - (1) The process for filing a complaint, including the name, address, telephone number, and email address of the employee designated under paragraph (a) of this section, must be sufficiently advertised to the public, such as on the recipient's Web site;
  - (2) The procedures must be accessible to and usable by individuals with disabilities.

# City of La Vista

## Council Policy Statement

### ***Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990***

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(3) The recipient must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation of the response.

49 CFR Part 28.102 - Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation.

This part applies to all programs or activities conducted by the Department except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.

28 CFR Part 35 - Nondiscrimination on the basis of disability in State and Local Government Services. The purpose of this part is to implement subtitle A of Title II of the Americans with Disabilities Act of 1990 (ADA Amendments Act) which prohibits discrimination on the basis of disability by public entities.

49 CFR Part 27 - Nondiscrimination on the basis of disability in programs and activities receiving Federal Financial Assistance.

The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

49 CFR Part 28-140 - Employment

- (a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department.
- (b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.

29 CFR Part 1614.101 – Federal Sector Equal Employment Opportunity.

It is the policy of the Government of the United States to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disability, or genetic information and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.

# City of La Vista

## Council Policy Statement

### ***Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990***

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42 USC Part 12101-12213 - The Americans with Disabilities Act of 1990.

No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

#### **Organization**

Please see Responsibility Flow Chart on Attachment 1.

#### **Section 504/ADA Coordinator Responsibilities**

The City Clerk is designated as the City's Section 504/ADA Coordinator. The Coordinator shall be responsible for coordinating the City's efforts to comply with and carry out its responsibilities under the Section 504/ADA including employment matters and receiving any complaints communicated to the Coordinator alleging the City's non-compliance or alleging any actions that would be prohibited acts.

#### **Section 504/ADA Notice to the Public**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of La Vista will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

The City of La Vista does not discriminate on the basis of disability on the basis of disability in its hiring or employment practices and complies with the ADA Title I employment regulations.

The City of La Vista will, upon request, provide auxiliary aids and services leading to effective communication for people with disabilities, including qualified sign language interpreters, assistive listening devices, and other ways of making communications accessible to people who have speech, hearing, or vision impairments.

The City of La Vista will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of La Vista offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of La Vista should contact the City of La Vista ADA Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

# **City of La Vista**

## **Council Policy Statement**

### ***Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990***

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Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator:

Pam Buethe, City Clerk  
402-331-4343 Phone  
402-331-4375 Fax  
8116 Park View Blvd.  
La Vista, NE 68128  
[pbuethe@cityoflavista.org](mailto:pbuethe@cityoflavista.org)  
Office hours: Monday-Thursday, 8am-4:30pm, Friday, 8am-noon

### **Section 504/ADA Self-Evaluation**

The following areas were evaluated at the time of the original passage of the acts and are reviewed periodically to ensure continued compliance:

1. personnel policies, procedures, benefits, programs, etc. were reviewed for accessibility;
2. City buildings and facilities were evaluated for accessibility, and;
3. City programs, services and activities were evaluated for accessibility.

The buildings, facilities, programs, services and activities are reviewed on an annual Basis as part of the Capital Improvement Program and the normal budget process.

Self-evaluations consider all programs, activities and services. Remedial measures necessary to bring the programs, policies, and services into compliance may include, but be limited to, (1) relocation of programs to accessible facilities; (2) offering programs in an alternative accessible manner; (3) structural changes to provide program access; (4) policy modifications to ensure nondiscrimination; and (5) auxiliary aids needed to provide effective communication.

### **Section 504/ADA Transition Plan**

The following areas identified in the self-evaluation process were given a transition plan and have been completed:

1. Employment
  - a. Application form was reviewed and updated for compliance.
  - b. Policy on pre-employment physical examinations was changed to be post job offer.

# City of La Vista

## Council Policy Statement

### *Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990*

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- c. Application procedure was changed to allow for changes in maximum testing times (such as those with dyslexia or other impairments).
- d. Job descriptions were updated. New format now includes a section for Essential Functions, Physical Requirements, Tools/Equipment Used, and Working Conditions.
- e. Recruitment information is now available in several formats and additional locations.
- f. Training was provided to all employees with additional training for supervisors regarding hiring policies, interviewing questions and procedures, etc.

#### 2. Buildings/Facilities/Infrastructure

- a. Police Station (old facility)—pathways, door handles, and doorbells were changed, restroom facilities were modified, accessible parking and signage were altered for compliance.
- b. Police Station (new facility)—the new station was designed to be totally accessible according to building code requirements. Severe weather warning accommodations are available upon request.
- c. Fire Station No. 1 (old facility)—modified restrooms, added accessible parking spaces and with related signage and modified door handles. A new facility to replace Fire Station No. 1 is in the planning stages and will proceed when funding can be arranged.
- d. City Hall—a new City Hall was constructed prior to Jan. 1995 compliance deadline which conformed to all of the accessibility standards at that time.
- e. Municipal Swimming Pool—modifications were made to the bathhouse to modify restrooms and shower facilities, hallways were modified, and accessible parking was provided. Wheelchair access from the exterior is provided via a gate opening at the side of the building to circumvent a front door width restriction after which access to the bathhouse is available from inside the pool area. Some major issues, such as zero-depth entry remain. These will be addressed with a new aquatic facility at such time as funding can be obtained.
- f. Central Park-Restroom modifications were made and accessible parking stalls were provided.
- g. City Park—a drinking fountain was lowered and a new concession/maintenance building was constructed that provided accessible restrooms.
- h. Sports Complex—insulated piping and modified faucet handles in restrooms, changed door handles and provided accessible parking spaces
- i. Signage indicating accessible entrances was placed on each building.

# City of La Vista

## Council Policy Statement

### ***Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990***

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#### **3. Curb Ramps on Public Streets**

- a. Newly built or altered streets and roads include ramps wherever there are curbs or other barriers to entry from a pedestrian walkway. "Altered" includes resurfacing while isolated panel replacement and filling-in potholes does not.
- b. New sidewalks and walkways in public right of way or public property contain curb ramps in accordance with the applicable design regulations at the time that they are constructed.
- c. The public may request curb ramps at specific locations at any time. They will be constructed if warranted at such time as funds are available.
- d. All existing streets have been provided with curb ramps.

#### **4. Services**

- a. Council meeting minutes are available in alternative formats including written and audiotape. City Council and other public hearing agendas are also available in different formats. These are available upon request to the City Clerk at least three working days prior to the public hearing.

Transition plans will be created/alterred as areas are identified during our continuing self-evaluations. Interested persons, including individuals with disabilities or organizations representing individuals with disabilities, will have an opportunity to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

#### **ADA Compliant Procedure**

1. If you believe you have been discriminated against, denied employment or a benefit, or excluded from participation in any City program or activity on the basis of disability in violation of the ADA, you may submit a complaint in writing to the City Clerk for resolution. The complaint form attached hereto should be used. The complaint should be submitted as soon as possible but no later than sixty (60) days after the alleged violation. A record of the complaint and action taken will be maintained. A decision by the City Clerk will be rendered to you in writing or an appropriate substitute format within 10 working days.
2. Upon receipt of a complaint the City Clerk will provide the appropriate Department Head with a copy of the complaint. The Department Head will assist the City Clerk in conducting an investigation. The City Clerk may seek assistance from other Department Heads and the City Attorney depending on the nature of the complaint. A response will be provided in writing to the complainant within 15 working days of receipt of the complaint. The response

# **City of La Vista**

## **Council Policy Statement**

### ***Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990***

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will explain the position of the City of La Vista and, if applicable, offer options for resolution or actions that will be taken by the City.

3. If the complaint can't be resolved to your satisfaction by the City Clerk you may appeal the decision or action to the City Administrator within 15 days after receipt of the response from the City Clerk.
4. If the complaint can't be resolved to your satisfaction by the City Clerk or City Administrator, then the complaint will be heard by the City Council and discussed at an open, public meeting of the elected body. The decision of the City Council is the final action of the City in response to the complaint.
5. A record of action taken on each request or complaint will be maintained as a part of the records or minutes at each level of the grievance process.
6. Your right to a prompt and equitable resolution of the complaint will not be impaired by your pursuit of other remedies, such as the filing of a complaint with the Department of Justice or other appropriate federal agency, or the filing of a suit in the state or federal court. Use of this grievance procedure isn't a prerequisite to the pursuit of other remedies.

### **Reasonable Accommodation Procedures**

The requirements related to the provision of auxiliary aids and services and information concerning local providers are set forth in an attachment to this policy.

### **Assurances**

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the *City of La Vista* desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified person shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The City of La Vista further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC 12101-12213.

# City of La Vista

## Council Policy Statement

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990*

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### AMERICAN'S WITH DISABILITIES ACT DISCRIMINATION COMPLAINT FORM

Instructions: Please fill out this form completely. Sign and return to the address on page 2.

Complainant:

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Address:

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City, State and Zip Code:

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Telephone:

Home: \_\_\_\_\_

Cell: \_\_\_\_\_

Person Discriminated Against:  
(if other than the complainant)

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Address:

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City, State and Zip Code:

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When did the discrimination occur? \_\_\_\_\_

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Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 -124

Adopted: May 18, 2010

Amended:

Resolution No: 10-059

# City of La Vista

## Council Policy Statement

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990*

Where did the discrimination occur? \_\_\_\_\_

Describe the act(s) of discrimination (attach additional pages if necessary):

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Have any additional efforts been made by you regarding this complaint? Yes         
No

If yes, what?

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

# City of La Vista

## Council Policy Statement

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990*

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Return this form to:

Ms. Pam Buethe, City Clerk  
City of La Vista  
8116 Park View Blvd.  
City of La Vista, NE 68128  
[pbuethe@cityoflavista.org](mailto:pbuethe@cityoflavista.org)

### AUXILIARY AIDS AND SERVICES

Under the Americans with Disabilities Act (ADA), State and local governments must ensure effective communication with individuals with disabilities. Public entities are required to provide appropriate auxiliary aids and service, where necessary, to ensure that communications (such as all public information, discourse, and/or announcements) with individuals with disabilities are as effective as communications with others. Auxiliary aids and services include: Large print formats, assistive listening devices (ALS), TTY/TTD access, closed captioning, interactive software for various disabilities, website accessibility implements, interpreters, readers, service animals, etc.

When selecting an auxiliary aid or service, a public entity should:

1. Give primary consideration to the aid or service preferred by the individual because that individual is usually best able to identify the communication barriers that hamper participation.
2. Allow people the opportunity to use their own assistive technology products to achieve effective communication.
3. Consider the context in which the communication is taking place and its importance.

A public entity is not required to provide:

1. The requested aid or service if there is another equally effective means of communication available; however, it must give primary consideration to the aid or service preferred by the individual.
2. Auxiliary aids that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. However, public entities must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burden.

# **City of La Vista**

## **Council Policy Statement**

***Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990***

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TO FIND LOCAL PROVIDERS OF SPECIFIC AUXILIARY AIDS AND SERVICES CONTACT:

**Nebraska Commission for the Blind and Visually Impaired**

4600 Valley Road  
Suite 100  
Lincoln, NE 68510-4844  
Phone: (402) 471-2891  
Toll-free: (877) 809-2419  
Fax: (402) 471-3009

<http://www.ncbvi.ne.gov/>

**Nebraska Commission for the Deaf and Hard of Hearing**

Omaha Office  
1313 Farnam On-The-Mall  
Omaha, NE 68102-1836  
Phone: (402) 595-3991 v/tty  
Fax: (402) 595-2509  
Toll Free: 1-877-248-7836 v/tty  
E-mail Address: [ncdhh.omaha@nebraska.gov](mailto:ncdhh.omaha@nebraska.gov)

<http://www.ncdhh.ne.gov/>

**Nebraska Department of Health and Human Services**

Eastern Service Area  
Barry DeJong- Administrator  
1313 Farnam  
Omaha, NE 68102  
Phone: (402) 595-2880

Lincoln Office  
301 Centennial Mall South  
P.O. Box 95206  
Lincoln, NE 68509-5026  
Phone: (402) 471-3121

<http://www.dhhs.ne.gov/>

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**Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with Disabilities Act of 1990**

**Purpose**

~~The City of La Vista will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The City of La Vista further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.~~

~~For our purposes, a disabled person is defined as any person who:~~

- ~~1. has a physical or mental impairment that substantially limits one or more major life activities;~~
- ~~2. has a record of such an impairment, or~~
- ~~3. is regarded as having such an impairment.~~

**Authorities**

~~Section 504 of the Rehabilitation Act of 1973, as amended, provides that “No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”~~

~~29 USC 794 (October 29, 1992 to the Rehabilitation Act of 1973) substitutes “a disability” for “handicaps” and “disability” for “handicap”.~~

~~49 CFR Part 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance.”~~

~~49 CFR Part 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, “This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.”~~

~~28 CFR Part 35 (Judicial Administration) states that: “The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.~~

~~49 CFR part 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be~~

# City of La Vista

## Council Policy Statement

### *Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990*

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~~excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”~~  
~~49 CFR Part 28-140 (Employment) states that, “(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department,” and “(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.~~

~~29 CFR Part 1613 (Equal Employment Opportunity in the Federal Government) states that: “It is the policy of the Government of the United States … to provide equal opportunity in employment for all persons to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.”~~

~~42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: “No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”~~

### POLICY STATEMENT

The City of La Vista will ensure that no qualified individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The City of La Vista further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

An individual with a disability is defined by the ADA as a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a history or record of such an impairment, or
- Is perceived by others as having such an impairment.

### AUTHORITIES

Section 504 of the Rehabilitation Act of 1973, as amended, provides that “No otherwise qualified individual with a disability in the United States, as defined in section 7(20), shall, solely by reason of her or his disability, be excluded for the participation in, be

# City of La Vista

## Council Policy Statement

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990*

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denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

49 CFR Part 27.13 - Designation of responsible employee and adoption of complaint procedures.

(a) Designation of responsible employee. Each recipient shall designate at least one person to coordinate its efforts to comply with this part.

(b) Adoption of complaint procedures. A recipient shall adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part and 49 CFR parts 37, 38, and 39. The procedures shall meet the following requirements:

(1) The process for filing a complaint, including the name, address, telephone number, and email address of the employee designated under paragraph (a) of this section, must be sufficiently advertised to the public, such as on the recipient's Web site;

(2) The procedures must be accessible to and usable by individuals with disabilities;

(3) The recipient must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation of the response.

49 CFR Part 28.102 - Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation.

This part applies to all programs or activities conducted by the Department except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.

28 CFR Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services. The purpose of this part is to implement subtitle A of Title II of the Americans with Disabilities Act of 1990 (ADA Amendments Act) which prohibits discrimination on the basis of disability by public entities.

49 CFR Part 27 - Nondiscrimination on the Basis of Disability in Programs and Activities Receiving Federal Financial Assistance.

The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

# City of La Vista

## Council Policy Statement

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990*

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### 49 CFR Part 28-140 - Employment

- (a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department.
- (b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.

### 29 CFR Part 1614.101 – Federal Sector Equal Employment Opportunity.

It is the policy of the Government of the United States to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disability, or genetic information and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.

### 42 USC Part 12101-12213 - The Americans with Disabilities Act of 1990.

No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

## Organization

Please see Responsibility Flow Chart on Attachment 1.

## Section 504/ADA Coordinator Responsibilities

The City Clerk is designated as the City's Section 504/ADA Coordinator. The Coordinator shall be responsible for coordinating the City's efforts to comply with and carry out its responsibilities under the Section 504/ADA including employment matters and receiving any complaints communicated to the Coordinator alleging the City's non-compliance or alleging any actions that would be prohibited acts.

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Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 -124

Adopted: May 18, 2010

Amended:

Resolution No: 10-059

# City of La Vista

## Council Policy Statement

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990*

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### Section 504/ADA Notice to the Public

~~The City of La Vista does not discriminate on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. The City of La Vista also does not discriminate on the basis of disability in its hiring or employment practices.~~

~~This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator:~~

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of La Vista will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

The City of La Vista does not discriminate on the basis of disability on the basis of disability in its hiring or employment practices and complies with the ADA Title I employment regulations.

The City of La Vista will, upon request, provide auxiliary aids and services leading to effective communication for people with disabilities, including qualified sign language interpreters, assistive listening devices, documents in Braille, and other ways of making communications accessible to people who have speech, hearing, or vision impairments.

The City of La Vista will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of La Vista offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of La Vista should contact the City of La Vista ADA Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator:

# City of La Vista

## Council Policy Statement

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990*

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— Pam Buethe, City Clerk  
402-331-4343 Phone  
402-331-4375 Fax  
8116 Park View Blvd.  
La Vista, NE 68128  
pbuethe@cityoflavista.org  
Office hours: Monday-Thursday, 8am-4:30pm, Friday, 8am-noon

### Section 504/ADA Self-Evaluation

The following areas were evaluated at the time of the original passage of the acts and are reviewed periodically to ensure continued compliance:

1. personnel policies, procedures, benefits, programs, etc. were reviewed for accessibility;
2. City buildings and facilities were evaluated for accessibility, and;
3. City programs, services and activities were evaluated for accessibility.

The buildings, facilities, programs, services and activities are reviewed on an annual Basis as part of the Capital Improvement Program and the normal budget process.

Self-evaluations consider all programs, activities and services. Remedial measures necessary to bring the programs, policies, and services into compliance may include, but be limited to, (1) relocation of programs to accessible facilities; (2) offering programs in an alternative accessible manner; (3) structural changes to provide program access; (4) policy modifications to ensure nondiscrimination; and (5) auxiliary aids needed to provide effective communication.

### Section 504/ADA Transition Plan

The following areas identified in the self-evaluation process were given a transition plan and have been completed:

1. Employment
  - a. Application form was reviewed and updated for compliance.
  - b. Policy on pre-employment physical examinations was changed to be post job offer.
  - c. Application procedure was changed to allow for changes in maximum testing times (such as those with dyslexia or other impairments).

# City of La Vista

## Council Policy Statement

### *Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990*

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- d. Job descriptions were updated. New format now includes a section for Essential Functions, Physical Requirements, Tools/Equipment Used, and Working Conditions.
- e. Recruitment information is now available in several formats and additional locations.
- f. Training was provided to all employees with additional training for supervisors regarding hiring policies, interviewing questions and procedures, etc.

#### 2. Buildings/Facilities/Infrastructure

- a. Police Station (old facility)—pathways, door handles, and doorbells were changed, restroom facilities were modified, accessible parking and signage were altered for compliance.
- b. Police Station (new facility)—the new station was designed to be totally accessible according to building code requirements. Severe weather warning accommodations are available upon request.
- c. Fire Station No. 1 (old facility)—modified restrooms, added accessible parking spaces and with related signage and modified door handles. A new facility to replace Fire Station No. 1 is in the planning stages and will proceed when funding can be arranged.
- d. City Hall—a new City Hall was constructed prior to Jan. 1995 compliance deadline which conformed to all of the accessibility standards at that time.
- e. Municipal Swimming Pool—modifications were made to the bathhouse to modify restrooms and shower facilities, hallways were modified, and accessible parking was provided. Wheelchair access from the exterior is provided via a gate opening at the side of the building to circumvent a front door width restriction after which access to the bathhouse is available from inside the pool area. Some major issues, such as zero-depth entry remain. These will be addressed with a new aquatic facility at such time as funding can be obtained.
- f. Central Park-Restroom modifications were made and accessible parking stalls were provided.
- g. City Park—a drinking fountain was lowered and a new concession/maintenance building was constructed that provided accessible restrooms.
- h. Sports Complex—insulated piping and modified faucet handles in restrooms, changed door handles and provided accessible parking spaces
- i. Signage indicating accessible entrances was placed on each building.

#### 3. Curb Ramps on Public Streets

# City of La Vista

## Council Policy Statement

### ***Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990***

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- a. Newly built or altered streets and roads include ramps wherever there are curbs or other barriers to entry from a pedestrian walkway. "Altered" includes resurfacing while isolated panel replacement and filling-in potholes does not.
- b. New sidewalks and walkways in public right of way or public property contain curb ramps in accordance with the applicable design regulations at the time that they are constructed.
- c. The public may request curb ramps at specific locations at any time. They will be constructed if warranted at such time as funds are available.
- d. All existing streets have been provided with curb ramps.

#### 4. Services

- a. Council meeting minutes are available in alternative formats including written and audiotape. City Council and other public hearing agendas are also available in different formats. These are available upon request to the City Clerk at least three working days prior to the public hearing.

Transition plans will be created/ altered as areas are identified during our continuing self-evaluations. Interested persons, including individuals with disabilities or organizations representing individuals with disabilities, will have an opportunity to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

#### **ADA Compliant Procedure**

1. If you believe you have been discriminated against, denied employment or a benefit, or excluded from participation in any City program or activity on the basis of disability in violation of the ADA, you may submit a complaint in writing to the City Clerk for resolution. The complaint form attached hereto should be used. The complaint should be submitted as soon as possible but no later than sixty (60) days after the alleged violation. A record of the complaint and action taken will be maintained. A decision by the City Clerk will be rendered to you in writing or an appropriate substitute format within 10 working days.
2. Upon receipt of a complaint the City Clerk will provide the appropriate Department Head with a copy of the complaint. The Department Head will assist the City Clerk in conducting an investigation. The City Clerk may seek assistance from other Department Heads and the City Attorney depending on the nature of the complaint. A response will be provided in writing to the complainant within 15 working days of receipt of the complaint. The response will explain the position of the City of La Vista and, if applicable, offer options for resolution or actions that will be taken by the City.

# City of La Vista

## Council Policy Statement

### ***Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990***

3. If the complaint can't be resolved to your satisfaction by the City Clerk you may appeal the decision or action to the City Administrator within 15 days after receipt of the response from the City Clerk.
4. If the complaint can't be resolved to your satisfaction by the City Clerk or City Administrator, then the complaint will be heard by the City Council and discussed at an open, public meeting of the elected body. The decision of the City Council is the final action of the City in response to the complaint.
5. A record of action taken on each request or complaint will be maintained as a part of the records or minutes at each level of the grievance process.
6. Your right to a prompt and equitable resolution of the complaint will not be impaired by your pursuit of other remedies, such as the filing of a complaint with the Department of Justice or other appropriate federal agency, or the filing of a suit in the state or federal court. Use of this grievance procedure isn't a prerequisite to the pursuit of other remedies.

### **Reasonable Accommodation Procedures**

The requirements related to the provision of auxiliary aids and services and information concerning local providers are set forth in an attachment to this policy.

### **Assurances**

~~Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the City of La Vista, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.~~

~~The City of La Vista further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC 12101-12213.~~

~~-Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the **City of La Vista** desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified person shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.~~

# City of La Vista

## Council Policy Statement

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990*

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The City of La Vista further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC 12101-12213.

### AMERICAN'S WITH DISABILITIES ACT DISCRIMINATION COMPLAINT FORM

Instructions: Please fill out this form completely. Sign and return to the address on page 2.

Complainant:

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Address:

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City, State and Zip Code:

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Telephone:

Home: \_\_\_\_\_

Cell: \_\_\_\_\_

Person Discriminated Against:  
(if other than the complainant)

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Address:

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Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 -124

Adopted: May 18, 2010

Amended:

Resolution No: 10-059

# City of La Vista

## Council Policy Statement

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990*

City, State and Zip Code:

When did the discrimination occur? \_\_\_\_\_

Where did the discrimination occur? \_\_\_\_\_

Describe the act(s) of discrimination (attach additional pages if necessary):

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Have any additional efforts been made by you regarding this complaint? Yes         
No

If yes, what?

Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 -124  
Adopted: May 18, 2010  
Amended:  
Resolution No: 10-059

# City of La Vista

## Council Policy Statement

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990*

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

Return this form to:

Ms. Pam Buethe, City Clerk  
City of La Vista  
8116 Park View Blvd.  
City of La Vista, NE 68128  
[pbuethe@cityoflavista.org](mailto:pbuethe@cityoflavista.org)

### AUXILIARY AIDS AND SERVICES

Under the Americans with Disabilities Act (ADA), State and local governments must ensure effective communication with individuals with disabilities. Public entities are required to provide appropriate auxiliary aids and service, where necessary, to ensure that communications (such as all public information, discourse, and/or announcements) with individuals with disabilities are as effective as communications with others. Auxiliary aids and services include: Braille, large Large print formats, assistive listening devices (ALS), TTY/TTD access, closed captioning, interactive software for various disabilities, website accessibility implements, interpreters, readers, service animals, etc.

When selecting an auxiliary aid or service, a public entity should:

1. Give primary consideration to the aid or service preferred by the individual because that individual is usually best able to identify the communication barriers that hamper participation.
2. Allow people the opportunity to use their own assistive technology products to achieve effective communication.
3. Consider the context in which the communication is taking place and its importance.

A public entity is not required to provide:

# **City of La Vista**

## **Council Policy Statement**

### ***Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973, Americans with disabilities Act of 1990***

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1. The requested aid or service if there is another equally effective means of communication available; however, it must give primary consideration to the aid or service preferred by the individual.
2. Auxiliary aids that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. However, public entities must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burden.

# **City of La Vista**

## **Council Policy Statement**

*Programs, Services and Activities related to Section 504 – Rehabilitation Act of 1973,  
Americans with disabilities Act of 1990*

---

TO FIND LOCAL PROVIDERS OF SPECIFIC AUXILIARY AIDS AND SERVICES CONTACT:

**Nebraska Commission for the Blind and Visually Impaired**

4600 Valley Road  
Suite 100  
Lincoln, NE 68510-4844  
Phone: (402) 471-2891  
Toll-free: (877) 809-2419  
Fax: (402) 471-3009

<http://www.ncbvi.ne.gov/>

**Nebraska Commission for the Deaf and Hard of Hearing**

Omaha Office  
1313 Farnam On-The-Mall  
Omaha, NE 68102-1836  
Phone: (402) 595-3991 v/tty  
Fax: (402) 595-2509  
Toll Free: 1-877-248-7836 v/tty  
E-mail Address: [ncdhh.omaha@nebraska.gov](mailto:ncdhh.omaha@nebraska.gov)

<http://www.ncdhh.ne.gov/>

**Nebraska Department of Health and Human Services**

Eastern Service Area  
Barry DeJong- Administrator  
1313 Farnam  
Omaha, NE 68102  
Phone: (402) 595-2880

Lincoln Office  
301 Centennial Mall South  
P.O. Box 95206  
Lincoln, NE 68509-5026  
Phone: (402) 471-3121

<http://www.dhhs.ne.gov/>

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA UPDATING A COUNCIL POLICY STATEMENT PERTAINING TO PROGRAMS, SERVICES AND ACTIVITIES OF THE CITY OF LA VISTA THAT ARE SUBJECT TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AND THE CIVIL RIGHTS RESTORATION ACT OF 1987 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Certain transportation facilities (roads, streets, trails, and others) in City of La Vista have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

WHEREAS: City of La Vista desires to continue to participate in Federal-Aid transportation construction programs;

WHEREAS: The Nebraska Department of Transportation as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

WHEREAS: The Nebraska Department of Transportation and the Code of Federal Regulation requires updates be made to the Council Policy Statement; and

WHEREAS: City of La Vista understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in City of La Vista being required to repay some or all of the federal funds expended for a project(s).

NOW THEREFORE BE IT RESOLVED: The Mayor and City Council of La Vista, Nebraska do hereby approve the updating of the Council Policy Statement pertaining to programs, services and activities of the City of La Vista that are subject to Title VI of Civil Rights Act of 1964.

PASSED AND APPROVED THIS 5TH DAY OF MARCH 2024.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

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## Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964

### **Purpose**

The City of La Vista (Local Public Agency), hereinafter referred to as the “LPA,” assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100-259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The LPA further assures every effort will be made to ensure nondiscrimination in all its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100-259 [S.557] March 22, 1988.)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the LPA hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this Federal financial assistance.

In the event the LPA distributes federal aid funds to a sub-recipient, the LPA will include Title VI language in all written agreements and will monitor for compliance.

The LPA’s City Clerk is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

**TITLE VI  
IMPLEMENTATION PLAN**

**City of La Vista**

**Policy Statement**

In accordance with Title VI of the Civil Rights Act of 1964 and related statutes, the City of La Vista ensures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, denied the benefits or services of, or be otherwise subjected to discrimination in all programs, services, or activities administered by the City of La Vista.

---

Signature of Responsible Agency Official

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Brenda Gunn, City Administrator

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Date

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**City of La Vista**

**Title VI Nondiscrimination Assurances**

**DOT Order No. 1050.2A**

The City of La Vista (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) through Federal Highway Administration and Nebraska Department of Transportation, is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964)

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

**General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the **Federal Highway Administration**.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all

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programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient hereby gives the following Assurances with respect to its Federal-Aid Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program" as defined in §§ 21.23(b) and 21.23(e) of 49 CFR § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and Regulations made in connection with all Federal Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The City of La Vista, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair 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. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Act and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. When the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will 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 acquisition of real property or an interest in real property, the Assurance shall extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, or similar instruments entered into by the Recipient with other parties:
  - (a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under the applicable activity, project, or program.
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 improvements 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 services or benefits; or
  - (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will 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-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements 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 Regulations, and this Assurance.

By signing this ASSURANCE, the **City of La Vista** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing Federal Highway Administration or Nebraska Department of Transportation access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration or Nebraska Department of Transportation. You must keep records, reports, and submit the material for review upon request to *Federal Highway Administration, Nebraska Department of Transportation*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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The City of La Vista gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration and Nebraska Department of Transportation. This ASSURANCE is binding on Nebraska, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal Aid Highway Program**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

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Signature of Responsible Agency Official

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Brenda Gunn, City Administrator

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Date

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## APPENDIX A

During the performance of this 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 (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, or the Nebraska Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will 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 will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
- (4) Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, the Federal Highway Administration, or Nebraska Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, 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 contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration or Nebraska Department of Transportation may determine to be appropriate, including, but not limited to:
  - (a) withholding payments to the contractor under the contract until the contractor complies; and/or (b) cancelling, terminating, or suspending a contract, in whole or in part.
- (6) Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement

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as the Recipient, the Federal Highway Administration, or Nebraska Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that, if the contractor becomes involved in, or is threatened with litigation with a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

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APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses shall be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

**NOW, THEREFORE**, the U.S. Department of Transportation as authorized by law and upon the condition that the City of La Vista will accept title to the lands and maintain the project constructed thereon, in accordance with all applicable federal statutes, the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation 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 unto the City of La Vista all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto *the City of La Vista* 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 Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of La Vista, its successors and assigns.

The City of La Vista, in consideration or 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 will 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 with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the City of La Vista will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

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**APPENDIX C**

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED  
UNDER THE ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of La Vista pursuant to the provisions of Assurance 7(a).

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, 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. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the City of La Vista will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the City of La Vista will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities shall there upon revert to and vest in and become the absolute property of the City of La Vista and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

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**APPENDIX D**

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED  
UNDER THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of La Vista pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, 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, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the City of La Vista will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the City of La Vista will there upon revert to and vest in and become the absolute property of the City of La Vista and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

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**APPENDIX E**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

**Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

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## Organization and Staffing

Pursuant to 23 CFR 200, the City of La Vista has appointed a Title VI Coordinator who is responsible for the City of La Vista's Title VI Program.

Pam Buethe, City Clerk  
402-331-4343 Phone  
402-331-4375 Fax  
8116 Park View Blvd.  
La Vista, NE 68128  
[pbuethe@cityoflavista.org](mailto:pbuethe@cityoflavista.org)  
Office hours: Monday-Thursday, 8am-4:30pm, Friday, 8am-noon

The City of La Vista organizational chart is kept current and available upon request.

## Implementation Procedures

This document shall serve as the Local Public Agency's (hereinafter referred to as the LPA) Title VI Plan pursuant to 23 CFR 200 and 49 CFR 21. For the purposes of this Title VI Implementation Plan, "Federal Assistance" shall include:

- 1) grants and loans of Federal funds,
- 2) the grant or donation of Federal property and interest in property,
- 3) the detail of Federal personnel,
- 4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA, and
- 5) any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The LPA shall:

- a) Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the general public. Such information shall be published where appropriate in languages other than English.
- b) Take affirmative action to correct any deficiencies found by the Federal Highway Administration, Nebraska Department of Transportation, or the U.S. Department of

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Transportation within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.

- c) Designate a coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
- d) Develop and implement a community outreach and public education program.
- e) Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, will be forwarded to NDOT's Highway Civil Rights Manager within 10 days of the date the complaint was received by the LPA.
- f) Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the LPA.
- g) Conduct Title VI reviews of the LPA and subrecipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
- h) Conduct training programs on Title VI and related statutes.
- i) Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.
  - 1) Annual Work Plan
    - Outline Title VI monitoring and review activities planned for the coming year; identify which activities will be accomplished and target date for completion.
  - 2) Accomplishment Report
    - List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified, and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator.
    - List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against sub-recipients, as well as a summary of complaint and actions taken.

# City of La Vista

## Council Policy Statement

### Discrimination Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

1. Any person or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 and related statutes may file a complaint with the LPA. All complaints will be referred to the LPA's Title VI Coordinator for review and action.
2. Complaints must be filed within 180 days of the last date of alleged discrimination. The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by any office authorized to receive complaints.

In either case, the LPA or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints should be in writing and signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the LPA's investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOT, FHWA, and U.S. DOT.
5. The LPA will advise the NDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification:
  - a) Name, address, and phone number of the complainant.
  - b) A written explanation of what has happened.
  - c) The basis of the complaint (i.e., race, color, national origin);
  - d) The identification for the respondent, e.g. agency/organization alleged to have discriminated.
  - e) The date(s) of the alleged discriminatory act(s);
  - f) The date of complaint received by the LPA;
  - g) Other agencies (state, local or Federal) where the complaint has been filed;

# City of La Vista

## Council Policy Statement

### *Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964*

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and,

h) An explanation of the actions the LPA has taken or proposed to resolve the issue raised in the complaint.

6. NDOT will forward the complaint to the FHWA. The FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.

7. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the LPA. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

8. Within 90 days of receipt of the complaint, the head of the LPA will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOT, or U.S. DOT, if they are dissatisfied with the final decision rendered by the LPA. The Title VI Coordinator will also provide NDOT with a copy of this decision and summary of findings upon completion of the investigation.

9. Any complaints received against the LPA should immediately be forwarded to NDOT for investigation. The LPA will not investigate any complaint in which it has been named in the complaint.

10. Contacts for Title VI administrative jurisdictions are as follows:

Nebraska Department of Transportation  
NDOT Civil Rights Office, Title  
VI Program P.O. Box 94759  
Lincoln, NE 68509-4759  
(402) 479-4544

Federal Highway  
Administration  
Nebraska Division  
Office  
100  
Centennial  
Mall North  
Lincoln, NE  
68508  
(402) 437-5765

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## Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964

### Purpose

The City of La Vista (Local Public Agency), hereinafter referred to as the “LPA,” assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The LPA further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the LPA hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this Federal financial assistance.

In the event the LPA distributes federal aid funds to a sub-recipient, the LPA will include Title VI language in all written agreements and will monitor for compliance.

The LPA’s City Clerk, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

City of La Vista  
Council Policy Statement

## TITLE VI

## NONDISCRIMINATION AGREEMENT/IMPLEMENTATION PLAN

~~Nebraska State Department of Roads~~  
~~and~~  
City of La Vista

**Policy Statement**

~~The City of La Vista (Local Public Agency), hereinafter referred to as the "LPA," assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100-259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The LPA further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.~~

~~The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100-259 [S.557] March 22, 1988.)~~

~~Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the LPA hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this Federal financial assistance.~~

~~In the event the LPA distributes federal aid funds to a sub recipient, the LPA will include Title VI language in all written agreements and will monitor for compliance.~~

~~The LPA's City Clerk, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.~~

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Brenda Gunn

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City Administrator

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Date

~~Title VI Program~~

~~Organization and Staffing~~

# City of La Vista

## Council Policy Statement

~~Pursuant to 23 CFR 200, (LPA) has appointed a Title VI Coordinator who is responsible for Attachment 1, which describes the hierarchy for (LPA)'s Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.~~

### **Standard DOT Assurances**

#### **49 CFR Part 21.7**

~~The (LPA) hereby gives assurances:~~

- ~~1. That no person shall on the grounds of race, color, national origin, age, disability/handicap and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the LPA regardless of whether those programs and activities are Federally funded or not. Activities and programs which the LPA hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:~~
  - ~~a. Transportation Projects such as Street Improvements, Hike/Bike Trails, etc.~~
  - ~~b. That the LPA agrees that each "program" and each "facility as defined in subsections 21.23(e) 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.~~
  - ~~c. That the LPA shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Transportation Projects and, in adapted form in all proposals for negotiated agreements:~~
- ~~2. The (LPA), 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, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact 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, sex, age and disability/handicap in consideration for an award.~~
- ~~3. That the LPA shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.~~
- ~~4. That the LPA shall insert the clauses of Appendix B of this assurance, 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 LPA receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.~~

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6. That where the LPA receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the LPA shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the LPA with other parties: (a) for the subsequent transfer of real property acquired or improved under *Transportation Projects*; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under *Transportation Projects*.
8. That this assurance obligates the LPA 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 improvements thereon, in which case the assurance obligates the LPA 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 services or benefits; or (b) the period during which the LPA retains ownership or possession of the property.
9. The LPA shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The LPA agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, 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 LPA Department of Transportation under the *Transportation Projects* and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the *Transportation Projects*. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the LPA.

**Implementation Procedures**

This agreement shall serve as the LPA's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21. For the purpose of this agreement, "Federal Assistance" shall include:

1. grants and loans of Federal funds;
2. the grant or donation of Federal property and interest in property;

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- ~~3. the detail of Federal personnel;~~
- ~~4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA, and~~
- ~~5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.~~

~~The LPA shall:~~

- ~~1. Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the general public. Such information shall be published where appropriate in languages other than English.~~
- ~~2. Take affirmative action to correct any deficiencies found by NDOR or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.~~
- ~~3. Designate a coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.~~
- ~~4. Develop and implement a community outreach and public education program.~~
- ~~5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, will be forwarded to NDOR's Highway Civil Rights Coordinator within 10 days of the date the complaint was received by the LPA.~~
- ~~6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the LPA.~~
- ~~7. Conduct Title VI reviews of the LPA and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.~~
- ~~8. Conduct training programs on Title VI and related statutes.~~
- ~~9. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.~~
  - ~~a. Annual Work Plan~~

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~~Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.~~

### b. Accomplishment Report

~~List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against sub-recipients, as well as a summary of complaint and actions taken.~~

### ~~Discrimination Complaint Procedures—Allegations of Discrimination in Federally Assisted Programs or Activities~~

- ~~1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the LPA. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the LPA's Title VI Coordinator for review and action.~~
- ~~2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
  - ~~a. The date of alleged act of discrimination; or~~
  - ~~b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.~~In either case, the LPA or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.~~
- ~~3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the LPA's investigative procedures.~~
- ~~4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOR and USDOT.~~

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5. ~~The LPA will advise NDOR within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to NDOR:~~

  - a. ~~Name, address, and phone number of the complainant.~~
  - b. ~~Name(s) and address (es) of alleged discriminating official(s).~~
  - c. ~~Basis of complaint (i.e., race, color, national origin or sex)~~
  - d. ~~Date of alleged discriminatory act(s).~~
  - e. ~~Date of complaint received by the LPA.~~
  - f. ~~A statement of the complaint.~~
  - g. ~~Other agencies (state, local or Federal) where the complaint has been filed.~~
  - h. ~~An explanation of the actions the LPA has taken or proposed to resolve the issue raised in the complaint.~~
6. ~~NDOR will forward the complaint to FHWA. FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.~~
7. ~~Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the LPA. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.~~
8. ~~Within 90 days of receipt of the complaint, the head of the LPA will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOR, or USDOT, if they are dissatisfied with the final decision rendered by the LPA. The Title VI Coordinator will also provide NDOR with a copy of this decision and summary of findings upon completion of the investigation.~~
9. ~~Any complaints received against the LPA should immediately be forwarded to NDOR for investigation. The LPA will not investigate any complaint in which it has been named in the complaint.~~
10. ~~Contacts for the different Title VI administrative jurisdictions are as follows:~~

Nebraska Department of Roads  
Human Resources, Title VI Program  
1500 Highway 2, P.O. Box 94759  
Lincoln, NE 68509-4759  
(402) 479-4870  
Federal Highway Administration  
Nebraska Division Office  
100 Centennial Mall North  
Lincoln, NE 68508  
(402) 437-5765

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~~In the event the LPA fails or refuses to comply with the terms of this agreement, the NDOR may take any or all of the following actions:~~

- ~~1. Cancel, terminate, or suspend this agreement in whole or in part.~~
- ~~2. Refrain from extending any further assistance to the LPA under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the LPA.~~
- ~~3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the LPA.~~
- ~~4. Refer the case to the Department of Justice for appropriate legal proceedings.~~

~~NEBRASKA DEPARTMENT OF ROADS:~~

~~Signature~~

~~Title~~

~~Date~~

~~CITY OF LA VISTA:~~

~~Brenda Gunn~~

~~City Administrator~~

~~Date~~

**APPENDIX A**

~~During the performance of this 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, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter~~

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~~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, sex, age, and disability/handicap 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 49 CFR, section 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 Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, 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, sex, age, and disability/handicap.~~
- ~~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 the (Recipient) or the FHWA 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 contractor shall so certify to the (Recipient), or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.~~
- ~~5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the (Recipient) shall impose such contract sanctions as it or the FHWA 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 provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.~~

~~The contractor shall take such action with respect to any subcontract or procurement as the (Recipient) or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: 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 direction, the contractor may request the (Recipient) to enter into such litigation to protect the interests of the (Recipient), and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.~~

## **APPENDIX B**

~~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 the (Name of Recipient) will accept title to the lands and maintain the project constructed thereon, in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of (Name of Appropriate Program) and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (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 unto the (Name of Recipient) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.~~

### **(HABENDUM CLAUSE)**

~~TO HAVE AND TO HOLD said lands and interests therein unto (Name of Recipient) 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 Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the (Name of Recipient), its successors and assigns.~~

~~The (Name of Recipient), 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 on the grounds of race, color, or national origin, sex, age, and disability/handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]\*~~

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~~(2) that the (Name of Recipient) shall use the lands and interests in 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, Subtitle 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, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above mentioned nondiscrimination 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.\*~~

#### **APPENDIX C**

~~The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the (Name of Recipient) pursuant to the provisions of Assurance 6(a).~~

~~The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for 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, Subtitle 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, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes Implementation and Review Procedures, and as said Regulations may be amended.~~

~~{Include in licenses, leases, permits, etc.}\*  
That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) 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.~~

~~{Include in deed.}\*  
That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to re-enter said lands and facilities thereon, and the above~~

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~~described lands and facilities shall thereupon revert to and vest in and become the absolute property of (Name of Recipient) and its assigns.~~

~~The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by (Name of Recipient) pursuant to the provisions of Assurance 6(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, sex, age, and disability/handicap, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin, sex, age, and disability/handicap, 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, Subtitle 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, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes Implementation and Review Procedures, and as said Regulations may be amended.~~

~~[(Include in licenses, leases, permits, etc.)]\*~~

~~That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) 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 [license, lease, permit, etc.] had never been made or issued.~~

~~[(Include in deeds)]\*~~

~~That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) 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 (Name of Recipient) and its assigns.~~

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In accordance with Title VI of the Civil Rights Act of 1964 and related statutes, the City of La Vista ensures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, denied the benefits or services of, or be otherwise subjected

to discrimination in all programs, services, or activities administered by the City of La Vista.

Signature of Responsible Agency Official

Branda Gunn, City Administrator

Date

# City of La Vista

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### City of La Vista

#### Title VI Nondiscrimination Assurances

#### DOT Order No. 1050.2A

The City of La Vista (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) through Federal Highway Administration and Nebraska Department of Transportation, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964)

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

#### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the *Federal Highway Administration*.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975,

and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient hereby gives the following Assurances with respect to its Federal-Aid Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program" as defined in §§ 21.23(b) and 21.23(e) of 49 CFR § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and Regulations made in connection with all Federal Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of La Vista, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair 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. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Act and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will 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 acquisition of real property or an interest in real property, the Assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, or similar instruments entered into by the Recipient with other parties:
  - (a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under the applicable activity, project, or program.
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 improvements 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 services or benefits; or
  - (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will 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-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements 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 Regulations, and this Assurance.

By signing this ASSURANCE, the City of La Vista also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing Federal Highway Administration or Nebraska Department of Transportation access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration or Nebraska Department of Transportation. You must keep records, reports, and submit the material for review upon request to Federal Highway Administration, Nebraska Department of Transportation, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting,

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data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City of La Vista gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration and Nebraska Department of Transportation. This ASSURANCE is binding on Nebraska, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

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Signature of Responsible Agency Official

Brenda Gunn, City Administrator

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Date

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## APPENDIX A

During the performance of this 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 (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, or the Nebraska Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) Non-discrimination: The contractor, with regard to the work performed by it during the contract, will 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 will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
- (4) Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, the Federal Highway Administration, or Nebraska Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, 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 contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration or Nebraska Department of Transportation may determine to be appropriate, including, but not limited to:
  - (a) withholding payments to the contractor under the contract until the contractor complies; and/or (b) cancelling, terminating, or suspending a contract, in whole or in part.

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**(6) Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient, the Federal Highway Administration, or Nebraska Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that, if the contractor becomes involved in, or is threatened with litigation with a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses shall be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of La Vista will accept title to the lands and maintain the project constructed thereon, in accordance with all applicable federal statutes, the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation 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 unto the City of La Vista all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of La Vista 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 Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of La Vista, its successors and assigns.

The City of La Vista, 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 will 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 with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [ ] [and]\* (2) that the City of La Vista will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [ ], and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

**City of La Vista**  
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**APPENDIX C**

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED  
UNDER THE ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of La Vista pursuant to the provisions of Assurance 7(a).

A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, 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. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the City of La Vista will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*

C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the City of La Vista will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities shall there upon revert to and vest in and become the absolute property of the City of La Vista and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED  
UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of La Vista pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, 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, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the City of La Vista will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the City of La Vista will there upon revert to and vest in and become the absolute property of the City of La Vista and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-

12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

#### Organization and Staffing

Pursuant to 23 CFR 200, the City of La Vista has appointed a Title VI Coordinator who is responsible for the City of La Vista's Title VI Program.

Pam Buethe, City Clerk

402-331-4343 Phone

402-331-4375 Fax

8116 Park View Blvd.

La Vista, NE 68128

pbuthe@cityoflavista.org

Office hours: Monday-Thursday, 8am-4:30pm, Friday, 8am-noon

The City of La Vista organizational chart is kept current and available upon request.

INSERT ORG-CHART Or Reference Org-Chart?

### Implementation Procedures

This document shall serve as the Local Public Agency's (hereinafter referred to as the LPA) Title VI Plan pursuant to 23 CFR 200 and 49 CFR 21. For the purposes of this Title VI Implementation Plan, "Federal Assistance" shall include:

- 1) grants and loans of Federal funds,
- 2) the grant or donation of Federal property and interest in property,
- 3) the detail of Federal personnel,
- 4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA, and
- 5) any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The LPA shall:

- a) Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the general public. Such information shall be published where appropriate in languages other than English.
- b) Take affirmative action to correct any deficiencies found by the Federal Highway Administration, Nebraska Department of Transportation, or the U.S. Department of Transportation within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.
- c) Designate a coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
- d) Develop and implement a community outreach and public education program.
- e) Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained

in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, will be forwarded to NDOT's Highway Civil Rights Manager within 10 days of the date the complaint was received by the LPA.

- f) Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the LPA.
- g) Conduct Title VI reviews of the LPA and subrecipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
- h) Conduct training programs on Title VI and related statutes.
- i) Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.
  - 1) Annual Work Plan
    - Outline Title VI monitoring and review activities planned for the coming year; identify which activities will be accomplished and target date for completion.
  - 2) Accomplishment Report
    - List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified, and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator.
    - List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against sub-recipients, as well as a summary of complaint and actions taken.

Discrimination Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

1. Any person or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 and related statutes may file a complaint with the LPA. All complaints will be referred to the LPA's Title VI Coordinator for review and action.

2. Complaints must be filed within 180 days of the last date of alleged discrimination. The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by any office authorized to receive complaints.

In either case, the LPA or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints should be in writing and signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the LPA's investigative procedures.

4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOT, FHWA, and U.S. DOT.

5. The LPA will advise the NDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification:

- a) Name, address, and phone number of the complainant;
- b) A written explanation of what has happened;
- c) The basis of the complaint (i.e., race, color, national origin);
- d) The identification for the respondent, e.g. agency/organization alleged to have discriminated;
- e) The date(s) of the alleged discriminatory act(s);
- f) The date of complaint received by the LPA;

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### Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964

- g) Other agencies (state, local or Federal) where the complaint has been filed; and,
- h) An explanation of the actions the LPA has taken or proposed to resolve the issue raised in the complaint.

6. NDOT will forward the complaint to the FHWA. The FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.
7. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the LPA. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
8. Within 90 days of receipt of the complaint, the head of the LPA will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOT, or U.S. DOT, if they are dissatisfied with the final decision rendered by the LPA. The Title VI Coordinator will also provide NDOT with a copy of this decision and summary of findings upon completion of the investigation.
9. Any complaints received against the LPA should immediately be forwarded to NDOT for investigation. The LPA will not investigate any complaint in which it has been named in the complaint.

#### 10. Contacts for Title VI administrative jurisdictions are

as follows:

Nebraska Department of Transportation  
NDOT Civil Rights Office, Title  
VI Program P.O. Box 94759  
Lincoln, NE 68509-4759  
(402) 479-4544

Federal Highway  
Administration  
Nebraska Division  
Office  
100  
Centennial  
Mall North  
Lincoln, NE  
68508  
(402) 437-5765

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### *Programs, Services, and Activities – Title VI of the Civil Rights Act of 1964*

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