



City of Scottsdale, Arizona

Title VI
NON-DISCRIMINATION
Implementation Plan

RELATING TO FEDERAL HIGHWAY ADMINISTRATION (FHWA) FUNDS
DECEMBER 5, 2014

Submitted to:
Arizona Department of Transportation
Title VI Nondiscrimination Program Coordinator

SUBRECIPIENT INFORMATION

Subrecipient: City of Scottsdale
Population 223,517

Submittal Date: December 5, 2014

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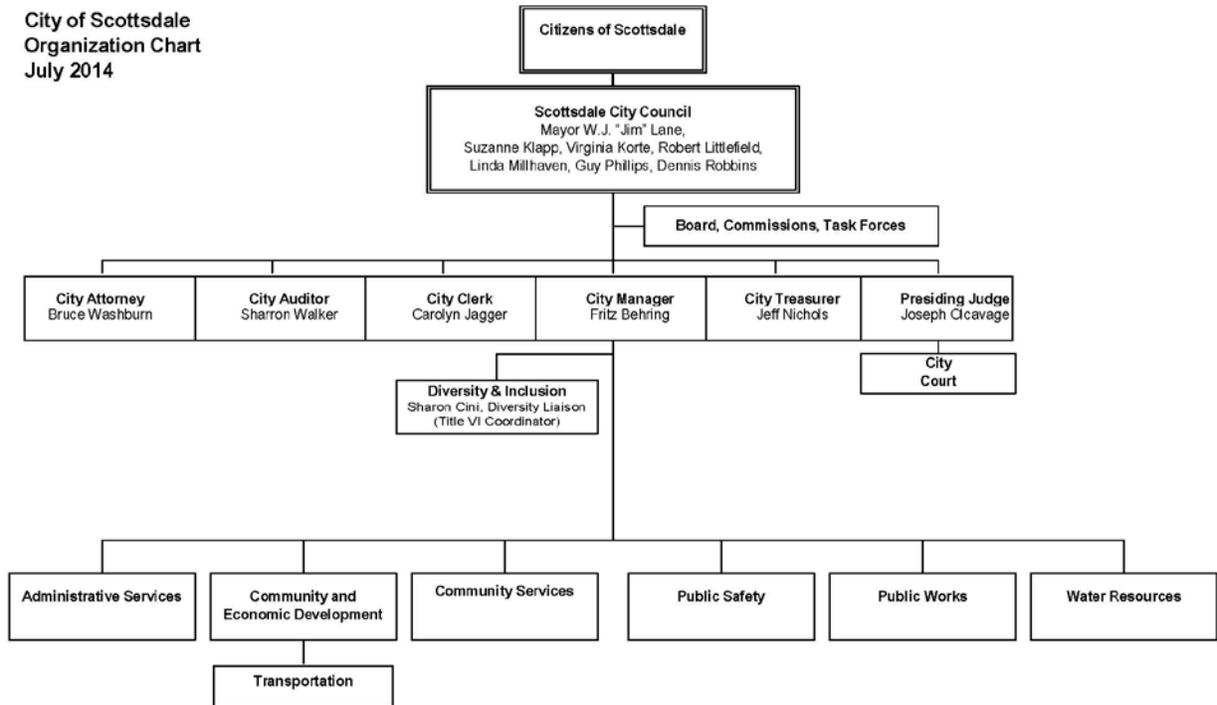
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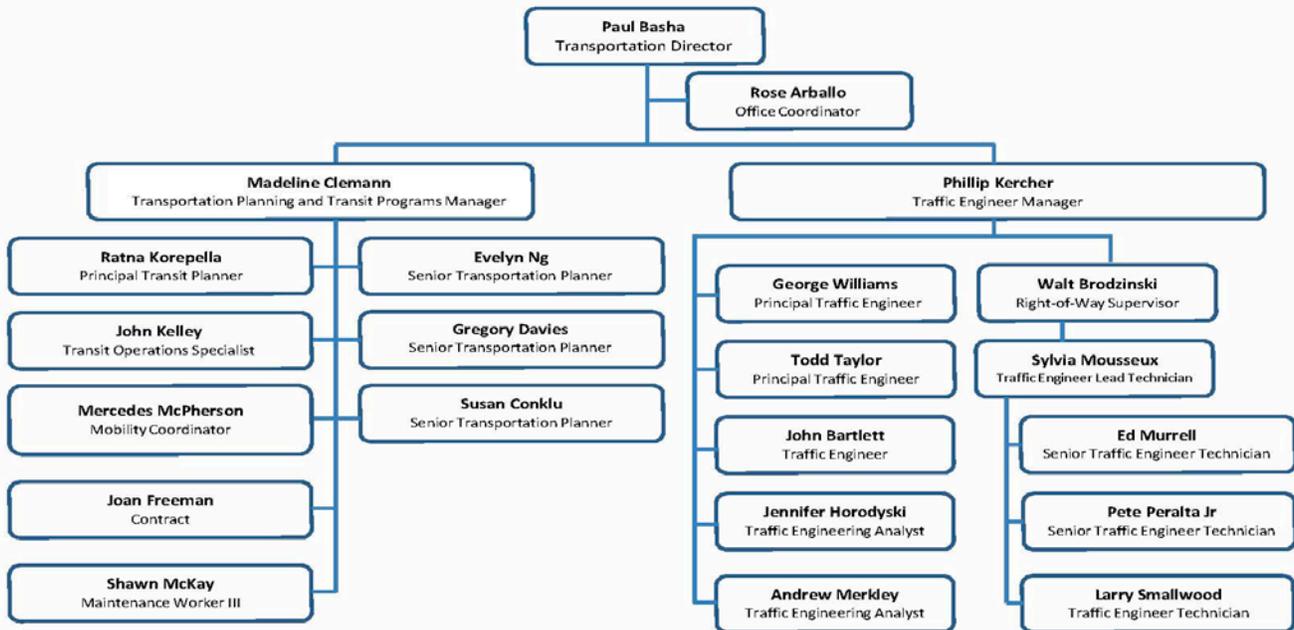
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City of Scottsdale
 Organization Chart
 July 2014



9 September 2014

City of Scottsdale
 Transportation Department



Policy Statement and Notification

It is declared to be the policy for the citizens of Scottsdale, Arizona, that no person is discriminated against on the grounds of color, race, or national origin as provided by Title VI of the Civil Rights Act of 1964 and related legislation. Specifically, Title VI 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 financial assistance." Additional protections are provided in the Scottsdale City Code for religion, sex, disability, age, sexual orientation, and gender identity for City employment. The City of Scottsdale strives to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. As a subrecipient of federal funding, the City of Scottsdale is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities pursuant to 28 Code of Federal Regulations (CFR) § 42.401 et seq. and 28 CFR § 50.3 and the U.S. Department of Transportation Title VI implementing regulations at 49 CFR part 21 and Ord. No. O2014.10, 2-27-14.

Notification

Notice to the public, of protections afforded by Title VI has been posted on the City of Scottsdale's website. (See Appendix 1 of the Title VI Plan)

City of Scottsdale Title VI Assurances

The **City of Scottsdale** (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 *Federal Highway Administration and Arizona Department of Transportation*, it 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 *Non-discrimination 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);
- 23 C.F.R. Part 200 Subchapter C-Civil Rights (Title VI program implementation and related statues)

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 assurances 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 Non-discrimination 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 non-discrimination 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 *Federal Aid Highway Program*.

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 "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 *Federal Aid Highway Programs* and, in adapted form, in all proposals for negotiated agreements regardless of finding source:

*"The **City of Scottsdale**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 U.S.C. §§ 2000d-4) and the Regulations, hereby notifies all 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 a 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. That 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 transference 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, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants in 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, *City of Scottsdale* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing *Federal Highway Administration or Arizona Department of Transportation* 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 *Federal Highway Administration or Arizona Department of Transportation*. You must keep records, reports, and submit the material for review upon request to *Federal Highway Administration, Arizona Department of Transportation*, or its designee in 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.

City of Scottsdale 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 the *Federal Highway Administration and Arizona Department of Transportation*. This ASSURANCE is binding on the City of Scottsdale, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

City of Scottsdale
(Name of Recipient)

by _____
(Signature of Authorized Official)

DATED _____

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 Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, *Federal Highway Administration or the Arizona Department of Transportation*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performance 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 Regulations relative to Non-discrimination 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, the *Federal Highway Administration or Arizona Department of Transportation* 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, the *Federal Highway Administration, or Arizona Department of Transportation*, 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 Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration or Arizona Department of Transportation*, 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 request to any subcontract or procurement as the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation* 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 **City of Scottsdale** will accept title to the lands and maintain the project constructed thereon in accordance with *Title 23*, United States Code the Regulations for the Administration of *Federal Aid for Highways*, and the policies and procedures prescribed by the *Arizona Department of Transportation, Federal Highway Administration* and 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, Non-discrimination 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 42 U.S.C. § 2000d to 2000d- 4), does hereby remise, release, quitclaim and convey unto the **City of Scottsdale** 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 Scottsdale** 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 Scottsdale**, its successors and assigns.

The **City of Scottsdale**, 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 Scottsdale** 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, Non-discrimination 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 non-discrimination 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 Scottsdale** 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 Non-discrimination covenants, **City of Scottsdale** 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 licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **City of Scottsdale** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of the **City of Scottsdale** and its assigns*.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary 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 Scottsdale** 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 Non- discrimination covenants, **City of Scottsdale** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-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 Non-discrimination covenants, **City of Scottsdale** will there upon revert to and vest in and become the absolute property of **City of Scottsdale** and its assigns.*

Reverter clause and related language to be used only when it is determined that such a clause is necessary 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 non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination 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, (42 U.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 USC § 471, Section 47123), 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, sub-recipients 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 Non-discrimination 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 discrimination 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. 1687 et seq).

E

Authorities

Title VI of the Civil Rights Act of 1964– 42 U.S.C. 2000d.

Federal-aid Highway Act of 1973 – amended Title VI to prohibit discrimination on basis of sex

Rehabilitation Act of 1973, Section 504 – prohibits discrimination on basis of handicap/disability

Age Discrimination Act of 1975 – prohibits discrimination on the basis of age

Civil Rights Restoration Act of 1987 – 100 P. L. 259

Americans with Disabilities Act of 1990

Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority and Low-Income Populations

Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency

49 CFR Part 21 – Nondiscrimination in Federally-assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964

DOT Order 1050.2 – Standard Title VI Assurances

Administration

Title VI Coordinator Responsibilities

City of Scottsdale's Title VI Coordinator is responsible for ensuring the implementation of the Title VI Plan. City of Scottsdale's Title VI Coordinator is also responsible for implementing, monitoring, and ensuring the City's compliance with the Title VI regulations.

Title VI Information Dissemination

Title VI information posters, including the name of the Title VI Coordinator and contact information, will be prominently and publicly displayed. Additional information relating to nondiscrimination obligations can be obtained from the city's Title VI Coordinator.

During New Employee Orientation, new employees will be informed of the provisions of Title VI, and the city's expectations for them to perform their duties accordingly. Title VI information will also be disseminated to city employees at least once per year via the City Manager's Biweekly Update to remind employees of the city's policy statement, and of their Title VI responsibilities in their daily work and duties.

Contracts and Vendors

Title VI Program information will be disseminated to contractors and beneficiaries through inclusion of Title VI language in contracts. All contractors, subcontractors, and vendors who receive payments from the City of Scottsdale related to a program or activity for which the City receives federal financial assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, copies of Title VI complaints and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

Title VI Complaints

If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection

Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of city programs impacted citizens and affected communities, will be gathered and maintained by the city. The gathering procedures

will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Annual Report

An annual report will be required to be compiled each year. The Title VI Coordinator will be responsible for this report and it will be submitted to Arizona Department of Transportation (ADOT) by September 1. This report will review the Title VI accomplishments during the year and goals for the next year.

Title VI Plan Updates

The Title VI Plan will be updated every three years and will be submitted by September 1 to ADOT. If significant changes are made, a copy of Title VI Plan will be submitted to the ADOT Civil Rights Office as soon as the update has been completed, or as soon as practicable.

Inclusive Public Participation and Community Outreach

Public and community outreach is a requirement of Title VI as it provides meaningful access to the citizens. Scottsdale's public involvement process aims to give the public ample opportunities for early and continuing participation in critical transportation projects, plans and decisions, and to provide full public access to key decisions.

Public and community outreach activities seek public comment on the service and facility changes that occur. At each meeting, the public is encouraged to make verbal or written comments. Press releases go out and as a result, newspaper articles announce the public meetings in every case. Public meetings about transportation changes are generally held in concert with Transportation Commission meetings where a special public comment period is held before and/or following a presentation to the commission.

Scottsdale will seek out and consider the viewpoints of minority and low-income populations in the course of conducting public outreach. The City will engage the public in its planning and decision-making process, as well as its marketing and outreach activities.

The City community outreach efforts include:

- *Transportation Commission.* The Transportation Commission provides a forum for public hearings and other public involvement mechanisms to assure community-based transportation plans, projects and issues, and to meet all Federal and other guidelines for public involvement in transportation projects. The Commission has monthly meetings at which the public is invited to make either generic transportation comments or comments specific to any transportation project, route, or other related issue. The Commission occasionally holds a public hearing, after other public meetings more centrally located to the low income and minority populations have been held on a given topic.
- *Meeting locations.* The Commission meetings are held at City Hall which is centrally located in South Scottsdale - the area of the highest density of low income, minority, senior, and LEP individuals and households. Meetings held at City Hall are televised on public access Channel 11. When route changes were proposed for areas outside of the South Scottsdale area or additional public input was needed, a special meeting was held closer to the actual route/route segment being proposed for changes. Except for Commission meetings, transit public meetings are held at a variety of times in the day to accommodate the needs of our population and encourage attendance.

- *Advertisements of public hearings.* Public meetings and hearings are held at several accessible locations within the areas with populations identified as low income, minority, LEP, senior, and disabled. Public hearings are held for capital improvement projects, and bus route changes.
- *Public Discussion meetings.* Meetings are held several weeks to several months in advance before construction decisions are made. Additionally, public discussion meetings occur for topics of specific neighborhood concerns. A news release is sent to the local newspaper, and information is posted on the City's website and at the meeting location. Additionally, City of Scottsdale sends informational mailings to affected property owners.
- Advertisements for publication will consider minority owned and operated newspapers to reach target audience: Arizona Informant (African American community), Asian American Times (Asian American community), LaVoz and Prensa Hispana (Hispanic community). Copies of the press releases will be in both English and Spanish.
- *On site community open houses.* Open houses are held at transit and community centers at various times through the day and week to increase the likelihood in meeting with residents to hear their comments and questions. These open houses are accessible by public transit and have planning staff available to answer questions in both English and Spanish.
- *Accessibility to community.* Planners can receive calls regularly from minority and low income community residents requesting information on capital improvements projects, service changes and offering comments and suggestions.
- *The City's website.* www.scottsdaleaz.gov is also updated to provide public involvement information, meeting details, route change information, and is used for intake of public comments.
- *Meeting Event Sequence and Materials.* All public meetings begin with greeting the customer at the door and offering language or other assistance/accommodation. Transportation public meetings begin with an introduction and an educational presentation before discussion and recording of comments. Copies of the presentation slides are available in print for those needing reading assistance, and comment cards are available at the greeting desk. If requested, a translator for Spanish or any other language is provided.

Table 1. Scottsdale Public Outreach Opportunities

Notification Type	Location	Assistance Provided
Press Release (PR)	Granite Reef (GR)	
Newspaper Article (NA)	Piute (P)	Greeter (G)
Newsletter/Bulletin (NB)	Cactus (C)	Spanish Interpreter Available (SI)
City Website (W)	City Hall (CH)	
VM Website (VW)	Mustang Library(NL)	
Door Hangers (DH)		
Bus Stop Notice (S)		

Limited English Proficiency (LEP)

Implementation Plan

In the Phoenix Metropolitan Area, there are 40 different languages spoken in households where English is not the predominate language. Sixty eight percent of the population speaks English as a primary language and 27 percent of the population speaks Spanish as the primary language. The remaining five percent of the population represents 39 different languages as the primary language, but each language spoken represents less than one percent of the entire regional population. Twelve percent of the service area population represents LEP residents that do not speak English or do not speak English well.

The City of Scottsdale’s LEP Plan content is consistent with the guidance on an effective language implementation plan expressed in Sections V and VII of the U.S. Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons [Federal Register: December 14, 2005 (Volume 70, Number 239), 70 FR 74087].

Table 2. Demographic Information for City of Scottsdale¹

Demographic	2012 Census Estimate	Demographic	2012 Census Estimate
Population by Race			
Total Population:	223,517	Number of Disabled	22,456
White alone	194,062	Number Age 65 and Over	42,946
Black or African American alone	3,652	65+ with a Disability	10,853
American Indian and Alaska Native alone	1,741	Low Income	
Asian alone	7,239		
Native Hawaiian and Other Pacific Islander alone	208		
Some other race alone	5,525		
Two or more races:	4,958		
Category by Ethnicity			
Hispanic or Latino (of any race)	19,225*		
Not Hispanic or Latino (of any race)	198,160		

¹ Data from the Census’ 2008-2010 American Community Survey 3-Year Estimates for Scottsdale. ²Hispanic/Latino Origin is considered an ethnicity and can be of any race.

PROVIDING MEANINGFUL ACCESS TO LEP PERSONS

The ADOT guidelines require LEP plans to address six elements that include identifying LEP individuals with language needs, delineating the measures and materials needed, training staff, providing notice to LEP persons regarding availability of assistance, and disseminating copies of the plan and updating it. Copies of the plan can be accessed from the City’s website, or placing a request to the City’s Title VI Coordinator at 480-312-2727 or by emailing diversity@scottsdaleaz.gov

Providing Access to Transportation Services and Activities:

The same legislation, Title VI of the Civil Rights act and Executive Order 13166 (2000), also define the need to include persons with Limited English Proficiency (LEP) in the provision of full transportation access. The purpose of this LEP plan is to document Scottsdale’s approach for complying with the City’s responsibilities to LEP persons as defined by these and other legislative documents.

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 2000), reinforces the Federal Government’s commitment to improving the accessibility of services to eligible LEP persons, a goal that reinforces the government’s equally important commitment to promoting programs and activities designed to help individuals learn English. The order directs each Federal agency to work to ensure that recipients of Federal financial assistance (including recipients of ADOT and FWHA funds) provide meaningful access to their LEP applicants and beneficiaries.

Scottsdale has two factors that compel our City to be proactive in meeting the needs of our minority and LEP populations. The City’s resort and tourism industry draws workers from throughout the Valley making Scottsdale a net importer of employees, many of whom are LEP. The tourism industry also attracts thousands of international visitors who are well versed in using transit, but who do not always speak English very well. While Scottsdale’s LEP and other minority populations appear small, the City recognizes the need to be proactive in meeting access needs for these populations for the benefit of employers, visitors, the community and our own LEP population.

Table 3. Population Language Mastery¹

Category	Estimated Number	Percent of Total
Total Population	208,948	100%
Speak only English	180,496	86%
Speak English “very well”	18,746	9%
Speak English less than “very well”	9,706	5%

¹ Data base: U.S. Census Bureau 2006-10 American Community Survey, 5-Year Estimates.

Identifying LEP Populations:

The plan identifies the steps Scottsdale takes toward providing language assistance for LEP persons seeking meaningful access to the City's transportation project system. By Federal definition, a LEP person is one who does not speak English as their primary language and who has a limited ability to read, speak, write or understand English.

The Census Bureau classifies mastery of the English language into four categories: 1) very well, 2) well, 3) not well, and 4) not at all. The term "less than very well" includes categories 2, 3 and 4, and defines the LEP audience which is the focus of this LEP language assistance plan. The plan provides guidance on how to identify a person who may have language assistance needs and various methods for supplying assistance.

First, a four factor analysis will be done to determine the extent to which LEP services needed to be provided. This analysis will consider the following:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency in which LEP individuals come in contact with services.
3. The nature and importance of services to LEP individuals.
4. The resources available to the recipient and the costs.

Service Area Evaluation by Factor:

The following is Scottsdale's evaluation of each factor which forms the basis for our approach to ensuring and enhancing access for the City's LEP population:

Factor 1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.*

According to the U.S. Census Bureau 2006-10 American Community Survey, 5-Year Estimates for the City of Scottsdale there are 39 different languages spoken in households where English is not the predominate language. Eighty-six percent of the population speaks English as a primary language and seven percent of the population speaks Spanish as the primary language (see Table 1 below). The remaining seven percent of the population represents 38 different languages as the primary language; however, each language spoken represents less than one percent of the entire city population.

In all, the City of Scottsdale has a total LEP population of approximately 9,706 or five (5) percent of the total population. This percent is less than half that of the Phoenix Metropolitan Area (12 percent). The population counts of the four most predominant primary language populations are Spanish (6,025), Chinese (447), French (412), and

Russian (310). The map in Attachment C delineates Census information regarding LEP populations in Scottsdale based on Census information, as well as trip generators and public meeting facilities. The map also indicates that when the bus and trolley systems are overlain on the LEP population it can be seen that the service area encompasses the City's entire LEP population.

Factor 2: *The frequency in which LEP individuals come in contact with services.*

The frequency with which staff have or could have contact with LEP persons will be analyzed by talking with staff and assessing the lack of complaints from LEP consumers (not assumed to necessarily correspond to lower incident of program contact), and by reviewing customer complaints in our City.

Factor 3: *The nature and importance of services to LEP individuals.*

Scottsdale will ensure that Spanish speaking staff or designated interpreters are available during all hours of operation including public meetings for transportation (FHWA) projects. The Courts and Police Department also serves as a LEP resource for the entire city including transportation activities or programs.

If staff is proficient in the language that the customer is speaking, they will communicate with the customer and provide assistance. If staff is not proficient in the language, they will ask Scottsdale City Court for assistance. If fluency in the needed language is not found among Scottsdale City Court, assistance may be acquired through Language Line Services. Language Line Services provides over-the-phone, on demand video remote interpreting, and on-site interpretation, translation of documents, websites, and multimedia in over 200 languages.

Public Information resources:

- Bilingual (English and Spanish) information.
- Graphic-oriented interior signage including FHWA Title VI Notification.
- On-site open houses using graphic displays prior any planned or programmed (FHWA) transportation-related projects. Questions answered in Spanish and English.
- Written translation services through City of Scottsdale Office of Communications.
- Annual Satisfaction Survey administered verbally in both English and Spanish for FHWA Transportation Projects.
- Scottsdale Transit Survey administered biennially in English and Spanish

Factor 4: *The resources available to the recipient and the costs.*

Using the LEP guidance in 70 FR 74087 - 74100 on implementing an LEP plan, the following tasks will be used to address the needs of the LEP population served:

1. ***Identifying LEP individuals who need language assistance.***

- A staff greeter at each public meeting helps determine language assistance needs through interactions with incoming attendees either through the use of learned Spanish phrases or language assistance cards.
- Scottsdale transportation staff also works with the City's Human Services department to provide information on transit as needed for their clients. The Human Services department also provides operations at the City's three community and senior centers, two of which are served by circulator service.

2. ***Providing language assistance measures.*** Currently Scottsdale provides several means for providing assistance including:

- The City Call Center number, 480-312-3111, is the receiving point for LEP assistance calls and triages them to the appropriate staff. This number is printed on all materials.
- Language assistance cards are provided, as well as to direct non-English speaking individuals to City resources.
- Website notification of assistance availability will be posted on the City's website.
- Brochures – printed notification of assistance availability and transportation projects currently can be printed in English and Spanish, also available on line (Chinese, Russian, and French under development).
- Provide option for bilingual Spanish speaking staff to be at public meetings as well as additional language translators, when requested.
- Network with local ethnic and language organizations and the City's Diversity Advisory Committee to provide them with information for dissemination to their members about the city's transportation programs.

3. ***Training staff.*** A copy of this plan will be transmitted to the transportation department. In addition, the following has, and will continue to, occur.

- The Transportation Administrator and/or Title VI Coordinator will work with the transportation staff to educate on Title VI/LEP requirements.
- The Transportation Administrator and/or Title VI Coordinator will provide training to transportation staff on the use of the language identification

flashcards and appropriate ways to interact with individuals needing language assistance.

- The Transportation Administrator and/or Title VI Coordinator will provide training to transportation staff on appropriate methods for interacting with a potential Title VI/LEP complainant.

4. Providing notice to LEP persons of the availability of language assistance.

- Language assistance information is posted on Title VI Compliance poster.
- A Spanish version will include Title VI/LEP information indicating its availability of other languages (Chinese, Russian, and French versions being developed)
- The City's website contains LEP assistance information

5. Monitoring and updating the LEP plan. This plan will be evaluated annually and updated every three years or sooner if necessary. The following evaluations should be undertaken at a minimum to gain information prior to the update:

- Compare more recent census information to the information used for the previous plan, if available, to determine if changes have occurred in the LEP population.
- Perform an annual evaluation of the contractor in May of each fiscal year to determine if the contractor has followed the plan and if any adjustments are needed. Compliance with the plan should be factored into whether or not the annual increase is granted or into the liquidated damages formula.
- Evaluate public outreach activities for LEP compliance and effectiveness.

Copies of the LEP plan will be on file in the Title VI Coordinator/Office of Diversity and on the city's website in English and Spanish. A copy will be sent to the Human Services Department, Transportation Department and the Call Center Department. Anyone may obtain a copy in English or Spanish upon request. The information available makes it clear that questions or comments regarding the plan can be directed to the City's Title VI Coordinator:

Title VI Coordinator/Office of Diversity
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251
Phone: 480.312.2727
diversity@scottsdaleaz.gov

Filing a Complaint

The City of Scottsdale, under Title VI of the Civil Rights Act of 1964 and related statutes, must ensure that no person in the City of Scottsdale shall, on the grounds of race, color, national origin, sex, disability, income status, and age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally funded program or activity it administers.

Complainants have the option of filing an on-line complaint through the City of Scottsdale Office of Diversity/City Manager's Office, directly to the City of Scottsdale Transportation Department, or to an outside or state agency such as Arizona Department of Transportation (ADOT) Title VI Coordinator.

If someone perceives they have suffered from discrimination, they are encouraged to address the matter with the Title VI Coordinator. According to 49 CFR Section 21.9(b), complaints may be filed if the matter cannot be resolved. In such cases, the following steps may be followed:

1. Within 180 days of the alleged infraction, complainants will submit to the Title VI Coordinator a complaint in writing or verbally with the complainant's name, the nature and basis of the complaint, the dates of the complaint, requested action, and contact information. Complaints received verbally will be documented in writing by the Title VI Coordinator.
2. The Title VI Coordinator and Transportation Director will review the complaint and determine its jurisdiction and if there is a need for additional information.
3. Additional information will be solicited from the complainant, as needed. If additional information is requested and not received within 15 business days, the case may be administratively closed. The case also may be closed if the complainant no longer wishes to pursue their case.
4. A complaint log will be kept by Title VI Coordinator containing the name of the complainant, nature of the complaint, and date of submission.
5. If the complaint is outside the jurisdiction of Scottsdale, Scottsdale will notify the complainant by certified letter, including the name and contact information for the appropriate agency with jurisdiction, if applicable.
6. If the complaint falls within the jurisdiction of Scottsdale, it will be handled within a maximum of 60 days of receipt of the complaint.
7. Scottsdale will send a certified letter notifying the complainant that a preliminary inquiry is underway to determine the need for an investigation.

8. If the preliminary inquiry indicates an investigation is not warranted, a certified letter will be sent to the complainant with the reasons for the determination and factors considered.
9. If the preliminary inquiry by Scottsdale indicates that an investigation is warranted, then the complainant will be notified and scheduled to meet with the investigator.
10. Scottsdale will consult with Arizona Department of Transportation (ADOT) Civil Rights Office prior to conducting an investigation. The results of the investigation will be provided to Scottsdale's counsel for review. The investigation results will be reviewed and returned to Title VI Coordinator within 10 business days.
11. The results of the investigation will be sent to the complainant by certified mail. The results will include the scope of the investigation, factors considered, and the final outcome. A closure letter will be sent if it has been determined there was not a Title VI violation and the case will be closed. A letter of finding will be sent if the allegations are substantiated and an action plan with a timeline to address the findings will be provided.
12. The result of the preliminary inquiry or investigation will be sent to FHWA's regional civil rights officer through ADOT.
13. Records and investigative files will be kept for three years.

RECORD OF INVESTIGATIONS/COMPLAINTS/LAWSUITS

The City of Scottsdale will keep records of all investigations, complaints and lawsuits through the resolution to case closure. To the best of our knowledge, there are presently no ongoing civil rights compliance review activities being conducted with respect to projects or activities funded with FHWA funds.

(Appendix 1 of Title VI Plan)

CITY OF SCOTTSDALE TITLE VI NOTICE TO THE PUBLIC

The City of Scottsdale hereby gives public notice that it is the city's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City of Scottsdale program or activity.

Any person, who believes his or her Title VI rights have been violated, may file a complaint. Any such complaint must be in writing and filed with the City of Scottsdale Office of Diversity, within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complainant Forms may be obtained from the City of Scottsdale Diversity Office by contacting:

CUIDAD DE SCOTTSDALE TITULO VI AVISO AL PÚBLICO

La Ciudad de Scottsdale da este aviso público. Es la policía de la ciudad asegurar que el pleno cumplimiento con el título VI de la ley de los derechos civiles de 1987 y los estatutos y reglamentos en todos los programas y actividades. El Título VI establece que ninguna persona podrá, por motivos de raza, color, sexo, origen nacional, edad o discapacidad ser excluido de la participación, ser negado los beneficios de, o ser discriminado por cualquier programa de la Ciudad de Scottsdale o actividad.

Cualquier persona que crea que su protección Título VI ha sido violada, puede presentar una queja. Cualquier queja debe ser por escrito y presentada a la Ciudad de Scottsdale en la oficina de Diversidad, dentro de los ciento ochenta (180) días siguientes a la fecha de lo ocurrido. Formas Discriminación Título IV, para el demandante pueden ser obtenidas en la oficina de Diversidad de la Ciudad de Scottsdale.

For more information:
Informacion de contacto:

Sharon Cini

Diversity Liaison / Title VI Coordinator

City of Scottsdale, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251

480-312-2727

diversity@scottsdaleaz.gov

www.scottsdaleaz.gov/departments/citymanager/diversity

Contact information for the **ADOT Civil Rights Office:**

Informacion de contacto de la **Oficina de Derechos Civiles de ADOT:**

206 S. 17th Ave, Phoenix AZ 85007 Mail Drop 155A Room 183 (602) 712-8946

(Appendix 2 of Title VI Plan)

TITLE VI COMPLAINT FORM
(Este formulario está disponible en Español.)

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements? (circle yes or no)	Large Print	Yes No	Audio Tape	Yes No
	TDD	Yes No	Other	Yes No
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" to this question, please supply the name and relationship of the person for whom you are complaining.				
If you are filing on behalf of a third party, please explain why. 				
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 experienced was based on (check all that apply):				
[] Race [] Color [] National Origin [] Disability				
Date of Alleged Discrimination (Month, Day, Year): _____				
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 write out on extra paper and submit with the form.				

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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 and fill in agency's name:

Federal Agency: _____

Federal Court _____

State Agency _____

State Court _____

Local Agency _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name:

Title:

Agency:

Address:

Telephone:

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. Your authorized signature and date of the complaint are required below.

Signature

Date

Please submit this form in person or mail to:
Attention:

Sharon Cini, Diversity Liaison/Title VI Coordinator
City of Scottsdale Office of Diversity
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

