

**Resolution: 248**  
**City of Kimberly**  
**Discrimination Complaint Procedure**  
**Idaho Transportation Department**

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 **City of Kimberly**. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the **City of Kimberly's** Title VI Coordinator for review and action.

In order to have the complaint considered under this procedure, the complainant must file the complaint no later than one hundred eighty (180) days after:

- a) The date of alleged act of discrimination; or
- b) Where there has been a continuing course of misconduct, and the date on which conduct was discontinued.

In either case the **City of Kimberly** 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.

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 **City of Kimberly**, 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 Sponsor's investigative procedures as outlined below.

Please Note This Exception to the Procedures Below: All complaints regarding accessibility for the disabled must be forwarded directly to the Idaho Transportation Department (ITD) for investigation.

Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as to ITD and/or the US Department of Transportation (USDOT).

The **City of Kimberly** will advise ITD within ten (10) days of receipt of the allegations. Generally, the following information will be included in every notification to ITD:

- 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 **City of Kimberly**.
- 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 **City of Kimberly** has taken or proposed to resolve the issue raised in the complaint.

Within sixty (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 **City of Kimberly's** authorized representative. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within ninety (90) days of receipt of the complaint, the **City of Kimberly's** authorized representative 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 ITD, or USDOT, if they are dissatisfied with the final decision rendered by the **City Kimberly**. The Title VI Coordinator will also provide ITD with a copy of this decision and summary of findings upon completion of the investigation.

Contacts for the different Title VI administrative jurisdictions are as follows:

City of Kimberly  
Polly Hulseley, City Administrator  
P.O. Box Z  
Kimberly, ID 83341  
(208) 423-4151  
[phulseley@cityofkimberly.org](mailto:phulseley@cityofkimberly.org)

Idaho Transportation Department  
Equal Employment Opportunity Office – External Programs  
Karen Sparkman, EEO Manager, Title VI & ADA Coordinator  
PO Box 7149  
Boise, ID 83707-1129  
208-334-8852  
[Karen.sparkman@itd.idaho.gov](mailto:Karen.sparkman@itd.idaho.gov)

Federal Highway Administration  
Idaho Division Office  
Peter Hartman, Division Administrator  
3050 Lakeharbor Lane, Suite 126  
Boise, ID 83703  
208-334-9180  
[www.fhwa.dot.gov](http://www.fhwa.dot.gov)

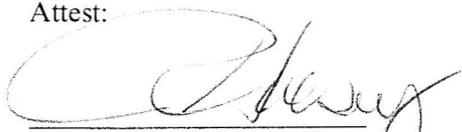
Passed by the Council of the City of Kimberly this 23<sup>rd</sup> day of February 2010.

Approved by the Mayor of the City of Kimberly this 23<sup>rd</sup> day of February 2010.



David T. Overacre, Mayor

Attest:



Polly Hulseley, City Administrator

