



Tempe Title VI Implementation Plan

Relating to Federal Highway Administration (FHWA) Funds
2022

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Attachments:

Attachment A – Signed Policy Statement and Notification

Attachment B – Title VI Assurances

Attachment C – Title VI Compliance Poster (English and Spanish)

Attachment D– Title VI Complaint Forms (English and Spanish)
Attachment E – Tempe Demographic Report

Introduction

Title VI of the Civil Rights Act of 1964 (Title VI), is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures 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 benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.”

Title VI has been broadened and supplemented by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibited unfair and inequitable treatment of persons as a result of projects that are undertaken with federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipient and contractors whether those programs or activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects or plans that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued a corresponding DOT order to summarize and expand upon the requirements of Executive Order 12898.

Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” requires City of Tempe to provide access to individuals with limited ability to speak, write, or understand the English language.

As a recipient of federal financial assistance, City of Tempe will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color, or national origin.

Therefore, based on federal guidance, the main components of the City of Tempe Title VI Program include:

1. Assignment of roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964, and related regulations and directives;
2. Assurance that people affected by the City of Tempe's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability; or on minority populations, low-income populations and all interested persons and affected Title VI populations;
3. Prevent discrimination in City of Tempe's programs and activities, whether those programs or activities are federally funded or not;
4. Establishment of procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations and all interested persons and affected Title VI populations;
5. Establishment of procedures to annually review Title VI compliance within specific program areas within City of Tempe;
6. Setting forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in City of Tempe's services, programs, or activities.

As a sub-recipient of federal highway funds, City of Tempe must comply with federal and state laws and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

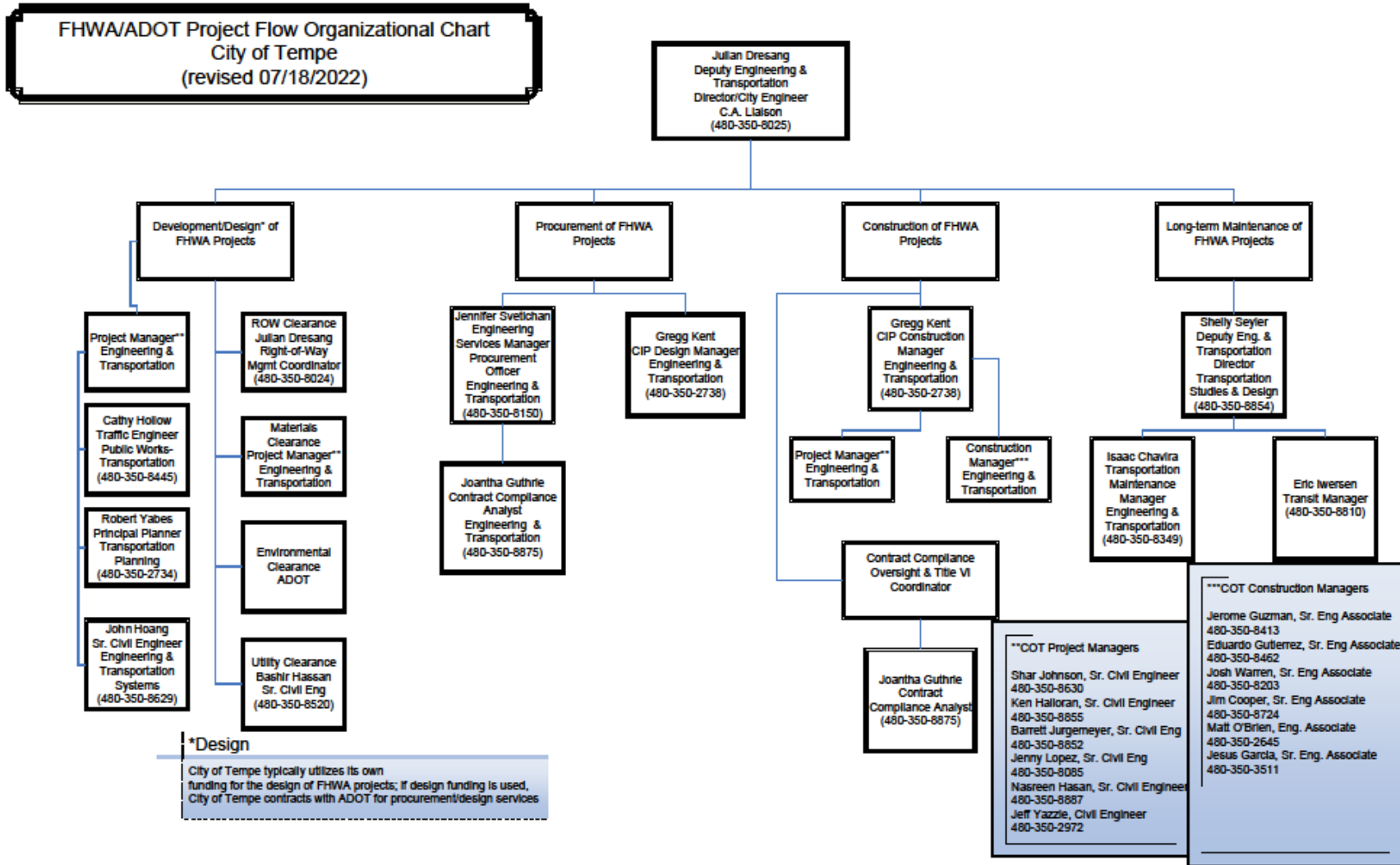
Signed Policy Statement and Notification

Signed copy of the Policy Statement and Notification is provided in Attachment A.

Title VI Assurances

Signed copy of the Title VI Assurances is provided in Attachment B.

City of Tempe Organization Chart and Staffing



Title VI Coordinator Responsibilities

City of Tempe Title VI Coordinator is responsible for ensuring the implementation of the Title VI Plan. City of Tempe Title VI Coordinator is also responsible for implementing, monitoring, and ensuring the City's compliance with the Title VI regulations. An annual report will be required to be compiled by August 1 of each year. The Title VI Coordinator will be responsible for this report and it will be submitted to Arizona Department of Transportation (ADOT) by August 1.

Program Area Review Procedures

Program Areas to be reviewed:

Title VI and LEP Training
Monitoring Contracts and Vendors
Title VI Complaints

As Title VI relates to the FHWA/ADOT funding program, City of Tempe is to ensure compliance with all Title VI requirements as part of the design and construction of the City's Capital Improvement Program. Part of the responsibility of the Title VI Coordinator is to develop direct connections between ADOT's Title VI office and the City. This connection will ensure the City of Tempe has the latest updates regarding Title VI program requirements. The connection is through the development of working relationships with the Title VI ADOT office; subscribing to the email updates at <https://public.govdelivery.com/accounts/AZDOT/subscriber/new> (specifically, Doing Business with ADOT – Local Public Agency Communications); and, participating in the Certification Acceptance agency peer group which helps to facilitate education and understanding of the CA responsibilities including Title VI assurances.

By maintaining these connections, City of Tempe can be assured of receiving the latest information related to the Title VI program and be able to adjust our internal policies and procedures to match any change within the program. As new Title VI Program requirements are released, a comparison to City of Tempe's current processes will be conducted by the Title VI Coordinator to identify any changes needed to maintain compliance.

If changes are needed, the procedures will be updated, and training will be scheduled for all those connected to the federal project to include, but not limited to: transportation planning; engineering design and construction teams; public information office; diversity office; purchasing office; and public works administration.

Special Emphasis Program Areas

Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments and complaints. The reviews will be conducted by the Title VI

Coordinator to assure effectiveness in their compliance of Title VI provisions. The special emphasis groups will have quarterly reporting of their data collected as it relates to Title VI demographics. This data will be reviewed and utilized to determine if there is need to do further investigation into a specific program area. Each year, at least one special emphasis area will have a formal review to confirm all Title VI guidelines are being adhered to. The comprehensive review will follow the steps set out below:

1. Each special-emphasis area will receive an internal comprehensive review once every three (3) years in which all internal policies and procedures will be reviewed.
2. Sampling of contracts to ensure inclusion of required nondiscrimination provisions.
3. Sampling of public involvement material including meeting notices, project flyers and other similar documents to ensure LEP requirements are being met.
4. Title VI & ADA Programs Coordinator and the program area will work together to create compliance guides, which will include, but not be limited to resources, training, and best practices to achieve compliance.
5. If an area of non-compliance has been identified and a resolution cannot be achieved, a recommendation and findings report which will include corrective measures will be issued to the Director.

Any findings will be used to monitor and report problem areas (trends of discrimination or potential discrimination) and accomplishments (new practices or procedures to address actual or potential discrimination). Additionally, the Title VI Coordinator and the program area will work to ensure compliance with all aforementioned items by monitoring plans as they are submitted.

Sub-Recipient Review Procedure:

Currently, City of Tempe has no FHWA subrecipients.

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

The subcontractor's contract must be approved by the City to ensure all proper documentation related to the mandatory non-discrimination language is included in each contract. The Title VI Coordinator utilizes a subcontractor checklist to ensure all required language has been added to the contract. An annual random review of both the contractor and subcontractor contracts will be performed by both the Title VI Coordinator and the CA Liaison.

Any discrimination complaints against the subcontractors received by the City of Tempe will be forwarded to the Arizona Department of Transportation Civil Rights Office.

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

As part of our CA Agency compliance, the City of Tempe will ensure sufficient monitoring of our engineering and transportation projects which are related to the federal funding obtained through ADOT from FHWA. The monitoring will focus on any identification of any disparate impact or treatment, material deficiencies, and/or discriminatory practices that require resolution or reporting.

This monitoring will work in conjunction/coordination with our Purchasing Division, Public Information Office, and Transportation Division as well as the ADOT Civil Rights Office. If any type of discriminatory trend or pattern is identified, the city will work closely with both our partners in ADOT as well as our CA Agencies to identify best practices and determine the steps and timelines needed to remedy the discrimination. Those steps will include how to prevent the specific discrimination from occurring in the future.

Data Collection & Analysis

Statistical data (race, color and national origin) regarding participants in and beneficiaries of City programs, impacted citizens and affected communities, will be gathered and maintained by the city. At the initiation of a project, an analysis is performed utilizing the City of Tempe's State Demographic Viewer to determine the potential need for Limited English Proficiency and transportation assistance for the first outreach meeting.

City of Tempe's Neighborhood Services division has developed a survey tool which is available at all public hearings and meetings. The survey tool asks questions regarding the participants gender, ethnicity, race, age, income, and possible disability. The outreach facilitator informs all in attendance why the information is important, and it is completely voluntary. After each community outreach meeting, the Neighborhood Services staff will provide the Title VI Coordinator with the Public Involvement Summary report.

The information obtained from the survey tool will assist the city in identifying possible patterns of discrimination as it relates to a specific process, procedure or how the process or procedure is implemented. The specific compliance analysis with Title VI will include, but may not be limited to:

- Percent of benefits allocated to persons below the poverty line versus persons above.
- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities.
- Impact of investments on income, race, sex, disability, and age groups.
- Impacts of the location and of projected population increases connected with a project.
- Language needs assessment and strategies to disseminate information.
- Transportation needs of all persons within boundaries of plans or projects.

At the completion of the project, an additional analysis is performed to identify any lessons learned to prepare for the next project. This review is conducted by the Neighborhood Services staff, the city transportation planner(s), the project manager as well as the Title VI Coordinator.

The City of Tempe Demographic Report can be found at the end of this report – Attachment E.

Monitoring and Updating

At a minimum, the LEP plan is reviewed on an annual basis. The review includes any information obtain from the City programs and services regarding communication/translation issues throughout the year.

The Title VI Coordinator works closely with the Neighborhood Services workgroup ensuring the survey tool as well as project-related collateral material is provided at each outreach meeting in both English and Spanish, as well as, any pre-meeting material distributed to the affected neighborhood.

The Title VI Coordinator obtains a copy of the Summary of Public Involvement report which is provided after each public outreach event. The report covers the following information:

- A project overview
- Accounting of the outreach effort which includes: direct mail; media; meetings/info; and surveys.
- Survey results
- Verbatim comments regarding the projects and/or elements of a project from the meeting
- Next door comments – provided by neighboring communities
- Emailed comments
- Project Area Demographics including: population; ethnicity; English language proficiency; commuting to work; and, disability

Since this report is provided during the planning stage of a project, the review of the report (in addition to the annual review) gives the city the opportunity for continual monitoring and updating of the LEP plan.

Title VI and LEP Training

The City of Tempe, Title VI Coordinator is responsible for overall Title VI and LEP related training and staff development for Agency employees. The Coordinator will organize or conduct a minimum of one internal Title VI and LEP training session annually. A training for the Engineering and Transportation Division is planned for the Fall of 2022.

The Coordinator will organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors periodically.

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

Title VI Complaints

If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, and national origin, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator following the complaint information as outlined in this document. (See Filing a Title VI Complaint).

Often, discrimination complaints are funneled through the City of Tempe's Diversity Office. The Title VI Coordinator works directly with our Diversity Office to review all discrimination complaints and identify the correct steps for addressing it. To ensure the city is aware how to forward the complaint information, the information will be discussed at a City Director's meeting with each Director disseminating the information directly to their own department, so their staff is aware where to direct Title VI complaints.

All FHWA Title VI complaints related to race, color, or national origin are forwarded to the Title VI Coordinator for review and submission to ADOT. All complaints on City of Tempe projects that are not forwarded to ADOT because they are not Title VI related are still reviewed by our diversity office per our Anti-Discrimination Ordinance.

Filing a Title VI Complaint

FHWA Title VI Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 as they relate to any Federal Highway Administration program or activity administered by the City of Tempe, its subrecipients, consultants and contractors. In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or take legal action for complaints alleging discrimination.

Required procedures for FHWA Title VI Complaints filed against the City of Tempe:

1. The complaint must be filed within 180 days of the alleged discrimination and include the date the alleged discrimination became known to the complainant or the last date of the incident.
2. Any person, specific class of persons or entity that believes they have been subjected to discrimination on an FHWA-related activity or program as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, can file a formal complaint with the City of Tempe. A copy of the Complaint Form may be accessed electronically at: <https://www.tempe.gov/government/strategic-management-and-diversity/diversity/ada-accessibility/title-vi>
The contact information for the City of Tempe is Joantha Guthrie, Title VI Coordinator, Engineering and Transportation, 31 E 5th Street, Tempe, AZ 85281, phone 480-350-8200 or email joantha_guthrie@tempe.gov.
3. The complainant may also file a discrimination related complaint on an FHWA program or activity directly with ADOT or with the Federal Highway Administration by contacting the agencies at:

ADOT Civil Rights Office

206 S. 17th Avenue, Mail Drop 155-A
Phoenix, AZ 85007
602.712.8946
602.239.6257 FAX
Email azdot.gov

Federal Highway Administration

U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Email CivilRights.FHWA@dot.gov

202-366-0693
202-366-1599 FAX

Required Procedures for FHWA Title VI Complaints filed against the City of Tempe's sub recipient, contractor, or consultant:

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination on an FHWA-related activity or program as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, can file a formal complaint with City of Tempe. A copy of the Complaint Form may be accessed electronically at: <https://www.tempe.gov/government/strategic-management-and-diversity/diversity/ada-accessibility/title-vi>
The contact information for the City of Tempe is Joantha Guthrie, Title VI Coordinator, Engineering and Transportation, 31 E 5th Street, Tempe, AZ 85281, phone 480-350-8200 or email joantha_guthrie@tempe.gov.
2. The complaint must be filed within 180 days of the alleged discrimination and include the date the alleged discrimination became known to the complainant or the last date of the incident.
3. Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the agency and provide the allegations by telephone, and the agency will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature.
4. A complaint should contain at least the following information:
 - a. A written explanation of what has happened;
 - b. A way to contact the complainant;
 - c. The basis of the complaint (e.g. race, color, national origin);
 - d. The identification of a specific person/people and the respondent (e.g., agency/organization) alleged to have discriminated;
 - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal Highway Administration financial assistance; and is a consultant, contractor or subrecipient of the City of Tempe and
 - f. The date(s) of the alleged discriminatory act(s).
5. Upon receipt of a completed complaint, the City of Tempe will forward all FHWA Title VI complaints to Arizona Department of Transportation (ADOT) Civil Rights Office (CRO) within 72 hours.

6. City of Tempe will maintain a confidential log of all accepted Title VI Complaints for four (4) years; the log will include:
 - a. Name of complainant(s)
 - b. Date the complaint was received
 - c. Date of the allegation
 - d. Description of the alleged discrimination
 - e. Other relevant information, as needed
 - f. Report date
 - g. Recommendations
 - h. Outcome/Disposition
7. ADOT CRO will forward all FHWA Title VI complaints to the FHWA Division Office.
8. All Title VI complaints received by the FHWA Division Office will be forwarded to the FHWA Office of Civil Rights for processing and potential investigation.
9. If the FHWA Office of Civil Rights determines a Title VI complaint against a subrecipient can be investigated by ADOT CRO, the FHWA Office of Civil Rights may delegate the task of investigating the complaint to ADOT CRO. ADOT CRO will conduct the investigation and forward the Report of Investigation to the FHWA Office of Civil Rights for review and final disposition.
10. The disposition of all Title VI complaints will be undertaken by the FHWA Office of Civil Rights, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the FHWA Division Office.

Title VI Information Dissemination and Community Outreach

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

Community Outreach is a requirement of Title VI. City of Tempe seeks out and considers the viewpoints of minority and low-income populations while conducting public outreach. The city engages the public in its planning and decision-making process, as well as its marketing and outreach activities.

The first step of outreach is to identify City of Tempe's Title VI populations affected by a project.

The city community outreach efforts include:

- *Transportation Commission*. The Transportation Commission provides a forum for public hearings and other public involvement mechanisms to assure community-based transportation plans, projects, and issues, and to meet all Federal and other guidelines for public involvement in transportation projects.
- *Tempe Involving the Public (TIP) Manual*. The Tempe Involving the Public (TIP) Manual was first adopted by Council resolution on August 16, 2007 as a guideline for public involvement processes, with a revised version adopted on January 8, 2015 that expanded on public involvement tools and created a required private development section of the document. The Manual reflects Tempe's belief that community members should be engaged early on in decisions that affect them and demonstrates a commitment to maximizing public input and engagement in planning activities. City staff is actively working on additional revisions to incorporate Title VI for every City project as well as establishing equity metrics through the Equity in Action project.

Equity in Action is a collaboration between Tempe's Offices of Sustainability, Neighborhood Services, Strategic Management and Diversity, the Vitalyst Health Foundation and community partners that seeks to achieve equity in City policy, planning and decision-making processes, with equity defined as just and fair inclusion into a society in which all can participate, prosper, and reach their full potential. An RFQ for organizations interested in participating went out fall 2019. The goal for the RFQ was for City staff, Vitalyst Health Foundation, and the successful respondents to work together to provide revisions to the TIP Manual designed to increase the participation of underrepresented residents in Tempe's planning and decision-making processes. After the RFQ process, 10 community stakeholders were selected, and the first Equity In Action meeting was convened in March 2020. In addition to the community stakeholders, the following City departments (in addition to those mentioned above) also participate in the Equity In Action group: Communications, Arts and Culture (Tempe Center for the Arts), Human Services (Tempe Community Council), City Manager's Office, and Police. Progress has been made on the framework to achieve equity in City decision-making processes and create a replicable process of implementing projects that reflect diversity and inclusion was co-created by Equity in Action coalition

members, consultants, and staff. The coalition members selected pilot projects in order to test the framework and develop additional tools and approaches to equitable engagement. The pilot projects are led by City staff, coalition members and sometimes by third party contractors. The results will be presented to the Chief Diversity Officer upon hire to finalize the framework.

There was an unanticipated staff departure in the Diversity Office. All recommendations for updating the TIP Manual will be provided to the city's Chief Diversity Officer when the position is filled (anticipated in Fall 2022). Currently, though the TIP Manual is not updated, all individual project Public Involvement Plans do include outreach objectives to ensure access to information and engagement of underrepresented community members by utilizing recommendations made by the Equity in Action Coalition Equitable Engagement Framework that centers historically marginalized communities.

- *Advertisements of public hearings.* Public hearings are held for capital improvement projects, light rail and bus route changes. Advertisements are published in the Arizona Informant (African American community), Asian American Times (Asian American community), LaVoz and Prensa Hispana (Hispanic community). Copies of the press releases are in both English and Spanish.
- *On site community open houses.* Open houses are held at transit and community centers at various times through the day and week to increase the likelihood in meeting with residents to hear their comments and questions. These open houses are accessible by public transit and have planning staff available to answer questions in both English and Spanish.
- *Accessibility to community.* Planners receive calls regularly from minority and low-income community residents requesting information on capital improvements projects, service changes and offering comments and suggestions.
- *Online customer comment.* The online public comment forum allows for participants to select their language of choice. Comments are researched, and response is given back to the citizen. Comments are also accepted by phone, fax, email, US mail, and in person at any meeting.

Limited English Proficiency (LEP)

The City of Tempe concurs with the findings and analysis of the regional LEP study conducted by the City of Phoenix which included Tempe and that 12% of the population speaks no English or limited English. Therefore, the City of Tempe has also determined that it has a significant obligation to provide LEP services. Below are the results of the study conducted by the City of Phoenix regarding the need for the implementation of an LEP Plan.

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

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

Since the Regional Public Transit Authority (RPTA) Customer Service Call Center processes transit, Federal Transit Administration (FTA), related complaints for City of Tempe and RPTA Marketing provides significant written communications and training to City of Tempe residents, their assistance to LEP populations is documented.

Likewise, the City of Tempe processes transportation, Federal Highway Administration (FHWA), related complaints and the City of Tempe Transit Store, Tempe Marketing, and Tempe Public Information Office also provides written and oral communications services to Tempe residents for programs activities and services, so their assistance to LEP populations is documented as well.

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

1. The number or proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP individuals come in contact with services.

3. The nature and importance of services to LEP individuals.
4. The resources available to the recipient and the costs.

One third of the Phoenix Metropolitan Area population speaks Spanish or some other language other than English as a primary language, and 12 percent of the population speaks no English or limited English. Given these statistics, it was determined that the City of Tempe had a significant obligation to provide LEP services and needed to develop an LEP plan.

Four Factor Analysis – City of Tempe

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

Factor One - Identifying LEP individuals who need language assistance.

The City of Tempe has identified the following numbers of individuals designated within the LEP population (according to the 2016-2020 American Community Survey 5year estimates):

- Total Population: 191,607
- Minority Population: 87,285 (45.55%)
- Persons with Limited English Proficiency: 13,286
 - speak English “well”: 9,270
 - speak English “not well”: 3,412
 - speak English “not at all”: 604

Twenty-two-point one (22.1) percent (42,255) of City of Tempe’s population is Hispanic. The predominant LEP language is Spanish. When a project has been identified within our boundaries, the city can drill into the specific location to determine what additional LEP needs are required.

Factor Two – The frequency with which LEP individuals come in contact with the program.

When scheduling a community outreach for a prospective project, the outreach team reviews the demographics for the area to ensure the city has a clear understanding of the LEP community which will be affected. Informational material (flyers/doorhangers/etc.) is consistently provided in both English and Spanish. In addition, the city always has a Spanish translator at all community outreach meetings as well as ensuring all meeting documents are provided in both languages.

The City of Tempe has a reader button to translate our website into Spanish; in addition, <https://translate.google.com> is available for other non-English/non-Spanish speaking individuals who wish to have our website translated.

The City's many programs and services offer written information and outreach in both English and Spanish to fully meet the "Safe Harbor" stipulation in federal law. As an example, the City's Courts provide language identification cards to determine any specific language needs. The above tables also explain the frequency in which the areas evaluate the assistance offered.

The City has also established a partnership with Hablar Para Integrar (HA.P.I) - an organization which helps Latino families realize the American dream by giving parents the tools they need to grow, succeed and become a fully integrated member of society in Arizona. Part of their outreach is to assist with any language barriers.

Factor Three – Importance – Nature and importance of the Program, Activity, or Service Provided by the Program

All of City of Tempe's services and programs are important in providing connections that improve people's lives. City of Tempe works to provide publications and other materials disseminated to the public regarding our services and programs in both English and Spanish, striving to provide alternative but meaningful accessibility to all LEP populations. City of Tempe will continue to evaluate its programs, services, and activities to ensure that persons who may be LEP are provided with meaningful access.

Factor Four – Resources Available to Recipient and Costs

Resources to translate materials and interpret for individuals are available. City of Tempe maintains a standing offer to translate additional materials into additional languages or alternative formats as needed. City of Tempe contracts with interpretation firms to aid in the provision of these services and frequently enlists internal resources and staff who are bilingual and available to assist with interpretation.

Additional materials and interpreters will be made available for areas with high concentration of linguistically isolated individuals. If fluency in the needed language is not found among City of Tempe staff, assistance may be acquired through contract services.

The Title VI Coordinator works closely with the Neighborhood Services workgroup ensuring the survey tool as well as project-related collateral material is provided at each outreach meeting in

both English and Spanish, as well as, any pre-meeting material distributed to the affected neighborhood.

ENVIRONMENTAL JUSTICE

In 1994, Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, was issued. EO 12898 directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law. This order is also intended to promote nondiscrimination in federal program programs that affect human health and the environment, as well as provide minority and low-income communities with access to public information and public participation.

The City of Tempe continues the process of revising our 2015 *Tempe Involving the Public (TIP) Manual* to address the incorporation of Environmental Justice, Title VI, and access to translation services for written and verbal components of public outreach. We have identified various City stakeholders and program areas for input on revisions to the manual to ensure that it is inclusive to all departments and staff. As part of the revised manual there is now a section specifically for City contractors outlining their additional responsibilities in compliance at any public meeting that they have, or interaction with the public. The program areas that we have identified are Engineering, Transportation, and Parks. City staff, Vitalyst Health Foundation and a consultant has been working together to provide revisions to the TIP Manual designed to increase the participation of underrepresented residents in Tempe's planning and decision-making processes.

After the RFQ process, 10 community stakeholders were selected, and the first Equity In Action meeting was convened in March 2020. In addition to the community stakeholders, the following City departments (in addition to those mentioned above) also participate in the Equity In Action group: Communications, Arts and Culture (Tempe Center for the Arts), Human Services (Tempe Community Council), City Manager's Office, and Police. Progress has been made on the framework to achieve equity in City decision-making processes and create a replicable process of implementing projects that reflect diversity and inclusion was co-created by Equity in Action coalition members, consultants, and staff. The coalition members selected pilot projects in order to test the framework and develop additional tools and approaches to equitable engagement. The pilot projects are led by City staff, coalition members and sometimes by third party contractors. The results will be presented to the Chief Diversity Officer upon hire to finalize the framework.

Virtual Public Involvement

Virtual public involvement was prompted by health and safety concerns for in-person public meetings associated with the COVID-19 pandemic. Virtual public involvement is utilized to get input from and inform the public of potential construction impacts and what to expect. Additionally, it is utilized to communicate project changes.

The virtual platforms have lowered barriers for those not able to attend in person, and we have seen an increase in attendance. All virtual public meetings have a dial-in option for those who do not have access to the internet. As health and safety guidelines are updated to allow for in-person meetings, the use of a virtual public involvement meeting component has been re-evaluated.

We continue to offer multiple ways to engage with the city to remove any barriers to participation. The city offers on-demand online sessions available 24/7, virtual, hybrid and in-person meetings. Over the last year we have started doing hybrid meetings using a new device called the Owl. It has a 365-degree camera that automatically focuses on the speaker. It has been helpful in making attendees feel more included in the meeting dialogue, though is better suited to meetings of maybe 30 people in the meeting room.

Review of Directives

The Title VI Coordinator is responsible for maintaining communication with monitoring agents and ensuring program directives are in coordination with State program officials. Should there be a Title VI implication, the Title VI Coordinator will coordinate a task force of authorities to address the impact and determine a course of action.

The procedure for review of State Directives (in coordination with the major program areas representatives) includes the review of Title VI and related requirements. Examples of compliance with this requirement is the review of contracts and the language therein to ensure that the appropriate nondiscrimination phraseology is included in each contract. Directives and procedures that may be reviewed includes, but are not limited to:

- Procedures for dissemination of information on opportunities of inclusion to bid on contracts.
- Procedures for prequalification of minority contractors and contractor selection.
- Procedure for consultant selection and the monitoring of Title VI & ADA compliance.

When the Title VI Coordinator recognizes a failure to meet the requirements of Title VI and/or other related statutes, the respective program area administrator is notified of the deficiency and provided recommendations that will ensure Title VI compliance. Parallel with the previous task, Title VI Coordinator will draft a strategy for review of existing procedures and directives. Additionally, a strategy to review future and updated procedures and directives will be drafted. Inherent to this is to identify key Title VI requirements to guide these review processes.

Compliance and Enforcement Procedures

This section outlines the City's Title VI Non-Discrimination Program compliance and enforcement procedures to eliminate and address discrimination and resolve deficiencies when noncompliance occurs.

The city will actively pursue the prevention of deficiencies and will take the necessary steps to ensure compliance with all program requirements. To further enhance the ability to identify and eliminate patterns of discrimination, the city will ensure that staff, sub-recipients (prime contractors/consultants and subcontractors/subconsultants), and beneficiaries are educated and informed regarding Title VI roles and responsibilities.

Process to Identify/Eliminate Deficiencies

Compliance reviews will be conducted to 1) ensure compliance with Title VI; 2) provide technical assistance in the implementation of the city's Title VI Program; and 3) correct deficiencies, when found to exist. When conducting Title VI compliance reviews, any deficiencies found will be communicated in writing with the agreed upon remedial action within 90 calendar days. Efforts to secure voluntary compliance will be undertaken at the outset in every noncompliance situation and will be pursued through each enforcement action. Cooperation will be sought to correct any deficiencies during the review.

Technical assistance and guidance will be provided in finding methods, strategies, and processes to ensure effective Title VI implementation and enforcement. When a sub-recipient fails or refuses to comply with the requirements within the time frame allotted, the city will involve ADOT CRO to initiate remedies.

Process to Resolve Deficiencies Identified by ADOT

Effective Title VI compliance requires the city to take prompt action to achieve voluntary compliance in all instances in which deficiencies are found by ADOT CRO. The city will correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days in accordance with required guidelines. Within 30 calendar days of written notification, the city will develop a corrective action plan to include the following elements:

Identification of deficiency;

Applicable laws and requirements;

Remedial actions to be taken by the city;

Timeline to correct the deficiency;

Plan to monitor CAP progress; and

Timeframe for providing updates to ADOT

The corrective action plan will be submitted to ADOT CRO for approval. When approved, the city will implement the corrective action plan and provide periodic updates to ADOT CRO. If necessary, the city will update procedures or work with the affected program area to update its procedures to reflect the outcome of the corrective action plan. The corrective action plan with results will be included in the Title VI Non-Discrimination Annual Goals and Accomplishments Report.

Attachment A

Signed Policy Statement and Notification

It is declared to be the policy for the citizens of Tempe, Arizona, that no person is discriminated against on the grounds of color, race, or national origin as provided by Title VI of the Civil Rights Act of 1964 and related legislation. Specifically, Title VI asserts that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Additional protections under the Tempe City Code, Chapter 2, Article VIII are provided for age, religion, disability, gender, sexual orientation, familial status, gender identity and U.S. Military Veteran status. The City of Tempe strives to ensure nondiscrimination in all its programs and activities, whether those programs and activities are federally funded or not. As a sub-recipient of federal funding, The City of Tempe is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by the U.S. Department of Justice per 28 Code of Federal Regulations (CFR) § 42.401 et seq. and 28 CFR § 50.3. The U.S. Department of Transportation Title VI implementing regulations can be found at 49 CFR part 21 and Ord. No. O2014.10, 2-27-14.

Notification

Notice to the public, notifying their protection under Title VI, has been posted on the City of Tempe's website and will be posting in all City of Tempe public buildings in both English and Spanish.

City of Tempe
(Andrew Ching, City Manager)

By Andrew B. Ching
(Signature of Authorized Official)

June 28, 2022
Dated _____

City of Tempe
Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A

The **City of Tempe** (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through *Federal Highway Administration* and *Arizona Department of Transportation*, 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 *Federal Aid Highway Program*.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *Federal Aid Highway Program* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The **City of Tempe**, 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. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any 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, **City of Tempe** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing *Federal Highway Administration* or *Arizona Department of Transportation* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *Federal Highway Administration* or *Arizona Department of Transportation*. You must keep records, reports, and submit the material for review upon request to *Federal Highway Administration*, *Arizona Department of Transportation*, or its designee in 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.

City of Tempe gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal Highway Administration* and *Arizona Department of Transportation*. This ASSURANCE is binding on Arizona, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

City of Tempe

by Andrew B. Ching
Andrew B. Ching, City Manager

DATED June 28, 2022

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, *Federal Highway Administration or the Arizona Department of Transportation*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work 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, the *Federal Highway Administration or Arizona Department of Transportation* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation*, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration or Arizona Department of Transportation*, may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B**CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **City of Tempe** will accept title to the lands and maintain the project constructed thereon in accordance with *Title 23, United States Code the Regulations for the Administration of Federal Aid for Highways*, and the policies and procedures prescribed by the *Arizona Department of Transportation, Federal Highway Administration* 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, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252;42 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **City of Tempe** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto **City of Tempe** 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 Tempe**, its successors and assigns.

The **City of Tempe**, 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 Tempe** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **City of Tempe** 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 Tempe** 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, the **City of Tempe** 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 Tempe** and its assigns*.

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

APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by **City of Tempe** 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 Tempe** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **City of Tempe** will there upon revert to and vest in and become the absolute property of **City of Tempe** and its assigns.*

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

Attachment C

City of Tempe Title VI Notice to Public

City of Tempe (and its subcontractors, if any) complies with Title VI of the Civil Rights Act of 1964. The Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in programs and activities receiving Federal Financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color and national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of activity receiving Federal financial assistance.” 42 U.S.C Section 2000d.

Any person who believes he/she or any specific class of persons is subjected to discrimination prohibited by Title VI may, by him/herself or by a representative, may file a written complaint with the City of Tempe, ADOT Civil Rights Office or the Federal Highway Administration (FHWA). Such a complaint must be in writing and filed within one hundred and eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the City of Tempe Title VI Coordinator.

La ciudad de Tempe (y sus subcontratistas, si hubiere) cumple con el Título VI de la Ley de los Derechos Civiles de 1964. El Título VI de la ley de Derechos Civiles de 1964 prohíbe la discriminación con base a la raza, color y nacionalidad en programas y actividades que reciben asistencia financiera federal. El Título VI específicamente estipula que “ninguna persona en los Estados Unidos, en base de raza, color y nacionalidad debe ser excluida de la participación en, ser negada los beneficios de, o ser sujeta a la discriminación bajo ningún programa de actividades que reciban asistencia financiera federal.” 42 U.S.C Sección 2000d.

Cualquier persona que crea que él/ella o cualquier clase de persona es sujeta a discriminación prohibida por el Título VI puede, por sí mismo o por un representante, presentar una queja escrita con la Ciudad de Tempe, la oficina de Derechos Civiles de ADOT o la Administración Federal de Autopista (FHWA). Si la queja se presenta en contra la Ciudad de Tempe, se requiere que el coordinador del Título VI transmita la queja con la oficina de Derechos Civiles. Todas las quejas serán investigadas inmediatamente por Tempe, la oficina de Derechos Civiles de ADOT o el FHWA la Administración Federal de Autopista.

For more information:
Informacion de contacto:

Joantha Guthrie
Contract Compliance Analyst/ Title VI Coordinator
City of Tempe, 31 East Fifth Street Tempe, AZ 85281
480-350-8875

Contact information for the **ADOT Civil Rights Office:**
Informacion de contacto de la **Oficina de Derechos Civiles de ADOT:**
206 S. 17th Ave, Phoenix AZ 85007 Mail Drop 155A Room 183 (602) 712-8946

Attachment C



Attachment D - Title VI Complaint Form (English)



CITY OF TEMPE TITLE VI/ADA COMPLAINT FORM

Note: The following information is needed to assist in processing your complaint.

Complainant's Information:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____

Home Phone Number: _____ Alt. Phone Number: _____

Person discriminated against (if other than complainant):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Alt. Phone Number: _____

Which of the following best describes the reason you believe the discrimination took place:

Please be specific:

Race _____ National Origin _____

Color _____ Disability _____

On what date(s) did the alleged discrimination take place? _____

Where did the alleged discrimination take place? _____

What is the name and title of the person(s) who you believe discriminated against you (if known)?



Describe the alleged discrimination. Explain what happened and who you believe was responsible. (if additional space is needed, add a sheet of paper).

List names and contact information of persons who may have knowledge of the alleged discrimination.

If you have filed this complaint with any other federal, state, or local agency, or with any federal or state court, check all that apply:

- Federal Agency Federal Court State Agency State Court Local Agency

Please sign below. You may attach any written materials or other information you think is relevant to your complaint.

Complainant Signature

Date

of Attachments

Submit form and any additional information to:

City of Tempe
Title VI Coordinator
Joantha Guthrie
Engineering & Transportation
31 E 5th Street
Tempe, AZ 85281
Phone: 480-350-8200
Email: joantha_guthrie@tempe.gov



Ciudad de Tempe Formulario de queja del Título VI/ADA

Nota: La siguiente información es necesaria para ayudar a procesar su queja.

Información del demandante:

Nombre: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código postal: _____

Correo electrónico: _____

Número de teléfono de casa: _____ Número de teléfono alternativo: _____

Persona discriminada (si no fue el reclamante):

Nombre: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código postal: _____

Número de teléfono de casa: _____ Número de teléfono alternativo: _____

¿Cuál de las siguientes opciones describe mejor la razón por la que usted cree que la discriminación tomó lugar:

Por favor, sea específico:

Raza _____ Origen Nacional _____

Color _____ Discapacidad _____

¿En qué fecha tuvo lugar la supuesta discriminación? _____

¿Dónde tuvo lugar la supuesta discriminación? _____

¿Cuál es el nombre y el título de la persona o personas que crees que te discriminó (si se conoce)?



Describa la supuesta discriminación. Explica lo que pasó y quién crees que fue responsable. (si requiere espacio adicional, añada una hoja de papel).

Lista de nombres e información de contacto de personas que puedan tener conocimiento de la supuesta discriminación.

Si ha presentado esta queja ante cualquier otra agencia federal, estatal o local, o con cualquier tribunal federal o estatal, seleccione todos los que correspondan:

Agencia federal Tribunal Federal Agencia estatal Tribunal estatal Agencia local

Por favor, firme a continuación. Puede adjuntar cualquier material escrito u otra información que considere relevante para su queja.

Firma de Reclamante

Fecha

N.o de los accesorios adjuntos

Envíe el formulario y cualquier información adicional a:

Ciudad de Tempe
Coordinador del Título VI
Joantha Guthrie
Engineering & Transportation
31 E 5th Street, Tempe AZ 85281
Phone: 480-350-8200
Email:
joantha_guthrie@tempe.gov

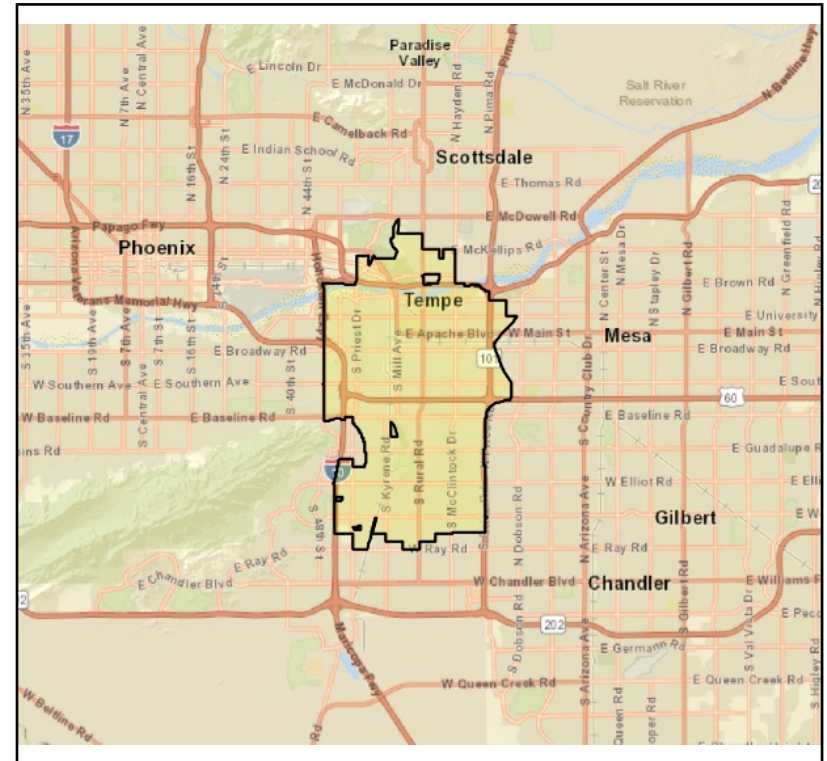
Attachment E

Tempe Demographic Report



Tempe has a population of **191,607** with a minority* population of **87,285** or **45.55%**.

Tempe has **76,218** total households.



About the U.S. Census Bureau's 2016-2020 American Community Survey 5 year Estimates

The American Community Survey (ACS) is a nationwide survey that uses continuous, multi-year sampling to produce estimates for a variety of geographical areas, the smallest being the Census Block Group. MAG uses the 5-year estimates because they provide increased statistical reliability for less populated areas and small population groups. ACS is a sample, meaning that it is not a full census of the population. For the 5 year estimates, surveys are collected from a sample population over the 5 year period. These surveys are then used to create estimates for the whole population. And, because it is an estimate of the whole population, there is a degree of uncertainty in the results. This degree of uncertainty is reflected in the margins of error that are calculated and reported along with the results of the survey. The margins of error are calculated at the 90 percent confidence level, meaning that users of the data can be 90 percent confident that the range reflected in the margin of error contains the true value. The margins of error are not reported on this web site, but are available from the Census at <http://factfinder.census.gov/> or are available upon request from MAG. More information on the methodology of the American Community Survey is available at <http://www.census.gov/acs/>.

* Minority population is defined as the population that is of any race other than non-hispanic white.

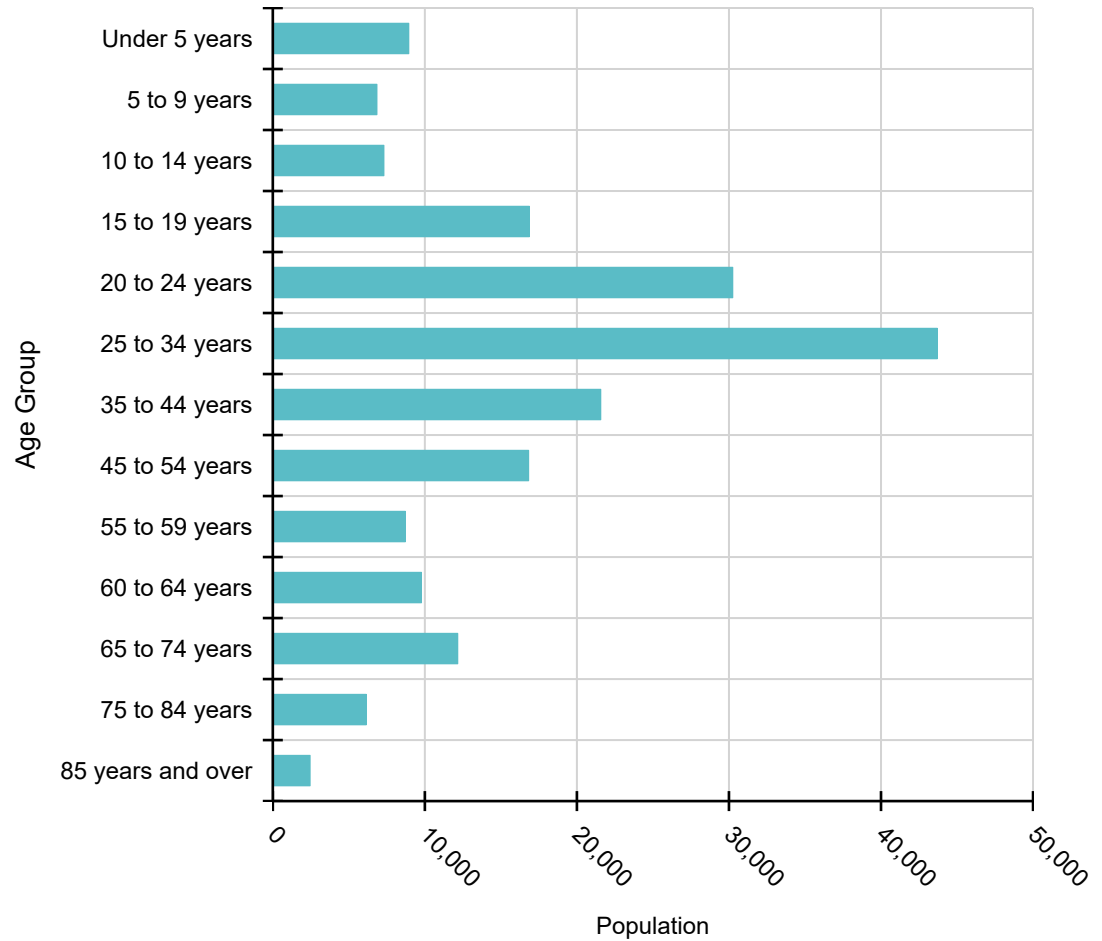
Age



American Community Survey 2016-2020 5yr Estimates

Age		
Name	Total	Percent
Total	191,607	N/A
Under 5 years	8,945	4.7 %
5 to 9 years	6,850	3.6 %
10 to 14 years	7,309	3.8 %
15 to 19 years	16,877	8.8 %
20 to 24 years	30,252	15.8 %
25 to 34 years	43,702	22.8 %
35 to 44 years	21,571	11.3 %
45 to 54 years	16,827	8.8 %
55 to 59 years	8,722	4.6 %
60 to 64 years	9,780	5.1 %
65 to 74 years	12,165	6.3 %
75 to 84 years	6,151	3.2 %
85 years and over	2,456	1.3 %

Universe: Total Population



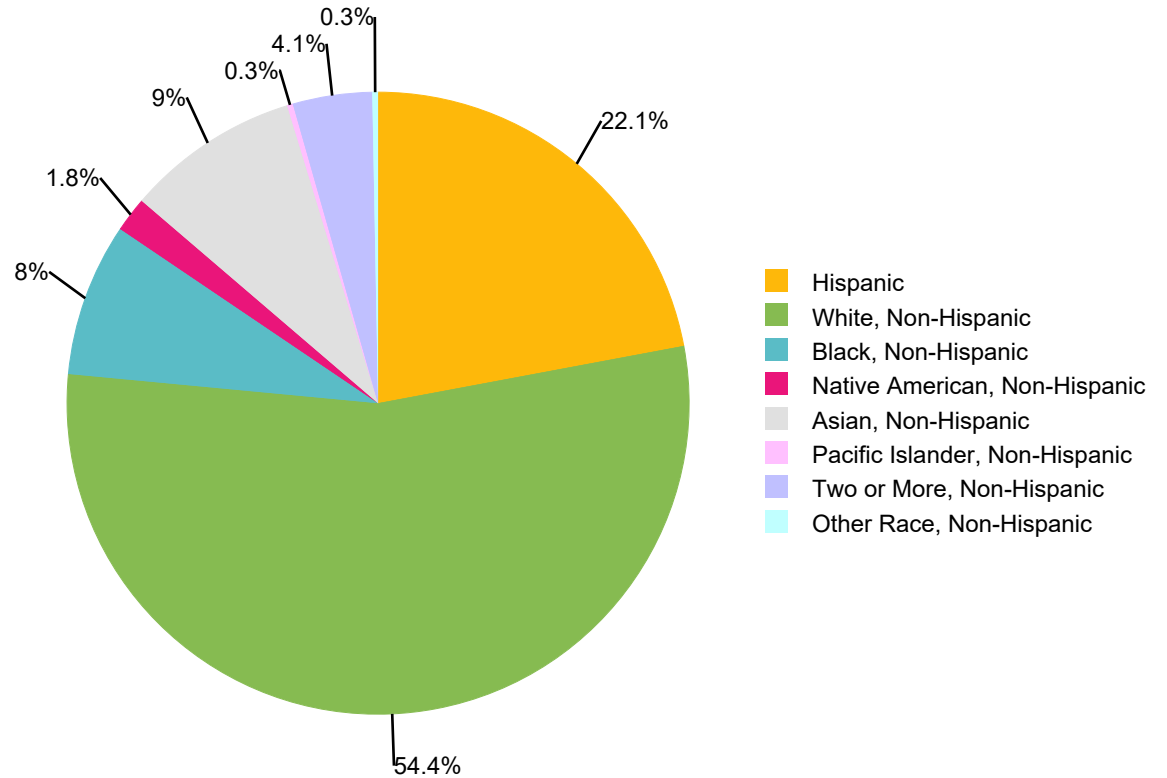
Race and Ethnicity



American Community Survey 2016-2020 5yr Estimates

Race and Ethnicity		
Name	Total	Percent
Total	191,607	N/A
Hispanic	42,255	22.1 %
White, Non-Hispanic	104,322	54.4 %
Black, Non-Hispanic	15,247	8.0 %
Native American, Non-Hispanic	3,478	1.8 %
Asian, Non-Hispanic	17,261	9.0 %
Pacific Islander, Non-Hispanic	579	0.3 %
Two or More, Non-Hispanic	7,895	4.1 %
Other Race, Non-Hispanic	570	0.3 %

Universe: Total Population



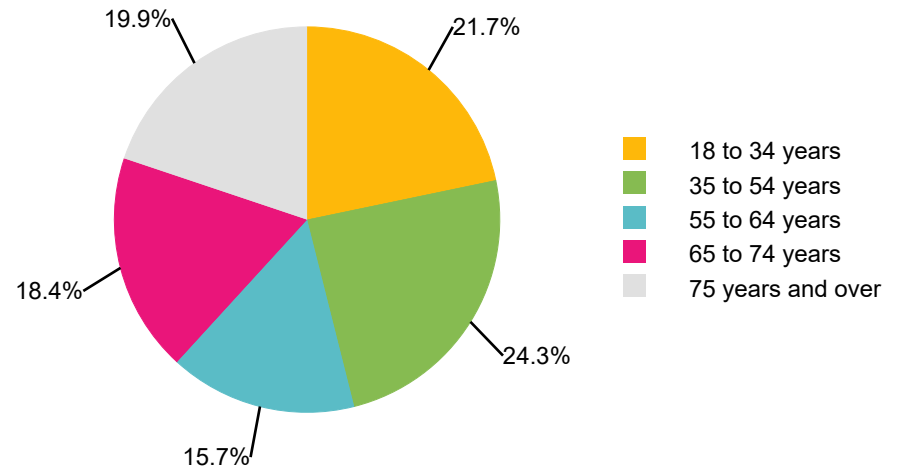
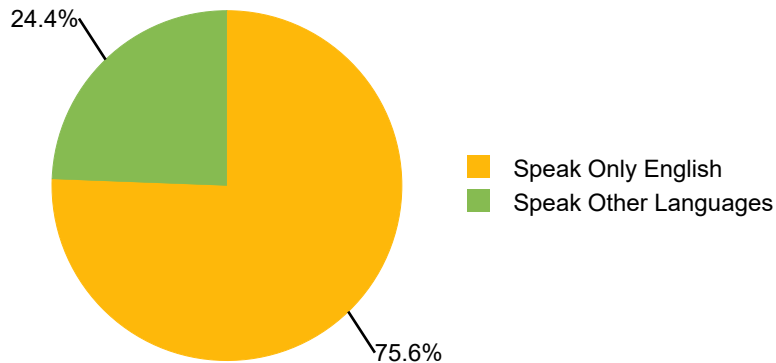
Ability to Speak English / Veterans Status by Age



American Community Survey 2016-2020 5yr Estimates

Ability to Speak English		
Name	Total	Percent
Speak Only English	138,092	75.6 %
Speak Other Languages	44,570	24.4 %
Speak English "very well"	31,284	N/A
Persons with Limited English Proficiency (LEP)	13,286	N/A
Speak English "well"	9,270	N/A
Speak English "not well"	3,412	N/A
Speak English "not at all"	604	N/A

Veterans Status		
Name	Total	Percent
Civilian Population 18 years and over	163,867	N/A
Civilian veterans	9,238	5.6 %
Male	8,060	N/A
Female	1,178	N/A
18 to 34 years	2,007	21.7 %
35 to 54 years	2,249	24.3 %
55 to 64 years	1,452	15.7 %
65 to 74 years	1,696	18.4 %
75 years and over	1,834	19.9 %



Universe: Population 5 years and over

Universe: Civilian Population 18 years and over

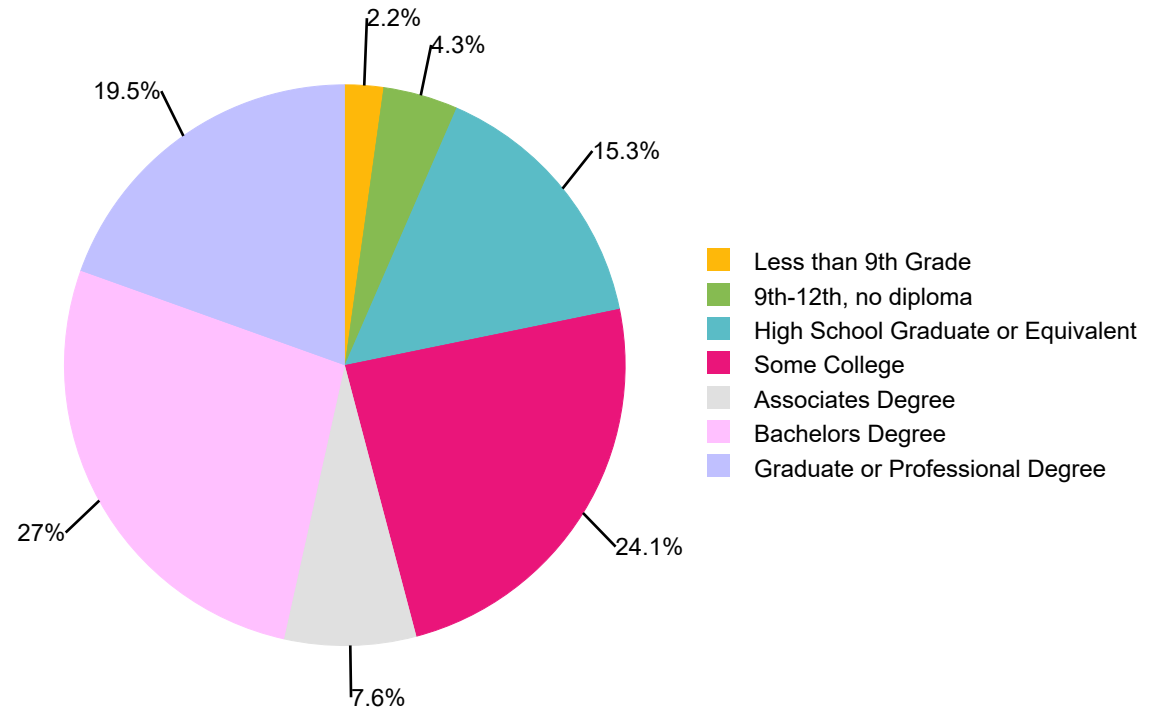
Educational Attainment



American Community Survey 2016-2020 5yr Estimates

Educational Attainment		
Name	Total	Percent
Population 25 and over	121,374	100.0 %
Less than 9th Grade	2,684	2.2 %
9th-12th, no diploma	5,237	4.3 %
High School Graduate or Equivalent	18,520	15.3 %
Some College	29,260	24.1 %
Associates Degree	9,214	7.6 %
Bachelors Degree	32,757	27.0 %
Graduate or Professional Degree	23,702	19.5 %

Universe: Population Age 25 Years and Over



Household Income and Households



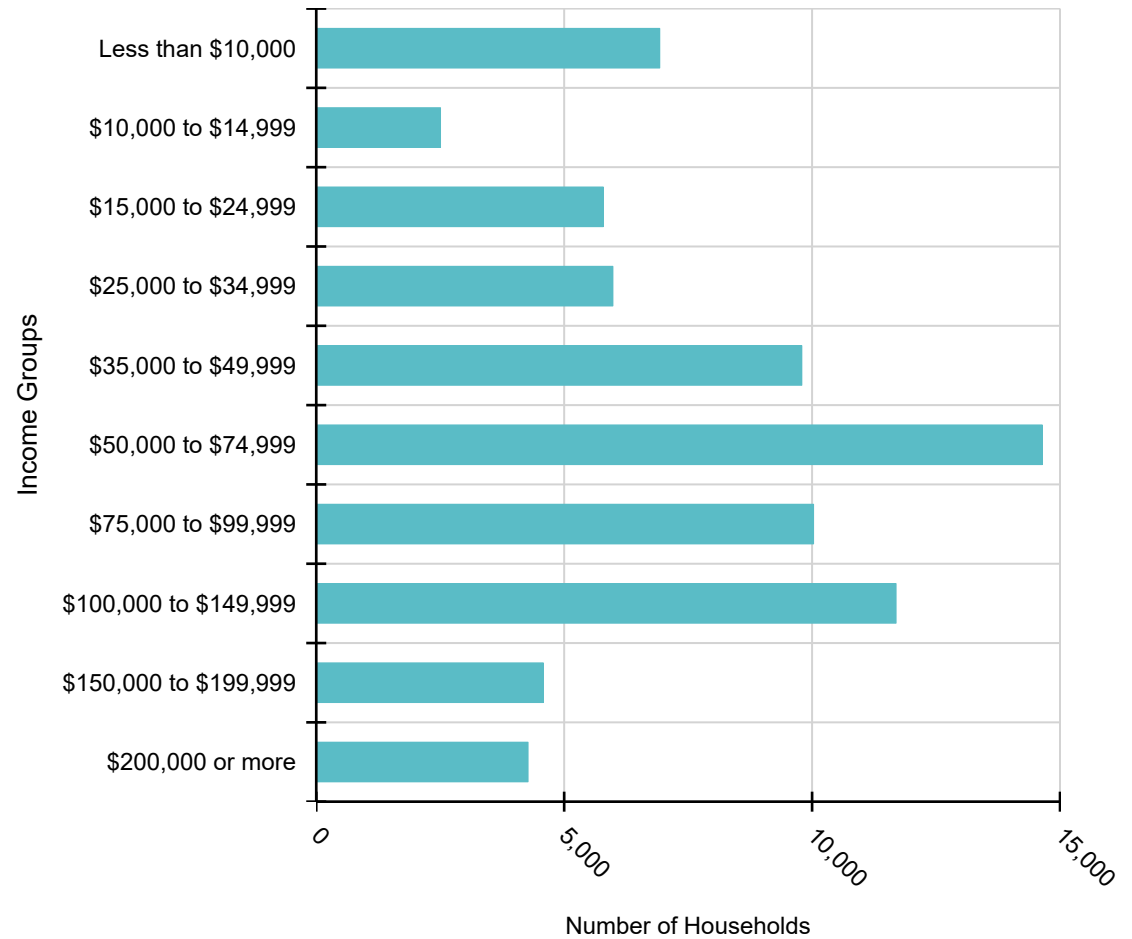
American Community Survey 2016-2020 5yr Estimates

Household Income (In 2018 inflation-adjusted dollars)		
Name	Total	Percent
Total Households	76,218	N/A
Median Household Income	\$ 61,290	N/A
Less than \$10,000	6,928	9.1 %
\$10,000 to \$14,999	2,506	3.3 %
\$15,000 to \$24,999	5,790	7.6 %
\$25,000 to \$34,999	5,983	7.8 %
\$35,000 to \$49,999	9,793	12.8 %
\$50,000 to \$74,999	14,642	19.2 %
\$75,000 to \$99,999	10,030	13.2 %
\$100,000 to \$149,999	11,694	15.3 %
\$150,000 to \$199,999	4,580	6.0 %
\$200,000 or more	4,272	5.6 %

Universe: Households

Households		
Name	Total	Percent
Total Households	76,218	N/A
Average Household Size	2	N/A
Family Households (Families)	35,889	47.1 %
Married-couple family	23,582	N/A
Female Householder, no spouse present	7,421	N/A
with own children under 18 years	3,270	N/A
Nonfamily Households	40,329	52.9 %
Householder living alone	25,713	N/A

Universe: Households



Poverty Status



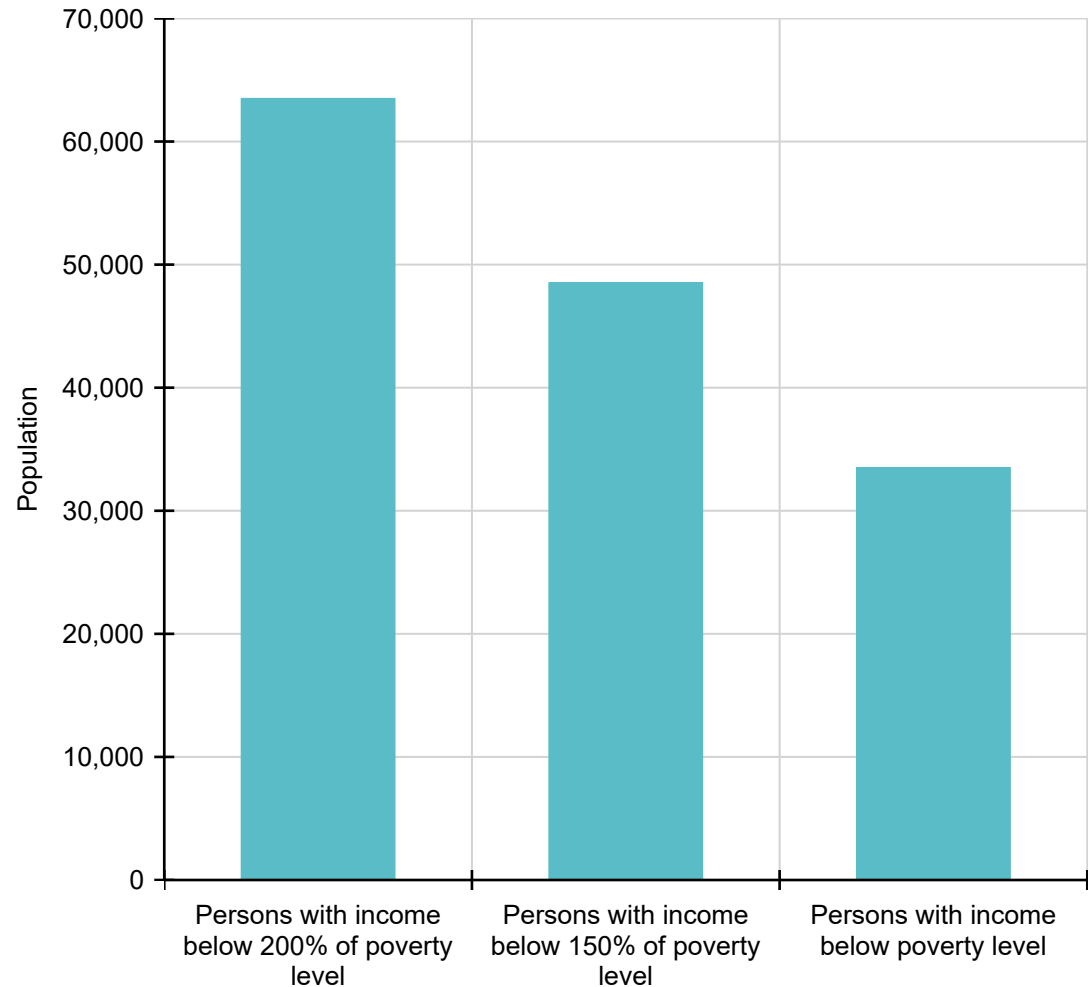
American Community Survey 2016-2020 5yr Estimates

Poverty Status in the Past 12 Months		
Name	Total	Percent
Persons for whom poverty status is determined	180,922	N/A
Persons with income below poverty level	33,513	18.5 %
Persons with income below 150% of poverty level	48,538	26.8 %
Persons with income below 200% of poverty level	63,506	35.1 %

Universe: Persons for whom poverty status is determined

Poverty Status for Families in the Past 12 Months		
Name	Total	Percent
Total Families	35,889	N/A
Families with income below poverty level	3,621	10.1 %
Married-couple family with related children under 18 years	1,155	N/A
Female householder, no spouse present with related children under 18 years	600	N/A
Male householder, no spouse present with related children under 18 years	1,766	N/A
Female householder, no spouse present with related children under 18 years	1,450	N/A
Male householder, no spouse present with related children under 18 years	700	N/A
Female householder, no spouse present with related children under 18 years	489	N/A

Universe: Families



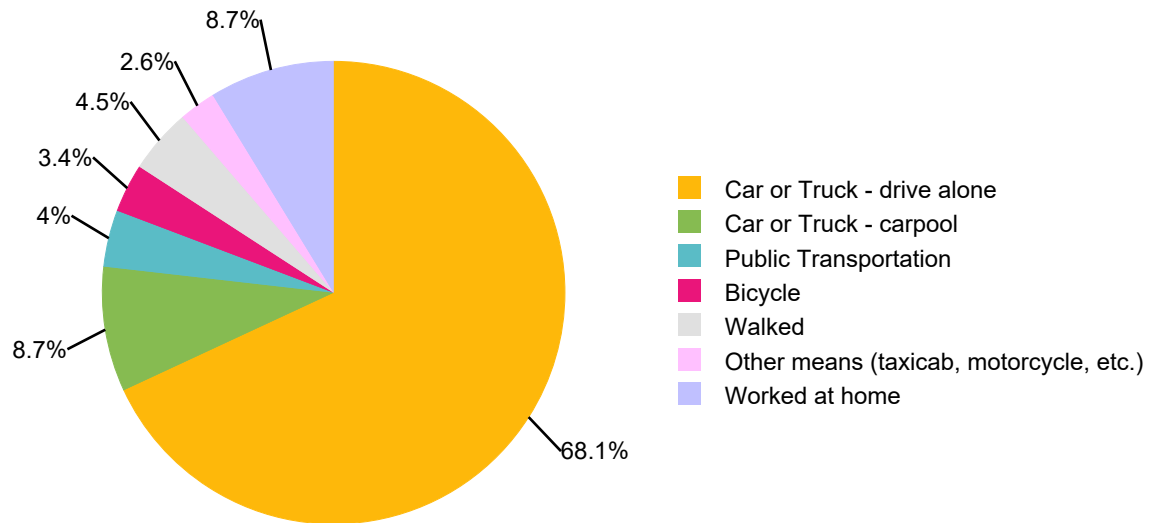
Modes of Transportation



American Community Survey 2016-2020 5yr Estimates

Commuting to Work		
Name	Total	Percent
Workers 16 years and over	106,955	N/A
Car or Truck - drive alone	72,813	68.1 %
Car or Truck - carpool	9,334	8.7 %
Public Transportation	4,235	4.0 %
Bicycle	3,633	3.4 %
Walked	4,846	4.5 %
Other means (taxicab, motorcycle, etc.)	2,748	2.6 %
Worked at home	9,346	8.7 %

Universe: Workers age 16 years and over



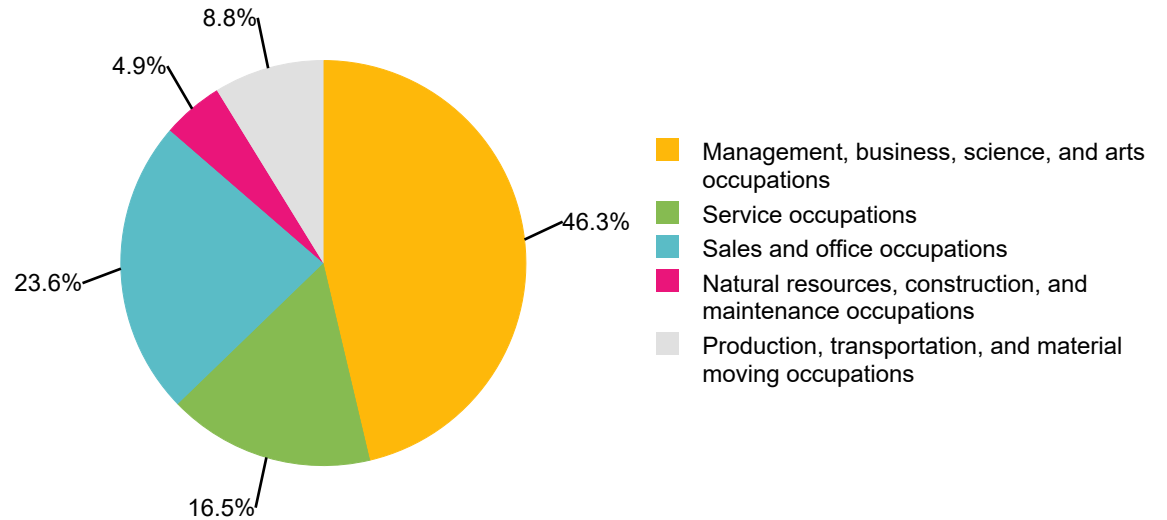
Occupation



American Community Survey 2016-2020 5yr Estimates

Occupation		
Name	Total	Percent
Civilian employed population 16 years and over	108,576	N/A
Management, business, science, and arts occupations	50,274	46.3 %
Service occupations	17,876	16.5 %
Sales and office occupations	25,607	23.6 %
Natural resources, construction, and maintenance occupations	5,277	4.9 %
Production, transportation, and material moving occupations	9,542	8.8 %

Universe: Civilian employed population 16 years and over



Occupancy, Tenure, Value, and Rent



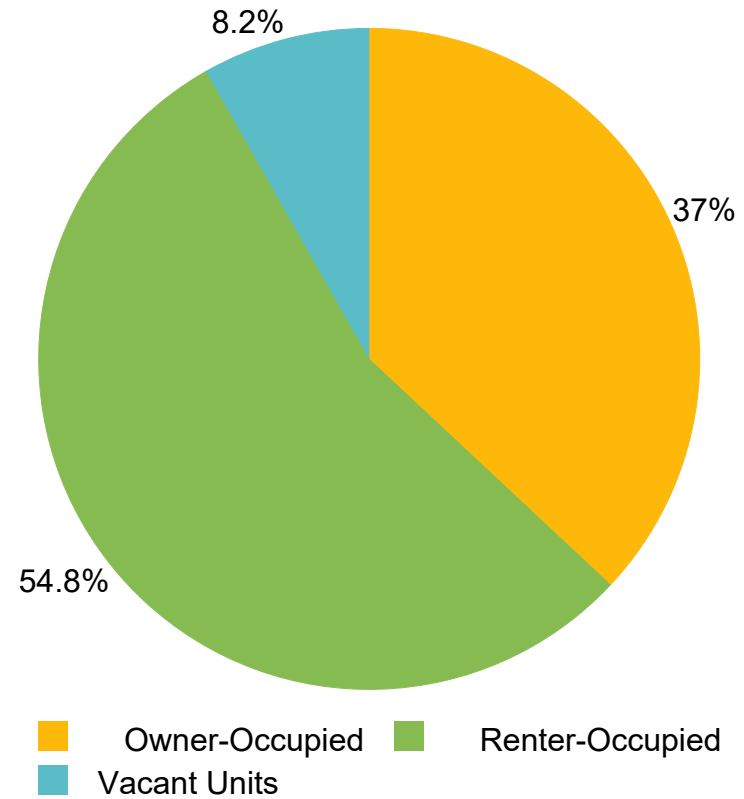
American Community Survey 2016-2020 5yr Estimates

Housing			
Name	Total	Percent	Per Sq Mile
Housing Units	83,039	N/A	2.9
Occupied Housing Units	76,218	91.8 %	2.7
Owner-Occupied	30,698	37.0 %	1.1
Renter-Occupied	45,520	54.8 %	1.6
Vacant Units	6,821	8.2 %	0.2
Median Housing Value	\$ 287,600	N/A	N/A
Median Rent	\$ 1,230	N/A	N/A

Universe: Housing Units

Housing		
Name	Total	Percent
Total Housing Units	83,039	N/A
1, detached	33,102	39.9 %
1, attached	6,777	8.2 %
2 to 9	12,947	15.6 %
10 or more	27,484	33.1 %
Mobile Home	2,709	3.3 %
Boat, RV, van, etc.	20	0.0 %

Universe: Housing Units



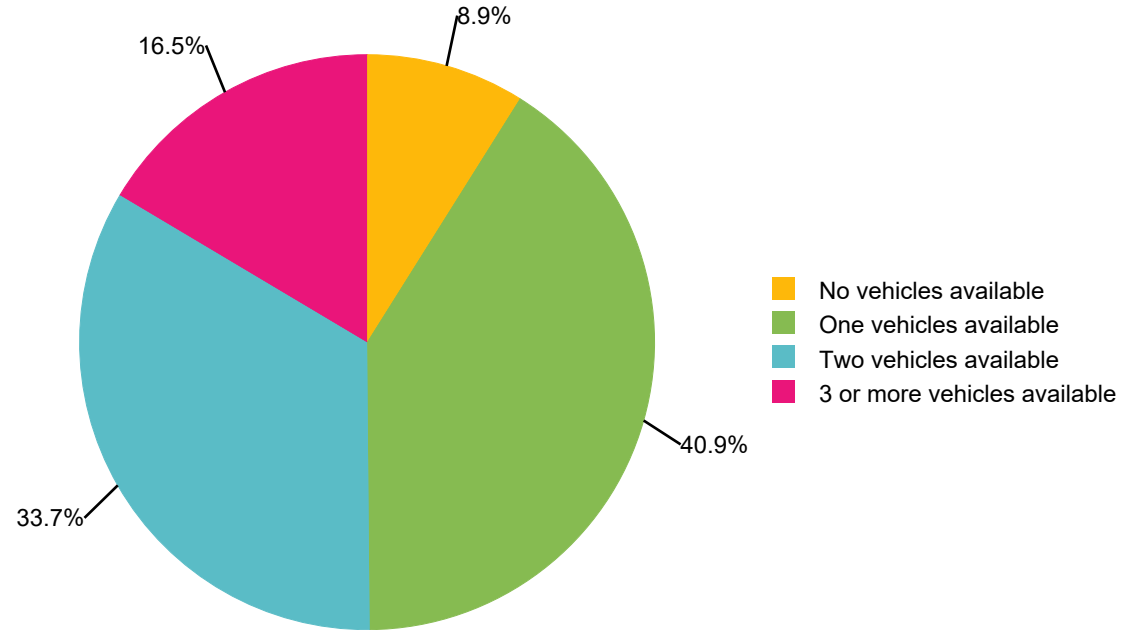
Vehicles Available



American Community Survey 2016-2020 5yr Estimates

Vehicles Available		
Name	Total	Percent
Total Occupied Housing Units	76,218	N/A
No vehicles available	6,803	8.9 %
One vehicles available	31,199	40.9 %
Two vehicles available	25,676	33.7 %
3 or more vehicles available	12,540	16.5 %

Universe: Occupied Housing Units



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