

This is a Plan about safeguarding against discrimination of any kind, whether it is race, color, national origin, sex, age, religion, disability or income status, to ensure we are all given the opportunity to participate in City activities, and contribute to the vitality and enduring quality of our community.

Title VI Plan

City of Edmond, Oklahoma

February, 2017

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Policy Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in all federally assisted programs. The focal point of nondiscrimination law is Title VI of the Civil Rights Act of 1964, however the broader application of nondiscrimination law may be found in other statutes, regulations, and executive orders.

The following is not an all-inclusive list, but demonstrates the intent of federal law as it relates to discrimination. The Federal-Aid Highway Act of 1973 (23 U.S.C 324) added sex and handicap as a protected status in all Federal Highway Administration activities. The Rehabilitation Act of 1973, as amended, also added the prohibition of discrimination based on handicap (29 U.S.C 794). The Age Discrimination Act of 1975, as amended, added age as a protected status (42 U.S.C. 6101). Title VI was later amended by the Civil Rights Restoration Act of 1987, which added Section 606, expanding the definition of the terms “programs or activities” to include all of the operations of an educational institution, government entity, or private employer that receives federal funds if any one operation receives federal funds.

The City of Edmond ensures that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, religion, disability/handicap, or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the City of Edmond, its recipients, sub-recipients, and contractors.

The City further assures that every effort will be made to ensure nondiscrimination in programs and activities that do not receive federal financial aid.


In the event that the City distributes federal aid funds to another entity, the City will include Title VI language in all written agreements and will monitor for compliance.

The City of Edmond ADA Coordinator (acting as Title VI liaison) is granted authority to administer and monitor the Title VI and Nondiscrimination Program as promulgated under Title VI of the Civil Rights Act of 1964 and subsequent legislation. The ADA Coordinator will provide assistance to departments, to the public, and to outside agencies as needed.

The City of Edmond delegates Title VI responsibilities to the department managers and charges them with the responsibility to develop and implement procedures and guides to adequately monitor their programs.

The City of Edmond recognizes the need for continuous Title VI training for Edmond staff.

Anyone who believes that he or she has been discriminated against should contact the Planning Department, Edmond Planning and Public Works, ADA Coordinator at 405-359-4790.



Larry Stevens
City Manager

March 30, 2017

Date

Primary Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance:

Title VI of the Civil Rights Act of 1964, as amended. P.L. 88-352, 78 Stat. 252 (Nondiscrimination in Federally-Assisted Programs). (42 U.S.C. 2000d-2000d-4)

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

The Civil Rights Restoration Act of 1987. P.L. 100-259

Objectives

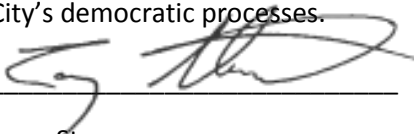
The objectives of the City of Edmond’s Title VI Plan are:

- To ensure that all persons, regardless of race, color, national origin, sex, age, religion, disability, or income status receive the benefits of City programs, services and activities.
- To ensure the City of Edmond complies with Title VI and to assign responsibilities for ensuring compliance.
- To promote full and fair participatory decision-making.
- To ensure that limited English proficient (LEP) individuals are provided meaningful access to City programs, services and activities.
- To establish clear procedures for filing, investigating, and successfully resolving complaints on a timely basis.

Statement on Limited English Proficiency

Edmond welcomes diversity in the community, and when needed, wants to take steps that ensure that those who come to Edmond can participate in and enjoy the fullness of all the City has to offer.

The City of Edmond is proud of its efforts to ensure that inclusion and fairness are a part of all of its activities. We are committed to Title VI, by extending its services and programs to all who wish to participate, including Limited English Proficiency (LEP) residents, to ensure that they are a part of the City’s democratic processes.



Larry Stevens
City Manager

March 30, 2017

Date

Organization and Compliance Responsibilities

City Manager

The City Manager for the City of Edmond is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and has directed Nondiscrimination is required in all Edmond programs and services. The City Manager provides leadership, guidance, direction, and support for the City's Title VI Program.

Assistant City Manager

The City of Edmond has two Assistant City Managers. They have oversight responsibilities for 1) Public Works, 2) Water Resources, 3) Engineering, 4) Edmond Electric, 5) Planning and Zoning, 6) Public Transit, 7) Building Services, 8) Finance, 9) Human Resources, 10) Information Technology, 11) Community Image, and the 12) Parks and Recreation departments. These two positions ensure that departments are in compliance with the City's Title VI program. They must also enforce the provision that a Title VI clause is included in all contracts and on information distributed, or advertised, to the public.

ADA Coordinator

The ADA Coordinator (acting as Title VI liaison) is charged with the responsibility for implementing, monitoring, and ensuring that the City is in compliance with Title VI regulations. The ADA Coordinator will report directly to the Assistant City Manager of Operations. The ADA Coordinator's responsibilities include:

- a) **Program Administration** - Process and coordinate the resolution of all Title VI complaints in accordance with the Title VI complaint procedure and time limitations. Ensure compliance with the assurances, policy, and program objectives. Act as liaison to the ODOT Title VI Coordinator, and perform Title VI program reviews to assess and update administrative procedures and resources; provide recommendations as required to the City Manager's Office and Mayor.
- b) **Data Collection** – Review the statistical data gathering process performed by Title VI Program Area Liaisons (Departments) periodically to ensure sufficiency of data for meeting the requirements of the Title VI program. This includes such information as discrimination incidents, and City contacts with LEP customers and/or residents.
- c) **Environmental Impact Statements** – Should the need arise, ensure that available census data is included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) conducted by the City for projects receiving federal financial assistance.
- d) **Training Programs** – Coordinate or facilitate training on Title VI, current and new regulations, for City employees, contractors and any sub-recipients. A summary of the training received will be reported in updates to ODOT (for Federal Highway Administration – FHWA).
- e) **Title VI Plan Update** – Review and update the Title VI Plan as needed or required. Present updated plan to the City Manager and Mayor for approval; submit amended Plan to ODOT (for FHWA) or other federal agencies as required.
- f) **Federally Required Reporting** – The ADA Coordinator may periodically conduct reviews of the City's Title VI Program to assess for Title VI compliance, as well as any special emphasis programs reviewed with the Title VI designees annually to assure their effectiveness in

compliance with Title VI provisions. The ADA Coordinator will coordinate efforts to ensure that the requirements of Title VI are met.

- i. The ADA Coordinator will coordinate an Annual FHWA Title VI Update of Accomplishments to be submitted to ODOT (for FHWA) by October 1 of each year. The update will report on accomplishments and changes to the program during the preceding year, and will also include goals and objectives for the upcoming year.
 - ii. The ADA Coordinator will coordinate with the Central Oklahoma Transportation Authority (COTPA) for the Triennial FTA Title VI Program Report to FTA to be submitted by the date outlined by the FTA.
- g) **Public Dissemination** – Work with City staff to develop and disseminate Title VI program information to City employees and subrecipients, including contractors, subcontractors, consultants, and subconsultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the City’s Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcement or notices are posted for proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English. See **Exhibit 1** for the City’s Title VI Notice to the Public.
- h) **Maintain Legislative and Procedural Information** – Federal laws, rules and regulations, ODOT guidelines, the current City of Edmond Title VI Plan, annual and triennial reports and other resource information pertaining to the implementation and administration of the City’s Title VI program will be maintained and updated by the ADA Coordinator. Information will be made available to other agencies or the public as requested.
- i) **Complaints** – Review and investigate Title VI complaints that may be received by the City of Edmond, following adopted procedural guidelines (see Exhibit 3 – Complaint Procedures). Ensure every effort is made to resolve complaints at the local or regional level.
- j) **Elimination of Discrimination** – Work with Departmental Liaisons to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any City processes.
- k) **Special Programs** – Coordinate support for targeted business programs, including small business enterprises (SBE), minority business enterprises (MBE), women business enterprises (WBE), and disadvantaged business enterprises (DBE) so that all businesses are afforded the maximum feasible opportunity to do business with the City.

City Department Responsibilities

Each department is responsible for the following. Department heads (Title VI program area managers) will ensure that this information is distributed to ensure the City remains compliant with Title VI.

- Ensure that all program area activities comply with Title VI;
- Assist the Title VI Coordinator in gathering and organizing the special program emphasis area section of the Annual Title VI Update Report;
- Hire interpreters, when needed, for translating vital documents. Each department is responsible for the costs incurred for their respective services. LEP and minority populations who will be affected by activities and projects must receive meaningful access into the public awareness/involvement process.
- Promote participation by and retain data on Disadvantaged Business Enterprises and Women and Minority Business Enterprises receiving City contracts;
- Provide supportive services, when needed, to small business enterprises (SBE), minority business enterprises (MBE), women business enterprises (WBE), and disadvantaged business enterprises (DBE).
- Ensure Title VI language is included in City contracts;
- Maintain required data to be incorporated in the Title VI Annual and Triennial Reports. The data gathering process will be reviewed regularly to ensure sufficiency of information to meet the requirements of the City's Title VI program administration.

Each of the following areas will be monitored by department heads (Title VI program area managers), or their designees for compliance with Title VI requirements.

- a. All advertisements.
- b. Bid proposals, requests, and evaluations.
- c. Contracts and subcontracts.
- d. Title VI reports, issues, and complaints.
- e. Public meetings and internal meetings relating to Title VI will be documented and reports forwarded to the ADA Coordinator.
- f. Title VI contract provisions and other legal documents.

Compliance with LEP Requirements

Inclusive Public Participation

We are committed to providing equal opportunities in all programs, services, and activities to persons with **limited English proficiency (LEP)**. Program access for LEP persons is covered in Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on national origin; these protections are further affirmed in Executive Order 13166.

Section 601 of the Title VI of the Civil Rights Act of 1964 provides that no person “on the ground of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The United States Supreme Court in *Lau v. Nichols* (1974) stated that one type of national origin discrimination is discrimination based on a person’s ability to speak, read, write, or understand English.

Executive Order 13166, “Improving Access to services for Persons with Limited English Proficiency” – requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

City of Edmond services include providing written translation and oral interpretation, free of cost, to LEP persons to ensure meaningful, accurate, and equal access to programs, benefits, and activities. We monitor the changing demographics and population trends on an annual basis to ensure awareness of the changing demographics and language needs in our City. We discourage the use of family members or friends as interpreters because this may violate the person’s privacy and disclose sensitive and confidential information. It is our policy to inform all LEP customers of the right to free language assistance and interpreter services at no cost to the LEP customer. This policy also:

- Sets a standard for inclusive outreach
- Assigns responsibilities to departments
- Calls for the development of a toolkit to provide guidance to staff
- Requires that the plan receives periodic evaluation

In order to help identify persons of limited English proficiency, the City of Edmond refers to the US Bureau of Census: American Community Survey 2011 – 2015 (5- Year Data), **Table B16001: LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER**. In the table, shown on the following page, **the City of Edmond considered people that speak English other than “very well” as Limited English Proficient persons**.

The first percentage column represents the average of the total number of a particular language spoken divided by the total population. The “<well” column represents the total number of person(s) that speaks English less than “very well.” The last “percentage” column represents the amount of LEP individuals in each language.

LEP ASSESSMENT, American Community Survey (2011-2015), Edmond, Oklahoma
LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POP. 5 YEARS AND OVER

	Total	%	< well	%
Population 5 years and over	80858			
Speak only English	75245	93.06%		
Spanish or Spanish Creole	1,958	2.42%	683	0.84%
French (incl. Patois, Cajun)	136	0.17%	0	0.00%
French Creole	50	0.06%	0	0.00%
Italian	27	0.03%	27	0.03%
Portuguese or Portuguese Creole	110	0.14%	21	0.03%
German	181	0.22%	0	0.00%
Yiddish	0	0.00%	0	0.00%
Other West Germanic languages	24	0.03%	0	0.00%
Scandinavian languages	0	0.00%	0	0.00%
Greek	0	0.00%	0	0.00%
Russian	13	0.02%	0	0.00%
Polish	59	0.07%	0	0.00%
Serbo-Croatian	0	0.00%	0	0.00%
Other Slavic languages	7	0.01%	0	0.00%
Armenian	16	0.02%	16	0.02%
Persian	152	0.19%	29	0.04%
Gujarathi	77	0.10%	34	0.04%
Hindi	28	0.03%	0	0.00%
Urdu	246	0.30%	31	0.04%
Other Indic languages	261	0.32%	109	0.13%
Other Indo-European languages	15	0.02%	0	0.00%
Chinese	513	0.63%	200	0.25%
Japanese	33	0.04%	12	0.01%
Korean	224	0.28%	146	0.18%
Mon-Khmer, Cambodian	25	0.03%	25	0.03%
Miao, Hmong	0	0.00%	0	0.00%
Thai	116	0.14%	60	0.07%
Laotian	0	0.00%	0	0.00%
Vietnamese	224	0.28%	60	0.07%
Other Asian lanuages	165	0.20%	48	0.06%
Tagalog	59	0.07%	28	0.03%
Other Pacific Island languages	55	0.07%	0	0.00%
Navajo	0	0.00%	0	0.00%
Other Native North American languages	39	0.05%	0	0.00%
Hungarian	0	0.00%	0	0.00%
Arabic	466	0.58%	347	0.43%
Hebrew	8	0.01%	0	0.00%
African languages	333	0.41%	23	0.03%
Other and unspecified languages	0	0.00%	0	0.00%

Determining the Need

This methodology is adopted from the ODOT Limited English Proficiency Assessment (2013).

Four Factor Analysis

Federally assisted recipients are required to take reasonable steps to ensure meaningful access to LEP persons. In order to determine the need, the City of Edmond uses the following **Four Factor Analysis** from the Department of Justice's "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons."

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a City program, activity, or services;
2. The frequency with which LEP individuals come in contact with City programs, activities, or services;
3. The nature and importance of the programs, activities, or services provided by the City in people's lives; and
4. The resources available to the City of Edmond

The Four Factor Analysis is used to determine oral language assistance, while the **Safe Harbor** provisions are for written translations.

Safe Harbor

A "safe harbor" means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI. The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is noncompliance. Rather these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

- (a) The COE will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- (b) If there are fewer than 50 persons in a language group that reaches the 5 percent trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost. These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries and more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries and 50 or less in number	Translated written notice of right to receive free oral interpretation of documents
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

Reasonable Accommodation

Currently, from the LEP assessment data (page 7), there is no population that reaches the threshold to recommend provision of written translations for vital documents. However, the City of Edmond will accommodate any individual that requests documents to be translated into another language, when needed, and continue to monitor the City’s population for LEP persons. The City encourages participation from all its citizens. If participation in a Public meeting is not possible due to a disability or LEP, then notification to the City Clerk is requested at least **72 hours** prior to the scheduled meeting.

Language Assistance Plan (LAP)

The City of Edmond (COE) uses the following for oral language assistance services:

- A COE register was adopted from ODOT’s database, which lists all current State approved vendors that can either assist in translating and/or interpreting¹;
- Ensure that all division receptionists have “I Speak” cards for individuals to identify their language needs for City of Edmond staff;
- Notices in local newspapers will document that assistance is available in other languages;
- Processes have been developed for receptionists in all departments on how to assist LEPs;
- Notification will be given to individuals about the availability of free language assistance.

¹ This is the link for State vendors: <https://www.ok.gov/dcs/solicit/app/contractSearch.php>. Enter the keyword “interpreter” to search for the State Contract.

Exhibits, Appendices and Attachments

EXHIBIT 1 – CITY OF EDMOND TITLE VI NOTICE TO THE PUBLIC

The City of Edmond ensures that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, religion, disability/handicap, or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the City of Edmond, its recipients, sub-recipients, and contractors.

EXHIBIT 2 – TITLE VI ASSURANCES

The City of Edmond (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Oklahoma 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, national origin, sex, age, religion, disability/handicap, or income status 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 Federal Highway Administration 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) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway Program:

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 the Federal Aid Highway Program and, in adapted form in all proposals for negotiated agreements:

The City of Edmond, 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, and other pertinent federal non-discrimination directives, hereby notifies all bidders that it will affirmatively ensure that in 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, national origin, sex, age, religion, disability/handicap or income status in consideration for an award.

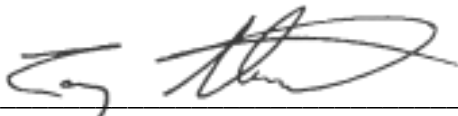
3. That the Recipient shall insert the clauses of **Appendix A** of this assurance in every contract subject to this Act and the Regulations.
4. That the clauses of **Appendix B** of this assurance shall be included, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.²
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 Federal-aid Highway Program; and **(b)** for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal-aid Highway 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 used for a purpose for which the Federal financial assistance is extended; or for another purpose involving the provision of similar services or benefits; of (b) the period during which the Recipient retains ownership or possession of the property.

² Conditions (4 – 8) apply to Appendices B, C, and D.

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/she delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, 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 and is binding on it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest and other participants in the grant program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.



Signature

March 30, 2017
Date

Appendix A

The City of Edmond will insert or add **Appendix A** and **Appendix E** into All contracts for services subject to the Act and Regulations (regardless of the use of federal funds). These are required.

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, Federal Highway Administration (FHWA), as they may be amended from time to time, 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, will not discriminate on the grounds of race, color, national origin, sex, age, religion, disability/handicap, or income status 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 Procurement 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 FHWA 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 FHWA, 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 FHWA may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions:

The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation 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.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a more complex, cursive-like scribble.

Signature

Date

Appendix B

Clauses for Deeds Transferring United States Property

When the City of Edmond is the recipient of real property, structures or improvements thereon, or interest therein from the United States, the following clauses shall be included in any and all deeds affecting or recording the transfer of property:

Granting Clause

NOW, THEREFORE, the City of Edmond, as authorized by law, will accept title to the lands and maintain the project constructed thereon in accordance with the Consolidated and Further Continuing Appropriations Act, 2013 (Pub. L. 113-6, March 26, 2013), the Regulations for the Administration of FY 2013 TIGER Discretionary Grant Program, and the policies and procedures prescribed by the Federal Highway Administration (FHWA) 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 Edmond 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 Edmond, 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 Edmond, its successors and assigns.

The City of Edmond, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that **(1)** no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and] ***(2)** that the City of Edmond will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and **(3)** that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

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 Grantee pursuant to the provisions of Assurance 7(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:

A. 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, Grantee 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 Grantee 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 Grantee 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 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 Grantee pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

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

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Grantee will there upon revert to and vest in and become the absolute property of Grantee 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 make clear the purpose of Title VI.

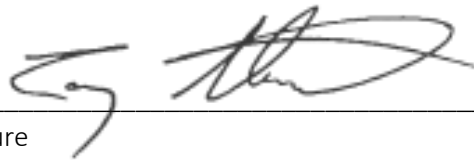
Appendix E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

A handwritten signature in black ink, appearing to be "S. J. [unclear]", written over a horizontal line.

Signature

Date

EXHIBIT 3 – COMPLAINT PROCEDURES

Any person who believes they have faced unequal treatment or discrimination as to the receipt of benefits and/or services based on their race, color, national origin, sex, age, religion, disability/handicap, or income status has the right to file a written complaint under these procedures. These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all other pertinent federal non-discrimination directives. They relate to any program or activity administered by the City as well as to subrecipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between affected parties and the Coordinator may be utilized for resolution.

Procedure

1. Any person, group of persons, or entity that believes they have been subjected to discrimination under Title VI of the Civil Rights Act may file a written complaint with the ADA Coordinator. A complaint may also be filed by a representative on behalf of such a person.
2. In order to have the complaint considered under this procedure, the complaint must be filed no later than **(180) calendar days** after:
 - The date of the alleged act of discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued
3. Complaints shall be filed using the City's Title VI Complaint Form (available at <http://edmondok.com/complaintform>, or by contacting the City of Edmond Planning Office). 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 recipient, the person shall be interviewed by the Coordinator. If necessary, the staff coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

Complaints should be directed to:

**City of Edmond
Planning Department:
ADA Coordinator
10 S Littler St
Edmond, OK 73034**

4. Upon receipt of the signed complaint form, the ADA Coordinator will log-in the complaint, determine the basis of the complaint, authority/jurisdiction, and who should conduct the investigation.
5. The ADA Coordinator reviews and determines the appropriate action regarding every Title VI complaint. The City will not proceed with or continue a complaint investigation if:
 - a. The complaint is, on its face, without merit
 - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
 - c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identify) has made it impossible to investigate further.
6. The ADA Coordinator will investigate the complaint and log the following information within ten **(10) calendar days** of receipt of the allegation(s):
 - a. Name, address, and phone number of the complainant.
 - b. Email address if available.
 - c. Basis of complaint (i.e., race, color, national origin, sex, age, religion, disability/handicap, income).
 - d. Date of the alleged discriminatory act(s).
 - e. Date of complaint received by the recipient.
 - f. A statement of the complaint.
 - g. Other agencies (state, local or Federal) where the complaint has been filed.
 - h. An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint.
7. Within ten **(10) business days**, the ADA Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation(s). The notification letter shall contain(s):
 - a. The basis of the complaint.
 - b. A brief statement of the allegation(s) over which the City has jurisdiction.
 - c. A brief statement of the City's jurisdiction over the recipient to investigate the complaint; and
 - d. An indication of when the parties will be contacted.
8. If the complaint is against a contractor or subrecipient(s), the City will have **(15) business days** from the receipt of the complaint to advise the appropriate state or federal agency (e.g., ODOT for transportation related projects) of the receipt of a complaint, and the status of the investigation.
9. The ADA Coordinator will work with appropriate parties to conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, national origin, sex, age, religion, disability/handicap, or income; name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigation team feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.

10. Within **(15) business days** of receiving comments from the federal or state agency, the ADA Coordinator will meet with all parties to the complaint to discuss the comments received by the federal or state agency.
11. Within sixty **(60) calendar days** from the date the original complaint was received, the ADA Coordinator will coordinate the preparation of a written investigative report. The investigative report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. The written report shall be reviewed and finalized by the ADA Coordinator and sent to the City Attorney.
12. The City Attorney will review the investigative report and meet with the ADA Coordinator and City Manager to determine the appropriate action. Within ninety **(90) calendar days** of receipt of the complaint, the ADA Coordinator will issue a “Letter of Findings” to the complainant.
13. If the complaint cannot be resolved by the Department to the satisfaction of all parties concerned, the party not satisfied is advised of his or her right to appeal pursuant to Title 49, Code of Federal Regulations, Part 21. The appeal must be filed, in writing no later than **(180) calendar days after the date of the alleged discrimination**, unless the time for filing is extended by the Secretary to:

**U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-314
Washington, DC 20590**

A complaint may be filed with the Secretary; U.S. Department of Transportation, before, during, or after the complaint has been filed with the City of Edmond.



Title VI Complaint Form

Title VI of the Civil Rights Act of 1964 requires 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 subjected to discrimination under any program or activity receiving federal financial assistance." The City further assures that discrimination does not occur on the basis of gender, age, religion, disability/handicap, or income status as provided by other pertinent non-discrimination directives.

All complaints must be in writing and signed by the complainant or his/her representative before action can be taken. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination. The City of Edmond will provide a written acknowledgment that we have received the complaint within ten working days.

The completed form should be sent to:

**ADA Coordinator
Planning Department
Re: Title VI
10 S Littler, Edmond, OK
73034**

405-359-4790

Complainant Contact Information (Person discriminated against)

NAME			DAY PHONE
<input type="text"/>			<input type="text"/>
MAILING ADDRESS			EVENING PHONE
<input type="text"/>			<input type="text"/>
CITY	STATE	ZIP CODE	E - MAIL
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Person Discriminated Against (If Other Than Complainant)

NAME			DAY PHONE
<input type="text"/>			<input type="text"/>
MAILING ADDRESS			EVENING PHONE
<input type="text"/>			<input type="text"/>
CITY	STATE	ZIP CODE	E - MAIL
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

(Continued On Reverse)

PLANNING DEPARTMENT | 405.359.4790 | EDMONDOK.COM / CIVIL RIGHTS

The City of Edmond ensures that no person or groups of persons shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the City of Edmond, its recipients, sub-recipients, and contractors.

In compliance with the Americans with Disabilities Act, the City of Edmond will provide reasonable accommodations for persons with disabilities, upon request. To request an accommodation, please contact the ADA Coordinator, by phone: 405-359-4518, TDD: 405-216-7820, or email: ADACoordinator@edmondok.com