

# **CITY OF GEORGETOWN**



## **TITLE VI PLAN AND ANNUAL REPORT PUBLIC WORKS DEPARTMENT JULY 2017**

## Introduction

The City of Georgetown 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 Georgetown 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 Georgetown has adopted an ADA Transition Plan ensuring that its programs, services, and activities are accessible to persons with disabilities.

The City will not discriminate against qualified individuals with disabilities based on disability in providing programs, services, or activities. The City informs individuals that protections against discrimination are provided by the ADA, that reasonable accommodation will be provided, and of the existence and location of accessible services, activities, and facilities to interested persons, including persons with impaired vision or hearing. This information appears on the City's Internet home page ([www.ada.georgetown.org](http://www.ada.georgetown.org)).

The primary goals and objectives of City of Georgetown's Title VI Non-Discrimination Plan are:

1. To establish a Title VI Policy Statement and adopt the Title VI General Assurances (Appendix 1);
2. To document Title VI Limited English Proficiency (LEP) Four Factor Analysis (Appendix 2) completed to prepared for improvement and maintenance of the City's communication efforts;
3. To establish procedures for filing, processing and documenting complaints by persons who

- believe they have been subjected to discrimination under Title VI in a City program or project.;
4. To assign responsibilities and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and pertinent directives;
  5. To document efforts to respond to Texas Department of Transportation, Civil Rights Division, Title VI review of the City of Georgetown;
  6. To establish procedures to annually review Title VI compliance of specific program areas within the City of Georgetown;

### **Title VI Coordinator**

The organizational chart included in Appendix 3 shows the relative position of the Title VI Coordinator within the City's structure. The Title VI Coordinator is the Public Works Director, who serves at the primary director of Transportation Programs, ranging from planning, programming, and coordination of programs administered through the following Divisions of the Texas Department of Transportation: Aviation, Bridge, Construction, Design, Maintenance, Public Transportation, Right of Way, and District & Area Office coordination

The Public Works Director and the Public Works staff work to ensure the requirements of Title VI are enforced by being the point of contact for Title VI implementation and monitoring of transportation programs and activities receiving federal financial assistance. The Public Works Director will also review and respond to discrimination complaints and work together with all department directors to ensure the successful implementation of and compliance with the City of Georgetown's Title VI plan and submission of reports to the Texas Department of Transportation, Civil Rights Division.

## TITLE VI/Nondiscrimination Policy Statement

### Title VI Policy Statement


The City of Georgetown is committed to compliance with the requirements and provisions of the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d-42 U.S.C 2000d-4, and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 and other pertinent directives. The City assures that no person shall on the grounds of race, color, national origin, sex, age, disability, or English proficiency be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any City program, activity, or service. The City further assures every effort will be made to ensure non-discrimination in all its programs, activities, and services, whether those programs, activities and services are federally funded or not. In the event the City distributes Federal aid funds to another entity, the City will include Title VI language in all written agreements and will monitor for compliance.

The City is also committed to assure every effort will be made to prevent the discrimination of low-income and minority populations because of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations. In addition, the City assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Any person who believes he or she has been discriminated against should contact:

Octavio Garza  
Public Works Director  
City of Georgetown  
300-1 Industrial Avenue  
P.O. Box 1458  
Georgetown, Texas 18627  
512-930-3640

  
\_\_\_\_\_  
David Morgan, City Manager, City of Georgetown

  
\_\_\_\_\_  
Date

## Procedures for Processing External Discrimination Complaints

### Complaint Procedure

This Complaint Procedure is established to meet the requirements of the Title VI of the Civil Rights Act of 1964. It may be used by anyone who wishes to file a complaint alleging discrimination based on race, color, sex, age, disability, or national origin in the provision of services, activities, programs, or benefits by the City of Georgetown.

A complaint regarding Title VI of the Civil Rights Act of 1964 should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem including whether it is related to race, color, sex, age, disability, or national origin. Alternative means of filing complaints will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

Octavio Garza  
Public Works Director  
City of Georgetown  
300-1 Industrial Avenue  
P.O. Box 1458  
Georgetown, Texas 18627  
512-930-3640  
octavio.garza@georgetown.org

An online complaint form has been established and is available at the following web site, a copy of which is attached in Appendix 4:

<http://records.georgetown.org/Forms/TransDisComp>

Within 15 calendar days after receipt of the complaint, the Title VI Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions.

Within 15 calendar days of the meeting, the Title VI Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the City of Georgetown and offer options for substantive resolution of the complaint. If the complaint is related to transportation program and activities, then the City shall forward the complaint to TxDOT within 10 days of receipt.

If the response by the Title VI Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or his/her designee. Within 15 calendar days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

## **External Discrimination Complaints, Lawsuits & Tracking**

### **Complaints**

The City has not received any Title VI-related external complaints or lawsuits in the last three years.

### **Complaint Logs**

The City has implemented an electronic records management system called Laserfiche to assist with workflow and records management across the City to make operations more efficient and customer friendly. The online complaint form is part of this Laserfiche system which has been established to track and monitor complaints received concerning Title VI complaints:

<http://records.georgetown.org/Forms/TransDisComp>

The City of Georgetown has also created a written complaint form that will be available for download or to the public at any of our customer service locations (Appendix 6). If a written complaint is received in a format other than the Laserfiche form, the ADA Coordinator, or their designee, will enter all complaints into the Laserfiche system to track all future complaints.

## **Accommodation for Limited English Proficient Persons**

### **Four Factor Analysis**

The City of Georgetown is committed to making reasonable steps to provide meaningful access to municipal services for Limited English Proficient (LEP) persons – those who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. The City of Georgetown has completed the Title VI Limited English Proficiency (LEP) Four Factor Analysis (Appendix 2).

### **Language Assistance Measures**

To promote equal access to City of Georgetown programs and services by LEP individuals, the City offers the following language assistance measures. Actions will be implemented and monitored by City staff.

- Making public information documents available in Spanish. This includes:
  - a. City web-site and related internet based communications.
  - b. Fixed route maps/schedules, paratransit brochures, and paratransit plan completed in FY 2017 for implementation of the Transit Program.
  - c. Paratransit eligibility application and notification letters to be completed in FY 2017 by the City's vendor the Capital Area Rural Transit System (CARTS).
- Arranging for availability of oral and written translators as needed by staff in a Division.
- Working with contractors developing projects for the City of Georgetown that meet with the public to have LEP services available when meeting with the public. Such as providing a LEP translator when meeting with property owners about right-of-way, easement, or rights of access to private property potentially held by a LEP client.

The City of Georgetown will provide the appropriate level of oral interpretation and written translation services based on the four-factor analysis. Members of most language groups will at least receive oral

translation services through City bilingual staff.

#### Staff Training and Monitoring.

The City of Georgetown is in the process of developing training materials to be available to City staff regarding LEP programs and access to city-wide resources. This will include:

- Identification of city call centers, web-resources, and multilingual staff available for LEP services.
- Documentation and Reporting of language assistance request.
- How to handle potential Title VI/LEP complaints.
- Working with contractors to provide LEP assistance when developing City projects.

### **Environmental Justice**

Compliance with Title VI includes ensuring that no minority or low-income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving Federal funds. The City of Georgetown plans and executes its transportation programs and projects in accordance with the rules, regulations and procedures established by the Texas Department of Transportation’s (TxDOT) Environmental Manual and the National Environmental Policy Act (NEPA) process. The process is updated and maintained by TxDOT’s Environmental Division (ENV). The NEPA process, Title VI of the Civil Rights Act and related statutes, and Executive Order 12898 on Environmental Justice are incorporated in the processes to ensure nondiscrimination and identify and address any disproportionately high health and environmental impacts to minority populations and low- income populations. The City has included achieving Environmental Justice as a part of the **TITLE VI/Nondiscrimination Policy Statement**.

### **Public Participation**

The City has adopted the Citizen Participation Plan as part of the 2030 Comprehensive Plan. The plan seeks to establish and coordinate procedures for the City to communicate relevant information effectively and efficiently and its effects to the public, proactively solicit feedback, improve community outreach, and provide opportunities for public participation in the City's decision-making process. The plan includes long-term goals and policies intended to help identify the need for direct action and guide the specific implementation action statements. One goal is to increase efforts to reach and involve segments of the population who lack accessibility to technology, speak a different language, or are otherwise disconnected from the participation process.

The plan also includes the action items reaching out to the Spanish-speaking and other under-represented minority or second-language residents through community organizations, local media, staff, translating materials and website/newsletters to Spanish, including information in Spanish for all public notices, and work on physical postings in locations that are used by these residents. These actions are documented in the Title VI Limited English Proficiency (LEP) Four Factor Analysis. These services are provided through the Customer Care Call Center, Utility Billing customer assistance and the City website.

### Individual projects

As the City develops individual transportation projects and programs, one of the required elements early in project development is the development of communication or public participation plans. Examples of City led projects which included Title VI communication efforts, while not specifically credited for their inclusion include: Design and ROW acquisition for the FM 1460 Project; Austin Avenue Bridge Environmental Review Process and Design; and ROW acquisition of the Rivery Extension Project. These processes included:

- Establish early and continuous public participation opportunities that provide timely information about transportation issues and decision-making processes to all interested parties;
- Provide reasonable public access to educational, technical, and policy information to enhance the public's knowledge and ability to participate in the development of the project;
- Provide adequate public notice of participation opportunities during the development of the TTP, and time for public review and comment at key decision points in the planning process;
- Ensure that public participation opportunities are held at convenient and accessible locations (in compliance with the Americans with Disabilities Act of 1990) and times;
- Included meetings with Affected Property Owners – These meetings are held by the Consulting Engineers and ROW agents working on behalf of the City. The contractors working for the City are required to provide Spanish speaking support for those affected property owners with limited English proficiency. In the case of the Rivery Extension Project, the right-of-way (ROW) agent employed a Spanish speaking real estate agent to explain the ROW and relocation process to at least one client. During the ROW acquisition process for the FM 1460 project, the City employed a right of way Agent with Spanish speaking staff to provide interpretive services to four property owners with potential limited English proficiency.

### **Solicitation of Bid and Contract Provisions**

The General Assurances DOT Order 1050.2A have been added to the City of Georgetown standard bid/contract documents for federally funded projects. The provision of the General Assurances (Appendix 1) in the bid/contract forms provides the inclusion of the U.S. DOT Standard Title VI Assurances in all current and future solicitations including the clauses in Appendix A and E of the General Assurances.

### **Affirmative Action and Programs related to Title VI**

The City of Georgetown does not allow any form of illegal discrimination. Our Equal Employment Opportunity and related policies can be found at the following locations:

<https://hr.georgetown.org/files/2016/03/020-equal-employment-opportunity.pdf>

<https://hr.georgetown.org/files/2016/03/422-professional-work-environment.pdf>

<https://hr.georgetown.org/files/2016/03/540-grievance-procedure.pdf>

The City of Georgetown has external complaint procedures for a variety of City-related functions at our website including but not limited to:



- ADA Plan: <https://ada.georgetown.org/>
- ADA external grievances: [https://records.georgetown.org/Forms/ADA\\_grievance\\_form](https://records.georgetown.org/Forms/ADA_grievance_form)
- Police racial profiling program: <https://pd.georgetown.org/files/2009/04/Racial-Profilng-Filing-a-Complaint.pdf>
- Ethics policy <http://records.georgetown.org/WebLink8/0/doc/691/Page12.aspx>

### **Data Collection and Analysis**

In analyzing City demographics, the City of Georgetown uses statistical data on protected groups available through The US Census Bureau. The City also conducts bi-annual Citizen's Survey to assist in identify and prioritizing the needs of the various population segments within the City.

Planning studies, such as the City of Georgetown Transit Development Plan, utilize this data to ensure an equitable distribution of future transit benefits to targeted populations; including low income, elderly, people with disabilities and zero-car households. All future transit outreach programs are being developed so that potential clients with disabilities and limited English proficiency identified in the Transit Development Plan may have access these programs.

New road projects also have a potential to split or isolate neighborhoods in whole or in part. To minimize the potential adverse effects on affected populations, in the future the City will identify and then create demographic profile maps of low-income and minority populations of the City near these project areas. Identification of transportation projects and the data collections and analysis related to Title VI provisions will become part of the annual plan and reporting process.

### **Annual Plan and Reporting Process**

Subrecipients of federal financial assistance must develop a Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report that documents how the agency is effectively implementing its Title VI/Nondiscrimination Program. This program represents the first Title VI/Nondiscrimination Plan for the City of Georgetown an identification of items for improvement and program accomplishment over the past year.

Over the next year the City of Georgetown will:

- Continue to monitor external discrimination complaints;
- Monitor staff training and participation in LEP programs;
  - a. Identification of city call centers, web-resources, and multilingual staff available for LEP services.
  - b. Documentation and Reporting of language assistance request.
  - c. How to handle potential Title VI/LEP complaints.
  - d. Working with contractors to provide LEP assistance when developing City projects.
- Develop reporting procedures for individual projects and programs to be provided in the Annual accomplishment report.

- Continue development of web-based resources on City of Georgetown Transportation related web pages: <https://transportation.georgetown.org/> including a Title VI banner and web-page linked directly to the main page and related transit sites.

## Appendix 1. General Assurances

### THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) STANDARD TITLE VI/NONDISCRIMINATION ASSURANCES DOT ORDER NO. 1050.2A

The *City of Georgetown* (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

#### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, Circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress. with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

#### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted Department of Transportation programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Department of Transportation programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The City of Georgetown in accordance with the provisions of Title VI of the Civil Rights Act of 1964*

(78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. The Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subrecipients, subgrantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

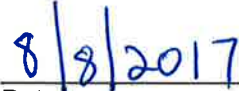
By signing this ASSURANCE, the City of Georgetown also agrees to comply (and require any subrecipients, subgrantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the USDOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the USDOT. You must keep records, reports, and submit the material for review upon request to USDOT, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City of Georgetown gives this ASSURANCE in consideration of and for obtaining any Federal grants loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under all Department of

Transportation programs. This ASSURANCE is binding on Texas, other recipients, subrecipients, subgrantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in all Department of Transportation programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.



Dale Ross, Mayor, City of Georgetown



Date

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Georgetown will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all Department of Transportation programs, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Georgetown all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto City of Georgetown and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Georgetown, its successors and assigns.

The City of Georgetown, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that

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

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

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Georgetown pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, City of Georgetown will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the City of Georgetown will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Georgetown and its assigns.\*

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



## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by City of Georgetown pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, City of Georgetown will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, City of Georgetown will there upon revert to and vest in and become the absolute property of City of Georgetown and its assigns.\*

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

## APPENDIX E

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

### Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

## Appendix 2.

### Title VI LEP Four Factor Analysis

#### Purpose

The purpose of this Language Assistance Implementation Plan is to meet the requirements to comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin. The City of Georgetown is committed to making reasonable steps to provide meaningful access to municipal services for Limited English Proficient (LEP) persons – those who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. This plan contains the four-factor analysis and implementation plan based on the analysis

#### LEP Needs Assessment – the Four-Factor Analysis

**Factor 1** – The number or proportion of LEP persons eligible to be served or likely to be encountered by the City of Georgetown

The City of Georgetown used the 2010-2014 and 2011-2015 American Community Survey 5-year estimates to determine the potential LEP populations within its limits. The following tables provide information about these populations.

**Table 1: Breakdown of Population 5 years and Over – Language Spoken at Home from 2011-2015  
American Community Survey 5-Year Estimates**

	Williamson County, Texas		Georgetown city, Texas	
	Estimate	Percent	Estimate	Percent
Population 5 years and over	440,120		53,419	
English only	349,018	79.3%	45,210	84.6%
Speak English "very well"	416,078	94.5%	50,075	93.7%
<b>Speak English less than "very well"</b>	<b>24,042</b>	<b>5.46%</b>	<b>3,344</b>	<b>6.22%</b>
Spanish or Spanish Creole:	64,037		6,827	
<i>Speak English less than "very well"</i>	<i>21,810</i>	<i>4.96%</i>	<i>3,033</i>	<i>5.68%</i>
Other Indo-European languages	1,903		316	
<i>Speak English less than "very well"</i>	<i>329</i>	<i>0.07%</i>	<i>80</i>	<i>0.14%</i>
Asian and Pacific Islander languages	4,929		144	
<i>Speak English less than "very well"</i>	<i>1469</i>	<i>0.33%</i>	<i>102</i>	<i>0.19%</i>
Other Languages	1,764		314	
<i>Speak English less than "very well"</i>	<i>384</i>	<i>0.08%</i>	<i>129</i>	<i>0.24%</i>

Source: Compiled from U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates, B16001

#### Summary

According to the U.S. Census Bureau, in 2015 the estimated population 5 years and over of the City of Georgetown was 53,419. Approximately 3,344 persons, or 6.2% of the population, in that age cohort spoke English less than "very well" in the home. When the analysis started the numbers provided in the 2014 census estimate were persons speaking English less than "very well" were 3,505 persons or 7.0% of the population. While reflecting the growth in population in Williamson County, this represents the decline in population speaking English less than "very well", a trend that is opposite of the statewide totals that should be continuously monitored.

**Table 2: Breakdown of Population 5 years and Over – Language Spoken at Home from 2010-2014  
American Community Survey 5-Year Estimates**

2010-2014 American Community Survey 5-Year Estimates

Subject	Williamson County		Georgetown City	
	Estimate	Percent	Estimate	Percent
Population 5 years and over	423,828		50,020	
English only	335,988	79.3%	40,608	81.2%
<b>Speak English less than "very well"</b>	<b>28,449</b>	<b>6.7%</b>	<b>3,505</b>	<b>7.0%</b>
Spanish	61,798		8,336	
<i>Speak English less than "very well"</i>	<i>20,979</i>	<i>4.9%</i>	<i>3,329</i>	<i>6.7%</i>
Other Indo-European languages	12,400	2.9%	663	1.3%
<i>Speak English less than "very well"</i>	<i>2,750</i>	<i>0.6%</i>	<i>56</i>	<i>0.1%</i>
Asian and Pacific Islander languages	11,553	2.7%	119	0.2%
<i>Speak English less than "very well"</i>	<i>4,211</i>	<i>1.0%</i>	<i>58</i>	<i>0.1%</i>
Other languages	2,089	0.5%	294	0.6%
<i>Speak English less than "very well"</i>	<i>509</i>	<i>0.1%</i>	<i>62</i>	<i>0.1%</i>

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates

**Factor 2** – The frequency with which LEP persons come into contact with the City of Georgetown. The primary ways that residents, including LEP persons, contact the City of Georgetown to inquire about City programs and assistance are related to Customer Care Call Center, Utility Billing customer assistance and the City website. First, for LEP visitors who need in-person assistance, the City of Georgetown has at least 3 translators on staff available at all times to help walk-ins through our Customer Care Call Center and Utility Billing site. At all times two of our front desk staff are translators and those who are not, are aware of who the translators are in case assistance is needed.

City of Georgetown's Customer Care Center (Call Center) uses automated means to assist LEP persons who call the City with the option to enter the menu in Spanish. On average, the service is used 10-15 times monthly with translations in Spanish. The City of Georgetown website provides a translation service so that LEP persons looking for information online may select the "En Español" feature to review the entire website's content in Spanish. Several Departments recommend customers utilize Google Translate to view their web-content in multiple languages. City of Georgetown has a City email for all residents to submit questions or requests that once received, are sent to the correct department for further assistance. If e-mails from LEP persons are sent, through City translators who work with the correct departments to translate the incoming emails as well as the responses.

City of Georgetown programs with walk-in or individual program interaction with LEP visitors such as Human Resources, Building Permits, Municipal Court, Parks and Recreation and Systems Engineering have staff to provide interpretative services, the City provides a stipend for those qualifying employees. City of Georgetown staff are reviewing the frequency with which staff have, or could have, contact with LEP persons. This may lead to development of brochures, applications, and other documents in Spanish.

**Factor 3** – The nature and importance of the City of Georgetown's programs, activities, or services to the person's life.

The City considers all its programs to be a critical element of quality of life in the community. The ability to communicate rights to an LEP population for essential public services such as utilities, municipal court and Police and Fire protection is as a critical element of customer service to avoid denial or delay of access to services. The City of Georgetown strives to offer numerous opportunities for inclusion for LEP persons in our programs.

Factor 4 – The resources available to city staff and overall costs to provide LEP assistance.

The City of Georgetown employees a stipend to 73 employees to provide multilingual translation services, 70 for Spanish and 3 for sign language. These staff members, located in all divisions of the City, address most language assistance needs with over-the phone and in-person interpretation, and some document translation. All City of Georgetown staff are trained as to the bilingual staff resources in their Division/Programs if the need for LEP assistance arises.

The City Web-Site and customer care call center provide bi-lingual services at a minimal cost to the City. As programs expand and the need for LEP services increase, programs in the City will be reviewed as part of the Business Plan process for each Division. The City will continue to monitor LEP programs and implementation through annual reporting and presentations to the ADA Advisory Board and Transportation Advisory Board.

## **Implementation**

### Language Assistance Measures

To promote equal access to City of Georgetown programs and services by LEP individuals, the City offers the following language assistance measures. Actions will be implemented and monitored by City staff.

- Making public information documents available in Spanish. This includes:
  - a. City web-site and related internet based communications;
  - b. Fixed route maps/schedules, paratransit brochures, and paratransit plan completed in FY 2017 for implementation of the Transit Program with Capital Metro; and
  - c. Paratransit eligibility application and notification letters to be completed in FY 2017 by the City's vendor the Capital Area Rural Transit System (CARTS):
    - i. Arranging for availability of oral and written translators as needed by staff in a Divisions; and
    - ii. Working with contractors developing projects for the City of Georgetown that meet with the public to have LEP services available when meeting with the public. Such as providing a LEP translator when meeting with property owners about right-of-way, easement, or rights of access to private property potentially held by a LEP client.

The City of Georgetown will provide the appropriate level of oral interpretation and written translation services based on the four-factor analysis. Members of most language groups will at least have the ability to receive oral translation services through City bilingual staff.

### Staff Training and Monitoring

The City of Georgetown is in the process of developing training materials to be available to City staff

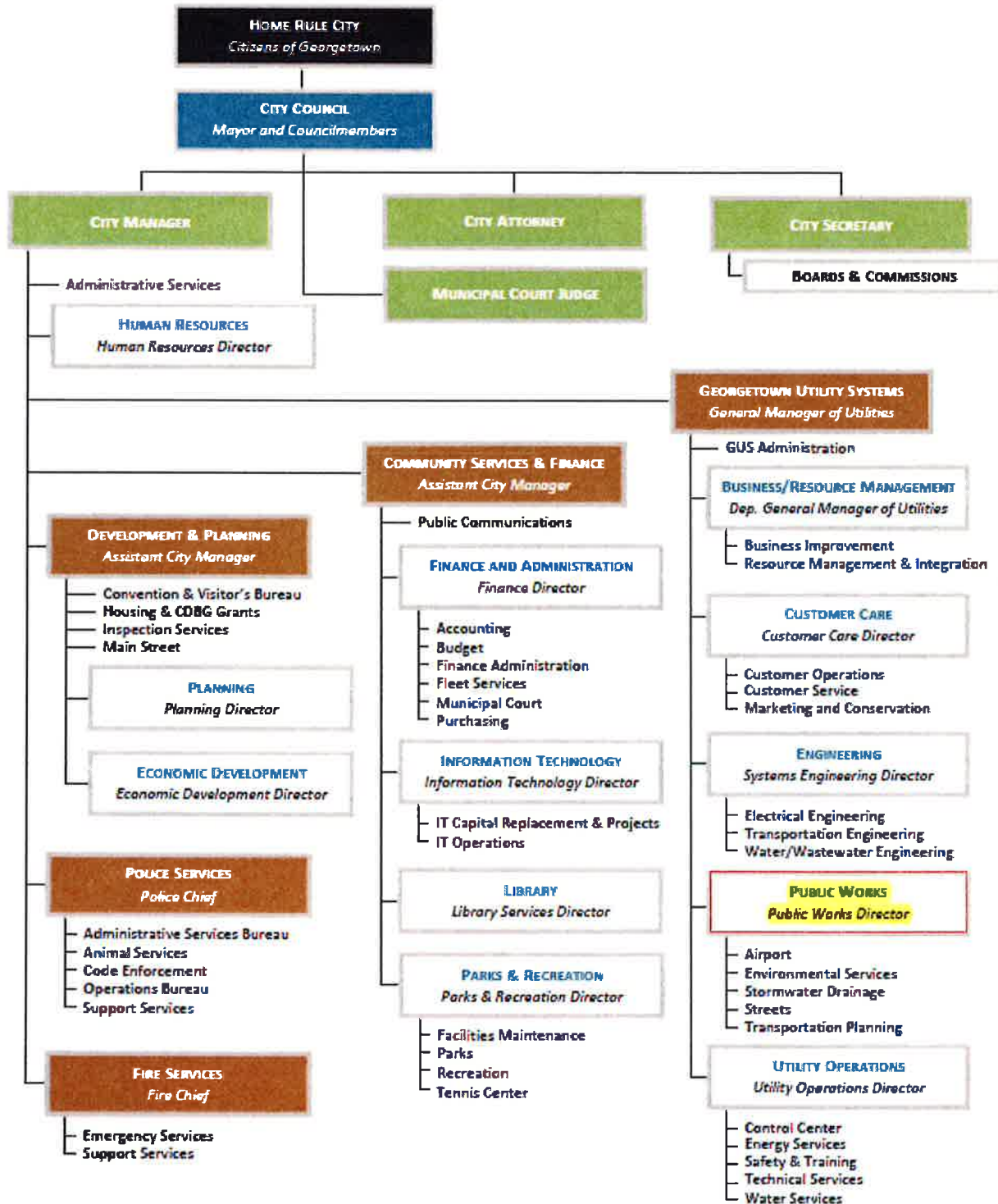
regarding LEP programs and access to city-wide resources. This will include:

- Identification of city call centers, web-resources, and multilingual staff available for LEP services.
  - a. Documentation and Reporting of language assistance request.
  - b. How to handle potential Title VI/LEP complaints.
  - c. Working with contractors to provide LEP assistance when developing City projects.
- Monitoring data to date
  - a. **In 2016** – January 1 to December 31, Spanish Calls Presented: 856
  - b. **In 2017** – January 1 to August 1, 2017, Spanish Calls Presented: 1066

## Appendix 3. City of Georgetown Organizational Chart

### ORGANIZATIONAL CHART

This page visually represents the Division and Departments of the City of Georgetown.



**Appendix 4.**  
**Online Complaint Form Web-Page**

## **Title VI Program:**

### **TxDOT Projects**

The City of Georgetown, Texas is responsible for implementing roadway, transit and aviation projects, some of which are funded in part with federal financial assistance awarded by the U.S. Department of Transportation, Federal Highway Administration and Federal Aviation Administration. The City of Georgetown affirms that no person shall on the grounds of race, color, national origin, sex, age, disability or religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 200d-3) be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the City regardless of whether these projects and activities are federally funded or not.

### **Title VI Program**

#### **Filing a Discrimination Complaint**

Any person who believes they have been discriminated against may file a complaint regarding any program of the City.

In specific cases related to transportation projects, to file directly with the Texas Department of Transportation (TxDOT) complete [TxDOT Complaint Form \(en espanol\)](#) and mail the completed form Texas Department of Transportation, Office of Civil Rights, 125 East 11<sup>th</sup> Street, Austin, Texas 78701 or fax to 512-416-4751

To file directly with the City complete the [City's complaint form \(en espanol\)](#) and mail the completed form to Title VI Coordinator, 300-1 Industrial Avenue, Georgetown, Texas 78627, or fax to 512-930-3559 or use the attached on-line submission form.

#### **Information in Another Language**

If you need this information in another language please call Customer Service Support at (512) 930-3640.

[Complaint On-Line  
Submission Form](#)

Octavio Garza  
Public Works Director  
300-1 Industrial Avenue  
Georgetown, Texas 78627  
512-930-3558



## Transportation Discrimination Complaint

**Tell Us About an Discrimination Complaint you would like us to investigate**

**Would you like to report an issue that you would like the City to take care of? This can include any transportation plan, transportation project or transportation program or other discrimination issue related to those programs.**

**PLEASE NOTE: If this is an emergency, please call 9-1-1.**

**You can submit this form anonymously, but if you would the City to update you on the status of this issue, please give us a way to contact you and indicate in the description box that you would like a follow up.**

**Any field marked with an asterisk \* is a required field.**

**First Name**

**Last Name**

If you would like us to contact you with the status of the issue, please leave either your email address or phone number.

**Email**

**Phone Number**

**Issue\***

What would you like us to investigate?

**Add Photos  
(optional)**

Upload

**Submit**

## **Appendix 5. Complaint Log**



COG – Complaint Log  
05/2017

**Appendix 6.**  
**Written Complaint Form**



## City of Georgetown Civil Rights Complaint Form

### Basic Information

Full Name: \_\_\_\_\_  
Last First M.I.

Address: \_\_\_\_\_  
Street Address Apartment/Unit #

City State ZIP Code

Home Phone: ( ) Cell Phone: ( )

### Complaint Information

*Complaint and Filing information to be used in the City of Georgetown investigation of the complaint.*

**1. Please Select at least one of the following as the basis of your complaint:**

- ☐ Age \_\_\_\_\_ ☐ Gender \_\_\_\_\_ ☐ Disability \_\_\_\_\_  
☐ Race \_\_\_\_\_ ☐ National Origin \_\_\_\_\_ ☐ Other \_\_\_\_\_

**2. What was the date and location of the alleged discriminatory action?**

Date \_\_\_\_\_ Location \_\_\_\_\_

**3. Please describe how you were discriminated against, explaining as clearly as possible why you believe your Title VI rights were violated. If necessary attach additional pages.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. If possible, please provide the name(s) of individual(s) responsible for the alleged action described above.

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5. Please provide the name(s) of person(s) whom we may contact for additional information to support or clarify your complaint.

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6. Please explain what action or remedy you are seeking for the alleged complaint.

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7. Is this complaint against the City of Georgetown?

☐ YES

☐ NO

8. Have you been in contact with a City employee regarding this complaint?

☐ YES

☐ NO

If yes, do you have the name and contact information you have for that employee?

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9. Have you filed a lawsuit regarding this complaint?

☐ YES

☐ NO

**10. Have you filed this complaint with any of the following agencies?**

U.S Department of Transportation	<input type="checkbox"/> YES	<input type="checkbox"/> NO
U.S Department of Justice	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Federal Transit Administration	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Texas Department of Transportation	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Equal Employment Opportunity Commission	<input type="checkbox"/> YES	<input type="checkbox"/> NO
OTHER _____	<input type="checkbox"/> YES	<input type="checkbox"/> NO

**Certification**

**I certify that all the information contained in this complaint is true and correct to the best of my knowledge.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Authorized Representative Information:.**

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Relationship to the Applicant: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Please mail your completed form and any attachments to:**

Public Works Department  
Attn: Title VI Complaints  
300-1 Industrial Avenue  
P.O. Box 409  
Georgetown, TX 78627