



**CITY OF WICHITA FALLS
TITLE VI
NON-DISCRIMINATION PLAN**

City of Wichita Falls - Title VI Non-Discrimination Plan

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INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance. Several other federal legal authorities supplement Title VI by extending protections based on age, sex, and disability. In addition, the Civil Rights Restoration Act of 1987 clarified Title VI enforcement by mandating that Title VI requirements apply to all programs and activities of federal-aid recipients regardless of whether any particular program or activity involves federal funds. Taken together, these laws require recipients and subrecipients of federal funds to ensure all programs and services are delivered to the public without discrimination.

The City of Wichita Falls (CITY), as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 C.F.R. Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964); 49 C.F.R. Part 21; and related statutes and regulations. CITY acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

This plan explains how the CITY incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as a reference for the CITY and an informational resource for the public. The plan will be updated every 3 years after its adoption and publication to reflect changes in Title VI compliance operations.

DISCRIMINATION UNDER TITLE VI

It is the responsibility of every CITY employee to prevent, minimize, and eradicate any form of discrimination. There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (i.e., intentional discrimination); and (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. The focus of disparate impact is on the consequences of a decision, policy, or practice rather than the intent.

Prohibited forms of discrimination may include, but are not limited to, the following:

- The denial of services, financial aid, or other benefits provided under a program;
- Distinctions in the quality, quantity, or manner in which a benefit is provided;
- Segregation or separation of persons in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Differing standards or requirements for participation;
- Methods of administration that directly or indirectly, or through contractual relationships, would defeat or impair the accomplishment of effective nondiscrimination; or
- Discrimination in any activities or services related to a highway, infrastructure, or facility built or repaired in whole or in part with federal funds.

The CITY's efforts to prevent such discrimination must address, but not be limited to, how a program or activity:

- Impacts the public;
- Provides accessibility;
- Provides equal access to benefits;
- Encourages participation;
- Provides services equitably;
- Initiates contracting and training opportunities;
- Investigates complaints;
- Allocates funding; and
- Prioritizes projects.

AUTHORITIES

The authorities applicable to CITY Title VI/Nondiscrimination Program include:

- **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 CFR Part 21** (entitled Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964);
- **23 CFR Part 200** (FHWA's Title VI/Nondiscrimination Regulation);
- **28 CFR Part 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964); and,
- **Texas Administrative Code §9.4, Civil Rights – Title VI Compliance**

TITLE VI POLICY STATEMENT

It is the policy of the CITY that no person 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 in any operation of CITY as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of the CITY, including its contractors and anyone who acts on behalf of the CITY. This policy also applies to the operations of any department or agency to which the CITY extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

The City of Wichita Falls also complies with related nondiscrimination laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

The nondiscrimination statement signed by the City Manager of the CITY is included as Attachment 1.

This policy was last reviewed and approved on: XX/XX/XXXX

NOTICE OF BENEFICIARIES

Title VI notification is displayed in both English and Spanish at City Hall and all other public-facing facilities, and on the City's Non-Discrimination Plan web page. Sample Notice attached

STANDARD DOT ASSURANCES

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient assures that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the U.S. DOT provided an assurances agreement in U.S. DOT Order 1050.2A that federal fund recipients and subrecipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language; CITY is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. The CITY is committed to ensuring the necessary language is used as prescribed in the assurances agreement.

In accordance with this requirement, CITY has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances. The document is attached as Attachment 2.

ORGANIZATION AND STAFFING

The City Manager of the CITY is responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

CITY has assigned the Director of Human Resources to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program. The position is located within the Human Resources Department. The Organizational Chart is attached as Attachment 3.

The Title VI Coordinator, Christi Klyn, with assistance from other city staff and departments, is assigned the responsibility for implementing, monitoring, and ensuring the CITY's compliance with Title VI regulations. Title VI responsibilities are as follows:

- Maintaining and updating the Title VI plan on the CITY's behalf;
- Ensuring city employees receive necessary Title VI training;
- Ensuring prompt processing of Title VI complaints and referral to Texas Department of Transportation;
- Developing procedures for the collection and analysis of statistical data;
- Review internal policies and, where applicable, include Title VI and related requirements; and
- Developing Title VI information for dissemination internally and externally;
- The Title VI Coordinator has direct access to the City Manager for all Title VI matters.

PRIMARY PROGRAM AREA DESCRIPTIONS & REVIEW PROCEDURES

The City Manager is responsible for ensuring the implementation of the CITY's Title VI program. The Title VI Coordinator, Christi Klyn, will assist in the overall administration of the program, plan and assurances. The CITY engages in the following program areas:

| Program Area and General Description | Title VI/Non-Discrimination Concerns and Responsibilities | Corrective Measures for Ensuring Non-Discrimination |
|--|--|---|
| <p>Right of Way Management: The Engineering Department reviews and approves city projects, including developments and infrastructure. They ensure compliance with safety standards, review studies, and collaborate with agencies like TxDOT to plan for future needs, serving the City of Wichita Falls residents and assisting with projects.</p> <p>Coordinates relocation of citizens whose property has been acquired for a right of way.</p> | <p>Public right of way permits and relocations should not create unfair burdens.</p> <p>Collecting demographic data from property owners who may be subject to right of way activities.</p> <p>Ensuring property owners impacted by right of way activities are made aware of their right to be free from discrimination on the basis of race, color, or national origin under Title IV of the Civil Rights Act of 1964.</p> | <p>Reviewing permits and relocations to ensure nondiscrimination.</p> <p>Ensure demographic data is part of necessary right of way templates or forms.</p> <p>Ensure Title IV notice is consistently provided to property owners impacted by right of way activities.</p> |
| <p>Contracts & Purchasing: Develops and manages contracts and contracting opportunities, including specifications, bidding process, and contract execution.</p> | <p>Maintaining an open and fair bidding process for all contracts. Ensure Title VI Assurances appendices are included in contracts as specified within the assurances document.</p> | <p>Purchasing Department reviews contracts for necessary Title VI language.</p> <p>Title VI Assurances are included in all contracts.</p> |
| <p>Maintenance: Services roadways and right of ways, including, but not limited to, providing: Repair Signage Drainage Snow and ice removal.</p> | <p>Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.</p> | <p>Public Works Department reviews plans to ensure that no protected class communities have disproportionately benefited or been harmed by the delivery of maintenance services.</p> |

| Program Area and General Description | Title VI/Non-Discrimination Concerns and Responsibilities | Corrective Measures for Ensuring Non-Discrimination |
|---|--|--|
| Public Engagement: Coordinates public engagement activities for planning and project development, as well as relationship-building engagement activities. | Comprehensive public participation to ensure all stakeholders have an opportunity to voice their opinions. | <p>Boards and Commissions have been formed to give residents a voice</p> <p>The bi-weekly City Council meetings are published on Facebook Live to give every citizen the opportunity to stay informed.</p> <p>Meetings are shared through social media, and City leadership regularly broadcasts a highlight after each public meeting.</p> <p>Council hosts town halls in all districts to afford every citizen the opportunity to stay informed.</p> |
| Planning: Short-term and long-term planning of transportation projects. | Disproportionate impact of transportation projects or lack of transportation on individuals or groups based on a protected class status. | <p>In 2023, the City created Ride Awake Wichita Falls a rideshare program in partnership with Transit Ridesharing Inclusive Public Private Partnership (TRIPPP) Consulting to provide a convenient and economical method for residents to get to and from their destination. The previous program through Dallas Area Rapid Transit was created strictly for those citizens 65 years of age or older and/or persons with disabilities. The Ride Awake Wichita Falls program took it a step further to include any person needing a ride. This was particularly beneficial for those citizens who had no means of transportation at all, but needed to get to work or simply access a transportation network.</p> |

| Program Area and General Description | Title VI/Non-Discrimination Concerns and Responsibilities | Corrective Measures for Ensuring Non-Discrimination |
|--|---|--|
| Recreation: Coordinates recreation activities for senior adults. | Disproportionate impact of recreational activities for all. | <p>The CITY's Recreation Center has designated a 50 Plus Senior Program for the Senior Citizen population.</p> <p>Staff are trained on interacting with seniors and designing programs specifically for them.</p> <p>Annual events and reasons to gather and celebrate, e.g., Senior Prom and Christmas Celebration.</p> <p>Partnership with Smith Public Library to provide large print books and audiobooks in CPC's mini library.</p> <p>Shuttle service to and from the center each day.</p> <p>Fitness equipment designed specifically for seniors.</p> <p>Daily programming and facility access.</p> |

Annual Reviews - All programs will be reviewed annually to ensure effectiveness in their compliance of Title VI provisions. This is in addition to the day-to-day monitoring. The Title VI Coordinator, Christi Klyn, and program representatives will coordinate efforts to ensure equal participation in all their programs and activities at all levels.

The City will review its Title VI Plan annually to evaluate compliance, update data, and verify the effectiveness of program area monitoring. The Plan will be reviewed every three years.

Remedial Action - CITY will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance with program administrative requirements. If irregularities occur in the administration of the federal-aid highway program's operation, whether internally or with contractors, corrective measures will be taken to resolve Title VI issues within a period not to exceed 90 days.

DATA COLLECTION AND ANALYSIS

Sources of data and analysis tools include:

- Census Data
- Recreation lists of events and programs
- Town Hall meeting minutes and recordings
- Forms and Surveys
- Facebook Live recordings available on the website for all meetings.
- List of Boards and Commissions agenda meetings and minutes
- Copies of contracts with appropriate Title VI disclosures

Statistical data on race, color, or national origin, English language proficiency of participants in and beneficiaries of City programs, e.g., impacted citizens and affected communities, will be gathered through ACS data and maintained by the City in accordance with the City's record retention policy. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

| Program Area | Type of Data Collected & Process for Collecting | Purpose for Collecting the Data) |
|--------------|---|--|
| Right of Way | Collecting demographic data from property owners who may be subject to right of way activities by including inputs for demographic data on the appropriate form(s). | Ensuring right of way activities do not disproportionately affect individuals or groups based on a protected class status. |
| Contracting | Identifying contractors who are a Disadvantaged Business Enterprise (DBE) Historically Underutilized Business (HUB) Small Business Enterprise (SBE) | Ensuring equal opportunity in contracting to all individuals and groups. |

| | | |
|-------------------|--|---|
| Planning | <p>Reviewing data from the U.S. Census Bureau and other credible sources to determine the demographic make-up of the local community.</p> | <p>Ensuring project impacts do not disproportionately impact any individuals or groups based on a protected class status.</p> |
| Public Engagement | <p>Reviewing data from the U.S. Census Bureau and other credible sources to determine the demographic make-up of the local community.</p> <p>Providing demographic questionnaires to public engagement participants and including demographic questions in public surveys.</p> | <p>Ensuring communications and interactions with the public sufficiently reach all local demographics.</p> |
| Maintenance | <p>Reviewing maintenance activities by geography and the demographic makeup of communities receiving the maintenance services.</p> | <p>Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.</p> |

LIMITED ENGLISH PROFICIENCY (LEP)

Limited English Proficiency Policy Statement

It is the policy of the City to provide timely, accurate, and meaningful access to all agency programs and activities for persons with limited English proficiency. The City shall provide free language assistance services to persons with LEP whom they encounter or whenever a person with LEP requests language assistance for services and/or activities which the City provides, is in control of, or is a sponsor of. City personnel will inform members of the public that the City will provide language assistance services free of charge to persons with LEP.

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

Among the four factors to be considered are:

1. Factor 1: Number or Proportion of LEP Persons Served or Encountered

- According to the U.S. Census Bureau's 2023 American Community Survey (ACS), approximately 13,778 individuals in Wichita Falls, Texas, speak English "not well" or "not at all". This represents a significant portion of the population that may face challenges in accessing services and information provided in English.

2. Factor 2: Frequency with Which LEP Individuals Come into Contact with the Program

- Wichita Falls is home to several institutions and services that attract diverse populations, including Midwestern State University and Sheppard Air Force Base. These establishments contribute to a dynamic community where individuals from various linguistic backgrounds reside and interact. Given the presence of these institutions, there is a reasonable expectation that LEP individuals may frequently come into contact with city programs and services

3. Factor 3: Nature and Importance of the Program, Activity, or Service Provided by the Program

- City programs in Wichita Falls encompass a wide range of services, including public safety, transportation, housing, and community development. These services are essential for the well-being and integration of all residents, including LEP individuals. Ensuring that LEP persons can access and understand these services is crucial for promoting equity and inclusion within the community

4. Factor 4: Resources Available to the Recipient and Costs

- The City of Wichita Falls has access to various resources to support LEP individuals, including bilingual staff, translation services, and community partnerships. While there may be costs associated with implementing comprehensive LEP programs, the city is committed to allocating resources to ensure meaningful access for all residents.

Access Procedure for Persons with Limited English Proficiency (LEP)

Sign interpretation and language translators or other special assistance are made available through the City Secretary's office and must be requested 48 hours in advance by contacting the City Clerk's Office at 940-761-7404.

When identifying a need or receiving a request, the CITY will make every effort to promptly provide the requested services. The CITY will cover the costs for translating vital documents and for interpreter services.

Annual Reviews - The CITY will continue to monitor and update its procedures to ensure that the language needs of Limited English Proficient (LEP) individuals are met. When a portion of the population requires

information in a language other than English to participate in federally funded programs, the CITY will take reasonable steps to provide that information in the appropriate languages.

The American Community Survey is the source of population information used in the program. In an effort to determine the languages spoken by our citizens, staff pulled data tables from the 2019 American Community Survey Table S1601 Languages Spoken at Home. The 2023 population data showed approximately a 60% increase in persons speaking other than English in the home.

TITLE VI COMPLAINT PROCEDURES

Scope of Title VI Complaints

No person or group of persons shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs, services, or activities administered by the CITY, and its contractors on the grounds of race, color, or national origin.

The scope of Title VI covers all internal and external activities of the CITY.

The following types of actions are prohibited under Title VI protections (See 49 C.F.R. 21.5):

- Excluding individuals or groups from participation in programs or activities
- Denying program services or benefits to individuals or groups
- Providing a different service or benefit, or providing them in a manner different from what is provided to others
- Denying an opportunity to participate as a member of a planning, advisory, or similar body that is an integral part of the program
- Retaliation for making a complaint or otherwise participating in any manner in an investigation or proceeding related to Title VI of the Civil Rights Act of 1964

The following procedures cover complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. Any person who believes they, or any specific class of persons, to be subjected to prohibited discrimination based on race, color, or national origin may file a written complaint individually or through a representative. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the discrimination is ongoing, or the time for filing is extended by the FHWA. Complaints related to the Federal-aid highway program may be filed with TxDOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, or the USDOJ. CITY will ensure that all complaints are sent to the appropriate authority for disposition.

Complaints alleging violations of Title VI by subrecipients may be filed in writing directly with the following local, state, and federal agencies:

City of Wichita Falls
Christi Klyn, Title VI Coordinator
1300 7th St.
Wichita Falls, Texas 76307
TitleVICoordinator@wichitafallstx.go

v

Additionally, complaints filed against the subrecipient may also be filed with TxDOT or FHWA at:

Texas Department of Transportation (TxDOT)

Civil Rights Division
Attn: Title VI Program Administrator
125 E. 11th Street
Austin, TX 78701

Federal Highway Administration – Texas Division (FHWA)

Attn: Civil Rights Specialist
300 E. 8th St.
Austin, TX 78701

Federal Highway Administration (FHWA)

Office of Civil Rights
HCR-20, Room E81-320
1200 New Jersey Avenue, SE
Washington, DC 20590

Complaint and investigation files are confidential. The CITY maintains a complaint tracking form to document all activity related to the complaint. Information in the tracking log includes:

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

The contents of such files will only be disclosed to appropriate City personnel, state, and federal authorities in accordance with Federal and State laws. CITY will retain files in accordance with records retention schedules and all Federal guidelines.

ATTACHMENT 1

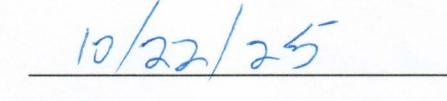
TITLE VI NONDISCRIMINATION POLICY STATEMENT

The City of Wichita Falls, as a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any

Department programs or activities.



Jeffery Jenkins, City Manager



Date

ATTACHMENT 2

U.S. DEPARTMENT OF TRANSPORTATION STANDARD TITLE VI NON-DISCRIMINATION ASSURANCES

City of Wichita Falls

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

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.P.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.P.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 U.S. DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these 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 U.S. DOT programs:

The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) or 49 C.P.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.

1. 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 City projects, and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Recipient, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S. C. "2000d to 2000d4) 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."

2. The Recipient will insert the clauses of Appendix A and Appendix E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

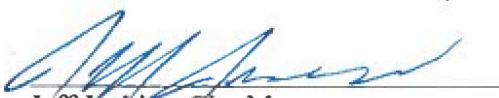
- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

8. The Recipient will provide for such methods of administration for the programs 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.

I 0. The Recipient agrees that the United States has a right to seek judicial enforcement about any matter arising under the Acts, the Regulations, and this Assurance.

By signing this assurance, the Recipient 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 U.S. DOT 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 U.S. DOT. You must keep records, reports, and submit the material for review upon request to U.S. DOT, 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 Recipient 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. DOT under all Department of Transportation Programs. This assurance is binding on Texas, other recipients, subrecipients, sub-grantees, contractors, subcontractors, and their subcontractors, transferees, successors in interest, and any other participants in all Department of Transportation programs. The person(s) signing below is/are authorized to sign this assurance on behalf of the Recipient.



Jeff Jenkins, City Manager

10/23/25

Date

APPENDIX A

COMPLIANCE WITH REGULATIONS NOTICE TO CONTRACTORS

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

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

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Wichita Falls will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all Department of Transportation programs, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 5 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Wichita Falls 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 Wichita Falls 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 Wichita Falls, its successors and assigns.

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

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 Wichita Falls pursuant to the provisions of Assurance 7(a):

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

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 Wichita Falls pursuant to the provisions of Assurance 7(b):

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

APPENDIX E

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

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. S 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. S 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. S 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. S 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. S 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. S 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. S 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. S 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. S 1681 et seq).

ATTACHMENT 3

City of Wichita Falls Title VI Complaint Form

Please submit completed form to:

Christi Klyn, Title VI Coordinator,
1300 7th St
Wichita Falls, Texas 76307



TitleVICoordinator@wichitafallstx.gov

Mailing Address: _____

Last

State: _____ Zip Code: _____

Name: First

Name: _____

City: _____

Main Phone Number: _____ Alternative Phone Number: _____

Email Address: _____

Please indicate the basis of your complaint:

Race _____ National Origin _____

Color _____ Other Class _____

Date and place of alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination.

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional pages, if necessary).

The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of individuals responsible for the discriminatory action(s):

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint (*attach additional pages, if necessary*):

| | Name | Address | Telephone |
|----|-------------|----------------|------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

| | |
|---|-------------------|
| <input type="checkbox"/> U.S. Department of Transportation | Date Filed: _____ |
| <input type="checkbox"/> Federal Highway Administration | Date Filed: _____ |
| <input type="checkbox"/> Federal Transit Administration | Date Filed: _____ |
| <input type="checkbox"/> Office of Federal Contract Compliance Programs | Date Filed: _____ |
| <input type="checkbox"/> Texas Department of Transportation | Date Filed: _____ |
| <input type="checkbox"/> U.S. Equal Employment Opportunity Commission | Date Filed: _____ |
| <input type="checkbox"/> U.S. Department of Justice | Date Filed: _____ |
| <input type="checkbox"/> Other | Date Filed: _____ |

Have you discussed the complaint with any City of Wichita Falls Representative? If yes, provide the name, position, and date of discussion.

| |
|--|
| |
|--|

Briefly explain what remedy, or action, you are seeking for the alleged discrimination.

| |
|--|
| |
|--|

Please provide any additional information and/or photographs, if applicable, that you believe will assist with an investigation.

| |
|--|
| |
|--|

We cannot accept an unsigned complaint. Please sign and date the complaint form below.

Complainant's Signature

Date

Formulario de queja del Título VI de la

Por favor envie el formulario completo

a: Christi Klyn,

Coordinadora del Título VI

1300 7th St

Wichita Falls, Texas 76307

Correo electrónico:

TitleVICoordinator@wichitafallstx.gov

Apellido: _____ Nombre: _____

Dirección postal: _____

Ciudad: _____ Estado: _____ Código postal: _____

Número de teléfono principal: _____ Número de teléfono alternativo: _____

Dirección de correo electrónico:

Sírvase indicar el fundamento de su reclamación:

Raza _____ Origen Nacional _____
 Color _____ Otra Clase _____

Fecha y lugar de las presuntas acciones discriminatorias. Incluya la fecha más temprana de discriminación y la fecha más reciente de discriminación.

¿Cómo fue discriminado? Describa la naturaleza de la acción, decisión o condiciones de la supuesta discriminación. Explique lo más claramente posible lo que sucedió y por qué cree que su estado protegido (base) fue un factor en la discriminación. Incluya cómo otras personas fueron tratadas de manera diferente a usted. (Adjunte páginas adicionales, si es necesario).

La ley prohíbe la intimidación o las represalias contra cualquier persona que haya tomado medidas, o haya participado en ellas, para garantizar los derechos protegidos por estas leyes. Si cree que ha sido objeto de represalias, aparte de la discriminación alegada anteriormente, explique las circunstancias a continuación. Explique qué acción tomó que cree que fue la causa de la supuesta represalia.

Nombres de las personas responsables de la(s) acción(es) discriminatoria(s):

Formulario de queja del Título VI de la ciudad de Wichita Falls (continuación)

Nombres de personas (testigos, compañeros de trabajo, supervisores u otros) con quienes podemos comunicarnos para obtener información adicional para respaldar o aclarar su queja (*adjunte páginas adicionales, si es necesario*):

| | Nombre | Dirección | Teléfono |
|----|--------|-----------|----------|
| 1. | | | |
| 2. | | | |
| 3. | | | |

¿Ha presentado, o tiene la intención de presentar, una queja con respecto al asunto planteado con cualquiera de los siguientes? En caso afirmativo, sírvase indicar las fechas de presentación. Marque todo lo que corresponda.

| | |
|--|------------------------------|
| <input type="checkbox"/> Departamento de Transporte | Fecha de presentación: _____ |
| <input type="checkbox"/> Administración Federal de Carreteras | Fecha de presentación: _____ |
| <input type="checkbox"/> Administración Federal de Tránsito | Fecha de presentación: _____ |
| <input type="checkbox"/> Oficina de Programas de Cumplimiento de Contratos Federales | Fecha de presentación: _____ |
| <input type="checkbox"/> Departamento de Transportación de Texas | Fecha de presentación: _____ |
| <input type="checkbox"/> Comisión para la Igualdad de Oportunidades en el Empleo | Fecha de presentación: _____ |
| <input type="checkbox"/> Departamento de Justicia | Fecha de presentación: _____ |
| <input type="checkbox"/> Otro | Fecha de presentación: _____ |

¿Ha discutido la queja con algún representante de la ciudad de Wichita Falls? En caso afirmativo, proporcione el nombre, el cargo y la fecha de la discusión.

Explique brevemente qué remedio o acción está buscando para la supuesta discriminación.

Proporcione cualquier información adicional y/o fotografías, si corresponde, que crea que ayudarán con una investigación.

No podemos aceptar una queja sin firmar. Por favor, firme y feche el formulario de queja a continuación.

Firma del demandante

Fecha

ATTACHMENT 4

