



TITLE VI
NON-DISCRIMINATION PLAN

CITY OF MISSION
1201 E. 8TH ST.
MISSION, TEXAS 78572

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**City of Mission
Title VI Policy Statement**

It is the policy of the City of Mission, as a sub-recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, that no person shall, on the grounds of race, color, national origin, sex, age or disability, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity conducted by the City.



Martin Garza, Jr., City Manager

Standard Title VI/ Nondiscrimination Assurances

The City of Mission, Texas (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 the Federal Highway Administration, 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 *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. § 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 OST-R.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination 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 nondiscrimination 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 agrees with and gives the following Assurances with respect to its federally assisted University Transportation Centers Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 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 the 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 the Regulations made in connection with all University Transportation Centers Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The City of Mission, Texas, 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 insure that any contract entered into pursuant to this advertisement, disadvantaged 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 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 Acts 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 will 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, licenses, permits, 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 Acts, 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 Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, *The City of Mission, Texas* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the OST-R 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 OST-R. You must keep records, reports, and submit the material for review upon request to OST-R, 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.

The City of Mission, Texas 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 University Transportation Centers Program. This ASSURANCE is binding on *The City of Mission, Texas*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the University Transportation Centers Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

DATED 02/17/17

By 
Martin Garza, City Manager

ADMINISTRATION – GENERAL

The Title VI Coordinator shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances for the City of Mission.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or handicap, he/she may exercise his/her right to file a complaint with the City's Title VI Coordinator. Every effort will be made to resolve complaints informally and at the lowest level first.

Data Collection: Statistical data on race, color, national origin, English language proficiency and sex of participants in and beneficiaries of City programs, e.g. impacted citizens and affected communities, will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments and issues. The reviews will be conducted by the Office of the Coordinator to assure effectiveness in their compliance with Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure equal participation in all programs and activities at all levels. The City will conduct reviews annually by the end of the calendar year.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the Annual Work Plan and Accomplishment Report to the Texas Department of Transportation, Office of Civil Rights via TxDOT's Title VI/ Nondiscrimination Annual Work Plan & Accomplishments Report Development Guide, as presented in TxDOT's Title VI/ Nondiscrimination Technical Assistance Guide for Sub-Recipients.

Title VI Plan Updates If updated, a copy of the Title VI Plan will be submitted by October 5th to the Texas Department of Transportation. The City will automatically update and renew its Title VI Assurances every three years or as necessary on the occasion of a change of City Manager.

Public Dissemination: The City will disseminate Title VI Plan information to City employees and to the general public. Title VI Plan information will be distributed to sub-recipients, contractors and beneficiaries. Public dissemination will include Title VI language in contracts and publishing the Title VI Plan on the City's internet website.

Remedial Action: The City, through the Office of the Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put

it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

Limited English Proficiency Plan

The City of Mission receives funds from the U.S. Department of Transportation (USDOT) via the Federal Highway Administration through the Texas Department of Transportation (TxDOT), thus requiring the City to, at a minimum, apply the four factor analysis to the available data. Any LEP program requirement suggested by this analysis would extend to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one program of the recipient receives the Federal assistance.

This Limited English Proficiency Plan has been prepared to address the City of Mission's responsibilities, as a sub-recipient of Federal financial assistance, as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all State and local agencies which receive Federal funds, including all City of Mission departments receiving Federal grant funds.

Plan Summary

The City of Mission has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this Plan, the City of Mission used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the City or its programs,
2. The frequency with which LEP persons come in contact with the City of Mission's services,
3. The nature and importance of services provided by the City of Mission to the LEP population,

4. The interpretation services available to the City of Mission and overall cost to provide LEP assistance.

Language Assistance

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to the City's services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How City staff may identify an LEP person who needs language assistance:

- Post notice of the LEP Plan and the availability of interpretation or translation services in languages LEP persons would understand.
- All City staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the City sponsors an informational meeting or event, an advance public notice of the event will be published including asking for any special needs related to needing a translator (LEP) or ASL interpreter (hearing impaired individuals). Additionally, a staff person may greet participants as they arrive and, by informally engaging participants in conversation, it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be available at the event it will help identify the need at future events.

Language Assistance Measures

For those persons who speak English "not well" or "not at all", the City will strive to offer the following measures:

1. City staff will take reasonable steps to provide LEP clients who have difficulty communicating in English the opportunity for meaningful access.
2. The following resources will be available to accommodate LEP persons:
 - Interpreters for the Spanish language will be made available and provided within a reasonable time period, an internal survey indicates that a certain number of City staff consider themselves bilingual and may be able to interpret or translate.
 - Language interpretation will be accessed for all other languages through a telephone interpretation service.

Staff Training

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for the City of Mission will be required to follow the Title VI LEP guidelines.

Monitoring

Monitoring and Updating the LEP Plan:

The City of Mission will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census is available, when the City Secretary's Office experiences and begins logging requests for interpretive or translation services, or when it is otherwise clear that higher concentrations of LEP individuals are present in the City of Mission service area. Updates will include the following:

- The documented number of LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- The current LEP population in the service area.
- Has the need for translation services changed?
- Have local language assistance programs been effective and sufficient to meet the need?
- Are the City's financial resources sufficient to fund language assistance resources needed?
- Does the City fully comply with the goals of this LEP Plan?
- Documented complaints received concerning the City's failure to meet the needs of LEP individuals.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

Dissemination of Mission's LEP Plan

- Post signs in English and Spanish at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language services. Post the LEP Plan itself on the City website in English and Spanish.
- State on agendas and public notices, in the language that LEP persons would understand, that documents are available in that language upon request from the City Secretary's Office.
- Continue to monitor and log any requests for translated documents or interpretive services.
- Continue to make the City's external webpage translatable into various languages with the existing "Select Language" menu.

For more information regarding the City's policies on LEP, a copy of the LEP Plan can be found on our website at www.missiontexas.us. A copy of the Plan document may be requested from:

City of Mission
Attn: Eduardo Belmarez
Director of Purchasing
1201 E. 8th St., Mission, Texas 78572
Tel: 956.580.8667
Fax: 956.580.8798
Email: ebelmarez@missiontexas.us

ENVIRONMENTAL JUSTICE

Introduction

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving Federal funds.

The City of Mission plans and executes its roadway improvement projects in accordance with the rules, regulations and procedures established by the Texas Department of Transportation’s (TxDOT) Environmental Manual and the National Environmental Policy Act (NEPA) process. The Environmental Manual provides procedures and practices related to environmental analysis and decision-making with TxDOT project development work. The Manual provides a guide to clearing transportation projects through the NEPA process. The process is updated and maintained by TxDOT’s Environmental Division (ENV).

The Environmental Manual includes the process involved in obtaining environmental clearance from TxDOT and the Federal Highway Administration (FHWA) for a roadway construction project. The NEPA process, Title VI of the Civil Rights Act and related statutes, and Executive Order 12898 on Environmental Justice are incorporated in the processes to ensure nondiscrimination and identify and address any disproportionately high health and environmental impacts to minority populations and low- income populations. The following components lead to environmental clearance: preliminary survey, environmental documentation, public involvement, interagency coordination, permits, and environmental commitments

Plan/Process

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, signed in February of 1994, requires a Federal agency to achieve Environmental Justice as a part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. FHWA requires TxDOT to carry out Environmental Justice responsibilities as part of its nondiscrimination program. In turn, the City executes the TxDOT environmental process through the procedures and practices identified below.

Identification of Minority and Low-Income Populations

The City utilizes data from the U.S. Census Bureau, public outreach (scoping meetings, public meetings, and public hearings), information on poverty guidelines from the Department of Health and Human Services, and local agency coordination (including, but not limited to MPOs, local elected officials, county government, etc.) to establish demographic characteristics and trends. The data is used to identify and engage traditionally underserved populations, including those covered under existing

Environmental Justice (EJ) policies, as well as populations with Limited English Proficiency (LEP).

Public Participation Procedures

The City's efforts to ensure the participation of the identified minority and low-income populations are included in the City's Public Participation Plan.

Interagency Coordination

Early coordination with appropriate resource agencies, local governmental entities, and the public plays a vital role in project planning and environmental development of proposed projects. Both the TxDOT Districts and Divisions are responsible for interagency coordination during project planning and development. Coordination is initiated at the regional and statewide level.

Districts should initiate early coordination with the appropriate resource agencies as agreed upon in the CI Team Environmental Coordination agreements signed between the District Engineer and ENV Division Director. ENV will coordinate when necessary or requested by the District.

Language Access Plan (for LEP)

Executive Order 13166: Improving Access to Services by Persons with Limited English Proficiency (LEP), requires Federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities.

If it is concluded that no minority and/or low income population groups are present in the project area, the Environmental Report will document how that conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of a project on minority and/or low income population groups:

STEP ONE: Determine if a minority of low income population is present within the project area. If a conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts defined in the City's Non-Discrimination Plan definitions, "Adverse Effects." If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting

benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

- Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?
- Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?
- Question 3: Considering the overall public interest, is there a substantial need for the project?
- Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

Public Participation Plan

Introduction

This section details how the City notify the public regarding the development of transportation plans and improvement programs, solicits their comments, and addresses those comments in the final documents. Additionally, this section details how the City manages the Public Participation process.

Public Participation Plan

The Public Participation Plan (PPP) demonstrates how the City, working with TxDOT, provides opportunities for public review and comment at key decision points during the citywide transportation improvement planning process as dictated by the City's Project Delivery Model (PDM) and TxDOT's Environmental Processes for federally funded projects. The process consists of open discussion of planning documents in local government forums, public meetings, informational exhibits, published advertisements and, if required, a Public Hearing.

All City projects follow the procedures specified in the City's Project Delivery Model (PDM) Communication Plan which require a Public Meeting to provide the public with information on the project and its likely impact on the project area. Then all projects pass through the Office of the Coordinator for review to ensure that the Public Participation requirements are incorporated into the project plan and being followed.

Public Participation and Consultative Tools

Besides the Public Meeting process, the City uses a number of methods to communicate information regarding projects and opportunities for public and stakeholder participation in the planning process:

- Media releases
- Notices published in the local newspapers
- City Website
- Visualization presentations
- City Public Meetings
- Social media such as Facebook and Twitter

Geographic Information System (GIS) Data

The City makes available to the public several sources of GIS data in the form of maps used in the planning process to enhance public understanding of the project.

Long-Range Planning Documents:

- The City's Major Thoroughfare Plan

- The Unified Development Code
- City Right of Way Maps and County Property Identification

Public Participation Considerations

Public participation is an ongoing aspect of the project planning process that encourages and solicits public input and provides the opportunity for the public to become fully informed about project development. Public Participation considerations include:

- Types of Public Participation Procedures
- Specialized Public Participation – Cultural Resources
- Public Participation Following Project Approvals
- Notices and Media Releases

Types of Public Participation Procedures

Early in the planning process, projects are included in the Statewide Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP). Meetings to discuss the recommended projects included in the STIP/TIP are advertised allowing any interested citizen to provide input in the project planning and programming process. In some instances these meetings can be considered adequate public participation for minor projects constructed in existing right of way and/or general maintenance projects. However, depending on the type and complexity of the project, public concerns, associated social, economic, and environmental factors, additional public participation may be required. Types of additional public participation efforts may include:

- Meetings with Affected Property Owners (MAPO) – MAPOs are held with property owners affected by minor or temporary projects. MAPOs may occur at any stage of the project development process. Due to the informal nature of MAPOs, the format and conduct will be tailored to the individual project, allowing for ample time for public questions and comment.
- Public Meetings – Public meetings are held to inform the public and provide a forum for a free exchange of project views and concerns. Public meetings occur as early as TxDOT determines it feasible to assure public input in project planning, location, and design alternatives. Public meetings include meetings with interested citizens, the general public, or local, neighborhood, or special interest groups. A public meeting will be held during the drafting of a DEIS to present the draft coordination plan.
- Opportunities for Public Hearing – An opportunity for public hearing is advertised to determine if any interested citizens desire TxDOT to hold a public hearing for a proposed project. This is a minimum requirement for projects requiring acquisition of significant amounts of new Right of Way, those requiring a substantial change in layout or function of the roadway or connecting roadways, or requiring measurable adverse impact on abutting real property. The decision to afford an opportunity for a public hearing is generally decided upon by

a District in consultation with ENV and FHWA (for federally funded projects). If no requests for public hearing are received by the deadline, the district will submit a certification to that effect signed by the District Engineer or his/her designee.

- **Public Hearings** – Public hearings are held to present project alternatives. They also serve to encourage and solicit public comment on the location, design, and environmental analyses of a project. The manual includes sections that describe various aspects of public hearings, including the format and procedures for conducting a public hearing.

Public Participation Following Project Approvals

Additional public participation (opportunity, public hearing, public meeting or limited meeting) is scheduled when:

- Substantial change occurs in the project (major design changes, changes in right of way requirements, etc.);
- Substantial unanticipated development occurs in the project area;
- New significant social, economic, and environmental effects are identified as project related; and
- An unusually long time passes before major steps are taken to advance the project. Major steps include authority to acquire Right of Way and issuance of construction Letter of Authority.

Notices and Media Releases

The Environmental Manual describes the requirements and formats for publishing notices and media releases, which include:

- **Publishing Notices** – Official notices are published in local general circulation newspapers, regional newspapers (if there is no local newspaper) and special interest newspapers, such as neighborhood, ethnic, foreign language. If the predominant language of an area is not English, notices will be published in the predominant language.
- **Publication Requirements** – The opportunities for public hearing notice is published approximately 30 days prior to the deadline for submission of written requests for holding a public hearing and at a minimum, a public hearing notice will be published at least 30 days before the day of a public hearing. The Environmental Manual outlines the information and procedures that should be included in all notices.
- **Other Forms of Publicity** – Other forms of publicity include temporary signs, leaflets posted in public locations, media releases, notices mailed to residents, etc.
- **Notices of Availability - Environmental Assessment (EA) and Final Environmental Impact Statement (FEIS)** inform the public of the approval of an

EA and required following approval of a FEIS; notice of availability is published in local newspapers.

- **Media Releases** – Media releases can be used any time to publicize meetings or other information about projects. Once the public participation process is complete, project planning and development decisions are to be publicized through press releases to inform the public about the project. Any changes to a transportation project may require additional public participation.

- **Notice of Construction** – The District will send a notice of impending project construction to landowners abutting the roadway within the project limits, local governments, and public officials. Projects that involve the addition of at least one travel lane or construction on a new location require notices of construction. The notice is sent at least 90 days prior to the proposed letting date. Notice of Construction format is outlined in the manual.

COMPLAINT PROCESS

I. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City's programs, activities and services as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion, assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

IV. Filing a Complaint

The complainant shall make him/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of Federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI by completing the Title VI Discrimination Complaint Form (see City's Complaint Form) and submitting it to the City's Title VI Coordinator.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City must contact the Title VI Coordinator immediately upon receipt of Title VI related statutes complaints.

Complaints must be filed within 180 days of the alleged discrimination. The policy assumes that if a complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, the period is extended 60 days beyond the date the complainant became aware to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complainant must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

- An anonymous complaint that is too vague to obtain required information,
- Inquiries seeking advice or information,
- Courtesy copies of court pleadings,
- Newspaper articles,
- Courtesy copies of internal grievances.

V. Investigation

Investigation Plan: The Title VI Coordinator shall assign a trained investigator to the complaints and shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s),
- Basis for complaint: Issues, events or circumstances that caused the person to believe that he/she has been discriminated against,
- Information needed to address the issue,
- Criteria, sources necessary to obtain the information,
- Identification of key people,
- Estimated investigation time line,
- Remedy sought by the complainant(s).

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.

- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a TxDOT related contract against the City of Mission, TxDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Mission, the complaint and any pertinent information will immediately be forwarded to the TxDOT Office of Civil Rights Program Unit.

Investigation Reporting Process:

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Office of the City Manager for review.
- The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

City of Mission, Texas
 Attn: Eduardo Belmarez
 Purchasing Director
 1201 E. 8th Street, Mission, Texas 78572
 Tel: 956-580-8667
 Fax: 956-5808797
 Email: ebelmarez@missiontexas.us

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the Texas Department of Transportation, Office of Civil Rights within 30 days of the date the investigation is completed.

Records

All records and investigation working files are maintained in a confidential area. Records are kept for a minimum of three years.

ANNUAL WORK PLAN AND ACCOMPLISHMENT REPORT PROCESS

1. The City of Mission Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees.
2. The City of Mission's Title VI Plan and Policy Statement will be published on the City's website. The Policy Statement will also be posted in conspicuous locations.
3. Appendix A of the Assurances will be included in all City contracts as outlined in the Title VI Plan.
4. The procedure for responding to individuals with Limited English Proficiency will be implemented.
5. All City employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
6. The following data will be collected and reviewed in the annual report produced by the Title VI Coordinator and transmitted in the annual report submitted to TxDOT:
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of Public Meetings or Open Houses directly related to planned projects; how meeting dates and times are communicated to the general public and to individuals directly affected by the meetings.
 - c. **Construction Projects:** The number of construction projects; number of minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** Number of requests for language assistance or number of instances in which language assistance was required, and the outcome of these requests; if possible, analyze the number of times the website translator program has been utilized and what languages it translated information into.
 - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - f. **Timeliness of Services:** Number of requests for services; amount of time from request to delivery of service; number of requests denied.
 - g. **Right of Way/Imminent Domain:** Numbers of such actions and diversity of individuals affected.

h. **Program Participants:** Racial data statistics and analysis of program participants where possible.

i. **Reviews:** Status of special emphasis program reviews and reviews on the City's Sub-Recipients.

7. The City's Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report will be submitted to TxDOT annually by October 31. The Report will provide an updated status on an annual basis of the City's implementation and monitoring of the Title VI/Nondiscrimination Plan.

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 the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Office of the Secretary for Research and Technology (OST-R), 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, national origin, sex, age, or disability 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 Subcontracts, 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 or the OST-R 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 the information, the contractor will so certify to the Recipient or the OST-R, 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 OST-R may determine to be appropriate, including, but not limited to:
 1. withholding payments to the contractor under the contract until the contractor complies; and/or
 2. 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 as the Recipient or the OST-R may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or threatened with litigation by 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 will 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 Mission, Texas will accept title to the lands and maintain the project constructed thereon in accordance with the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), the regulations for the administration of the University Transportation Centers Program, and the policies and procedures prescribed by the Office of the Secretary of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by 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 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 Mission, Texas 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 Mission, Texas 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 Mission, Texas, its successors and assigns.

The City of Mission, Texas, in consideration of the conveyance of said lands and interest 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 Mission, Texas will use the lands and interests in lands and interest 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.)

Appendix C

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

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

- A. The (grantee, 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 Mission, Texas 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 Non-discrimination covenants, the City of Mission, Texas will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Mission, Texas 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 (Title of Recipient) 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 or, 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 of the above Non-discrimination covenants, the City of Mission, Texas will have the right to terminate the (license, permits, 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 Mission, Texas will there upon revert to and vest in and become the absolute property of the City of Mission, Texas 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 U.S.C. § 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 of 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 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.*).



Title VI Discrimination Complaint Form

This form may be used to file a complaint with the City of mission based on violations of the Title VI of the Civil Rights Act of 1964. Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 days, you have 60 days after you became aware to file a complaint. Return the signed form to the City of Mission, Purchasing Department, 1201 E. 8th St., Mission, Texas 78572.

Last Name		First Name		
Mailing Address		City	State	Zip
Telephone	Alternate Telephone	Email Address		
Please indicate the basis of your complaint:				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Income <input type="checkbox"/> Age <input type="checkbox"/> Gender <input type="checkbox"/> Disability				
Date(s) and place(s) alleged discriminatory action took place, including earliest date of discrimination and most recent date of discrimination:				
Name(s) of City Department, Programs, and Individuals responsible for discriminatory action(s):				
Please explain as clearly as possible how you were discriminated against. Describe the nature of the action, decision, or conditions of the alleged discrimination. Include how you were treated differently from others based on your protected status.				
Names of persons (witnesses, other subjected to discrimination, fellow employees, supervisors, or others) whom we may contact for additional information or clarify your complaint:				
<u>Name</u>		<u>Phone</u>		<u>E-Mail</u>
Complainant's Signature				

Office Use Only				
Date Received _____	By: _____	<input type="checkbox"/> Internal	<input type="checkbox"/> External	
Notes: _____				

