

**RESOLUTION NO. 1367
CITY OF PRINEVILLE, OREGON**

A RESOLUTION ADOPTING A TITLE VI PLAN FOR THE CITY OF PRINEVILLE

Whereas, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

Whereas, any entity receiving federal dollars, either directly from the Federal Transit Administration or through the Oregon Department of Transportation Public Transit Division must not discriminate based on race, color, or national origin; and

Whereas, since the City is receiving federal grant funding from the Oregon Department of Transportation Public Transit Division it is required to have a Title VI Plan to implement Federal Title VI non-discrimination requirements.

Now, Therefore, the City of Prineville resolves that the City of Prineville Title VI Plan dated August ____, 2018 and attached hereto and by this reference incorporated herein, is adopted by the Prineville City Council.

Passed by the City Council this ____ day of August, 2018.

Betty J. Roppe, Mayor

ATTEST:

Lisa Morgan, City Recorder



CITY OF PRINEVILLE

Title VI Plan

Adopted _____, 2018

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INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in programs and activities receiving Federal financial assistance.

The City of Prineville is committed to ensuring that no person is excluded from participation in, or denied the benefits of its programs and services on the basis of race, color, sex, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B.

TITLE VI NOTICE CITY OF PRINEVILLE

The City of Prineville operates its programs and services without regard to race, color or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Prineville.

For more information on the City of Prineville's civil rights program, and the obligations and procedures to file a complaint, contact 541.447.5627, email: cityhall@cityofprineville.com; or visit our administrative office at 387 NE Third Street, Prineville, Oregon 97754. For more information, visit www.cityofprineville.com.

A complainant may also file a complaint directly with the Federal Transit Administration: Office of Civil Rights, Attn: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington DC, 20590 or with the ODOT Office of Civil Rights: office of Civil Rights-MS 23, 3930 Fairview Industrial Drive SE, Salem, OR 97302.

If information is needed in another language, contact 800.656.1234.
Si se necesita informacion en otro idioma de contacto, 800.656.1234

TITLE VI COMPLAINT PROCEDURES

In order to comply with 49 CFR Section 21.9(b), the City of Prineville has developed procedures for investigating and tracking Title VI complaints filed against them. These procedures are available to members of the public upon request. Complainants, or their representative, may file a written complaint with the City Manager at any time within one hundred and eighty (180) days from the date of the alleged discriminatory act. The City has ten (10) days to acknowledge the receipt of the complaint and a total of sixty (60) days to investigate the complaint. Once a determination is made, the City of Prineville will notify the complainant in writing. The complainant will then have thirty (30) days to appeal the decision.

If you believe you have been subjected to discrimination under Title VI, you may file a complaint.

How to file a Title VI Complaint

You may file a signed, written complaint up to one hundred and eighty (180) days from the date of alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- Name, address, phone number and relationship of Representative to Complainant, if applicable
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant

A form is available at <https://www.cityofprineville.com/cityadministration/page/title-vi-plan>, which may be completed for this purpose. (Attachment A)

The complaint may also be filed in writing with the City of Prineville at the following address:

City of Prineville
City Recorder
387 NE Third Street
Prineville, OR 97759
By phone: 541-447-5627
By fax: 541-447-5628

NOTE: The City of Prineville encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the City Recorder as soon as possible, but no later than 180 days from the alleged date of discrimination.

What happens to your complaint after it is submitted to the City of Prineville?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by the City will be directly addressed. The City Manager, or designee, will investigate the complaint and decide. Formal investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Customer will be notified of resolution.

The City of Prineville shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, the City shall make every effort to address all complaints in an expeditious and thorough manner.

In instances where additional information is needed for investigation of the complaint, the City Manager, or designee, will contact the complainant in writing. Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information within seven (7) calendar days may result in the administrative closure of the complaint.

How will you be notified of the outcome of your complaint?

The City will send a final written response to the complainant which will be either a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states there was not a Title VI violation and the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident and explains whether any disciplinary action, additional training of staff, or other action will occur. An appeal of the closure letter or LOF must be made within thirty (30) days of the notification.

A complaint may also be filed directly with the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights
1200 New Jersey Ave., SE
Washington, DC 20590
www.fta.dot.gov/contract_us.html
TTY: 1-800-877-8339
Voice: 1-866-377-8642
VCO: 1-877-877-6280

Recording Title VI Investigations, Complaints and Lawsuits

In order to comply with 49 CFR Section 21.9(b), the City of Prineville prepares and maintains a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the City of Prineville that allege discrimination on the basis of race, color, or national origin. This list includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint. The City Recorder maintains these files until closed. The City Recorder will also maintain a log of all complaints received. Records will be stored according to state and federal record retention requirements. Tracked information will be reported to the Oregon Department of Transportation as the grantor of the funds.

Additional Information upon Request

At the discretion of FTA, additional information may be requested, in writing, from the City in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements.

RECORD OF TITLE VI OR OTHER CIVIL RIGHTS INVESTIGATIONS, COMPLAINTS OR LAWSUITS

To date, there have been no Title VI investigations, complaints or lawsuits.

COUNCIL COMPOSITION

The City of Prineville is overseen by an elected City Council. The table below depicts Council membership as of July 2018.

The City of Prineville will make efforts to encourage minority participation on the Council. These efforts are made by distributing information about the participation on the Council at public meetings and social media forums. The City of Prineville will utilize local groups such as the Latino Community Association of Central Oregon in order to focus on areas in which the council participation is distributed.

	Caucasian	Hispanic or Latino (of any race)	Black or African American	Asian	Native Hawaiian	American Indian or Alaskan Native	Two or more races	Other
Crook County 2010 Census)	18,758	1,463	30	96	11	273	335	12
Prineville City Council	7	0	0	0	0	0	0	0

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

The City of Prineville is committed to breaking down language barriers by implementing consistent standards of language assistance across its service area.

The United States is home to millions of national origin minority individuals with Limited English Proficiency (LEP). That is, their primary language is not English and they cannot speak, read, write or understand the English language at a level that permits them to interact effectively with recipients of Federal financial assistance.

Because of language differences and the inability to effectively speak or understand English, persons with LEP may be subject to exclusion from programs or activities, experience delays or denials of services. These individuals may be entitled to language assistance with respect to a particular type of service. The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to establish solutions to address the needs of this growing population of individuals, for whom English is not their primary language.

ANALYSIS OF FACTORS

Factor No. 1: The number or proportion of LEP persons in the service area.

The City of Prineville is largely English speaking. The vast majority of the population with which we interact is proficient in English. According to the 2013 American Community Survey, 85% of Oregon’s population age five and up speaks English only, while 9% have Spanish as the language spoken at home.

Factor No. 2: The frequency with which LEP individuals come into contact with the service.

Contacts with the City of Prineville are made at City Hall, cityhall@cityofprineville.com and through our website, www.cityofprineville.com. We have had no contacts that require services for translation services. The City would provide translation services and would partner with Crook County School District or Crook County when necessary. The City of Prineville website is optimized for online translation for all languages.

Factor No. 3: The nature and importance of service provided by the City of Prineville.

The City of Prineville provides important mobility management and transportation coordination services to the public through Cascades East Transit and a contract with Central Oregon Intergovernmental Council which runs the program.

Factor No. 4: The resources available to the recipient of the federal funds to assure meaningful access to the service by LEP persons. The City would partner with Crook County or Crook County School District to provide translation services as necessary.

The City’s current in-house language capabilities are English. The City has not encountered a need to have language services in other languages.

IMPLEMENTATION PLAN

The City of Prineville will review its implementation plan annually, including any contacts with LEP persons, to determine the frequency of contacts, the language used, and how the contacts were handled.

The City of Prineville identifies LEP persons in the service area through telephone and personal contact. The City would provide translation services and would partner with Crook County School District or Crook County when necessary. Bus schedules for Cascades East Transit are available at www.cascadeseasttransit.com. The CET homepage contains Title VI language. The City of Prineville website is optimized for online translation for all languages.

City employees will ensure that there are no barriers to service or accommodation that would prevent usage or access to city services. Employees will notify the City Manager in writing of the circumstances surrounding any reported allegations of discrimination no later than the next business day.

The City of Prineville will provide language service by notifying LEP persons of services available free of charge. Notification to LEP persons include: (1) Posting notice of the LEP Plan and notification in languages LEP persons would understand that persons requiring language assistance or special accommodations will be provided interpretation or translation services free of charge with reasonable advance notice to the City; and (2) City staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year to identify modifications to this plan to improve outreach and services to persons with limited English proficiency. City staff will be provided training on the requirements for providing meaningful access to services for LEP individuals.

NOTIFYING BENEFICIARIES OF THEIR RIGHTS UNDER TITLE VI

Our website includes our Title VI Compliance Statement and Complaint Form. The City's Title VI Compliance Statement and complaint form are also posted at City Hall (located at 387 NE Third Street, Prineville, OR). Individuals who believe they have been discriminated against may request a complaint form from the City Recorder.

ANALYSIS OF CONSTRUCTION PROJECTS

Over the last three years the City of Prineville has not completed a construction project requiring an environmental assessment (EA) or environmental impact statement (EIS).

INCLUSIVE PUBLIC PARTICIPATION

Public participation in the transportation planning process allows for the opportunity to voice concerns, offer suggestions and make recommendations regarding transportation-related issues and specific projects. It's designed to inform and educate the public about the technical facets of transportation planning. Public participation affords transportation professionals and decision-makers the opportunity to see other sides of an issue (highway, street or rail crossing projects, for example) that may be missed when considering a project from a technical view point. Meaningful dialogue among technical professionals, local decision-makers, and general stakeholders (e.g. the public) generated through public participation is vital to achieving consensus, which is desired before moving a transportation project or program forward. Additional benefits of public participation include:

- Developing a sense of community and ownership;
- Identifying issues and concerns that matter most to the citizens;
- Fostering trust in the decision-making process and with decision-makers;
- Ensuring accountability;
- Encouraging cooperation and compromise; and
- Preventing and/or mitigating future conflict.

Outgoing Outreach

Ongoing outreach efforts are made throughout the year to provide the public and interested parties with opportunities to review and provide comment. Ongoing measures to involve the general public and interested parties¹ throughout the planning process include:

- Posting meeting agendas and minutes on the City of Prineville website: www.cityofprineville.com;
- Posting documents on the website and making printed copies available to the public;
- Providing an explanation of specific issues on the website;
- Inviting the public to submit electronic, written or verbal comments on

transportation plans;

- Employing visualization techniques to describe city plans and programs (e.g. maps, graphs, photos, presentations, drawings);
- Allowing for public comment at Policy Board meetings; and
- Developing outreach to existing advisory groups related to transportation with updates and education regarding city objectives and news.

Environmental Justice Considerations and Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-1) states that "No person in the United States shall, on the ground 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." Title VI bars intentional discrimination as well as disparate impact discrimination (i.e., a neutral policy or practice that has a disparate impact on protected groups).

The federal Executive Orders pertaining to Environmental Justice (EJ) further amplify Title VI by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

To insure full compliance with Title VI and the EJ Order, the City of Prineville will develop a strategy for engaging minority and low-income populations in transportation decision making, including:

- Using data developed by ODOT, identify areas with high concentrations of low-income and minority populations (required) and other populations as directed by the Policy Board;
- Identify specific actions to engage low-income and minority populations in the planning process;
- Consult with and respond to organizations representing low-income and minority populations;
- Continually evaluate the need for language translated documents based on changing demographics;
- Routinely evaluate the public participation process to evaluate options for better reaching the identified populations;
- Utilize media (such as print, television, radio, etc.) targeted to low-income or minority populations; and

- Review process to request additional information and process to file complaints regarding discrimination.

ATTACHMENT A

TITLE VI COMPLAINT FORM

Section I:

Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If you answered "no", please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year):				
<p>Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.</p> <hr/> <hr/>				
Section IV:				
Have you previously filed a Title VI complaint with this agency?			Yes	No
Section V:				

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		Yes		No	
If yes, check all that apply:					
<input type="checkbox"/> Federal Agency: _____					
<input type="checkbox"/> Federal Court: _____					
<input type="checkbox"/> State Agency: _____					
<input type="checkbox"/> State Court: _____					
<input type="checkbox"/> Local Agency: _____					
Please provide information about a contact person at the agency/court where the complaint was filed.					
Name:			Agency:		
Title:			Telephone:		
Address:					
Section VI:					
Name of agency complaint is against:					
Contact person:					
Title:					
Telephone number:					

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

Signature and date required below:

Signature

Date

Please submit this form in person at the address below, or mail this form to:

City of Prineville
City Recorder
387 NE Third Street
Prineville, OR 97754

NOTIFICATION OF COMPLIANCE WITH TITLE VI

In order to comply with 49 CFR Section 21.9 (d) the City of Prineville has posted information for the public regarding the Title VI obligations and protections against discrimination afforded to the public by Title VI on the City of Prineville's website. The City of Prineville has also posted the following notice of compliance with Title VI, which is visible to the public at City Hall and directs the public to the City website and to the appropriate phone number to inquire for more information. This information is also available upon request.



Notification of Compliance with Title VI

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Information on the City of Prineville civil rights program, and the obligations and procedures to file a complaint, can be found on the City of Prineville website at <https://www.cityofprineville.com/cityadministration/page/title-vi-plan>. The City of Prineville website is optimized for online translation for all languages. This information is also available upon request, please inquire at City Hall or contact the Lisa Morgan, City Recorder at (541) 447-5627.

A complainant may also file a complaint directly with the Federal Transit Administration: Office of Civil Rights, Attn: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590. <http://www.fta.dot.gov/contact.us.html>