

Title VI Plan

City of Driggs

6/18/2024

**Title VI Coordinator
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Introduction

This *Title VI Plan* has been prepared to address the City of Driggs’s responsibilities as a recipient of federal financial assistance, particularly as they relate to the needs of low income and minority residents and 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, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 12898, titled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* was signed by President Bill Clinton on February 11, 1994, to focus federal attention on the environmental and human health conditions of minority and low-income populations with the goal of achieving environmental protection for all communities. The Order directed federal agencies to develop environmental justice strategies to aid federal agencies identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Order is also intended to promote nondiscrimination in federal programs substantially affecting human health and the environment, and to provide minority and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.

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 agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place.

These orders apply to all state and local agencies which receive federal funds, including all City of Driggs departments receiving federal grant funds.

Provision of Title VI Assurances

The City of Driggs hereby certifies that, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

- a. The City shall submit on an annual basis, their Title VI Assurance, as part of their annual Certification and Assurance submission as required by the State of Idaho or FTA.
- b. No person, on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
- c. The City will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1A and in compliance with the Department of Transportation's Title VI Regulation, 49 CFR, Part 21.7.
- d. The City will make it known to the public that those persons or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

Non-Discrimination Policy Statement

City of Driggs
Resolution #417-24
Non-Discrimination Policy Statement

It is the policy of the City of Driggs that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operations of the City of Driggs as provided by Title IV of the Civil Rights Act of 1964 and related statutes.

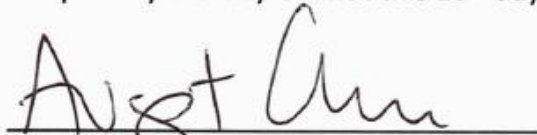
This policy applies to all operations of the City of Driggs, including its contractors and anyone who acts on behalf of the City of Driggs. This policy also applies to the operations of any department or agency to which the City of Driggs extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations or surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; and Discrimination in any activities related to highway and infrastructure or facility built or repaired.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulations (CFR) pt. 200 and 49 CFR pt. 21.

Adopted by the City Council this 18th day of June in the year 2024.


MAYOR AUGUST CHRISTENSEN

6.24.24
DATE

ATTEST:


KRESLYN SCHUEHLER, CITY CLERK

Title VI Compliance History

- a. There are no outstanding lawsuits or complaints naming the City of Driggs which allege discrimination on the basis of race, color or national origin with respect to service or other transit benefits.
- b. The City of Driggs has been awarded federal funds for the following transportation projects, which have not yet been completed and closed.
- Key Number 23694 – Wallace Avenue Sidewalks – Transportation Alternatives Program
 - Status – construction expected to commence in July and end by October, 2024
 - Teton Mobility Improvement Project (BUILD program, sub-award through Teton County, WY) – Hwy 33 Pathway to Airport, Driggs Transit Center Phase II, 5th Street Park & Ride
 - Status – pathway construction to be completed in June 2024; Transit Center to be constructed in summer of 2025; 5th Street Park & Ride to be constructed in summer of 2026.
- c. During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to the City of Driggs and, to the best of our knowledge, there are not presently any ongoing civil rights compliance review activities being conducted with respect to the City of Driggs.
- d. There are currently no pending construction projects owned by the City of Driggs that would negatively impact minority communities.

General Guidelines / Requirements

Annual Certification and Assurance

As previously stated, the City of Driggs shall continue to submit annually, their Title VI assurance, as part of their annual Certification and Assurance submission.

Complaint Procedures

In compliance with 49 CFR Section 21.9(b), The City of Driggs has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. The City of Driggs complaint procedures and complaint form are contained herein as APPENDICES A and B, respectively.

Record Title VI Activities

In compliance with 49 CFR Section 21.9(b), the City of Driggs shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the City or its subrecipients that allege discrimination on the basis of race, color, or nation origin. Such list shall include:

- 1) Date the investigation, lawsuit, or complaint was filed;
- 2) Summary of the allegation(s);
- 3) The status of the investigation, lawsuit, or complaint; and
- 4) Actions taken by the City in response to the investigation, lawsuit or complaint.

Access for LEP Persons

The City of Driggs shall take steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who have Limited English Proficiency (LEP). The City will assist persons with limited English proficiency to participate in the transportation planning process. City Staff will make every effort to provide translators and document translation, where feasible, upon request. The City's Limited English Proficiency (LEP) Plan is contained herein as APPENDIX B.

Public Notification

In compliance with 49 CFT Section 21.9(d), the City of Driggs shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by the Title VI. City complaint procedures and public notification information are contained herein as APPENDIX A.

Environmental Analysis of Construction Projects

The City of Driggs shall integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of transit related construction projects of which require NEPA. If a Categorical Exclusion (CE) is performed, the City shall complete the FTA's standard CE check-list which includes a section on community disruption and environmental justice.

Public Participation

The City of Driggs shall seek out and consider viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. The City shall make every effort to include the following practices:

- 1) Coordination with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
- 2) Provision of opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;
- 3) Utilization of locations, facilities and meeting times that are convenient and accessible to low-income and minority communities;
- 4) Utilization of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities; and
- 5) Implementation of DOT's policy guidance regarding the City's responsibilities to LEP persons.

Appendix A: Title VI Public Notification & Discrimination Complaint Procedures

Public Notice of Rights

The following statement shall be posted in conspicuous and accessible locations at Driggs City Hall, on the City website (www.driggsidaho.org); permanently displayed on public transit vehicles; and other appropriate materials made available to the public: (the notice will be provided in English and Spanish, and in other languages upon request.)

Non-Discrimination - Your Rights Under Title VI of the Civil Rights Act of 1964

The United States Department of Transportation (DOT) ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color or national origin in the provisions of benefits and services resulting from federally assisted programs and activities. Any person, who believes the City of Driggs has violated their Title VI protections, should contact the City's Title VI Coordinator at 208-354-2362 ext. 2111 or email dself@driggsidaho.org. The City has also developed a policy to assist individuals with Limited English Proficiency (LEP). Translation services, in order to assist LEP individuals, shall be made available upon request. Federal Title VI information, including filing complaints, can also be accessed on the FTA web site at: www.fta.dot.gov.

Title VI complaints related to Federal-aid highway programs may also be filed directly with the following agencies:

*Idaho Transportation Department
Office of Civil Rights
11331 W. Chinden Blvd
Boise, ID 83714
CivilRights@itd.idaho.gov
Phone: (208) 334-8884*

*Federal Highway Administration, Idaho Division
3050 Lakeharbor Lane #126
Boise, ID 83703
Idaho.FHWA@DOT.GOV
Phone: (208) 334-1843*

*Federal Highway Administration
U.S. Department of Transportation Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Civilrights.fhwa@dot.gov
Phone: (202) 366-0693
Fax: (202) 366-1599*

Complaint Procedures

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 the City of Driggs.

A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the City of Driggs 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.

In either case, the City of Driggs Title VI Coordinator or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

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 Driggs, 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 Driggs 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 City of Driggs.
- 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 City of Driggs 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 Driggs' 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 Driggs' 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 Driggs. 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:

Doug Self, Community Development Director & Title VI Coordinator
City of Driggs
PO Box 416
Driggs, ID 83422

Idaho Transportation Department
Office of Civil Rights
11331 W. Chinden Blvd
Boise, ID 83714
CivilRights@itd.idaho.gov
Phone: (208) 334-8884

Federal Highway Administration, Idaho Division
3050 Lakeharbor Lane #126
Boise, ID 83703
Idaho.FHWA@DOT.GOV
Phone: (208) 334-1843

Federal Highway Administration
U.S. Department of Transportation Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Civilrights.fhwa@dot.gov
Phone: (202) 366-0693
Fax: (202) 366-1599

Appendix B: Discrimination Complaint Form

Title VI Complaint Form
City of Driggs
Community Development Department

The City of Driggs is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination.

The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact Doug Self, Title VI Coordinator by calling (208) 354-2362, extension 2111. The completed form must be returned to the Title VI Coordinator, at Driggs City Hall, 60 S Main Street (or PO Box 48), Driggs, ID 83422.

Your Name:	Phone:
Street Address:	Email:
	City, State, & Zip Code:
Person(s) discriminated against (if someone other than complainant):	
Name(s):	
Street Address, City, State & Zip Code:	

Which of the following best describes the reason for the alleged discrimination? (Circle All That Apply)

- Race
- Color
- National Origin (Limited English Proficiency)

Date of Incident: _____

Please describe the alleged discriminatory incident. Provide the names and titles of all City of Driggs employees or contractors involved, if available. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

How would you like to see this situation resolved?

Have you filed a complaint regarding this incident with any other federal, state or local agencies? (Circle one) **Yes / No** If yes, list agency / agencies and contact information below:

Agency: _____ Contact Name: _____
Street Address, City, State & Zip Code: _____ Phone: _____

Agency: _____ Contact Name: _____
Street Address, City, State & Zip Code: _____ Phone: _____

I affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Complainant's Signature _____ Date _____

Print or Type Name of Complainant _____

Driggs Office Use Only:

Date Received: _____ Received By: _____

Action Taken / To Be Taken and Date:

Appendix C: Limited English Proficiency (LEP) Plan

I. INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the City of Driggs'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, which state that no person shall be subjected to discrimination on the basis of 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 agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all City of Driggs departments receiving federal grant funds.

- **Plan Summary**

The City of Driggs 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. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

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

1. The number or proportion of LEP persons in the service area who may be served by the City of Driggs.
2. The frequency with which LEP persons come in contact with City of Driggs services.
3. The nature and importance of services provided by the City of Driggs to the LEP population.
4. The interpretation services available to the City of Driggs and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

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 Driggs services.

The City of Driggs staff reviewed the US Census 2022 American Community Survey 5-year estimates and determined that 34% of the population (approximately 675 persons) speak a language other than English at home (33.1% speaking Spanish only). According to the 2015 5-year ACS, approximately 14% of the population has limited English proficiency; that is, they speak English “less than very well”. In Driggs, all of those persons with limited English proficiency, speak Spanish.

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

The City of Driggs staff reviewed 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. City of Driggs staff has had no requests for interpreters and no requests for translated program documents, however office utility billing staff have weekly contact with LEP persons and maintenance staff have occasional contact with LEP persons. Planning staff have occasional (bimonthly) contact with LEP persons, but have significantly more contact when producing long term plans, neighborhood plans or facility plans.

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

The city provides utility services, transit facilities, including information on transit provider schedules, recreation facilities and community planning participation opportunities. The LEP population uses these services daily and effective communication from the city is important.

4. The resources available to the City of Driggs, and overall costs to provide LEP assistance.

The City of Driggs, though a small municipality, has sufficient volunteers and available interpreters at reasonable rates to be able to translate important documents and provide timely interpreter services at city hall when needed. Interpretation for LEP persons doing business at city hall in person, the city will utilize either an in-house interpreter who may be available on a volunteer or contract basis, or a fee-based telephone interpreter service

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 Driggs 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 Driggs 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 will be provided with “I Speak” cards to assist in identifying the language interpretation needed if the occasion arises.
- All City of Driggs staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the City of Driggs sponsors an informational meeting or event, the public notice will include a Spanish language version or summary and the offer for an interpreter to be present upon the request of those wishing to attend. Staff may also identify a meeting as likely to attract LEP persons and, in that case, will subsequently arrange for an interpreter to be present.

A. Language Assistance Measures-The City of Driggs will strive to offer the following measures:

1. The City of Driggs 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 or contract interpreters for the Spanish language are available and will be provided within a reasonable time period.
 - ii. Language interpretation will be accessed for all other languages through a telephone interpretation service.

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 Driggs will be required to follow the Title VI/LEP guidelines.

V. TRANSLATION OF DOCUMENTS

- The City of Driggs has incorporated Google Translate into its website, which translates all forms and instructions and other public information to the preferred language of the user.
- The City will translate public hearing notices into Spanish and publish Spanish summaries of all public notices and meeting agendas.
- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then all documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

VI. MONITORING

Monitoring and Updating the LEP Plan- The City of Driggs will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when relevant new data from U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the City of Driggs 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 Driggs's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the City of Driggs 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 DRIGGS LEP PLAN

- Post signs at City Hall notifying LEP persons of the LEP Plan and how to access language services.
- State on agendas and public notices in the language that LEP persons would understand that documents are available in that language upon request at City Hall.