

Title VI/Nondiscrimination Plan



City of El Paso

12/16/2014

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Introduction

The City of El Paso is located in far west Texas on the international boundary between the United States and the Republic of Mexico. The City provides a full range of services to the general public. These services include police and fire protection; emergency medical and health services; sanitation services; public transportation; construction and maintenance of streets and infrastructure; recreational activities; and cultural events.

As a recipient of federal assistance, the City of El Paso (City) is required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964. Additionally, the Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives Federal assistance.

Objectives

The objectives of the City of El Paso’s Title VI plan are:

- To ensure that City’s compliance with Title VI to include compliance by the City’s grantees, sub-recipients, and related entities and to assign responsibilities for ensuring compliance;
- To ensure that all persons are able to receive the benefit of City programs, services, and activities;
- To ensure that limited English proficient (LEP) individuals are provided meaningful access to City programs, services and activities;
- To avoid, minimize or mitigate disproportionate adverse environmental effects, including social and economic effects, on communities of color and low income populations as a result of City programs, services and activities; and
- To establish clear procedures for filing, investigating, and successfully resolving complaints on a timely basis and at the lowest level possible.

Authorities

The authorities applicable to the City’s Title VI program are listed in [Attachment 1](#).

Nondiscrimination Statement

The City of El Paso, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 2000d-3), color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.

The nondiscrimination statement signed by the City Manager is located at [Attachment 2](#).

Standard DOT Title VI Assurances

The Title VI Assurances are submitted to TXDOT every three years or when a new City Manager is placed in office.

The City's signed Title VI Assurances are located at [Attachment 3](#).

Organization/Staff Responsibilities

This section details how the City of El Paso is organized.

Organization

The organizational chart located at [Attachment 4](#) depicts the main structure of the City of El Paso and where the Title VI responsibilities are assigned.

Delegation of Authority and Responsibility

The Chief Performance Officer serves as El Paso's Title VI Coordinator. With support from the City's administration, the Chief Performance Officer is responsible for all aspects of the Title VI Program and has been delegated sufficient authority and responsibility to effectively carry out the duties assigned to this position.

Staff Responsibilities

The City's Title VI program falls within the scope of responsibilities of the Title VI Coordinator.

Title VI Coordinator

The Title VI Coordinator (Coordinator) works to ensure there is a demonstrated commitment on the part of senior level authority to enforce Title VI and is responsible for the overall Title VI program implementation. Specifically, the Coordinator has the authority and responsibility to implement the civil rights program by:

- Ensuring that Title VI requirements are included in policy directives.
- Assisting City personnel to correct Title VI problems or discriminatory practices or policies found through self-monitoring and review activities.
- Being the point of contact for Title IV implementation and monitoring of programs and activities receiving federal financial assistance.
- Reviewing documents as needed for compliance with Title VI to ensure that procedures used have safeguards to prevent discrimination;
- Conducting Title VI compliance reviews of City departments;
- Developing Title VI training material and conducting training sessions and workshops;
- Developing Title VI information for dissemination to the public and, where appropriate, in languages other than English; and
- Coordinating the investigation of Title VI complaints of discrimination in accordance with the City's External Complaint Processing Procedures.
- Maintain meeting agenda/minutes demonstrating the civil rights requirements are being met.

Title VI Liaisons

Coordination with City Departments will be crucial in carrying out the activities of Title VI. Each department who has either been designated as a Program Emphasis Area or a Federal Program Area will assign a Liaison to work with the Coordinator. Program emphasis areas (PEAs) have significant impacts on the public and businesses but do not receive federal funding. Federal Program Areas (FPAs) are departments who receive federal funding. The Coordinator along with the Liaisons will make up the Title VI Team.

Complaint Disposition Procedures

Internal Complaints

Policy Statement

It is the policy of the City of El Paso to identify and remove barriers to employment and promotion for all individuals, and to make aggressive efforts to attract and assist members of historically disadvantaged groups to qualify for employment and promotion.

In keeping with the above, it is the policy to select, develop, and promote applications and employees based on objective measures without discrimination on the basis of race, color, religion, sex, national origin, age, political affiliation, or disability or any other non-job related characteristic. Similarly, the City shall administer all other human resources matter, such as compensation, benefits, transfers, and layoffs, in accordance with this policy.

It is also the policy of the City to maintain a working environment free of harassment and intimidation, and to foster the fair and respectful treatment of employees and individuals interested in employment with the City.

Complaints

Discrimination complaints made by employees are handled by the Human Resources department and have a separate complaint procedure. The Director of Human Resources serves as the Equal Employment Opportunity Officer. The procedure can be found in the City's website at <http://home.elpasotexas.gov/human-resources/documents/policies/Non-DiscriminationPolicy.pdf?1413933445> . The form is available to City employees in the public drive as explained in the policy.

External Complaints

Any external 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, as amended, may file a complaint with the City. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Title VI Coordinator for review and action.

Roles and Responsibilities

The Coordinator is charged with ensuring Title VI complaints received by the City are processed in accordance with the City's Complaint Handling Procedures outlined in this plan, which include maintaining a complaint log, using form letters, investigative plans, reports, and investigation formats.

Timeframe for Filing Complaints

In order to have the complaint considered under Title VI, the complainant must file the complaint no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person(s) became aware of the alleged act(s) of discrimination; or
- Where there has been a continuing course of conduct, the date on which that conduct was discovered.

In either case, City or its 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.

Processing Complaints

Complaints submitted shall be in writing and must 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, that person shall be interviewed by the Coordinator and assist 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 in the usual manner.

Within 10 days of the receipt of the complaint, the Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation.

Transportation related complaints filed under Title VI with City in which City is named as the respondent will be forwarded to TXDOT for investigation within 10 days of receipt of the allegation. The City will provide the following information in every notification to TxDOT:

- Name, address, and phone number of the complainant
- Name(s) and address(es) of alleged discriminating official(s)
- Basis of complaint (i.e., race, color, national origin, sex, age, disability)
- Date of alleged discriminatory act(s)
- Date of complaint received by the City

- A statement of the complaint
- Other agencies (state, local or Federal) where the complaint has been filed
- An explanation of the actions the City has taken or proposed to resolve the issue raised in the complaint.

The City's External Discrimination Complaint Form is available in both English and Spanish as [Attachment 5](#).

Investigative Process

The Coordinator will review every complaint, determine the most appropriate fact finding process, and when necessary, assign a neutral party to investigate. At a minimum, the investigation will include:

- Review of all relevant documents, practices, and procedures
- Identify and interview persons with knowledge of the alleged Title VI violation.

No information is disclosed with City personnel or any other party not involved in the investigative process.

Preparing the Report of Investigation

Within 30 days of receipt of the complaint, the Coordinator or designated investigator will complete a Report of Investigation (ROI) setting forth all the relevant facts obtained during the investigation. The ROI will include a finding for each issue and recommendations where necessary. Documentation regarding any attempts and outcomes that were made to resolve the complaint prior to the initial receipt of the written complaint will be summarized in the ROI.

The final report will be sent to the Department Head of the department involved with a copy to the City Attorney's Office and the complainant.

If no violation is found and the complainant wishes to appeal, the complainant may appeal directly to the City Manager's Office at:

City Manager
City of El Paso
300 N. Campbell
El Paso, Texas 79901

Complaints may also be filed with the following federal agencies:

Texas Department of Transportation
Office of Civil Rights
125 East 11th Street
Austin, Texas 78701-2483

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Federal Transit Administration
Office of Civil Rights
819 Taylor Street, Room 8A36
Fort Worth, Texas 76102

Complaint Log

The Coordinator maintains a complaint log, which documents all activity related to the complaint. A copy of the log is included as [Attachment 6](#). Information captured includes:

- Complainant’s name, race, color, gender and national origin
- Respondent’s name
- Basis(es) of the discrimination complaint
- Allegation(s)/Issue(s) surrounding the discrimination complaint
- Date the discrimination complaint was filed
- Date the investigation was complete
- Disposition
- Disposition date
- Other pertinent information

The City Attorney’s Office maintains a separate record of lawsuits of discrimination. The data from both logs will be included in the Annual Work Plan and Accomplishments Report.

Internal Monitoring Program

This section includes information on the City's Title VI internal monitoring program which includes data collection/data analysis/data reporting and federal program areas process reviews procedures.

Data Collection/Data Analysis/Data Reporting

Statistical data on race, color, national origin, sex, age, and disability of participants in and beneficiaries of the City's programs will be gathered annually and analyzed to determine the investment benefits and burdens to the population, including minority and low-income populations. Beneficiaries include relocatees, impacted citizens, and affected communities. Collecting, analyzing, and maintaining statistical data are crucial elements of a Title VI/Nondiscrimination enforcement program because they constitute an effective mechanism by which to numerically assess the reach and impact of program funds.

The City's federal program areas will be notified through a memorandum sent from the Coordinator to the director of each department's federal program area to submit a data analysis report. The Coordinator will work with the federal program areas to identify where data needs to be analyzed. Data analysis results will be included in the Title VI / Nondiscrimination Annual Work Plan & Accomplishment Report.

Annual Reviews of Federal Program Areas

The Coordinator conducts annual reviews of special emphasis program areas to determine the effectiveness of program area activities at all levels.

Federal Program Areas Process Reviews Procedures

In addition to the annual review of special emphasis areas, the Coordinator will work with Federal Program Areas in performing annual Title VI/Nondiscrimination Program Process Reviews. These process reviews will focus on a specific federal program area segment. Each Federal Program Area will be responsible for the following:

- Identify the processes that impact the public;
- Schedule reviews to cover all the identified processes within a 3 year period to ensure compliance with this plan;
- Develop and submit a report to the Coordinator.

The Coordinator will summarize the results for inclusion in the Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report.

Federal program areas may also be identified for a more in depth Title VI review based on several factors:

- The potential Title VI impacts of the program or activity;
- To follow up on Title VI related recommendations made during a previous review;
- To ensure nondiscrimination in a program or activity that has received Title VI complaints.

Findings

Deficiencies found during the internal monitoring process will be documented on a corrective action plan (CAP) by the department within a period not to exceed 30 calendar days. The CAP will include:

- The deficiency
- Applicable laws, rules, regulations
- Actions to be taken by the Coordinator to correct the deficiency
- The timeframe to correct the deficiency
- Plan for monitoring the progress of the corrective action plan

The CAP will be submitted to the Coordinator for approval. Once approved, the department will implement the action plan and provide periodic updates. If necessary, the Coordinator will update the Title VI Plan and the departments will update its procedures to reflect the outcome of the CAP. The CAP and its results will be included in the Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report to the TXDOT.

Follow-up Monitoring

The Coordinator will determine if additional monitoring is needed to ensure on-going compliance with Title VI requirements.

External Monitoring Program

In addition to the internal monitoring program, the City is responsible for developing and implementing an effective external monitoring program. The Coordinator will work with Federal Program Area's within each department in identifying subrecipients for review. Priority for conducting reviews will be given to those Local Public Agencies (LPAs with the greatest potential of impact to those groups covered by the Act.

Title VI/Nondiscrimination-Related Training Component

The City's Title VI/Nondiscrimination Training Program consists of an Internal and External component.

Internal

The Coordinator works with the City's Human Resources Department –Organizational Development to coordinate the delivery of training courses.

Additionally, the Coordinator staff and the Title VI-Team meet periodically throughout the year to provide opportunities to discuss practical situations and how Title VI/Nondiscrimination requirements apply and may be useful.

External

As part of Title VI reviews conducted by the Coordinator, the Title VI Coordinator maintains information on the City's Website; posters are placed at various public buildings or shown on City monitors.

Public Participation Plan

The City maintains a Public Participation Plan that details how the City notifies the public regarding its programs, solicits their comments, and addresses their comments in final documents. Additionally, the plan outlines how the public is notified regarding public hearings and public meetings, collects comments at these meetings, and addresses these comments.

The City's Public Participation Plan is a separate document that can be found at <http://home.elpasotexas.gov/city-manager/>.

Environmental Justice (EJ) Plan / Process

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

TXDOT defines three fundamental environmental justice principles for the Federal Highway Administration and the Federal Transit Administration as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by

minority and low-income populations.

In 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Executive Order 12898 requires that achieving EJ must be part of each federal agency's mission. Agency programs, policies and activities can lead to health and environmental effects that disproportionately impact minority and low-income populations.

The City of El Paso will incorporate EJ policies in its Public Participation Plan.

Language Access Plan (Limited English Proficiency)

Executive Order 13166, entitled "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.

LEP individuals are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

The U.S. Department of Justice LEP Guidance advises each Federal department or agency to "take reasonable steps to ensure 'meaningful' access to LEP individuals to the information and services they provide." It further explains that the identification of "reasonable steps" to ensure meaningful access will be contingent on a number of factors. Among the four factors to be considered are:

- The number or proportion of LEP persons in the eligible service population
- The frequency with which LEP individuals come in contact with the program
- The importance of the service provided by the program
- The resources available to the agency.

The City has prepared a Limited English Proficiency Plan to ensure information and services are accessible to LEP individuals by providing guidance on translation, interpretation, and outreach services for LEP individuals seeking access to City programs. The plan applies the four-factor framework, which is consistent with the TXDOT LEP Guidance.

The City's Public Participation Plan is a separate document that can be found at <http://home.elpasotexas.gov/city-manager/>.

External Communication – Notification to Stakeholders

The City provides information to the public detailing its Title VI/Nondiscrimination obligations and notifies members of the public of the protections against discrimination afforded to them by Title VI and other nondiscrimination requirements.

Dissemination of Information

A poster detailing an individual’s rights under Title VI will be available in English and in Spanish at public buildings and accessible on the City’s website. The poster is included as [attachment 7](#).

Reporting to TXDOT

The City will submit the Title VI/Nondiscrimination Plan for approval and will submit a Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report to TXDOT annually by October 31. The Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report will update TXDOT on an annual basis regarding how the City is monitoring the implementation of the Title VI/Nondiscrimination Plan.

Title VI/Nondiscrimination Plan

Attachments

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Authorities

The authorities applicable to the City's Title VI program are included below:

- City of El Paso Charter, Section 6.1-11 Non Discrimination, (affords equal employment and benefit opportunities);
- 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);
- Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. §12101 *et seq.*), (prohibits discrimination on the basis of disability);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. §4601;
- The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
- 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*);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services for Individuals with Disabilities (ACCESSIBILITY)*);
- 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination on the Basis of Disability in State and Local Government Services*);
- 28 C.F.R. Part 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- Executive Order 12898, 3 C.F.R. 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," emphasizes that Federal agencies should use existing laws to achieve Environmental

Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations; and

- Executive Order 13166, 3 C.F.R. 289 (2001) on Limited-English-Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.” When receiving Federal funds Recipients are expected to conduct a four-factor analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).
- Texas Administrative Code §9.4, Civil Rights – Title VI Compliance



City Manager's Office

Mayor
Oscar Leeser

December 4, 2014

City Council

**Title VI and Related Statutes
Nondiscrimination Statement**

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

The City of El Paso, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 2000d-3), color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any City programs or activities.

Tomás González
City Manager
City of El Paso

**Titulo VI y Estatutos Relacionados
Declaración de No Discriminación**

La ciudad de El Paso Texas, como recipient de Asistencia Financiera federal y segun la Acta de Derechos Civiles Titulo VI del 1964 y estatutos relacionados, asegura que ninguna persona sera excluida a causa de raza, religion (donde el objetivo principal es asistencia financiera para proveer empleo segun 42 U.S.C. § 2000d-3), color, origen nacional, sexo, edad o incapacidad de participación en, o negados los beneficios de, o de otra manera sea sujeto a discriminación en cualquiera de los programas o actividades del la ciudad.

Tomás González
Gerente de la Ciudad
Ciudad de El Paso

City 1 | 300 N. Campbell St. | El Paso, Texas 79901 | (915) 212-0023

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City Manager's Office

Mayor

Oscar Leaser

City Council

District 1

Ann Morgan Lilly

District 2

Larry Romero

District 3

Emma Acosta

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Cortney C. Niland

City Manager

Tommy Gonzalez

STANDARD DOT TITLE VI ASSURANCES

The City of El Paso, Texas, a Texas home rule city (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and 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 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, 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 the Department of Transportation, including the Texas Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the programs administered by the Recipient.

1. That the Recipient 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.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all programs administered by the Recipient and, in adapted form in all proposals for negotiated agreements:

The Recipient, 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 of 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 contract 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 in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

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City Manager's Office

4. That the Recipient 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 Recipient 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.

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 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 Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the programs administered by the Recipient; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the programs administered by the Recipient.

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 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 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.

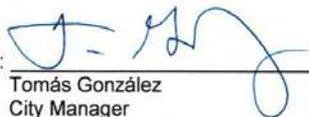
THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the programs administered by the Recipient and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the programs administered by the



City Manager's Office

Recipient. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated: 12/15/14

By: 
Tomás González
City Manager
City of El Paso

Appendices A, B and C



City Manager's Office

Mayor

Oscar Leeser

City Council

District 1

Ann Morgan Lilly

District 2

Larry Romero

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Claudia Ordaz

District 7

Lily Limón

District 8

Cortney C. Niland

City Manager

Tommy Gonzalez

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 Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter 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 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 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.
- (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 *City of El Paso* 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 City of El Paso, 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 City of El Paso shall impose such contract sanctions as it 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 directive issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the City of El Paso 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 City of El Paso to enter into such litigation to protect the interests of the City of El Paso, and in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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Dr. Michiel R. Noe

District 6

Claudia Ordaz

District 7

Lily Limón

District 8

Cortney C. Niland

City Manager

Tommy Gonzalez

APPENDIX B

A. 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 Recipient will accept title to the lands and maintain the project constructed thereon, in accordance with all applicable Department of Transportation authorities, the Regulations for the Administration of the programs administered by the Recipient, and the policies and procedures prescribed by the Texas

Department of Transportation and, 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 (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 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 the 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 Recipient, its successors and assigns.

The 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, 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 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, 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.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

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APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Recipient pursuant to the provisions of Assurance 7(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, 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, the 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 deeds.]*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Recipient and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Recipient pursuant to the provisions of Assurance 7(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 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 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



City Manager's Office

of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

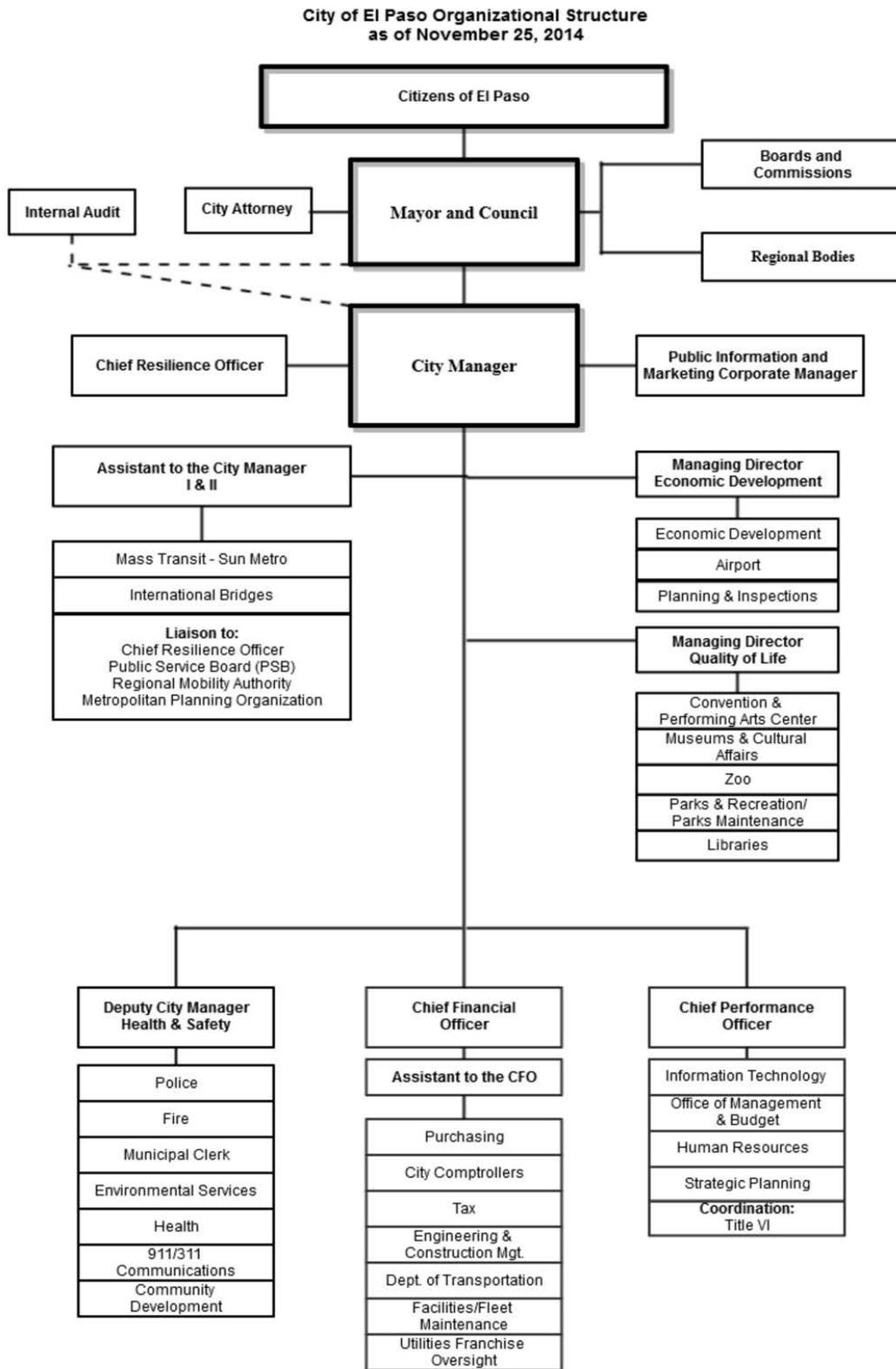
That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds.]*

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

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Attachment 4



Attachment 5

External Discrimination Complaint Form

Mail signed form to Title VI Coordinator, City Manager, City of El Paso, 300 N. Campbell, El Paso, Texas 79901

Last Name		First Name	
Mailing Address		City	State
Telephone	Alternate Telephone	E-mail Address	
Please indicate the basis of your complaint:			
<input type="checkbox"/> Race _____		<input type="checkbox"/> Age _____	
<input type="checkbox"/> Color _____		<input type="checkbox"/> Gender _____	
		<input type="checkbox"/> National Origin _____	
		<input type="checkbox"/> Disability _____	
Date and place of alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination.			
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional pages, if necessary).			
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.			
Names of individuals responsible for the discriminatory action(s):			
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attach additional pages, if necessary).			
	Name	Address	Telephone
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
Complainant's Signature _____		Date _____	
FOR OFFICE USE ONLY			
Date Compliant Received: _____		Processed by: _____	

12/16/2014

Forma Externa de Queja Discriminacion

Envie forma firmada al Title VI Coordinator, City Manager, City of El Paso, 300 N. Campbell, El Paso, Texas 79901

Apellido		Nombre		
Direccion		Ciudad	Estado	Codigo Postal
Teletono	Teletono Alternative	Correa Electronico		
Indica por favor la(s) base(s) de su queja.				
<input type="checkbox"/> Raza _____		<input type="checkbox"/> Edad _____		<input type="checkbox"/> Origen Nacional _____
<input type="checkbox"/> Color _____		<input type="checkbox"/> Sexo _____		<input type="checkbox"/> Discapacidad _____
Fecha y lugar de la(s) presunta(s) accion(es) discriminatoria(s). Favor de incluir la primera fecha de la presunta discriminacion y la fecha mas reciente de la presunta discriminacion.				
¿, Como se discrimino contra usted? Describa la naturaleza de la accion, decision o las circunstancias de la presunta discriminacion. Explique, de la manera mas clara posible, que sucedio y porque cree usted que su estatus protegido fue un factor en la discriminacion. Incluya como otras personas fueron tratadas de distinta manera que usted. (Adjunte hojas adicionales de ser necesaria).				
La ley prohíbe intimidacion o represalias contra cualquier persona ya sea par tamar accion o par participar en la toma de accion para asegurar los derechos protegidos por estas leyes. Si usted siente que se han llamado represalias en su contra, aparte de la presunta discriminacion mencionada anteriormente, favor de explicar las circunstancias a continuacion. Explique la accion que usted tomo que cree sea la causa de la presunta represalia.				
Nombre de los individuos responsables de la(s) accion(es) discriminatoria(s):				
Nombre de personas (testigos, companeros de trabajo, supervisores u otros) a quienes podamos contactar para obtener informacion adicional para respaldar o aclarar su queja: (Adjunte hojas adicionales de ser necesario).				
	Nombre	Domicilio	Telefono	
1.	_____	_____	_____	
2.	_____	_____	_____	
3.	_____	_____	_____	
4.	_____	_____	_____	
Firma del Demandante _____		Fecha _____		
UNICAMENTE PARA USO OFICIAL				
Fecha de Recibo de Queja: _____				
Procesado por: _____				

12/16/2014

Your Rights under Title VI of the Civil Rights Act of 1964



It is the policy of the City of El Paso to ensure that no person shall on the grounds of race, religion, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any department programs or activities.

Who may file a Title VI complaint?

A Title VI complaint may be filed by any individual or individuals who allege they have been subjected to discrimination or adverse impact under any City of El Paso program or activity based on race, religion, color, national origin, sex, age, disability or retaliation.



To file a Title VI complaint, you may obtain the necessary forms online by visiting:

<http://home.elpasotexas.gov/city-manager/>

City of El Paso
Title VI Coordinator
City Manager
300 N. Campbell
El Paso, Texas 79901
Phone: 915-212-0000

Sus derechos bajo el Título VI de la Ley de Derechos Civiles de 1964.



Es la política de la ciudad de El Paso que ninguna persona en los Estados Unidos, en base a su raza, color, nacionalidad, sexo, edad o incapacidad, se excluirá de participar en, negar los beneficios de, o someter a discriminación bajo de nuestros programas y actividades.

¿Quién puede presentar una demanda Título VI?

Cualquier individuo(s) que alegue(n) que ha(n) sido sujeto(s) a discriminación o impactado(s) desfavorablemente bajo cualquier programa o actividad de TxDOT basados en raza, religión, color, nación de origen, género, edad, discapacidad o represalias puede presentar una demanda Título VI.



Para presentar una demanda Título VI, puede obtener las formas necesarias en el Internet en la siguiente dirección:

<http://home.elpasotexas.gov/city-manager/>

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