

TOWN OF APPLE VALLEY, UTAH

RESOLUTION NO. R-2026-25

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, ADOPTING A FEDERAL CIVIL RIGHTS, ACCESSIBILITY, AND NONDISCRIMINATION POLICY; PROVIDING FOR COMPLIANCE WITH APPLICABLE FEDERAL CIVIL RIGHTS LAWS AND REGULATIONS; INCORPORATING THE POLICY INTO THE TOWN'S ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS,

The Town of Apple Valley ("Town") is committed to providing equal access to its programs, services, activities, facilities, and benefits without unlawful discrimination; and

WHEREAS,

The Town periodically applies for and receives financial assistance from federal and state agencies for public infrastructure, transportation, water, wastewater, emergency management, parks, recreation, public safety, community development, and other governmental purposes; and

WHEREAS,

Recipients of federal financial assistance are required to comply with applicable federal civil rights laws and regulations, including but not limited to Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Executive Order 13166 regarding Limited English Proficiency, and other nondiscrimination requirements applicable to federally funded programs; and

WHEREAS,

The Town Council finds that adopting a comprehensive Civil Rights, Accessibility, and Nondiscrimination Policy promotes transparency, accountability, equal opportunity, and compliance with applicable federal and state requirements while establishing consistent administrative procedures applicable to all Town departments and federally funded projects.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, AS FOLLOWS:

Section 1. Adoption.

The Town Council hereby adopts the **Federal Civil Rights, Accessibility, and Nondiscrimination Policy**, attached hereto as **Exhibit A** and incorporated herein by this reference.

Section 2. Administrative Code.

The policy shall be incorporated into the Town of Apple Valley Administrative Code as **Chapter 2.01 – Federal Civil Rights, Accessibility, and Nondiscrimination Policy**, or such other chapter designation as may be assigned by the Town.

Section 3. Applicability.

The policy shall apply to all Town departments, elected officials, appointed officials, employees, volunteers, contractors, consultants, boards, commissions, committees, and any person administering Town programs, services, activities, or federally funded projects on behalf of the Town.

Section 4. Administration.

The Administrative Manager, or the Mayor's designee, is authorized to administer the policy, receive requests for reasonable accommodations and language assistance, receive and process civil rights complaints, maintain records necessary to demonstrate compliance with applicable federal requirements, and coordinate the Town's compliance efforts.

Nothing in this Resolution creates a separate employment position or requires the appointment of a Civil Rights Coordinator unless such designation becomes required by applicable law or as a condition of receiving federal financial assistance.

Section 5. Implementation.

Town staff are authorized and directed to implement the policy and to develop forms, notices, procedures, and administrative practices necessary to carry out its provisions, including but not limited to:

- Public Nondiscrimination Notice;
- Civil Rights Complaint Procedure;
- Civil Rights Complaint Form;
- Limited English Proficiency (LEP) Language Assistance Plan;
- Reasonable Accommodation Procedures;
- Any additional administrative forms or procedures necessary to comply with applicable federal or state requirements.

Section 6. Federal Compliance.

The Town shall administer its programs, services, activities, and federally assisted projects in accordance with applicable federal civil rights laws, regulations, grant assurances, and funding requirements.

The Town intends that this policy be interpreted broadly to maintain compliance with current and future federal nondiscrimination requirements applicable to recipients of federal financial assistance.

Section 7. Administrative Revisions.

The Administrative Manager may make non-substantive administrative revisions to forms, contact information, references, or procedures necessary to maintain compliance with changes in federal guidance or grant administration requirements, provided such revisions do not alter the substantive rights or obligations established by the adopted policy.

Any substantive amendment to the policy shall require approval of the Town Council by resolution.

Section 8. Severability.

If any section, subsection, sentence, clause, or phrase of this Resolution or the attached policy is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

Section 9. Effective Date.

This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Apple Valley, Utah, this _____ day of _____, 2026.

TOWN OF APPLE VALLEY

Michael Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

CERTIFICATE OF ADOPTION

The foregoing Resolution was duly adopted by the Town Council of the Town of Apple Valley, Utah, at a duly noticed public meeting held on the _____ day of _____, 2026.

**APPLE VALLEY
RESOLUTION R-2026-25**

SECTION 1: **ADOPTION** “2.01 Federal Civil Rights, Accessibility, Nondiscrimination, And Language Access Policy” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01 Federal Civil Rights, Accessibility, Nondiscrimination, And Language Access Policy(*Added*)

SECTION 2: **ADOPTION** “2.01.010 Purpose” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.010 Purpose(*Added*)

The purpose of this policy is to ensure that the Town of Apple Valley administers its programs, services, activities, facilities, meetings, communications, and federally assisted projects in a manner consistent with applicable federal civil rights laws and regulations.

The Town is committed to providing equal access to all persons and to preventing discrimination in the administration of municipal services.

SECTION 3: **ADOPTION** “2.01.020 Applicability” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.020 Applicability(*Added*)

This policy applies to:

A. All Town departments, boards, commissions, committees, employees, officials, volunteers, contractors, consultants, and agents acting on behalf of the Town.

B. Every Town program, service, activity, facility, meeting, hearing, communication, and project, including those receiving federal or state financial assistance.

C. All applicants, participants, customers, utility users, contractors, vendors, consultants, and members of the public.

SECTION 4: **ADOPTION** “2.01.030 Governing Authorities” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.030 Governing Authorities(*Added*)

This policy is intended to comply with applicable federal civil rights requirements, including but not limited to:

A. Title VI of the Civil Rights Act of 1964;

B. Title II of the Americans with Disabilities Act of 1990;

C. Section 504 of the Rehabilitation Act of 1973;

D. The Age Discrimination Act of 1975;

E. Executive Order 13166, Improving Access for Persons with Limited English Proficiency;

F. EPA regulations at 40 C.F.R. Part 7; and

G. Any additional nondiscrimination requirements imposed by federal or state grant agreements.

Nothing in this policy limits the Town's obligation to comply with future amendments or additional federal requirements applicable to specific grant programs.

SECTION 5: **ADOPTION** “2.01.040 Nondiscrimination” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.040 Nondiscrimination(*Added*)

The Town shall not exclude any person from participation in, deny the benefits of, or otherwise discriminate in the administration of any Town program, service, activity, facility, meeting, communication, or federally assisted project on the basis of race, color, national origin, disability, age, sex, or any other classification protected by applicable federal or state law.

This policy applies to all Town operations, regardless of whether federal financial assistance is involved.

SECTION 6: **ADOPTION** “2.01.050 Accessibility And Reasonable Accommodations” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.050 Accessibility And Reasonable Accommodations(*Added*)

Town programs, services, activities, meetings, facilities, and communications shall be administered in a manner that provides individuals with disabilities with an equal opportunity to participate.

Where required by law, the Town shall provide reasonable accommodation, auxiliary aids,

services, or other reasonable modifications necessary to provide meaningful access.

Individuals requesting reasonable accommodation to participate in Town meetings, hearings, programs, or activities are encouraged to notify the Town at least seventy-two (72) hours before the scheduled event whenever practical. Requests received with less notice will be considered and accommodated whenever reasonably possible.

SECTION 7: ADOPTION “2.01.060 Limited English Proficiency (LEP)” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.060 Limited English Proficiency (LEP)(*Added*)

The Town recognizes that individuals with Limited English Proficiency are entitled to meaningful access to Town programs, services, and activities.

When appropriate, the Town shall make reasonable efforts to provide language assistance considering:

A. The number or proportion of LEP persons served;

B. The frequency of contact with LEP persons;

C. The importance of the program, service, activity, or information involved; and

D. The Town’s available resources.

Language assistance may include qualified interpreters, telephone interpretation, translated notices, translated vital documents, or other appropriate communication methods.

SECTION 8: ADOPTION “2.01.070 Administration” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.070 Administration(*Added*)

The Administrator Manager, or the Mayor's designee, shall administer this policy and shall:

A. Receive requests for reasonable accommodations;

B. Coordinate language assistance requests;

C. Receive and process civil rights complaints;

D. Maintain records necessary to demonstrate compliance with applicable federal and state civil rights requirements;

E. Coordinate responses to federal and state agency reviews, audits, and compliance inquiries;

F. Provide guidance and assistance to Town departments regarding implementation of this policy; and

G. Ensure required public notices, complaint procedures, and accessibility information are made available in accordance with applicable law.

Because the Town employs fewer than fifteen (15) full-time equivalent employees, it is not required under applicable federal regulations to designate a formal Civil Rights Coordinator. Accordingly, the Town Administrator, or the Mayor's designee, shall serve as the Town's point of contact for matters arising under this policy, including requests for reasonable accommodation, language assistance, and civil rights complaints.

If future staffing levels, applicable law, or the terms and conditions of a federal or state financial assistance award require designation of a formal Civil Rights Coordinator, the Town shall make such designation by administrative action or resolution, as appropriate.

SECTION 9: ADOPTION “2.01.080 Civil Rights Complaints” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.080 Civil Rights Complaints(*Added*)

Any person who believes they have been excluded from participation in, denied benefits of, or otherwise subjected to unlawful discrimination by the Town may submit a written complaint to the Town.

Complaints should include:

A. The complainant's name and contact information;

B. A description of the alleged discrimination;

C. The date of the alleged action or occurrence;

D. The Town program, service, activity, facility, meeting, communication, or project involved;

E. The persons involved, if known; and

F. The requested resolution, if any.

The Town shall review the complaint, gather relevant information, and provide a written response when appropriate. Nothing in this policy limits an individual's right to file a complaint directly with the appropriate federal or state agency.

SECTION 10: **ADOPTION** "2.01.090 Public Notice" of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.090 Public Notice(*Added*)

The Town shall make available a public notice advising individuals of their nondiscrimination rights, the availability of reasonable accommodation and language assistance, complaint procedures, and Town contact information.

The notice may be posted on the Town website, included in meeting notices, displayed at Town facilities, and provided with federally funded projects as appropriate.

The Town may use the following notice:

"The Town of Apple Valley does not discriminate on the basis of race, color, national origin, disability, age, sex, or other protected status in its programs, services, or activities. Individuals needing language assistance, auxiliary aids, services, or other reasonable accommodations may contact the Town at (435) 877-1190 at least seventy-two (72) hours prior to the meeting or event, if possible."

SECTION 11: **ADOPTION** “2.01.100 Training” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.100 Training(*Added*)

Town employees whose duties involve public interaction, administration of federal grants, procurement, permitting, utility services, or public meetings shall receive periodic training regarding this policy as determined appropriate by the Administrator Manager or Mayor’s designee.

SECTION 12: **ADOPTION** “2.01.110 Record Retention” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.110 Record Retention(*Added*)

The Town shall maintain records reasonably necessary to demonstrate compliance with applicable federal civil rights requirements, including complaint records, accommodation requests, language assistance requests, public notices, and related documentation, in accordance with applicable records retention schedules and grant requirements.

SECTION 13: **ADOPTION** “2.01.120 Construction And Future Requirements” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.01.120 Construction And Future Requirements(*Added*)

This policy shall be interpreted to provide broad compliance with applicable federal civil rights laws governing recipients of federal financial assistance.

Should federal statutes, regulations, executive orders, or grant conditions be amended or expanded, this policy shall be interpreted to require compliance with those applicable requirements without requiring immediate amendment, provided such interpretation does not

conflict with Utah law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Mike Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____
Council Member Richard Palmer	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley