

Title VI/Nondiscrimination Plan



City of Beaumont

TABLE OF CONTENTS

Introduction.....	4
Objectives	4
Authorities	4
Nondiscrimination Statement	4
DOT Assurances	4
Organization/Staff Responsibilities	5
Organization	5
Delegation of Authority and Responsibility	5
Staff Responsibilities	5
Complaint Disposition Procedures	6
Internal Complaints	6
External Complaints.....	6
Internal Monitoring Program	8
Data Collection/Data Analysis/Data Reporting	8
Annual Reviews of Federal Program Areas	9
Federal Program Areas Process Reviews Procedures	9
External Monitoring Program	9
Title VI/Nondiscrimination-Related Training Component.....	10
Public Participation Plan	10
Environmental Justice (EJ) Plan/Process	10
Language Access Plan (Limited English Proficiency).....	11
External Communication – Notification to Stakeholders.....	11
Reporting to TXDOT	11
Attachment 1 – Authorities	13
Attachment 2 – Title VI/Nondiscrimination Statement	15
Attachment 3 – Title VI Assurances	16
Attachment 4 – City of Beaumont Organizational Chart	25
Attachment 5 – External Discrimination Complaint Form	27
Attachment 6 – Complaint Log	29
Attachment 7 – Title VI Poster	31

This page intentionally left blank.

Introduction

The City of Beaumont is located in far southeast Texas less than (30) thirty miles from the State of Louisiana western border. The City provides a full range of services to the general public. These services include police and fire protection; emergency medical and health services; sanitation services; public transportation; construction and maintenance of streets and infrastructure; recreational activities; and cultural events.

As a recipient of federal assistance, the City of Beaumont (City) is required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964. Additionally, the Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives Federal assistance.

Objectives

The objectives of the City of Beaumont’s Title VI plan are:

- To ensure that City’s compliance with Title VI to include compliance by the City’s grantees, sub-recipients, and related entities and to assign responsibilities for ensuring compliance;
- To ensure that all persons are able to receive the benefit of City programs, services, and activities;
- To ensure that limited English proficient (LEP) individuals are provided meaningful access to City programs, services and activities;
- To avoid, minimize or mitigate disproportionate adverse environmental effects, including social and economic effects, on communities of color and low income populations as a result of City programs, services and activities; and
- To establish clear procedures for filing, investigating, and successfully resolving complaints on a timely basis and at the lowest level possible.

Authorities

The authorities applicable to the City’s Title VI program are listed in *Attachment-1*.

Nondiscrimination Statement

The City of Beaumont, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 2000d-3), color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.

The nondiscrimination statement signed by the City Manager is located at Attachment 2.

Standard DOT Title VI Assurances

The Title VI Assurances are submitted to TXDOT every three years or when a new City Manager is placed in office.

The City’s signed Title VI Assurances are located at Attachment 3.

Organization/Staff Responsibilities

This section details how the City of Beaumont is organized.

Organization

The organizational chart located at [Attachment 4](#) depicts the main structure of the City of Beaumont and where the Title VI responsibilities are assigned.

Delegation of Authority and Responsibility

The Housing Program Specialist serves as Beaumont's Title VI Coordinator. With support from the City's administration, the Housing Program Specialist is responsible for all aspects of the Title VI Program and has been delegated sufficient authority and responsibility to effectively carry out the duties assigned to this position.

Staff Responsibilities

The City's Title VI program falls within the scope of responsibilities of the Title VI Coordinator.

Title VI Coordinator

The Title VI Coordinator (Coordinator) works to ensure there is a demonstrated commitment on the part of senior level authority to enforce Title VI and is responsible for the overall Title VI program implementation. Specifically, the Coordinator has the authority and responsibility to implement the civil rights program by:

- Ensuring that Title VI requirements are included in policy directives.
- Assisting City personnel to correct Title VI problems or discriminatory practices or policies found through self-monitoring and review activities.
- Being the point of contact for Title IV implementation and monitoring of programs and activities receiving federal financial assistance.
- Reviewing documents as needed for compliance with Title VI to ensure that procedures used have safeguards to prevent discrimination;
- Conducting Title VI compliance reviews of City departments;
- Developing Title VI training material and conducting training sessions and workshops;
- Developing Title VI information for dissemination to the public and, where appropriate, in languages other than English; and
- Coordinating the investigation of Title VI complaints of discrimination in accordance with the City's External Complaint Processing Procedures.
- Maintain meeting agenda/minutes demonstrating the civil rights requirements are being met.

Title VI Liaisons

Coordination with City Departments will be crucial in carrying out the activities of Title VI. Each department who has either been designated as a Program Emphasis Area or a Federal Program Area will assign a Liaison to work with the Coordinator. Program emphasis areas (PEAs) have significant impacts on the public and businesses but do not receive federal funding. Federal Program Areas (FPAs) are departments who receive federal funding. The Coordinator along with the Liaisons will make up the Title VI Team.

Complaint Disposition Procedures

Internal Complaints

Policy Statement

It is the policy of the City of Beaumont to identify and remove barriers to employment and promotion for all individuals, and to make aggressive efforts to attract and assist members of historically disadvantaged groups to qualify for employment and promotion.

In keeping with the above, it is the policy to select, develop, and promote applications and employees based on objective measures without discrimination on the basis of race, color, religion, sex, national origin, age, political affiliation, or disability or any other non-job related characteristic. Similarly, the City shall administer all other human resources matter, such as compensation, benefits, transfers, and layoffs, in accordance with this policy. It is also the policy of the City to maintain a working environment free of harassment and intimidation, and to foster the fair and respectful treatment of employees and individuals interested in employment with the City.

Complaints

Discrimination complaints made by employees are handled by the Human Resources department and have a separate complaint procedure. The Director of Human Resources serves as the Equal Employment Opportunity Officer. The procedure can be found in the City's website at <http://CityofBeaumonttexas.gov>. The form is available to City employees in the public drive as explained in the policy.

External Complaints

Any external person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the City. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Title VI Coordinator for review and action.

Roles and Responsibilities

The Coordinator is charged with ensuring Title VI complaints received by the City are processed in accordance with the City's Complaint Handling Procedures outlined in this plan, which include maintaining a complaint log, using form letters, investigative plans, reports, and investigation formats.

Timeframe for Filing Complaints

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

- The date of the alleged act of discrimination; or
- The date the person(s) became aware of the alleged act(s) of discrimination; or
- Where there has been a continuing course of conduct, the date on which that conduct was discovered.

In either case, City or its designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Processing Complaints

Complaints submitted shall be in writing and must be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the City, that person shall be interviewed by the Coordinator and assist in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

Within 10 days of the receipt of the complaint, the Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation.

Transportation related complaints filed under Title VI with City in which City is named as the respondent will be forwarded to TXDOT for investigation within 10 days of receipt of the allegation. The City will provide the following information in every notification to TxDOT:

- Name, address, and phone number of the complainant
 - Name(s) and address(es) of alleged discriminating official(s)
 - Basis of complaint (i.e., race, color, national origin, sex, age, disability)
 - Date of alleged discriminatory act(s) – Date of complaint received by the City Title VI/Nondiscrimination Plan 6 – A statement of the complaint
 - Other agencies (state, local or Federal) where the complaint has been filed
 - An explanation of the actions the City has taken or proposed to resolve the issue raised in the complaint.
- The City's External Discrimination Complaint Form is available in both English and Spanish as [Attachment 5](#).

Investigative Process

The Coordinator will review every complaint, determine the most appropriate fact finding process, and when necessary, assign a neutral party to investigate. At a minimum, the investigation will include:

- Review of all relevant documents, practices, and procedures
- Identify and interview persons with knowledge of the alleged Title VI violation.

No information is disclosed with City personnel or any other party not involved in the investigative process.

Preparing the Report of Investigation

Within 30 days of receipt of the complaint, the Coordinator or designated investigator will complete a Report of Investigation (ROI) setting forth all the relevant facts obtained during the investigation. The ROI will include a finding for each issue and recommendations where necessary. Documentation regarding any attempts and outcomes that were made to resolve the complaint prior to the initial receipt of the written complaint will be summarized in the ROI.

The final report will be sent to the Department Head of the department involved with a copy to the City Attorney's Office and the complainant.

If no violation is found and the complainant wishes to appeal, the complainant may appeal directly to the City Manager's Office at:

City Manager
City of Beaumont
801 Main Street
Beaumont, Texas 77701

Complaints may also be filed with the following federal agencies:

Texas Department of Transportation
Office of Civil Rights
125 East 11th Street
Austin, Texas 78701-2483

Federal Aviation Administration
Office of Civil Rights, ACR-1
800 Independence Avenue, S.W.
Washington, D.C. 20591

Federal Transit Administration
Office of Civil Rights
819 Taylor Street, Room 8A36
Fort Worth, Texas 76102

Complaint Log

The Coordinator maintains a complaint log, which documents all activity related to the complaint. A copy of the log is included as Attachment 6. Information captured includes:

- Complainant's name, race, color, gender and national origin
- Respondent's name – Basis(es) of the discrimination complaint
- Allegation(s)/Issue(s) surrounding the discrimination complaint
- Date the discrimination complaint was filed
- Date the investigation was complete
- Disposition
- Disposition date
- Other pertinent information

The City Attorney's Office maintains a separate record of lawsuits of discrimination. The data from both logs will be included in the Annual Work Plan and Accomplishments Report.

Internal Monitoring Program

This section includes information on the City's Title VI internal monitoring program which includes data collection/data analysis/data reporting and federal program areas process reviews procedures.

Data Collection/Data Analysis/Data Reporting

Statistical data on race, color, national origin, sex, age, and disability of participants in and beneficiaries of the City's programs will be gathered annually and analyzed to determine the investment benefits and burdens to the population, including minority and low-income populations. Beneficiaries include relocatees, impacted citizens, and affected communities. Collecting, analyzing, and maintaining statistical data are crucial elements of a Title VI/Nondiscrimination enforcement program because they constitute an effective mechanism by which to numerically assess the reach and impact of program funds.

The City's federal program areas will be notified through a memorandum sent from the Coordinator to the director of each department's federal program area to submit a data analysis report. The Coordinator will work with the federal program areas to identify where data needs to be analyzed. Data analysis results will be included in the Title VI / Nondiscrimination Annual Work Plan & Accomplishment Report.

Annual Reviews of Federal Program Areas

The Coordinator conducts annual reviews of special emphasis program areas to determine the effectiveness of program area activities at all levels.

Federal Program Areas Process Reviews Procedures

In addition to the annual review of special emphasis areas, the Coordinator will work with Federal Program Areas in performing annual Title VI/Nondiscrimination Program Process Reviews. These process reviews will focus on a specific federal program area segment. Each Federal Program Area will be responsible for the following:

- Identify the processes that impact the public;
- Schedule reviews to cover all the identified processes within a 3 year period to ensure compliance with this plan;
- Develop and submit a report to the Coordinator.

The Coordinator will summarize the results for inclusion in the Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report.

Federal program areas may also be identified for a more in depth Title VI review based on several factors:

- The potential Title VI impacts of the program or activity;
- To follow up on Title VI related recommendations made during a previous review;
- To ensure nondiscrimination in a program or activity that has received Title VI complaints.

Findings

Deficiencies found during the internal monitoring process will be documented on a corrective action plan (CAP) by the department within a period not to exceed 30 calendar days. The CAP will include:

- The deficiency
- Applicable laws, rules, regulations
- Actions to be taken by the Coordinator to correct the deficiency
- The timeframe to correct the deficiency
- Plan for monitoring the progress of the corrective action plan

The CAP will be submitted to the Coordinator for approval. Once approved, the department will implement the action plan and provide periodic updates. If necessary, the Coordinator will update the Title VI Plan and the departments will update its procedures to reflect the outcome of the CAP. The CAP and its results will be included in the Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report to the TXDOT.

Follow-up Monitoring

The Coordinator will determine if additional monitoring is needed to ensure on-going compliance with Title VI requirements.

External Monitoring Program

In addition to the internal monitoring program, the City is responsible for developing and implementing an effective external monitoring program. The Coordinator will work with Federal Program Area's within each department in identifying subrecipients for review. Priority for conducting reviews will be given to those Local Public Agencies (LPAs with the greatest potential of impact to those groups covered by the Act.

Title VI/Nondiscrimination-Related Training Component

The City's Title VI/Nondiscrimination Training Program consists of an Internal and External component.

Internal

The Coordinator works with the City's Human Resources Department –Organizational Development to coordinate the delivery of training courses.

Additionally, the Coordinator staff and the Title VI-Team meet periodically throughout the year to provide opportunities to discuss practical situations and how Title VI/Nondiscrimination requirements apply and may be useful.

External

As part of Title VI reviews conducted by the Coordinator, the Title VI Coordinator maintains information on the City's Website; posters are placed at various public buildings or shown on City monitors.

Public Participation Plan

The City maintains a Public Participation Plan that details how the City notifies the public regarding its programs, solicits their comments, and addresses their comments in final documents. Additionally, the plan outlines how the public is notified regarding public hearings and public meetings, collects comments at these meetings, and addresses these comments.

The City's Public Participation Plan is attached.

Environmental Justice (EJ) Plan / Process

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

TXDOT defines three fundamental environmental justice principles for the Federal Highway Administration and the Federal Transit Administration as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by Title VI/Nondiscrimination Plan 11 minority and low-income populations. In 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." • Executive Order 12898 requires that achieving EJ must be part of each federal agency's mission. Agency programs, policies and activities can lead to health and environmental effects that disproportionately impact minority and low-income populations.

The City of Beaumont will incorporate EJ policies in its Public Participation Plan.

Language Access Plan (Limited English Proficiency)

Executive Order 13166, entitled "Improving Access to Services by Persons with Limited English Proficiency (LEP) requires Federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities.

LEP individuals are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

The U.S. Department of Justice LEP Guidance advises each Federal department or agency to "take reasonable steps to ensure 'meaningful' access to LEP individuals to the information and services they provide." It further explains that the identification of "reasonable steps" to ensure meaningful access will be contingent on a number of factors. Among the four factors to be considered are:

- The number or proportion of LEP persons in the eligible service population
- The frequency with which LEP individuals come in contact with the program
- The importance of the service provided by the program
- The resources available to the agency.

The City has prepared a Limited English Proficiency Plan to ensure information and services are accessible to LEP individuals by providing guidance on translation, interpretation, and outreach services for LEP individuals seeking access to City programs. The plan applies the four-factor framework, which is consistent with the TXDOT LEP Guidance.

The City's Public Participation Plan is attached.

External Communication – Notification to Stakeholders

The City provides information to the public detailing its Title VI/Nondiscrimination obligations and notifies members of the public of the protections against discrimination afforded to them by Title VI and other nondiscrimination requirements.

Dissemination of Information

A poster detailing an individual's rights under Title VI will be available in English and in Spanish at public buildings and accessible on the City's website. The poster is included as Attachment 7.

Reporting to TXDOT

The City will submit the Title VI/Nondiscrimination Plan for approval and will submit a Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report to TXDOT annually by October 31. The Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report will update TXDOT on an annual basis regarding how the City is monitoring the implementation of the Title VI/Nondiscrimination Plan.

Title VI/Nondiscrimination Plan

Attachments

Attachment 1

Authorities

The authorities applicable to the City's Title VI program are included below:

- City of Beaumont Charter, Section 6.1-11 Non Discrimination, (affords equal employment and benefit opportunities);
- 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);
- Federal-Aid Highway Act of 1973 (23 U.S.C. §324 et seq.), (prohibits discrimination on the basis of sex);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq.), as amended, (prohibits discrimination on the basis of disability);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. §12101 et seq.), (prohibits discrimination on the basis of disability);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. §4601;
- The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
- 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);
- 49 C.F.R. Part 27 (entitled Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance);
- 49 C.F.R. Part 28 (entitled Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation);
- 49 C.F.R. Part 37 (entitled Transportation Services for Individuals with Disabilities (ACCESSIBILITY));
- 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled Discrimination on the Basis of Disability in State and Local Government Services);
- 28 C.F.R. Part 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- Executive Order 12898, 3 C.F.R. 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," emphasizes that Federal agencies should use existing laws to achieve Environmental Title VI/Nondiscrimination Plan 16 Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations; and

- Executive Order 13166, 3 C.F.R. 289 (2001) on Limited-English-Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.” When receiving Federal funds Recipients are expected to conduct a four-factor analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

- Texas Administrative Code §9.4, Civil Rights – Title VI Compliance

Attachment 2

November 29, 2016

**Title VI and Related Statues
Nondiscrimination Statement**

The City of Beaumont Texas, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statues, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 2000d-3), color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any City programs or activities.



Kyle Hayes
City Manager
City of Beaumont

**Titulo VI y Estatutos Relacionados
Declaracion de No Discriminacion**

La ciudad de Beaumont Texas, como recipient de Asistencia Financiera federal y segun la Acta de Derechos Civiles Titulo VI del 1964 y estatutos relacionados, asegura que ninguna persona sera excluida a causa de raza, religion (donde el objetivo principal es asistencia financier para proveer empleo segun 42 U.S.C. § 2000d-3), color, origen nancional, sexo, edad o incapacidad de participacion en, o negados los beneficios de, o de otra manera sea sujeto a discriminacion en cualquiera de los programas o actividades del la ciudad.



Kyle Hayes
Gerente de la Cuidad
Cuidad de Beaumont Texas

**THE CITY OF BEAUMONT
STANDARD TITLE VI/NONDISCRIMINATION ASSURANCES**

The (City of Beaumont) (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 Beaumont), 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 Beaumont) 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 Beaumont) 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.

L L L

5-12-20

(Name/Signature of Authorized Official, Title)
(Title of Recipient)

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 Append B of 49 C.F.R. 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 appropriated, 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 interest 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 Beaumont) 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 Beaumont) 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 the (City of Beaumont) 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 Beaumont), its successors and assigns.

The (City of Beaumont), 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 Beaumont) will use the lands and interest 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 Beaumont) 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 or, 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, the (City of Beaumont) 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 Beaumont) 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 Beaumont) and it 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 the (City of Beaumont) 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 the 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, the (City of Beaumont) 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, the (City of Beaumont) will there upon revert to and vest in and become the absolute property of the (City of Beaumont) 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 C.F.R 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 C.F.R. 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).

Attachment 4
City of Beaumont Organizational Chart

Attachment 5
External Discrimination
Complaint Form

External Discrimination Complaint Form

Mail Signed form to Title VI Coordinator, City Manager, City of Beaumont Texas, 801 Main Street, Beaumont, Texas 77701

Last Name		First Name																						
Mailing Address		City	State	Zip																				
Telephone	Alternate Telephone	E-mail Address																						
Please indicate the basis of your complaint: <input type="checkbox"/> Race _____ <input type="checkbox"/> Age _____ <input type="checkbox"/> National Origin _____ <input type="checkbox"/> Color _____ <input type="checkbox"/> Gender _____ <input type="checkbox"/> Disability _____																								
Date and place of alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination.																								
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional pages if necessary).																								
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.																								
Names of individuals responsible for the discriminatory action(s).																								
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attach additional pages, if necessary).																								
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 30%;">Name</th> <th style="width: 30%;">Address</th> <th style="width: 30%;">Telephone</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td style="text-align: center;">2.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td style="text-align: center;">3.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td style="text-align: center;">4.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>						Name	Address	Telephone	1.	_____	_____	_____	2.	_____	_____	_____	3.	_____	_____	_____	4.	_____	_____	_____
	Name	Address	Telephone																					
1.	_____	_____	_____																					
2.	_____	_____	_____																					
3.	_____	_____	_____																					
4.	_____	_____	_____																					
Complainant's Signature _____ Date _____																								
FOR OFFICE USE ONLY																								
Date Compliant Received: _____																								
Processed by: _____																								

**Attachment 6
Complaint Log**

TITLE VI COMPLAINT LOG

NAME	RACE	COLOR	GENDER	NATIONAL ORIGIN	BASIS FOR COMPLAINT	ALLEGATIONS	DATED FILED	DATE INVESTIGATION COMPLETE	DISPOSITION	DISPOSITION DATE	OTHER INFORMATION

Attachment 7
Title VI Poster

Notifying the Public of Rights Under Title VI

The City of Beaumont, Texas

- The City of Beaumont, Texas operates its programs and services, to include the public transit system known as BMT, without regard to race, color, and national origin in accordance with the Title VI of the Civil Rights Act. Any person who believes that he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Beaumont and BMT.
 - For more information on the City of Beaumont/BMT's Civil Rights Program, and the procedures to file a complaint, please contact Linda Semien by telephone at (409)880-3763, by email at Lsemien@Beaumonttexas.gov, or visit the Community Development/Housing Services offices at 801 Main Street, Beaumont, Texas 77701.
 - A complaint may also be filed directly with the Federal Transit Administration (FTA) by filing a complaint with the Office of Civil Rights, Attention: Title VI Coordinator, East Building, 4th Floor – TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.
 - If information is needed in Spanish, please contact a representative from La Voz at (409)833-8221. They have volunteered to assist the City of Beaumont and BMT in translating any information requests or questions to the City of Beaumont and BMT by non or limited English speaking persons.
-

Notificacion al Publico de los Derechos Bajo el Titulo VI La Ciudad de Beaumont, Texas

- La ciudad de Beaumont, Texas opera sus programas y servicios, incluyendo el sistema de transporte publico conocido como BMT, trasplante de medula osea, sin distincion de raza, color y origen nacional, de conformidad con el Titulo VI del Acta de Derechos Civiles. Cualquier persona que cree que el o ella ha sido perjudicada por una practica discriminatoria ilegal bajo el Titulo VI, puede presentar una queja con la ciudad de Beaumont y BMT.
- Para obtener mas informacion sobre la ciudad de Beaumont/BMT's Programa de Derechos Civiles, y los procedimientos para presentar una queja, por favor pongase en contacto con Linda Semien por telefono al (409)880-3763, por correo electronico a Lsemien@Beaumonttexas.gov, o visitor las oficinas administrativas a la ciudad de Beaumont BMT a 801 Main Street, Beaumont, Texas 77701.
- Una demandante tambien puede presentar una queja directamente con la Administracion Federal de Transito (FTA) mediante la presentcion de una queja ante la Oficina de Derechos Civiles, Atencion: Titulo VI Coordionator, East Building, 4th Floor – TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.
- Si se necesita informacion en espanol por favor pongase en contacto con un representante de Peridico La Voz al (409)833-8221. Ellos han ofrecido como voluntarios para ayudar en la traduccion de BMT todas las solicitudes o preguntas a la ciudad de Beaumont a l BMT por personas que no hablan Ingles o limitadas.