



THE CITY OF ELKO
TITLE VI COMPLIANCE
PLAN

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1. JURISDICTION AND AUTHORITIES

NONDISCRIMINATION STATUTES

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324);
- Age Discrimination Act of 1975;
- Section 504 of the Rehabilitation Act of 1973;
- Americans With Disabilities Act of 1990;
- Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- USDOT Order 1050.2;
- Executive Order #12898 (Environmental Justice);
- Executive Order #13166 (Limited-English-Proficiency);
- The Americans with Disabilities Act (42 USC 126);
- Title II of the Americans with Disabilities Act Implementing Regulation (28 CFR 35);
- Section 504 of the Rehabilitation Act of 1973 (29 USC 794, et seq);
- Section 504 of the Rehabilitation Act of 1973 Implementing Regulation 49 CFR 27;
- Americans with Disabilities Act Accessibility Guidelines (ADAAG);
- Public Rights-of-Way (PROWAG) Notice of Proposed Rule Making, July 26, 2011;
- Uniform Federal Accessibility Standards (UFAS);
- Title VII of the Civil Rights Act of 1964, as amended (<http://www.eeoc.gov/laws/statutes/titlevii.cfm>);
- The Age Discrimination in Employment Act of 1967, as amended (<http://www.eeoc.gov/laws/statutes/adea.cfm>);
- The Equal Pay Act of 1963 (<http://www.eeoc.gov/laws/statutes/epa.cfm>);
- Sections 501 and 505 of the Rehabilitation Act of 1973, as amended (<http://www.eeoc.gov/laws/statutes/rehab.cfm>);
- The Genetic Information Nondiscrimination Act of 2008 (<http://www.eeoc.gov/laws/statutes/gina.cfm>);
- The Civil Rights Act of 1991 (<http://www.eeoc.gov/laws/statutes/cra-1991.cfm>);
- Title 29, Code of Federal Regulations, Part 1614 (<http://www.eeoc.gov/federal/directives/1614-final.cfm>);
- No Fear Act (<https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/no-fear-act>); and,
- 23 CFR 230, Subpart C.



2. INTRODUCTION

The Nevada Department of Transportation (NDOT) is required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (Title VI), which provides: “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried out under this title.” Section 162a of the Federal-Aid Highway Act of 1973 (section 324, title 23 U.S.C.) requires that there be no discrimination on the ground of sex. Moreover, NDOT’s Policy Statement provides that in compliance with Title VI and other nondiscrimination authorities, NDOT must assure through its policies and procedures, that no person shall on the grounds of race, color, national origin, age, sex, income status or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any NDOT or NDOT sponsored program or activity.

Pursuant to Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) regulations, NDOT must update its Title VI Program Plan occasionally. This Title VI Compliance Plan (sometimes referred to herein as the “Plan”) is designed to aid the NDOT External Civil Rights Division in its ability to provide oversight and ensure that there is compliance with Title VI and other nondiscrimination authorities throughout NDOT by sub-recipients of financial assistance from the United States Department of Transportation (USDOT), to include the City of Elko (hereinafter the “City”).

This document will be updated annually to reflect changes in law, administration, regulations, and/or policy, and is intended to provide guidance to City personnel, contractors, lessees and others, and is not intended to, does not, and may not be relied upon to create any legally enforceable right or benefit or to establish a standard of care for purposes of civil liability.

For individuals with disabilities, this document may be made available upon request in alternate formats. In addition, a translation of this plan into alternate languages may be made available upon request. To obtain a copy in one of these alternate formats or for questions or concerns, please contact us at:

Para personas con discapacidades, este documento puede estar disponible a pedido en formatos alternativos. Además, una traducción de este plan a idiomas alternativos puede estar disponible a pedido. Para obtener una copia en uno de estos formatos alternativos o para preguntas o inquietudes, contáctenos en:

City of Elko
Title VI Coordinator
1751 College Avenue
Elko, NV 89801
775-777-7126



2.1 COMMUNITY DEMOGRAPHICS

Elko is locally referred to as the “Heart of Northeast Nevada” and sits along the California National Historic Trail. It was first settled in 1868 by crews working on the Central Pacific Railroad (the portion of the First Transcontinental Railroad built from California to Utah). When the railroad crews moved on, Elko remained, serving as a center for ranching, mining, rail freight, and general supplies. Elko’s economy is based heavily on gold mining and the City is considered the capital of Nevada’s “gold belt.” Nevada produces more gold than all but four countries, and most of the gold from Nevada is mined near Elko. This has caused the City and surrounding areas to have a boom and bust economy consistent with the rises and declines in the price of gold.

2.2 AREA ECONOMY

In 2019, the unemployment rate in the catchment area averaged 2.9 percent. For the same year, the national unemployment rate averaged 3.7 percent. The top five industries for employment in Elko County are shown in the table below:

Industry	Employment
Accommodation and Food Services	5,800
State and Local Government	3,430
Mining	2,900
Retail Trade	2,870
Construction	2,120

Source: Elko Master Plan, 2017

The average per capita personal income (averaged between 2014 - 2018) for the Catchment Area was estimated to be \$31,588, lower than the national average of \$32,621. The estimated average median household income for the Catchment Area is \$76,357, while the national average was \$60,293, and Nevada’s was \$57,598.

U.S. Census Bureau, <https://www.census.gov/quickfacts/landercountynevada#qf-flag-Z>, Accessed August 2020.

The objectives of the City’s Title VI Plan are:

- To ensure that all persons, regardless of race, color, national origin, age, sex, income status or disability receive the benefits of City programs, services and activities.
- To ensure the City, as a sub-recipient of Federal financial assistance from USDOT received by NDOT, complies with Title VI and to assign responsibilities for ensuring compliance.
- To promote full and fair participatory decision-making.
- To ensure that limited English proficient (LEP) individuals are provided meaningful access to City programs, services and activities.



- To establish clear procedures for filing, investigating, and successfully resolving complaints on a timely basis.

The Title VI Coordinator is responsible for the overall Title VI Plan implementation. The Title VI Coordinator is appointed by the City Council and reports directly to the City Council. Staff in other program areas may assist the Coordinator with program implementation and resolution of Title VI issues.

2.3 ORGANIZATIONAL STRUCTURE



3.0 GENERAL REPORTING REQUIREMENTS

3.1 ANNUAL TITLE VI CERTIFICATION AND ASSURANCE

REQUIREMENT: Title VI of the Civil Rights Act of 1964 states that “no person in the United States shall be excluded from participation, denied the benefits of, or be subjected to discrimination in any Federally-funded program, policy or activity on the basis of race, color or national origin.” Sub-recipients of financial assistance from the United States Department of Transportation (USDOT) must submit an annual Title VI certification and assurance as part of their Annual Certifications and Assurances submission to NDOT in accordance with 23 CFR § 200.9 (a). Attachment A

3.2 TITLE VI PROGRAM PLAN

REQUIREMENT: All sub-recipients must document their compliance with USDOT's Title VI regulations by submitting a Title VI Program Plan to NDOT annually. The Title VI Program Plan must be approved by the Elko City Council prior to submission.

3.2.1 CITY OF ELKO POLICY STATEMENT

REQUIREMENT: All sub-recipients must include a Title VI policy statement as part of their Title VI Plan. The City's policy statement is as follows:

The City and its employees, lessees, tenants, concessionaires, and contractors will not deny public services, employment and program opportunities to any person due to race, color, national origin, age, sex, income status or disability. Further, the City will take reasonable steps to provide meaningful access to services for persons with limited English proficiency. Attachment D

ADA/SECTION 504 NONDISCRIMINATION POLICY

The City does not discriminate on the basis of disability in admission to, access to, treatment of, or employment in its programs and activities. This notice is provided as required by the Rehabilitation Act of 1973, Section 504, and Title II of the Americans with Disabilities (ADA) Act of 1990. Attachment D

3.2.2 ORGANIZATION AND STAFFING

REQUIREMENT: All sub-recipients must include a description of their staffing and reporting structure, and an organizational chart as part of their Title VI Plan.

City Council – The City Council establishes the vision, strategic plan, policies, and goals for the City. As the legislative body, the City Council is responsible for establishing the ordinances, policies, and guidelines under which the City operates and approving how the City's funds will be expended.

City Manager – The City Manager reports to the City Council and has primary responsibility for providing leadership and policy guidance to department heads and ensuring that vision, strategic plan and goals of the City Council are implemented and met. The City Manager performs the professional and administrative processes necessary to achieve the efficient and economic operation of the City, ensures the financial security of tax dollars by monitoring the overall fiscal activity of the City, and assists elected officials in establishing policy and long-term goals. The City Council sets policy for the City and the City Manager is charged with implementation. The Mayor acts as signing authority for resolutions and contracts.



The Title VI Coordinator – The Title VI Coordinator is responsible for overall Title VI Plan implementation. The Title VI Coordinator is appointed by the City Council and reports directly to the City Council. Staff in other program areas may assist the Title VI Coordinator with program implementation and resolution of Title VI issues. The City Council has appointed the City Clerk as the Title VI Coordinator. The Title VI Coordinator will also serve as the Limited English Proficiency (LEP) Coordinator for the City.

The City Clerk will ensure that all required Title VI documents are included in bid and contract documents to the extent required by law. The City Clerk will also ensure that bidding and advertising procedures are aligned and in compliance with Title VI to the extent required by law.

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on the City's behalf;
- Coordinating and ensuring training of City employees;
- Developing procedures for the prompt processing and disposition of complaints;
- Examining complaints, compiling a complaint log, and reporting to NDOT;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for public dissemination, where appropriate, in languages other than English; and
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action determined to be necessary.

Department Directors and Supervisors –Directors and Supervisors in each department are responsible for familiarizing themselves with the requirements of Title VI, E.O.12898, and E.O. 13166, and for complying with the requirements of the City's Title VI Program. They are responsible for promptly reporting issues or complaints concerning Title VI and related statutes to the Title VI Coordinator and for assisting the Title VI Coordinator in his/her efforts to implement all requirements, internally and externally. They are also responsible for coordinating with the Title VI Coordinator on any proposed changes to operating procedures, instructional memoranda, policies and manuals that relate to Title VI.

The City Clerk reports directly to the City Council and regularly communicates with the City Manager and Department Directors.

3.2.3 PROGRAM AREA REVIEWS

REQUIREMENT: All sub-recipients must include a description of their review/oversight processes as part of their Title VI Plans.

The following table outlines what departments, programs, services, and activities that may be monitored for Title VI compliance.



CITY OF ELKO PROGRAMS, SERVICES AND ACTIVITIES		
Administration – Includes City Manager, Assistant City Manager and Assistants	Community Development- Subdivision planning and building, & map review	City Landfill
Finance Department	Engineering Department	City Public Works and Street Department
Municipal Airport	Facilities and Maintenance- maintain City buildings and property	City Planning Department
Building Department – Inspections and Permitting	Fire Department	City of Elko Police Department
Clerk's Office	City Water and Sewer Department	City Water and Sewer Department
City Water Reclamation and Sewer Plant – Includes the City Lab		

3.2.4 SPECIAL EMPHASIS PROGRAM AREAS

REQUIREMENT: All sub-recipients must include a statement in their Title VI Plan that all Special Emphasis Program Areas are designated by the USDOT Intermodal Agency.

3.2.5 CONTRACTOR, CONSULTANT, AND VENDOR REVIEWS

REQUIREMENT: All sub-recipients must include a process to review Title VI compliance by their contractors, consultants, or vendors as part of their Title VI Plan.

The City is prohibited from discriminating against individuals within prescribed classes. When Title VI requirements apply, such as when the City receives Federal financial assistance directly or through another agency, the City further is required to pass on this obligation to tenants, contractors and many other entities doing business with the City. Contracts, agreements, leases that currently contain some prohibition on discrimination based on a protected class but do not currently contain the provisions required by USDOT must be revised so that, moving forward, all City contracts, agreements, and leases involving NDOT



and/or receiving USDOT financial assistance that are subject to Title VI, will contain required non-discrimination provisions and assurances. Examples are shown in Attachment B (Appendix A and Appendix B.) All deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein, to the extent they are subject to USDOT and NDOT Title VI requirements, will follow the provisions of assurances as shown in Attachment B (Appendix C, Appendix D & Appendix E). Notwithstanding the foregoing, contracts, leases, deeds and other documents pertaining to property located at the Elko Regional Airport will be subject to the Title VI requirements applicable to recipients of financial assistance from the Federal Aviation Administration.

3.2.6 DATA COLLECTION

REQUIREMENT: Federally assisted recipients, including sub-recipients, are required to collect and maintain statistical data by race, color, religion, ethnicity, national origin, and sex of affected communities, and participants and beneficiaries of federal aid. (49 CFR 21.9 and 23 CFR 200.9). Specifically, 49 CFR 21.9(b) requires the City, as a sub-recipient of Federal financial assistance from USDOT, to submit such compliance reports to NDOT as may be necessary to enable NDOT to have available for the Secretary of Transportation racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance. 23 CFR 200.9(b) further requires NDOT to collect statistical data (race, color, religion, sex, and national origin) from the City as a beneficiary of NDOT highway programs.

The City will utilize public involvement methods and techniques for assessing and gathering information on levels of participation by affected and project area populations, to include:

- Regularly utilizing a Title VI survey card to capture the information of those participating in public hearings, public meetings, neighborhood meetings, and advisory committee meetings.
- Making survey cards available in all City buildings, to include City Hall, the City of Elko Police Department, the City of Elko Fire Department, the City of Elko Building Department, the City of Elko Planning, Engineering and Community Development Department.
- Collecting the survey cards monthly and entering the statistical information into a data base maintained by the Title VI Coordinator. Attachment C

3.2.7 TRAINING

REQUIREMENT: 23 CFR 200.9 (b) (9) requires that NDOT'S Title VI designee shall be responsible for conducting training programs on Title VI and related statutes for State



program and civil rights officials. NDOT provides training in Title VI and related programs annually in compliance with this Federal regulation.

NDOT requires all sub-recipients to have an approved Title VI Staff Awareness training program in place and given annually. The training must cover Title VI regulations, Title VI elements, and Title VI authorities.

Employees, tenants and other individuals who are subject to Title VI should receive Title VI training on an annual basis. The training will be provided in-house and using instructional materials approved by NDOT.

A Title VI training program will include the following training elements:

- Title VI and its key elements;
- City obligation and compliance measures; and,
- Complaint procedures.

Tracking of Title VI training will be completed by the City Human Resources Department and monitored by the Title VI Coordinator at least annually.

3.2.8 COMPLAINT PROCEDURES

REQUIREMENT: Recipients and sub-recipients of Federal financial assistance must develop procedures for investigating and tracking Title VI complaints filed against them and, further, must make their procedures for filing a complaint available to members of the public upon request. Recipients and sub-recipients must also develop a Title VI Complaint form, and the form and procedure for filing a complaint must be available on the recipient's or sub-recipient's website.

Although Title VI prevents discrimination on the grounds of race, color, or national origin, because NDOT is subject to additional Federal nondiscrimination statutes and regulations, the City will process non-Title VI discrimination complaints in the same manner as Title VI complaints. Accordingly, any person who, on the grounds of race, color, national origin, age, sex, income status or disability, believes that he or she has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity for with the City receives financial assistance from USDOT or NDOT, by the City or its lessees, tenants, concessionaires or contractors, should report the complaint by completing and submitting a Title VI Complaint form. Title VI complaint forms will be available at Elko City Hall, located at 1751 College Avenue, Elko, NV 89801. An explanation of the complaint process and the complaint form will also be available on the City website at <https://www.elkocity.com/index.php>. A sample complaint is included in Attachment F.

The Title VI Complaint form should be submitted to the City of Elko Title VI Coordinator at 1751 College Avenue, Elko, NV, 89801, or emailed to: cityclerk@elkocitynv.gov.



All Title VI Complaints are forwarded to NDOT or to FHWA for investigation within seven (7) days of receipt. The physical and email addresses of the City of Elko Title VI Coordinator, NDOT Civil Rights Officer and FHWA are as follows:

Title VI Coordinator	Civil Rights Officer	US Department of Transportation
City of Elko Clerk	NDOT	Federal Highway Administration
1751 College Ave	123 E. Washington Ave. Bldg G	705 N Plaza St. Ste 220
Elko, NV 89801	Las Vegas, NV 89101	Carson City, NV 89701
775-777-7126	(P)702-730-3301/(F)	702-486-0487(P)775-687-1204
cityclerk@elkocitynv.gov	iboyster@dot.nv.gov	nevada.fhwa@fhwa.dot.gov

Allegations of discrimination based on disability may also be filed directly with the U.S. Department of Justice at:

U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Civil Rights Division, Disability Rights Section
Washington, DC 20530

Investigating a Title VI Complaint includes interviewing all parties involved and key witnesses. The investigator may also request relevant information such as books, records, electronic information, and other sources of information from all involved parties. An investigator may specify if there is a particular individual or individuals that he or she should not investigate due to a conflict of interest or other reasons, in which case the City will appoint an alternate investigator.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

3.2.8 PROCEDIMIENTOS DE QUEJAS

REQUISITO: Los beneficiarios y subreceptores de asistencia financiera federal deben desarrollar procedimientos para investigar y rastrear las quejas del Título VI presentadas en su contra y, además, deben poner sus procedimientos para presentar una queja a disposición de los miembros del público que lo soliciten. Los destinatarios y subreceptores también deben desarrollar un formulario de queja del Título VI, y el formulario y el procedimiento para presentar una queja deben estar disponibles en el sitio web del destinatario o subreceptor.

Aunque el Título VI previene la discriminación por motivos de raza, color u origen nacional, debido a que NDOT está sujeto a estatutos y regulaciones federales adicionales de no discriminación, la Ciudad procesará las quejas de discriminación que no pertenecen al Título VI de la misma manera que las quejas del Título VI. En consecuencia, cualquier persona que,



por motivos de raza, color, nacionalidad, edad, sexo, situación económica o discapacidad, crea que se le ha excluido de participar en, se le han negado los beneficios o se le ha sometido a discriminación en virtud de cualquier programa o actividad para con la Ciudad recibe asistencia financiera de USDOT o NDOT, por la Ciudad o sus arrendatarios, inquilinos, concesionarios o contratistas, deben reportar la queja completando y enviando un formulario de Queja del Título VI. Los formularios de quejas del Título VI estarán disponibles en Elko City Hall, ubicado en 1751 College Avenue, Elko, NV 89801. Una explicación del proceso de quejas y el formulario de quejas también estarán disponibles en el sitio web de la ciudad en <https://www.elkocity.com/index.php>. En el Adjunto F se incluye una queja de muestra.

Todas las quejas del Título VI se envían al NDOT o a la FHWA para su investigación dentro de los siete (7) días posteriores a su recepción. Las direcciones físicas y de correo electrónico del Coordinador del Título VI de la Ciudad de Elko, el Oficial de Derechos Civiles del NDOT y la FHWA son las siguientes:

Coordinador de Título VI Secretario de la Ciudad de Elko 1751 College Ave Elko, NV 89801 775-777-7126	Oficial de derechos civiles NDOT 123 E Washington Ave. Bldg G Las Vegas, NV 89101 702-730-3301 jboyster@dot.nv.gov	Departamento de Transporte de EE. UU. Administración Federal de Carreteras 705 N Plaza St STE 220 Carson City, NV 89701 775-687-1204 nevada.fhwa@fhwa.dot.gov
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Las denuncias de discriminación por discapacidad también pueden presentarse directamente ante el Departamento de Justicia de EE. UU. En:

Departamento de Justicia de EE. UU.
950 Pennsylvania Avenue, N.W.
División de Derechos Civiles, Sección de Derechos de Discapacitados
Washington, DC 20530

La investigación de una queja del Título VI incluye entrevistar a todas las partes involucradas y a los testigos clave. El investigador también puede solicitar información relevante como libros, registros, información electrónica y otras fuentes de información de todas las partes involucradas. Un investigador puede especificar si hay un individuo o individuos en particular que no debe investigar debido a un conflicto de intereses u otras razones, en cuyo caso la Ciudad designará un investigador alternativo.

La ley federal prohíbe las represalias contra las personas porque han presentado una queja por discriminación o han participado de alguna otra manera en una investigación por discriminación. Cualquier presunta represalia debe informarse por escrito al investigador.



3.2.9 DISSEMINATION OF TITLE VI INFORMATION AND PUBLIC NOTICE

REQUIREMENT: Primary recipients must assist their sub-recipients in complying with USDOT's Title VI regulations, including public posting requirements.

- Licensing, bonding, prequalification, and bidding activities are subject to Title VI nondiscrimination requirements if they involve USDOT and NDOT funding.

Information on the City's Title VI program will be disseminated on the City of Elko website <https://elkocity.com/>; in the lobby of any City of Elko buildings open to the public; to City employees, contractors, and lessees, and to the public as required by federal and state laws/regulations. Information regarding the Title VI program will be available in other languages as appropriate.

3.2.10 ENVIRONMENTAL JUSTICE (EJ)

REQUIREMENT: All sub-recipients must describe the process by which environmental justice requirements are met as part of their Title VI Plan.

In 1994, Executive Order (EO) 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) was issued. EO 12898 emphasizes a Federal agency's responsibility to make environmental justice a goal by identifying and addressing the effects of programs, policies and activities on minority and low-income populations. This may be accomplished by involving the public in developing transportation projects that fit within their communities without sacrificing equity, environmental justice, and safety. The City promotes environmental justice through ongoing outreach and event organization.

Environmental justice requires 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. Fair treatment means (1) that all persons share in the benefits of our investments; and, (2) that no person (including racial, ethnic, or low income groups) should bear a disproportionate share of the negative consequences resulting from the execution of Federal, State, and local programs and policies.

Based on the guidance of the USDOT Order on Environmental Justice, as cited in "An Overview of Transportation and Environmental Justice," there are three fundamental principles of environmental justice, as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental 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; and,
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

In accordance with Executive Order 12898 on environmental justice and the related US DOT and FHWA Orders, NDOT advances the principles of environmental justice in all programs, services and activities through a public involvement program and by screening programs and projects to identify, avoid, minimize or mitigate disproportionately high and adverse impacts. City staff members and directors shall assist with those public involvement activities.

Aspects of the City planning process require the City to identify planning assumptions under federal law, including the most recently published U.S. Census Bureau data. This may apply to the development of plans and programs.

The City considers environmental justice in all phases of planning, programs, projects, activities, and functions involving NDOT and USDOT.

3.2.11 PUBLIC PARTICIPATION

REQUIREMENT: All sub-recipients must include a Public Participation Plan as part of their Title VI Plan. Federally assisted recipients must also provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, the City will disseminate this information to the public via its website and in public areas of City offices. Furthermore, notices will detail the City's Title VI obligations in languages other than English, as needed and consistent with USDOT limited English proficiency (LEP) Guidance.

In addition to language access measures, other major components of the Public Participation Plan include public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time. Notice to the public of their Title VI rights is included in Attachment B.

The public outreach strategies employed by the City are often determined by the circumstances unique to individual projects and typically include a mix of public hearings, stakeholder meetings and/or constituent meetings. Information is distributed via the City of Elko website or project specific social media websites, surveys, newsletters, advertising, media outreach, community events, and targeted presentations. Documentation can be translated into languages other than English as needed using google translate or other similar tools. The City's commitment to public participation is based firmly on the belief that public involvement fosters an open decision-making process that elicits active participation from affected individuals, groups, communities, and other public agencies. To request additional



information on the City obligations under Title VI, or to make a Title VI Complaint, a person should contact:

City of Elko Title VI Coordinator
Kelly Wooldridge, City Clerk
1751 College Ave
Elko, NV 89801
775-777-7126
Email: cityclerk@elkocitynv.gov

3.2.12 REVIEW OF DIRECTIVES

REQUIREMENTS: All sub-recipients must include a process to review internal directives, policies, and procedures for potential Title VI impacts as part of their Title VI Plan.

The City is precluded from discriminating in its employment practices on the basis of race, creed, color, national origin or sex. This prohibition arises from multiple sources, including Title VI, 49 U.S.C. § 47123 and 49 C.F.R. Part 21. The City of Elko’s Human Resource Policy Manual (“HR Manual”) was reviewed to determine whether it included the appropriate proscription on discrimination in employment and procedural mechanisms to address allegations of discrimination. The HR Manual explicitly addresses the subject of discrimination and includes the following statement of policy:

The City does not sanction or tolerate discrimination in any form on the basis of race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard. HR Manual § 2.1.1

3.2.12 COMPLIANCE AND ENFORCEMENT PROCEDURES

REQUIREMENTS: All sub-recipients must include compliance and enforcement procedures as part of their Title VI Plans.

City department heads are responsible for overseeing Title VI compliance within their departments, to include taking measures to ensure Title VI compliance in contracts, deeds, leases, commercially useful functions (CUF), and grants. All City contracts, deeds and leases involving Federal funding, to include contracts, deeds and leases involving NDOT, will include the non-discrimination assurances required by Title VI.

4. FOUR-FACTOR ANALYSIS

A four-factor analysis was conducted pursuant to Department of Justice and USDOT policy guidance to determine the specific language services that should be provided, and to whom, to enable the City



to conduct language assistance planning and to determine if the City's communication with LEP persons is effective. The following section summarizes the results of the four-factor analysis.

4.1 LIMITED ENGLISH PROFICIENCY (LEP) AND LANGUAGE ASSISTANCE PLAN (LAP)

"Limited English Proficiency (LEP)" persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all. The Federal government has determined that the statutory prohibition on discrimination based on national origin requires that Federal agencies and grant recipients provide reasonable language assistance for LEP persons so that such persons may meaningfully access federal and federally-assisted programs and activities. Relevant guidance is provided in (i) Presidential Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (2000); (ii) Department of Justice *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (2002); and, (iii) and USDOT *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons* (2005).

It is the policy of the City to take reasonable steps to provide LEP individuals with meaningful access to all programs, services, and activities. The City will take reasonable steps to effectively inform the public of the availability of programs, services, and activities in languages other than English, as appropriate.

Following federal guidance, consisting of a four factor analysis, has been completed to understand language needs and to allocate resources appropriately.

4.1.1 NUMBER OF LEP PERSONS IN THE CITY OF ELKO

The number of LEP persons in the Catchment Area was estimated through the use of the U.S. Census Bureau's American Community Survey database catchment area, as summarized above. Combined, the five counties within the Catchment Area (Elko, Eureka, Lander, Humboldt and White Pine Counties) have a population of approximately 75,491 persons. Of these, approximately 83.9 percent speak only English and 16.1 percent speak a language other than English at home.

Of the non-English languages found within the Catchment Area, the predominant languages include Spanish or Spanish Creole, accounting for approximately 13.9 percent, and Other Native North American Languages, accounting for 0.6 percent. All other languages account for less than 0.5 percent of non-English languages spoken, as shown in the table below. Of the population that speaks a language other than English at home, 9.8 percent speak English very well, and 6.3 percent speak English less than very well. Languages not found in the Catchment Area include Japanese, Korean, Vietnamese, Persian, Greek, Thai, Polish, French Creole, Laotian, Mon-Khmer-Cambodian, Portuguese or Portuguese Creole, Yiddish, Scandinavian



languages, Serbo-Croatian, Other Slavic languages, Armenian, Hindi, Urdu, Other Indic languages, other Indo-European languages, Hmong, other Asian languages, Hungarian, Arabic, Hebrew, and other and unspecified languages.

LANGUAGES IN CATCHMENT AREA	
Spanish or Spanish Creole	13.9%
Other Native North American languages	0.6%
Italian	0.2%
Navajo	0.2%
Tagalog	0.2%
Chinese	0.2%
Russian	0.2%
French	0.2%
German	0.1%
African languages	0.1%
Other West Germanic languages	0.1%
Gujarati	0.1%
Other Pacific Island language	0.1%

Source: U.S. Census Bureau, <https://data.census.gov/cedsci>, Accessed 2020

4.1.2 NUMBER OF LEP PERSONS LIKELY TO BE ENCOUNTERED

It was found that the principal LEP populations of concern is ticketed passengers traveling on commercial airlines at the Elko Regional Airport. The City Council and staff are most likely to encounter LEP individuals through office visits, phone conversations, building services site inspections, notifications from maintenance staff of impacts on City services, and attendance at City Council and other City meetings. The U.S. Census Bureau's American Community Survey database was used to determine the number of LEP persons in the Catchment Area. Of the 75,491 residents in this data set, 16.1% speak languages other than English at home, with the predominant non-English language being Spanish (13.9%). Of the population that speaks a language other than English, only 6.3% are identified as speaking English "less than very well."

In summary, based on the continuous monitoring of City departments generally and citizen experience in particular, it is found that the frequency of contacts with LEP persons requiring language assistance is low.

4.1.3 NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY, OR SERVICE

The Elko Regional Airport has a separate Title VI plan that includes activities to be undertaken on airport property.

Every City department has some level of contact with LEP individuals. Employees are most likely to encounter LEP individuals through visits to City Hall and other public facilities, such as



the Police Department and Fire Department, as well as telephone conversations, and attendance at outreach events, City Council meetings and other public meetings.

4.1.4 RESOURCES AVAILABLE AND COSTS OF OUTREACH

The City assessed its available resources that could be used to provide LEP assistance. This included identifying bilingual staff, determining how much a professional interpreter and translation service would cost, determining which documents should be translated, and deciding what level of staff training is needed. However, the assessment of the first three factors above reveals that minimal resources and expenses are needed to ensure access to the City programs, activities or services by LEP persons.

The Language Assistance Plan is in attachment E.



ATTACHMENT A

ASSURANCES



ATTACHMENT A

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The CITY OF ELKO (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 Transit 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 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);

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 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 Federally assisted Title VI 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 "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 Title VI and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"AGENCY, 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 B of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix C 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. That the Recipient will include the clauses set forth in Appendix D and Appendix E 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, sub-recipients, sub-grantees, 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.

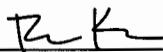


10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, THE CITY OF ELKO also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Transit Administration 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 Transit Administration. You must keep records, reports, and submit the material for review upon request to Federal Transit Administration, 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 ELKO 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 Title VI Program. This ASSURANCE is binding on Nevada, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Title VI Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

AGENCY

by 
Reece Keener (Mar 18, 2021 12:30 PDT)
Mayor Reece Keener

DATED March 9, 2021

Attest: Kelly Wooldridge
Kelly Wooldridge (Mar 18, 2021 13:02 PDT)
Kelly Wooldridge, City Clerk



ATTACHMENT B
CLAUSES FOR CITY
DOCUMENTS
APPENDIX A-E



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



APPENDIX B

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 Non-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. 1681 et seq.)



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 ELKO 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 ELKO 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 Non-discrimination covenants, AGENCY 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 AGENCY 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 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 ELKO pursuant to the provisions of Assurance 7(a):

- D. 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:
 - 2. 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.
 - E. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, CITY OF ELKO 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.*
 - F. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, AGENCY 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 AGENCY 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

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 ELKO 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 ELKO 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 Non-discrimination covenants, AGENCY will there upon revert to and vest in and become the absolute property of AGENCY 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.)

ATTACHMENT C

SURVEY CARDS

Title VI Survey Cards

Front of Card

HELP US SERVE YOU BETTER!!

Thank you for attending this public meeting. Please take a few minutes to help us provide you with more meaningful service.

The City of Elko wishes to ensure that every effort will be made to prevent discrimination through the impact of its programs, policies, and activities.

The City of Elko will take reasonable steps to provide meaningful access to services and activities for persons with limited English proficiency.

On the reverse side of this card is a brief survey. By completing this survey, we will be able to determine who attends our public meetings and how the department can improve participation.

CITY OF ELKO POLICY STATEMENT

The City and its employees, lessees, tenants, concessionaires, and contractors will not deny public services, employment and program opportunities to any person due to race, color, national origin, age, sex, income status or disability. Further, the City will take reasonable steps to provide meaningful access to services for persons with limited English proficiency.

ADA/SECTION 504 NONDISCRIMINATION POLICY

The City of Elko does not discriminate on the basis of disability in admission to, access to, treatment of, or employment in its programs and activities. This notice is provided as required by the Rehabilitation Act of 1973, Section 504, and Title II of the Americans with Disabilities (ADA) Act of 1990.

Back of Card

Please mark all that apply

Ethnicity/Race:

- ☐ American Indian/Alaskan Native
- ☐ Asian/Pacific Islander
- ☐ Hispanic/Latino
- ☐ African American/Black
- ☐ White
- ☐ Other _____

Gender:

- ☐ Female
- ☐ Male
- ☐ Other _____

AGE:

- ☐ Under 20
- ☐ 21-39
- ☐ 40-64
- ☐ 65+

Disabled:

- ☐ Yes
- ☐ No

Veteran Status:

- ☐ Yes
- ☐ No

Language Preference:

- ☐ English
- ☐ Spanish
- ☐ Other _____

Tarjetas de encuesta del Título VI

¡¡AYÚDENOS A SERVIRLE MEJOR!!

Gracias por asistir a esta reunión pública. Tómese unos minutos para ayudarnos a brindarle un servicio más significativo.

La ciudad de Elko desea asegurarse de que se hagan todos los esfuerzos posibles para prevenir la discriminación a través del impacto de sus programas, políticas y actividades.

La Ciudad de Elko tomará medidas razonables para brindar acceso significativo a servicios y actividades para personas con dominio limitado del inglés.

En el reverso de esta tarjeta hay una breve descripción. Al completar esta encuesta, podremos determinar quién asiste a nuestras reuniones públicas y cómo el departamento puede mejorar la participación.

DECLARACIÓN DE POLÍTICA DE LA CIUDAD DE ELKO

La Ciudad y sus empleados, arrendatarios, inquilinos, concesionarios y contratistas no negarán servicios públicos, oportunidades de empleo y programas a ninguna persona debido a su raza, color, nacionalidad, edad, sexo, estado de ingresos o discapacidad. Además, la Ciudad tomará medidas razonables para brindar un acceso significativo a los servicios para personas con dominio limitado del inglés.

POLÍTICA DE NO DISCRIMINACIÓN ADA / SECCIÓN 504

La Ciudad de Elko no discrimina por motivos de discapacidad en la admisión, el acceso, el tratamiento o el empleo en sus programas y actividades. Este aviso se proporciona según lo exige la Ley de Rehabilitación de 1973, Sección 504 y el Título II de la Ley de Estadounidenses con Discapacidades (ADA) de 1990.

Por favor marque todo lo que corresponda

Etnia / raza:

- ☐ Indio americano / nativo de Alaska
- ☐ Asiático / isleño del Pacífico
- ☐ Hispano / Latino
- ☐ Afroamericano / Negro
- ☐ Blanco
- ☐ Otro _____

Género:

- ☐ Mujer
- ☐ Masculino
- ☐ Otro _____

EDAD:

- ☐ Menores de 20
- ☐ 21-39
- ☐ 40-64
- ☐ 65 +

Discapacitado:

- ☐ Sí
- ☐ No

Estatus de veterano:

- ☐ Sí
- ☐ No

Preferencia de idioma:

- ☐ Inglés
- ☐ Español
- ☐ Otro _____

ATTACHMENT D

POLICY

STATEMENT

ATTACHMENT D - TITLE VI POLICY STATEMENT

The City and its employees, lessees, tenants, concessionaires, and contractors will not deny public services, employment and program opportunities to any person due to race, color, national origin, age, sex, income status or disability. Further, the City will take reasonable steps to provide meaningful access to services for persons with limited English proficiency.

ADA/SECTION 504 NONDISCRIMINATION POLICY

The City of Elko does not discriminate on the basis of disability in admission to, access to, treatment of, or employment in its programs and activities. This notice is provided as required by the Rehabilitation Act of 1973, Section 504, and Title II of the Americans with Disabilities (ADA) Act of 1990.



Reece Keener (Mar 18, 2021 12:30 PDT)

MAYOR REECE KEENER
CITY OF ELKO

3/18/2021

DATE

ATTACHMENT E

LANGUAGE

ASSISTANCE PLAN

(LAP)

CITY OF ELKO LANGUAGE ASSISTANCE PLAN (LAP)

IDENTIFICATION OF LEP PERSONS

The following are methods that will be used by the City to identify LEP persons:

- City staff will review document requests for language assistance from past contacts, meetings, telephone calls, and events to anticipate the possible need for assistance at upcoming meetings;
- City staff will collect questions, concerns, comments or complaints from the public, ensuring they are appropriately addressed, and will forward potential discrimination concerns to the Title VI coordinator; and,
- The Title VI Coordinator will frequently survey City staff regarding any direct or indirect contact with LEP individuals.

LANGUAGE ASSISTANCE MEASURES

The following language assistance measures are reasonable and achievable for the City of Elko:

- Providing translation and interpretive services at public meetings (upon request or as determined by City staff to be necessary or supportive of expected LEP persons);
- Utilizing the Central Dispatch's contract(s) with certified translators for emergency police and/or fire situations;
- Training City staff on the use of Google Translate or similar software to assist LEP persons; and,
- Maintaining records of City staff who are fluent or possess skills in any language other than English.

IDENTIFICATION OF VITAL DOCUMENTS/PRIORITIZATION OF VITAL DOCUMENTS

The City has determined that a "vital document" is any document that conveys information critically affecting the ability of a person to make decisions about his or her participation in a program subject to Title VI. The City translates all necessary vital documents as needed using any available staff fluent in the language, or by using a translation software. Customers may request translation service if not available in the language needed.

PROVIDE NOTICE TO LEP PERSONS OF AVAILABILITY OF SERVICES

There are several ways that City employees provide notice to LEP persons that language assistance measures are available, through both oral and written communications:

- The City provides notice that vital documents can be available in both Spanish and English.

- A statement on the City of Elko's website indicates that language assistance is available.
- Notices are posted at all public counters in English and Spanish stating that language assistance is available.
- Notices will be placed on public meeting agendas stating that language assistance is available.

MONITOR, EVALUATE AND UPDATE THE LAP

The City will periodically review this Title VI Compliance Plan, including the language assistance plan, to determine its overall effectiveness and to make adjustments and updates as necessary. The Title VI Coordinator will be responsible for annual monitoring of the Title VI Compliance Plan. These efforts may include:

- Monitoring LEP efforts and update census data as it becomes available;
- Reviewing all LEP complaints received and identifying revisions to the Title VI Compliance Plan as needed;
- Updating information on the City website related to the Title VI Compliance Plan and complaint procedures;
- Monitoring complaint tracking and evaluating potential areas for improvement;
- Reviewing training materials and performing updates in accordance with best practices;
- Determining if existing assistance methods meet LEP demands;
- Determining if City employees are knowledgeable about Title VI policies and procedures and how to implement them; and,
- Determining if sources, methods and provisions for language assistance are current and viable.

TRAINING OF STAFF

Training is essential for successful compliance with Title VI. City employees and others who are subject to Title VI requirements should have an understanding of the nature of Title VI and the steps that employees and others must take to achieve compliance when interacting with members of the public or those who wish to provide services to the City. The value of such training is to raise the awareness level about Title VI and its obligations, as well as to ensure appropriate compliance.

Employees and others should receive Title VI training on an annual basis. A Title VI training course should include the following training elements:

- Title VI and its key elements;
- City obligations and compliance measures; and,
- Complaint procedures.

City of Elko employees will receive training in a format approved by NDOT.

Tracking of Title VI training will be completed by the City Human Resources Department and monitored by the Title VI Coordinator annually.

ATTACHMENT F

CITY OF ELKO

COMPLAINT FORM



CITY OF ELKO

TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Please provide the following information necessary in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to:

CITY OF ELKO
TITLE VI COORDINATOR
1751 COLLEGE AVENUE
ELKO, NV 89801
775-777-7126
CITYCLERK@ELKOCITYNV.GOV

COMPLAINANT'S INFORMATION

NAME:	E MAIL ADDRESS:
ADDRESS:	CITY, STATE, ZIP
PHONE #:	BUSINESS PHONE:

PERSON DISCRIMINATED AGAINST (if other than complainant)

NAME:	E MAIL ADDRESS:
ADDRESS:	CITY, STATE, ZIP
PHONE #:	BUSINESS PHONE:

DETAILS OF ALLEGED VIOLATION

DATE:
TIME:
PLACE VIOLATION OCCURRED:

DESCRIPTION OF ORGANIZATION YOU BELIEVE DISCRIMINATED (City Employee, Contractor, Tenant)
DESCRIPTION OF VIOLATION (ATTACH ADDITIONAL SHEETS IF NECESSARY):
SUPPORTING CONTACT WITNESSES: (List any person (s) whom we may contact for additional information to support your complaint).
DID YOU FILE THIS COMPLAINT WITH ANOTHER FEDERAL, STATE OR LOCAL AGENCY OR COURT? _____ YES _____ NO IF YES LIST WHICH AGENCY (S)? AGENCY CONTACT PERSON NAME, ADDRESS, AND PHONE:
OTHER COMMENTS:

Sign below and attach or provide any supporting documentation.

Complainants Signature

Date:



CIUDAD DE ELKO

TÍTULO VI FORMULARIO DE QUEJA

El Título VI de la Ley de Derechos Civiles de 1964 establece que "ninguna persona en los Estados Unidos podrá, por motivos de raza, color u origen nacional, ser excluida de participar en, negársele los beneficios o ser objeto de discriminación en virtud de ningún programa. o actividad que recibe asistencia financiera federal.

Proporcione la siguiente información necesaria para procesar su queja. La asistencia está disponible a pedido. Complete este formulario y envíelo por correo o envíelo a:

CIUDAD DE ELKO
TÍTULO VI COORDINADOR
1751 COLLEGE AVENUE
ELKO, NV 89801
775-777-7126
CITYCLERK@ELKOCITYNV.GOV

INFORMACIÓN DEL RECLAMANTE

NOMBRE:	DIRECCIÓN DE CORREO ELECTRÓNICO:
DIRECCIÓN:	CÓDIGO POSTAL
TELÉFONO #:	TELÉFONO DE NEGOCIOS:

PERSONA DISCRIMINADA EN CONTRA (si no es el denunciante)

NOMBRE:	DIRECCIÓN DE CORREO ELECTRÓNICO:
DIRECCIÓN:	CÓDIGO POSTAL
TELÉFONO #:	TELÉFONO DE NEGOCIOS:

DETALLES DE LA SUPUESTA VIOLACIÓN

FECHA:
HORA:

VIOLACIÓN DEL LUGAR OCURRIÓ:

DESCRIPCIÓN DE LA ORGANIZACIÓN QUE CREE DISCRIMINADA (empleado de la ciudad, contratista, inquilino)

DESCRIPCIÓN DE LA VIOLACIÓN (ADJUNTE HOJAS ADICIONALES SI ES NECESARIO):

TESTIGOS DE CONTACTO DE APOYO: (Indique las personas a las que podamos comunicarnos para obtener información adicional que respalde su queja).

¿PRESENTÓ ESTA QUEJA ANTE OTRA AGENCIA FEDERAL, ESTATAL O LOCAL O TRIBUNAL?

_____ SÍ NO

EN CASO DE SÍ, INDIQUE QUÉ AGENCIA (S)?

NOMBRE, DIRECCIÓN Y TELÉFONO DE LA PERSONA DE CONTACTO DE LA AGENCIA:

OTROS COMENTARIOS:

Firme a continuación y adjunte o proporcione cualquier documentación de respaldo.

Firma del reclamante Fecha: