



# CITY OF HAYDEN

## Title VI Plan

**Approved by City Council**  
**February 26, 2013**

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**SECTION 1 - OVERVIEW**

**INTRODUCTION**

The City of Hayden is committed to fair and equitable treatment of its citizens and takes its responsibilities seriously. As a recipient of Federal financial assistance, the City of Hayden is required to comply with various non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964, which provides 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 assistance under this title or carried out under this title.”*

The Federal-aid Highway Transportation Act of 1973 added **sex** to the list of prohibitive factors. **Disability** was added through Section 504 of the Rehabilitation Act of 1973. Age was subsequently added in 1975 under the Age Discrimination Act.

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

Title VI was further defined in 1994. Executive Order 12898 - Environmental Justice (EJ), directed Federal agencies **to identify and address the effects of all programs, policies, and activities on “minority populations and low-income populations.”**

In 2000, Executive Order 13166 - Limited English Proficiency (LEP), was also signed into effect requiring Federal agencies to **assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of Federal financial assistance.**

The City of Hayden has included the Americans with Disabilities Act (ADA) as part of its Fair Housing/ADA 504 Compliance Plan. The ADA and Section 504 of the Rehabilitation Act protect the civil rights of persons with disabilities. Therefore, the City of Hayden’s provision of services and benefits to the public must include provisions for persons with disabilities relative to fair and equitable treatment in access to housing, city programs and services, city facilities and infrastructure. The City of Hayden has also developed and is implementing a Title VI Plan to include those areas addressed in its Fair Housing/ADA 504 Compliance Plan and ensure fair and equitable treatment for individuals with limited English proficiency, designate a Title VI Coordinator to over implementation, address community outreach, and serve as an avenue for receiving complaints for alleged discrimination.

The Title VI Coordinator develops, oversees, and updates the Title VI Plan. The Title VI Coordinator also works together with all department directors to ensure the successful implementation of and compliance with the City of Hayden’s Title VI plan and timely submission of reports to the Idaho Transportation Department. The Idaho Department of

Transportation audits the City of Hayden for compliance and submits reports to the Federal Transit Administration (FTA).

\_\_\_\_\_  
Ronald B. McIntire, Mayor

\_\_\_\_\_  
Date

## **PLAN OBJECTIVES**

The primary objectives of the City of Hayden's Title VI plan are:

- To assign and clarify roles, responsibilities, and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives.
- To assure that all people affected by City of Hayden's Federal-aid programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, disability, economic status or Limited English Proficiency.
- To proactively prevent discrimination and ensure nondiscrimination in all City of Hayden programs and activities, whether those programs and activities are Federally funded or not.
- To establish procedures for identifying and eliminating discrimination when found to exist.
- To establish procedures to review specific program areas annually within the City of Hayden to determine the effectiveness of the area's activities at all levels.
- To set forth procedures for the filing and processing of complaints by persons who believe they have been subjected to discrimination under Title VI in any City of Hayden service, program, or activity.

## **PLAN DISSEMINATION**

**Internal** - The approved Title VI Plan is disseminated to the Mayor and City Council Members, the City Administrator, Department Directors responsible for all city service areas, the City Clerk, and the ADA 504/Title VI Coordinator, and the City Records Archive. The plan is posted on the City of Hayden's internal shared drive for City Staff access and hard copies are available upon request.

**External** - Copies of City Hayden's approved Title VI plan are available to the public and interested groups and organizations, or in alternate formats upon submission of a request to the City Clerk's Office. The Title VI plan will be posted on City of Hayden's website and will be distributed to the following locations outside of the City of Hayden:

- Local Highway Technical Assistance Council

## TITLE VI POLICY STATEMENT

The City of Hayden is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. City of Hayden assures that no person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City of Hayden service, program, or activity.

The City also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the City will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

Although the City of Hayden's Title VI Plan is required to be eligible to receive Federal Transportation funds, the City of Hayden will apply it to all programs and services, regardless of funding source.

## DISCRIMINATION UNDER TITLE VI

Title VI and its related statutes prohibit two types of discrimination: **intentional discrimination** or **disparate treatment** and **disparate impact** or **disparate effects**.

**Intentional discrimination** is the result of inconsistent application of rules and/or policies to one group of people over another. This form of discrimination may result when rules and policies are applied to intentionally treat a person(s) differently because of race, color, national origin, sex, disability, or age.

**Disparate impact** or **disparate effects discrimination** occurs when rules and laws have a different and more inhibiting effect on women and minority groups than on the majority because of race, color, national origin, sex, disability or age. This type of discrimination occurs when a neutral procedure or practice results in fewer services or benefits, or inferior services or benefits, to members of a protected group such as minorities or low-income populations. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than on the intent.

Under Title VI, the City of Hayden's efforts to prevent such discrimination must address, but is not limited to:

- access to services and/or other benefits provided under its programs;
- distinctions in the quality, quantity, or manner in which the benefit is provided; segregation or separate treatment;
- restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- different standards or requirements for participation;
- methods of administration which directly or through contractual relationships would defeat or substantially impair the accomplishment of effective nondiscrimination;
- discrimination in any activities related to highway and infrastructure or facility built or repaired in whole or in part with Federal funds;

- discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

City of Hayden has developed this Title VI plan to help assure that all services, programs, and activities of the City, whether Federally assisted or not, are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, disability, age, economic status or ability to communicate in English of the participants or beneficiaries.

Appendix A of this document contains the City of Hayden's Limited English Proficiency Plan. Appendix B of this document contains the City of Hayden's Discrimination Complaint Procedures and Complaint Form.

## **SECTION 2 - ORGANIZATION AND COMPLIANCE RESPONSIBILITIES**

### **OVERVIEW**

City of Hayden has designated the Title VI Coordinator to develop and oversee the City's Title VI plan, ensure the plan meets federal requirements, update the plan as regulations change, monitor compliance, receive complaints, and submit appropriate reports.

### **ORGANIZATION**

**Mayor and City Council** – The Mayor and City Council establish the vision, strategic plan, policies, and goals for the City. As the legislative body, the City Council is responsible for establishing the laws, policies, and guideline under which the City of Hayden operates and approving how the City's funds will be expended. The Mayor is responsible for implementing the policies adopted by the City Council.

**City Administrator** – The City Administrator reports to the Mayor and City Council and has primary responsibility for providing leadership and policy guidance to department heads and ensuring that vision, strategic plan and goals of the Mayor and City Council are implemented and met. This individual performs the professional and administrative processes necessary to achieve the efficient and economic operation of the City; ensures the financial security of tax dollars by monitoring the overall fiscal activity of the city; and assists elected officials in establishing policy and long-term goals.

**Title VI Coordinator** – The Title VI Coordinator is responsible for working with the all department directors to develop, maintain, update, and ensure compliance with requirements the City of Hayden's Title VI plan. The Title VI Coordinator also serves as the individual to whom complaints alleging discrimination would be submitted and is responsible for communicating and coordinating with department directors on all activities subject to Title VI, E.O. 12898, and E.O. 13166 as well as providing training to staff. The Title VI Coordinator is also responsible for working with department directors to monitor procedures and practices related to City of Hayden projects and services to ensure the programs are operated and the services are provided fairly, equitably, and in a nondiscriminatory manner in accordance with Title VI, E.O. 12898, and E.O. 13166. The department directors are responsible for providing program activity information to the Title VI Coordinator on an ongoing and timely basis.

**Department Directors and Supervisors** – Department Directors and supervisors in each service area are responsible for familiarizing themselves with the requirements of Title VI, E.O.12898, and E.O. 13166, and for complying with the requirement of City of Hayden's Title VI Program. They are responsible to promptly report issues or complaints concerning Title VI and related statutes to the Title VI Coordinator and for assisting the Title VI Coordinator in his/her efforts to implement all requirements, internally and externally. They are also responsible for coordinating with the Title VI Coordinator on any proposed changes to operating procedures, instructional memoranda, policies, and manuals, etc. that relate to Title VI.



## **SECTION 3 - PROGRAM AREA MONITORING AND REVIEW**

### **PROGRAM AREA MONITORING – PLANNING**

The Department Directors have primary responsibility for assuring that multi-modal planning and the results of that planning are executed in accordance with Title VI requirements. They are also responsible for working with the Title VI Coordinator to ensure that the City of Hayden is in compliance. This process involves deliberating of all possible social, economic, and environmental effects of a proposed plan or program on identified groups in order to avoid the unintended creation of inappropriate and biased programs.

#### **Compliance Monitoring – Department Directors**

- Monitor the overall strategies and goals of the transportation planning process to ensure Title VI compliance;
- Monitor the utilization of demographic information to identify minority and low-income populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor the service equities of the planning data collection and analysis for impacts on different socio-economic groups;
- Monitor Environmental Justice (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with Executive Order 13166, for Limited English Proficiency, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers;
- Monitor efforts made to ensure that female and minority-owned firms have an equal opportunity to compete for consultant planning agreements;
- Monitor transportation planning accomplishments and problem areas.

#### **Annual Reviews – Title VI Coordinator**

The Title VI Coordinator will review and report annually the Title VI activities of the City of Hayden. The following items will be considered in the review and will be reported to the Idaho Transportation Department in an annual Title VI Assurance Update:

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Whether a demographic profile of area that includes identification of minority and low-income populations has been developed;

## **PROGRAM AREA MONITORING - PLANNING, continued**

- Whether a process has been developed to identify the needs of minority and low-income populations and whether demographic information has been used to assess the distribution of benefits across these groups;
- Whether there is an analytical process in place to assess the benefits/burdens of transportation system investments on minority and low-income populations, and what data source and tools are used to support such an analysis;
- Whether there is a public involvement strategy for engaging minority and low-income populations in transportation decision-making and reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
- Efforts have been made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Methods have been used to ensure that issues/concerns raised by minority and low-income populations as well as other affected groups are considered in the decision-making process;
- Data has been collected to address the number of consultant planning agreements awarded and the dollar value; number of female and minority-owned firms with dollar value;
- Methods were used to encourage the use of female and minority planning consultants and sub-consultants;
- Status of any Title VI complaints received regarding transportation planning or the public involvement process;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

## **PROGRAM AREA MONITORING – PUBLIC INVOLVEMENT**

The Department Directors have primary responsibility for assuring that public participation activities include consideration of Title VI Environmental Justice (EJ) requirements.

The public involvement phase occurs in conjunction with planning and project development. At this point in the process, City Staff members, involved with the planning and development of a project, are responsible for determining the best strategy for gaining the appropriate level of public input. City of Hayden staff may be seeking input from the public on a proposed project and its potential impacts to the community, particularly if there may be a disproportionate impact to a minority or low income neighborhood. Later in the process, there may be a need to provide information on an on-going basis to the public as the project progresses through various stages of construction. Department Directors involved with the project will:

- Monitor the overall strategies and goals of the public input process to ensure Title VI compliance;
- Monitor the utilization of demographic information to identify minority and low-income populations and determine strategies to reach these populations;
- Monitor the public involvement processes to improve performance and reduce participation barriers for minority and low-income populations;
- Monitor EJ (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with E.O. 13166, LEP, to improve access and understanding of transportation issues for those in the population confronted with language barriers;
- Monitor public outreach accomplishments and problem areas.

### **Annual Reviews – Title VI Coordinator**

The Title VI Coordinator will work with the Department Directors to review and report annually the Title VI activities of City of Hayden. The following items will be considered in the review and will be reported to Idaho Department of Transportation's annual Title VI Assurance Update:

- Strategies used to ensure that all components of the public outreach process comply with Title VI;
- Whether a demographic profile of the area that includes identification of minority and low-income populations has been developed;

## **Program Area Monitoring – Public Involvement, continued**

- Whether a process has been developed to identify the needs of minority and low-income populations;
- Whether there is a public involvement strategy for engaging minority and low-income populations in transportation decision-making and reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Number of public information meetings/open houses that were held; Percentage of female and minority participation;
- Status of any Title VI complaints received regarding the public involvement process;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

## **PROGRAM AREA MONITORING - PROJECT DEVELOPMENT**

The project development phase occurs between planning and construction. This is when project development explicitly defines the project, selects the final location, and prepares the final design. At this point, planning is done at the project level. Project development encompasses both the Environmental and Design sections as follows:

### **Project Development - Environmental**

The Department Directors have primary responsibility for assuring that the determination of environmental effects and any resulting impacts and mitigative measures are executed in accordance with Title VI. This process requires consideration of all possible social, economic, and environmental (SEE) effects of a proposed project on identified groups in order to identify potential Title VI issues. It is here that Department Directors investigate these effects to see if they meet the designed transportation needs and goals of the community. This process also provides for the protection and enhancement of the environment.

### **Compliance Monitoring - Department Directors**

- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority and low-income populations throughout the environmental effects determination;
- Monitor procedures for the identification of SEE environmental impacts through use of the Environmental Evaluation checklist (ITD-654);
- Identify mitigative measures when there is the potential for disproportionate or discriminatory impacts on minority or low-income populations;
- Monitor compliance with Environmental Justice (E.O. 12898) through use of environmental studies to identify and locate minority and low-income populations that may be impacted by transportation programs and activities;
- Monitor compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation programs and activities for those in the population confronted with language barriers;
- Where consultant agreements regarding environmental issues are utilized for location studies, ensure that female and minority-owned consulting firms are afforded equal opportunity to participate in such agreements;
- Monitor environmental accomplishments and problem areas.

## **Program Area Monitoring – Project Development - Environmental, continued**

### **Annual Review – Title VI Coordinator**

The Title VI Coordinator will review and report annually the Title VI activities of Environmental Planning. The following items will be considered in the review and will be reported to the Idaho Transportation Department in the annual Title VI Assurance Update:

- Public involvement strategies for engaging minority and low-income populations in transportation decision-making and for reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether efforts were made to improve performance, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort, and public outreach efforts to reach media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected individuals and groups are appropriately considered in the decision-making process;
- Composition of the Environmental section workforce (including City Staff) by position title, race and sex;
- Number and type of environmental actions completed;
- Summary of any Environmental Assessments or Environmental Impact Statements where minority and low-income populations were disproportionately impacted and any mitigative measures taken as a result;
- Number of consulting agreements involving environmental studies and the dollar value as well as the number of female and minority-owned firms and the dollar value;
- Efforts made to ensure an equal opportunity for participation of female and minority-owned consulting firms in the selection process;
- Number of public hearings/information meetings that were held concerning the location of a project; percentage of female and minority participation;
- Efforts made to take EJ concerns into consideration in the environmental process;
- Status of any Title VI complaints received involving environmental project impacts or the public involvement process;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

## **Program Area Monitoring - Project Development - Design**

The Department Directors have primary responsibility for assuring that all aspects of the design phase and the resulting final design are executed in accordance with Title VI. The process includes consultant selection, preliminary design work, development of alternatives, final design, and the solicitation of bids and proposals.

### **Compliance Monitoring – Department Directors**

- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority and low-income populations throughout the design phase;
- Ensure that all consultant/subconsultant agreements and construction contracts have the appropriate Title VI contract provisions;
- Ensure equal opportunity for female and minority-owned consulting firms to participate in consultant design agreements;
- Monitor design accomplishments and problem areas.

### **Annual Reviewing – Title VI Coordinator**

The Title VI Coordinator will review and report annually the Title VI activities related to design. The following items will be considered in the review and will be reported to the Idaho Transportation Department in the annual Title VI Assurance Update:

- Public involvement strategies for engaging minority and low-income populations in transportation decision-making and for reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether efforts are made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort, and public outreach efforts utilizing media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected individuals and groups are appropriately considered in the decision-making process;
- Composition of the Design section workforce (including District staff) by position title, race and sex;

## **Program Area Monitoring – Project Development - Design, continued**

- Number of consultant agreements awarded and the dollar value; Number of female and minority-owned firms and the dollar value;
- Efforts made to ensure an equal opportunity for participation of female and minority firms in obtaining consultant/subconsultant agreements and construction contracts;
- Potential concerns/barriers for female and minority consultants (i.e. licensing, pre-qualification, lack of subconsulting opportunities);
- Number of public hearings/information meetings held during the design phase and in what locations; percentage of female and minority participation;
- Status of any Title VI complaints received regarding the design process;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.



## **PROGRAM AREA MONITORING - RIGHT-OF-WAY**

The Department Directors have primary responsibility for assuring that the ROW appraisal and negotiation functions and the results of those activities are executed in accordance with Title VI. This process includes property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses.

### **Compliance Monitoring – Department Directors**

- Ensure the inclusion of Title VI provisions in all realtor, appraiser, and negotiator contracts;
- Monitor diversification in the use of appraisers;
- Monitor use of staff appraisers and consultants from the approved appraiser list;
- Monitor efforts made to ensure that female and minority appraisers are provided an equal opportunity to participate in the bid process;
- Ensure equitable treatment of all businesses and persons displaced by highway projects, regardless of race, color, age, sex, national origin or disability;
- Monitor efforts taken to overcome language barriers in all phases of the right-of-way process;
- Ensure that internal procedures are reviewed and updated as necessary to maintain Title VI compliance during all phases of the right-of-way process;
- Monitor and report right-of-way accomplishments and problem areas.

### **Annual Review – Title VI Coordinator**

The Title VI Coordinator will review and report annually the Title VI activities related to ROW. The following items will be considered in the review and will be reported to the Idaho Transportation Department in the annual Title VI Assurance Update:

- Number of consultant appraisers utilized; Number of female and minority consultant appraisers; efforts made to ensure an equal opportunity for participation of female and minority consulting firms;
- Number of negotiators utilized; number of female and minority negotiators; efforts made to ensure an equal opportunity for participation of females and minorities; Efforts made to provide information in the appropriate language and/or number of times interpreters were used;
- Number of relocations involving female, minority, elderly, low-income and disabled persons;

## **PROGRAM AREA MONITORING - RIGHT-OF-WAY**

- Concerns raised, if any, by female, minority, elderly, low-income, and disabled persons who were relocated and what action was taken to address concerns;
- Number of relocation assistance contracts awarded; number of female or minority firms utilized and efforts made to provide an equal opportunity for female and minority firms to participate in bidding;
- Status of any Title VI complaints received regarding the right-of-way process, i.e. appraisals, negotiations, relocation assistance and payments;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

## **PROGRAM AREA MONITORING - CONSTRUCTION**

The Department Directors have primary responsibility for assuring that highway contracting procedures are executed in accordance with Title VI and that contractors are in compliance.

### **Compliance Monitoring – Department Directors**

- Monitor to ensure that subcontracts contain the appropriate Title VI contract provisions;
- Administer and enforce the terms of the construction contract in a nondiscriminatory manner;
- Oversee the monitoring of construction project work to ensure compliance with contract plans, specifications and civil rights special provisions;
- Ensure that policies and procedures for monitoring construction activity are applied in a nondiscriminatory manner;
- Monitor construction accomplishments and problem areas;
- Ensure that all provisions are being implemented with respect to Federal-aid construction contracting and subcontracting;
- Establish the appropriate level of participation on Federal-aid highway construction projects;
- Identify areas of concern or any barriers to equal participation by female and minority firms on construction projects (i.e. bonding, cash flow, etc.);
- Establish procedures to review and monitor contractors and subcontractors for compliance with Title VI;
- Review corrective action plans prepared by contractors when areas of deficiency with regard to Title VI/EEO requirements are identified;
- Monitor prompt payment provisions for compliance;
- Report in the annual Title VI Assurances Update, Part 1, on any construction contract procedure complaints with potential Title VI implications.

### **Annual Review – Title VI Coordinator**

The EEO Office will review and report annually the Title VI activities of the Construction Section. The following items will be considered in the review and will be reported to the FHWA in ITD's annual Title VI Assurance Update:

## **Program Area Monitoring – Construction, continued**

- Composition of the Construction section workforce by position title, race, and sex;
- Number of construction contracts awarded and the dollar amount; Number of female and minority firms utilized and the dollar amount of the award;
- Number of contractors defaulting on contracts;
- Status of any Title VI construction complaints received during the reporting period;
- Any significant actions planned for the ensuing year.

## SECTION 4 - COMPLAINT PROCEDURES

These procedures cover all complaints under the following acts: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990. Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any City of Hayden service, program, or activity whether Federally funded or not, and believes the discrimination is based on race, color, national origin, sex, age, disability, economic status or Limited English Proficiency. All allegations, regardless of where they are reported, shall be immediately forwarded to the Title VI Coordinator.

In addition, these complaint processing requirements are passed down to sub-recipients and are reviewed for compliance during on-site reviews with those sub-recipients. City of Hayden has published these procedures for public view at: <http://www.cityofhaydenid.us/>

**Complaint Reporting** - If the complainant elects to file a formal complaint with the City of Hayden, it must be submitted in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complainant is strongly encouraged to bring any incidents of discrimination to the attention of the City of Hayden as soon as possible after any such alleged conduct occurs. Individuals may also file complaints directly with the Idaho Transportation Department, the U.S. Department of Transportation (USDOT), the FHWA, or the FTA within the 180 day period.

City of Hayden  
Attention: Vicki Rutherford  
Coordinator, Title VI/Fair Housing/ADA 504  
8930 N Government Way  
Hayden ID 83835

Idaho Transportation Department  
Attention: EEO Manager – External Programs  
P O Box 7129  
Boise ID 83707-1129

**Investigations** - All allegations of discrimination will be taken seriously and investigated in a timely manner. (Any Title VI complaints filed directly against the City of Hayden will be forwarded to and investigated by the appropriate agency). Confidentiality will be maintained to the greatest extent possible. The Title VI Coordinator or other qualified investigator(s), following an investigative plan, will gather all relevant information in a fair and impartial manner and will submit a report of findings to the City of Hayden Mayor, City Administrator, and City Attorney for review. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. A Statement of Decision will be prepared, reflecting the City of Hayden's final determination.

The complainant and appropriate managers shall receive written notification as to the City of Hayden's decision. If the finding is unfavorable to the complainant, the

complainant will also be advised of the avenues for appeal. Copies of all Title VI complaints and investigative reports will be sent to the Idaho Transportation Department within 60 days of receipt of the complaint.

Investigation files are confidential and will be maintained by the Coordinator for the Title VI/Fair Housing/ADA 504 Plans in the Human Resources Office. The contents of such files will only be disclosed to City of Hayden personnel on a need-to-know basis and to others in accordance with State laws. The City of Hayden will retain files in accordance with its records retention schedule, State of Idaho and all Federal guidelines.

The Title VI Coordinator maintains a log of complaints filed and information on the status of any active investigations involving FHWA programs.

## SECTION 5 - DEFINITION OF TERMS

**Disparate Impact:** Discrimination which occurs because of a neutral procedure or practice, and such practice lacks a “substantial legitimate justification.” The focus is on the consequences of a recipient’s practices rather than the recipient’s intent.

**Discrimination/Disparate Treatment:** Discrimination which occurs when similarly situated persons are treated differently because of their race, color, national origin, sex, disability, or age, and the decision maker was aware of the complainant’s race, color, national origin, sex, disability, or age, and decisions were made (at least in part) because of one or more of those factors.

**Minority:** A person who is a citizen or lawful permanent resident of the United States and who is:

- Black - a person having origins in any of the black racial groups of Africa
- Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race
- Asian or Pacific Islander - a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands
- American Indian or Alaskan Native - a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition
- White - a female having origins in any of the original peoples of Europe, North Africa, or the Middle East
- Additional subcategories based on national origin or primary language spoken may be used, where appropriate on either a national or regional basis

**Recipient:** An individual and/or entity that receives Federal financial assistance and operates a program and/or activity.

**SEE:** Social, Economic, and Environmental – A process to analyze the SEE impacts and effects must be considered during the planning process. The goal of the SEE process is to develop a complete understanding of the existing and future environmental conditions and the possible effects of a proposed project in order to make the best project decision in terms of meeting the intended transportation needs and the goals of an area or community, and for protection and enhancement of the environment.

# APPENDIX A

## City of Hayden Limited English Proficiency Plan

### I. INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the City of Hayden's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations as well as Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*.

The City of Hayden has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined 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.

### II. MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

#### 1. The number or proportion of LEP persons in the service area who may be served or are likely to require City of Hayden services.

To determine potential service requirements, the City of Hayden Staff reviewed the following 2010 U.S. Census Report for City of Hayden's population:

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent	Percent Margin of Error
Population 5 years and over	12,250	+/-199	12,250	(X)
English only	11,655	+/-291	95.1%	+/-2.1
Language other than English	595	+/-265	4.9%	+/-2.1
Speak English less than "very well"	190	+/-154	1.6%	+/-1.3
Spanish	379	+/-243	3.1%	+/-2.0
Speak English less than "very well"	95	+/-137	0.8%	+/-1.1
Other Indo-European languages	165	+/-80	1.3%	+/-0.6
Speak English less than "very well"	68	+/-48	0.6%	+/-0.4
Asian and Pacific Islander languages	27	+/-42	0.2%	+/-0.3
Speak English less than "very well"	27	+/-42	0.2%	+/-0.3
Other languages	24	+/-19	0.2%	+/-0.2
Speak English less than "very well"	0	+/-89	0.0%	+/-0.3



**2. The frequency with which LEP persons come in contact with City of Hayden services.**

The City of Hayden staff is reviewing the frequency with which City Council, office staff and maintenance staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the City of Hayden has had no requests for interpreters and no requests for translated program documents. The City Council, office staff and maintenance staff have had very little contact with LEP persons.

**3. The nature and importance of services provided by the City of Hayden to the LEP population.**

There is no large geographic concentration of any type of LEP individuals in the service area for the City of Hayden. The overwhelming majority of the population, 95.1%, speak only English. As a result, there are few social, service, professional and leadership organizations within the City of Hayden service area that focus on outreach to LEP individuals. The City of Hayden City Council and staff are most likely to encounter LEP individuals through office visits, phone conversations, building services site inspections, notifications from maintenance staff of impacts on city services, and attendance at City Council and other city meetings.

**4. The resources available to the City of Hayden and overall costs to provide LEP assistance.**

The City of Hayden is reviewing its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, and is contacting the local high schools as well as the community college to determine citizens that would be willing to provide voluntary Indo-European translation if needed within a reasonable time period. Other language translation if needed would be provided through other sources.

**III. LANGUAGE ASSISTANCE**

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

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

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.

- All city staff have been provided with “I Speak” cards to assist in identifying the language interpretation needed if the occasion arises.
- All City of Hayden staff is being informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the City of Hayden sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee’s ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

**A. Language Assistance Measures-**Although there is a very low percentage in the City of Hayden of LEP individuals, that is, persons who speak English “less than very well”, it will strive to offer the following measures:

1. The City of Hayden staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
  - i. Volunteer interpreters for the French language are available through the Timberlake High School language classes and teachers and will be provided within a reasonable time period.
  - ii. Language interpretation will be accessed for all other languages through contact with North Idaho College and local churches that have staff or members that speak those languages.

#### **IV. STAFF TRAINING**

The following training will be provided to all staff:

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

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

#### **V. TRANSLATION OF DOCUMENTS**

- The City of Hayden weighed the cost/benefits of translating documents for potential LEP groups. The expense of translation, the likelihood of frequent changes in documents and other relevant factors outweigh the benefits.

- Due to the very small local LEP population, the City of Hayden does not have a formal outreach procedure in place, as of 2012. Translation resources have been identified and are limited. However, when and if the need arises for LEP outreach, when staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, staff will have the documents, meeting notices, flyers, and agendas printed in an alternative language based on the known LEP population.

## **VI. MONITORING**

**Monitoring and Updating the LEP Plan-** The City of Hayden will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the City of Hayden service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the City of Hayden's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the City of Hayden fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

## **VII. DISSEMINATION OF THE CITY OF HAYDEN LEP PLAN**

- Post signs at City Hall notifying LEP persons of the LEP Plan and how to access language services.

## APPENDIX B



8930 N. Government Way, Hayden, Idaho 83835

### **Discrimination Complaint Procedure**

Any 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, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with (LPA name). A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the City of Hayden Title VI Coordinator for review and action.

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

- a) The date of alleged act of discrimination; or
- b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

Complaints shall be in writing and shall 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 of Hayden, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI 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 according to the Sponsor's investigative procedures as outlined below.

Please Note This Exception to the Procedures Below: All complaints regarding accessibility for the disabled must be forwarded directly to the Idaho Transportation Department (ITD) for investigation.

Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as to ITD and/or the US Department of Transportation (USDOT).

The City of Hayden will advise ITD within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to ITD:

- a) Name, address, and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating official(s).

- c) Basis of complaint (i.e., race, color, national origin or sex)
- d) Date of alleged discriminatory act(s).
- e) Date of complaint received by the (LPA name).
- 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 (LPA name) has taken or proposed to resolve the issue raised in the complaint.

Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the City of Hayden's authorized representative. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, the City of Hayden's authorized representative will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ITD, or USDOT, if they are dissatisfied with the final decision rendered by the City of Hayden. The Title VI Coordinator will also provide ITD with a copy of this decision and summary of findings upon completion of the investigation.

Contacts for the different Title VI administrative jurisdictions are as follows:

City of Hayden  
Title VI Coordinator  
Vicki Rutherford, City Clerk/HR Director  
8930 North Government Way  
Hayden, ID 83835  
208-209-2013  
[vrutherford@cityofhaydenid.us](mailto:vrutherford@cityofhaydenid.us)

Idaho Transportation Department  
Equal Employment Opportunity Office – External Programs  
Diane Steiger, EEO/DBE Program Manager, Title VI & ADA Coordinator  
PO Box 7149  
Boise, ID 83707-1129  
208-334-8266  
[diane.steiger@itd.idaho.gov](mailto:diane.steiger@itd.idaho.gov)

Federal Highway Administration  
Idaho Division Office  
Peter Hartman, Division Administrator  
3050 Lakeharbor Lane, Suite 126  
Boise, ID 83703  
208-334-9180