

AGENDA ITEM
March 17, 2020

Subject: Title VI Plan of the Civil Rights Act of 1964

Department: Public Transportation

The City of Nevada assures that all programs and services are free from discrimination. The Federal Transit Administration (FTA) requires the City to update and adopt a Title VI plan every three years.

RESOLUTION NO. 1552

A RESOLUTION OF THE CITY OF NEVADA, MISSOURI ADOPTING AN UPDATED TITLE VI PLAN IN ACCORDANCE WITH THE CIVIL RIGHTS ACT OF 1964 AND THE FEDERAL TRANSIT ADMINISTRATION.

WHEREAS, the City of Nevada assures that all programs and services will be free from discrimination, including those that are not federally funded.

WHEREAS, in accordance with the Title VI non-discrimination laws regarding appropriate access to programs and services provided by federal agencies and recipients of federal assistance, the Non-Discrimination/Limited English Proficiency (LEP) Plan was prepared to define how the City of Nevada will ensure that individuals with limited language skills are afforded access to our programs and services, and;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City Nevada, Missouri, hereby approves and adopts the Title VI Plan including a Non-Discrimination/Limited English Proficiency Plan.

PASSED, APPROVED AND ADOPTED, by the City Council of the City of Nevada, Missouri this 17th day of March, 2020.

George Knox, Mayor

(seal)
ATTEST:

Johnna Williams, Deputy City Clerk

**City of Nevada
110 S. Ash
Nevada, MO 64772
417-448-5115**

Title VI Program

Date filed with MoDOT Transit Section:

**Title VI Plan
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Attachments

Attachment 1- Title VI Complaint Form

A. Title VI Assurances

City of Nevada agrees to comply with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 200d *et seq.*, and with U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act,” 49 CFR part 21.

City of Nevada assures that no person shall, as provided by Federal and State civil rights laws, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity. City of Nevada further ensures every effort will be made to ensure non-discrimination in all programs and activities, whether those programs and activities are federally funded or not.

City of Nevada meets the objectives of the FTA Master Agreement which governs all entities applying for FTA funding, including City of Nevada and its third-party contractors by promoting actions that:

- A. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin.
- B. Identify and address, as appropriate, disproportionately high and adverse effects of programs and activities on minority populations and low-income populations.
- C. Promote the full and fair participation of all affected Title VI populations in transportation decision making.
- D. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
- E. Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

B. Notice to the Public

Notifying the Public of Rights under Title VI

City of Nevada post Title VI notices on our agency's website, in public areas of our agency and in para transit vehicles.

City of Nevada operates its programs and services without regard to race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964.

If you would like additional information on our subrecipients' nondiscrimination obligations you may contact the City of Nevada at 417-448-5115.

If you believe you have been discriminated against on the basis of race, color, or national origin by City of Nevada, you may file a Title VI complaint by completing, signing, and submitting the agency's Title VI Complaint Form.

How to file a Title VI complaint with City of Nevada:

1. A complaint form may be obtained by downloading from the agency web page at www.nevadamo.gov or picking up a form from City Hall.
2. In addition to the complaint process at City of Nevada, complaints may be filed directly with the Federal Transit Administration, Office of Civil Rights, Region Title VI Program Coordinator East Building, 5th Floor-TCR 1200 New Jersey Avenue, SE Washington, D.C. 20590.
3. Complaints must be filed within 180 days following the date of the alleged discriminatory occurrence and should contain as much detailed information about the alleged discrimination as possible.
4. The form must be signed and dated, and include your contact information.

If information is needed in another language, contact 417-448-5115.

C. Procedure for Filing a Title VI Complaint

Filing a Title VI Complaint

The complaint procedures apply to the beneficiaries of City of Nevada's programs, activities, and services.

RIGHT TO FILE A COMPLAINT: Any person who believes they have been discriminated against on the basis of race, color, or national origin by City of Nevada may file a Title VI complaint by completing and submitting the agency's **Title VI Complaint Form**. Title VI complaints must be received in writing within 180 days of the alleged discriminatory complaint.

HOW TO FILE A COMPLAINT: Information on how to file a Title VI complaint is available on our agency's website, and in public areas of our agency.

You may download the City of Nevada Title VI Complaint Form at www.nevadamo.gov, or request a copy by writing to City of Nevada, 110 S Ash, Nevada, MO 64772. Information on how to file a Title VI complaint may also be obtained by calling the City of Nevada at 417-448-5115.

You may file a signed, dated complaint no more than 180 days from the date of the alleged incident. The complaint should include:

- Your name, address and telephone number.
- Specific, detailed information (how, why and when) about the alleged act of discrimination.
- Any other relevant information, including the names of any persons, if known, the agency should contact for clarity of the allegations.

Please submit your complaint form to City of Nevada, 110 S Ash, Nevada, MO 64772.

COMPLAINT ACCEPTANCE: City of Nevada will process complaints that are complete.

Once a completed Title VI Complaint Form is received, City of Nevada will review it to determine if City of Nevada has jurisdiction. The complainant will receive an acknowledgement letter informing them whether or not the complaint will be investigated by City of Nevada.

INVESTIGATIONS: City of Nevada will generally complete an investigation within 90 days from receipt of a completed complaint form. If more information is needed to resolve the case, City of Nevada may contact the complainant. Unless a longer period is specified by City of Nevada, the complainant will have ten (10) days from the date of the letter to send requested information to the City of Nevada investigator assigned to the case.

If the requested information is not received within that timeframe the case will be closed. Also, a case can be administratively closed if the complainant no longer wishes to pursue the case.

LETTERS OF CLOSURE OR FINDING: After the Title VI investigator reviews the complaint, the Title VI investigator will issue one of two letters to the complainant: a closure letter or letter of finding (LOF).

- A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.

- A Letter of Finding (LOF) summarizes the allegations and provides an explanation of the corrective action taken.

If the complainant disagrees with City of Nevada's determination, the complainant may request reconsideration by submitting the request in writing to the Title VI investigator within seven (7) days after the date of the letter of closure or letter of finding, stating with specificity the basis for the reconsideration. City of Nevada will notify the complainant of the decision either to accept or reject the request for reconsideration within ten (10) days. In cases where reconsideration is granted, City of Nevada will issue a determination letter to the complainant upon completion of the reconsideration review.

A person may also file a complaint directly with the Federal Transit Administration, at the FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, contact City of Nevada at 110 S Ash, Nevada, MO 64772 or at 417-448-5115.

**D. Monitoring Title VI Complaints, Investigations, Lawsuits
and Documenting Evidence of Agency Staff Title VI Training**

Documenting Title VI Complaints/Investigations

All Title VI complaints will be entered and tracked in City of Nevada’s complaint log. Active investigations will be monitored for timely response on the part of all parties. The agency’s Title VI Coordinator shall maintain the log.

Agency Title VI Complaint Log

Date complaint filed	Complainant	Basis of complaint R-C-NO	Summary of allegation	Pending status of complaint	Actions taken	Closure Letter (CL)	Letter of Finding (LOF)	Date of CL or LOF

Documenting Evidence of Agency Staff Title VI Training

City of Nevada’s staff are given Title VI training, and agency can answer affirmatively to all the following questions:

1. Are new employees made aware of Title VI responsibilities pertaining to their specific duties?
2. Do new employees receive this information via employee orientation?
3. Is Title VI information provided to all employees and program applicants?
4. Is Title VI information prominently displayed in the agency and on any program materials distributed, as necessary?

E. Public Engagement Plan

Goal

The goal of the Public Engagement Plan is to have significant and ongoing public involvement, by all identified audiences, in the public participation process for major agency outreach efforts.

Objectives

- To understand the service area demographics and determine what non-English languages and other cultural barriers exist to public participation.
- To provide general notification of meetings and forums for public input, in a manner that is understandable to all populations in the area.
- To hold public meetings in locations that are accessible to all area stakeholders, including but not limited to minority and low income members of the community.
- To provide methods for two-way communication and information and input from populations which are less likely to attend meetings.
- To convey the information in various formats to reach all key stakeholder groups.

Identification of Stakeholders

Stakeholders are those who are either directly or indirectly affected by an outreach effort, system or service plan or recommendations of that plan. Stakeholders include but are not limited to the following:

- Board of Directors – the governing board of the agency. The role of the Board is to establish policy and legislative direction for the agency. The Board defines the agency’s mission, establishes goals, and approves then budget to accomplish the goals.
- Advisory Bodies – non-elected advisory bodies review current and proposed activities of the agency, and are encouraged to be active in the agency’s public engagement process. Advisory bodies provide insight and feedback to the agency.
- Agency transit riders and clients
- Minority and low income populations, including limited English proficient persons
- Local jurisdictions and other government stakeholders
- Private businesses and organizations
- Employers
- Partner agencies

Elements of the Public Engagement Plan

It is necessary to establish a public participation plan that includes an outreach plan to engage minority and limited English proficient (LEP) populations.

Elements of the Public Engagement Plan include:

1. Public Notice

- a. Official notification of intent to provide opportunity for members of the general public to participate in public engagement plan development, including participation in open Board/council meetings, and advisory committees.

2. Public Engagement Process/Outreach Efforts:

- a. Public meetings
- b. Telephone
- c. Surveys

Events such as public meetings and/or open houses are held at City Hall and Council Chambers are easily accessible to public transit and compliant with the Americans with Disabilities Act.

3. Public Comment

- a. Formal public comment periods are used to solicit comments on major public involvement efforts around an agency service or system change.
- b. Comments are accepted through various means:
 - i. Website
 - ii. Regular mail
 - iii. Surveys
 - iv. Phone calls to City Hall at 417-448-5115

4. Response to Public Input

All public comments are provided to the Board of Directors prior to decision making.

Title VI Outreach Best Practices

City of Nevada ensures all outreach strategies, communications and public involvement efforts comply with Title VI. City of Nevada's Public Engagement Plan proactively initiates the public involvement process and makes concerted efforts to involve members of all social, economic, and ethnic groups in the public involvement process. Aligned with the above referenced communication tactics, City of Nevada provides the following:

- a. Public notices published in non-English publications (if available).
- b. Title VI non-discrimination notice on agency's website.
- c. Agency communication materials in languages other than English (subject to Safe Harbor parameters).

- d. Services for Limited English Proficient persons. Upon advance notice, translators may be provided.

Title VI Program Public Engagement Process

City of Nevada’s Public Engagement Process for the Title VI Program includes seeking community input, providing education, and highlighting key components of the Title VI Plan. Materials have been created to explain Title VI policies as well as provide education on how they relate to minority populations.

City of Nevada provides briefings to the City Council and Advisory Bodies.

City of Nevada annually conducts a 30 day public comment period to provide opportunities for feedback on the Public Transportation Program including the Title VI Program.

Comments are accepted during the public outreach period via:

- a. Email
- b. Mail
- c. Phone
- d. In person

Summary of 2017-2019 Public Outreach Efforts

City of Nevada partnered with Healthy Nevada, Vernon County, Nevada Regional Medical Center and West Central to analyze the Vernon County transportation needs compared to services currently provided.
A survey was conducted in 2019 to determine if any changes should be made to the current program services.
The public transportation program is reviewed and adopted annually and includes a public hearing where citizens can make comments.

F. Language Assistance Plan

City of Nevada Limited English Proficiency Plan

This limited English Proficiency (LEP) Plan has been prepared to address City of Nevada's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964; Federal Transit Administration Circular 4702.1B, dated October 1, 2012, which states that the level and quality of transportation service is provided without regard to race, color, or national origin.

Executive order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discriminations do not take place. This order applies to all state and local agencies which receive federal funds.

Service Area Description: City of Nevada provided services to individuals within the corporate city limits of the City of Nevada. No direct fixed routes are run.

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

In order to prepare this plan, City of Nevada undertook the **four-factor LEP analysis** which considers the following factors:

Four Factor Analyses

1. The number and proportion of LEP persons eligible to be served or likely to be encountered in the service area:

A significant majority of people in the City of Nevada service area are proficient in the English language. Based on 2010 Census data, 1.8% of the population five years of age and older speak English "less than very well" – a definition of limited English proficiency

LEP Population in Vernon County Service Area

Population 5 years and over by language spoken at home and ability to speak English	Service Area Sector Vernon County	Service Area Total	Percentage of Population 5 Years and Older
Population 5 Years and Over	7,409		
Speak English "less than very well"	9		.1%
Spanish	61		.8%
Speak English "less than very well"			
Other Indo-European	25		.3%
Speak English "less than very well"	19		.3%
Asian and Pacific Island	23		.3%
Speak English "less than very well"			
All Other			
Speak English "less than very well"			

2. Frequency of Contact by LEP Persons with City of Nevada's Services:

The City of Nevada staff reviewed the frequency with which office staff, dispatchers and drivers have, or could have, contact with LEP persons. To date, City of Nevada has, on average, had zero requests for an interpreter. City of Nevada averages zero phone calls requesting an interpreter per month.

LEP Staff Survey Form	
City of Nevada is studying the language assistance needs of its riders so that we can better communicate with them if needed.	
1.	How often do you come into contact with passengers who do not speak English or have trouble understanding you when you speak English to them? DAILY WEEKLY MONTHLY LESS THAN MONTHLY
2.	What languages do these passengers speak?
3.	What languages (other than English) do you understand or speak?
4.	Would you be willing to serve as a translator when needed?

Frequency of Contact with LEP Persons	
Frequency	Language Spoken by LEP Persons
Daily	
Weekly	
Monthly	
Less frequently than monthly	

3. The importance of programs, activities or services provided by City of Nevada to LEP persons:

Outreach activities, summarized in City of Nevada’s Title VI Public Engagement Plan, include events such as public meetings and/or open houses held at schools, churches, libraries and other non-profit locations, and include specific outreach to LEP persons to gain understanding of the needs of the LEP population, and the manner (if at all) needs are addressed.

Outside Organization LEP Survey

Organization: City of Nevada

1. What language assistance needs are encountered?
2. What languages are spoken by persons with language assistance needs?
3. What language assistance efforts are you undertaking to assist persons with language assistance needs?
4. When necessary, can we use these services?

4. The resources available to the City of Nevada and overall cost to provide LEP assistance:

Strategies for Engaging Individuals with Limited English Proficiency include:

1. Language line. Upon advance notice, translators can be provided.
2. Based on our demographic analysis (Factor 1) City of Nevada has determined that no language group(s) within its service area meets Safe Harbor criteria requiring written translated “vital documents” by language group(s).
3. One-on-one assistance through outreach efforts.
4. Website information.
5. To the extent feasible, assign bilingual staff for community events, public hearings and City Council meetings and on the customer service phone lines.

City of Nevada will provide assistance and direction to LEP persons who request assistance.

Staff LEP Training

The following training will be provided to City of Nevada staff:

1. Information on City of Nevada Title VI Procedures and LEP responsibilities.
2. Description of language assistance services offered to the public.
3. Documentation of language assistance requests.

Monitoring and Updating the LEP Plan

The LEP Plan is a component of City of Nevada’s Title VI Plan requirement.

City of Nevada will update the LEP plan as required. At minimum, the plan will be reviewed and updated when it is clear that higher concentrations of LEP individuals are present in the City of Nevada service area. Updates include the following:

1. How the needs of LEP persons have been addressed.
2. Determine the current LEP population in the service area.
3. Determine as to whether the need for, and/or extent of, translation services has changed.
4. Determine whether local language assistance programs have been effective and sufficient to meet the needs.
5. Determine whether City of Nevada's financial resources are sufficient to fund language assistance resources as needed.
6. Determine whether City of Nevada has fully complied with the goals of this LEP Plan.
7. Determine whether complaints have been received concerning City of Nevada's failure to meet the needs of LEP individual.

G. Advisory Bodies

Table Depicting Membership of Committees, Councils, By Race

Committee [examples]	Caucasian	Latino	African American	Asian American		Total
Population Committee						100%
Access Committee	100%					100%
Citizens Advisory Council						100%

Description of efforts made to encourage minority participation on committees:

- **Advertise via web**
- **City of Nevada City Council is comprised of council member who are elected into staggered three-year terms**

H. Subrecipient Assistance

Subrecipient Assistance

Primary recipients will provide subrecipients:

- Public notices, Title VI complaint procedures, and the recipient's Title VI complaint form.
- Procedures for tracking and investigating Title VI complaints filed with a subrecipient.
- Direction regarding obtaining demographic information of population served by subrecipients.
- Technical assistance.
- Reviews of Title VI Programs; follow-up as necessary.

I. Subrecipient Monitoring

Subrecipient Monitoring

Primary recipients must monitor subrecipients.

- Non-compliant subrecipient means primary recipient is also non-compliant.

Primary recipients shall:

- Document process for ensuring all subrecipients are complying with the general and specific requirements.
- Collect and review subrecipients' Title VI Programs.
- At FTA's request, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of service is equitably provided.

J. Equity Analysis of Facilities

City of Nevada has not constructed any transit-related facilities within the last three years.

K. System-Wide Service Standards and Policies*

**applies to all fixed route providers (including those that do not meet volume threshold)*

This does not apply to City of Nevada.

L. Requirement to Collect and Report Demographic Data*

****applies to providers that operate 50 or more fixed route transit vehicles in peak service; and 200,000+ population.***

This does not apply to City of Nevada

M. Requirement to Monitor Transit Service*

****applies to providers that operate 50 or more fixed route transit vehicles in peak service; and 200,000+ population.***

This does not apply to City of Nevada.

N. Service and Fare Equity Analysis*

****applies to providers that operate 50 or more fixed route transit vehicles in peak service; and 200,000+ population.***

This does not apply to City of Nevada.

Attachment 1

**City of Nevada
TITLE VI COMPLAINT FORM**

“No person in the United States shall, on the basis 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.”

If you feel that you have been discriminated against in the provision of transportation services, please provide the following information to assist us in processing your complaint. Should you require any assistance in completing this form or need information in alternate formats, please let us know.

Please mail or return this form to:

City of Nevada
Attn: Title VI Coordinator
110 S Ash
Nevada, MO 64772
info@nevadamo.gov and Fax 417-381-1938

1. Complainant’s Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone No: (Home) _____ (Cell) _____
Email address: _____ Do you prefer to be contacted by email? (Y)___ (N) ___

2. Accessible Format of Form needed? (Y) Please specify: _____ (N)___

3. Are you filing this complaint on your own behalf? (Y) If yes, please go to question 4. (N) If No, please complete the following:
Name of Person Filing Complaint: _____
Address: _____
Telephone No: (Home) _____ (Cell) _____
Email address: _____ Do you prefer to be contacted by email? (Y)___ (N) ___
Relationship of person for whom you are filing complaint for: _____
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. ___(Y) I have permission ___ (N) I do not have permission

4. I believe that the discrimination I experienced was based on (check all that apply):
___ Race
___ Color
___ National Origin
___ Other (please specify) _____

5. Date of Alleged Discrimination (Month, Day, Year): _____

6. Where did the Alleged Discrimination take place? _____
7. Explain as clearly as possible what happened and why you believe that you were discriminated against. Describe all of the persons that were involved. Include the name and contact information of the person(s) who discriminated against you (if known). *Use the back of this form or separate pages if additional space is required.* _____

8. Please list any and all witnesses' names and phone numbers/contact information. *Use the back of this form or separate pages if additional space is required.* _____

9. What type of corrective action would you like to see taken? _____

10. Have you filed a complaint with any other Federal, State or local agency, or with any Federal or State Court (Y) If yes, check all that apply (N)___
 ___ Federal Agency (List agency's name)
 ___ Federal Court (Please provide location)
 ___ State Court
 ___ State Agency (Specify Agency)
 ___ County Court (Specify Court and County)
 ___ Local Agency (Specify Agency)

11. If YES to question 10 above, please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____ Title: _____
 Agency: _____ Telephone: _____
 Address: _____
 City: _____ State: _____ Zip Code: _____

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date is required:

 Signature

 Date

If you completed Questions 3 your signature and date is required:

 Signature

 Date