

City of Boise

Civil Rights Title VI Plan

October 2014



CIVIL RIGHTS TITLE VI PLAN

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POLICY STATEMENT AND NOTIFICATION OF PROTECTIONS

The City of Boise is committed to ensuring that no individual or organization is excluded from participation in, denied the benefits of, or subjected to discrimination in any of its programs, activities or services on the basis of race, religion, color, national origin, English proficiency, sex, age, disability, religion, sexual orientation, or gender identity.

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin. Title VI has also been implemented to require that persons with limited English proficiency have meaningful access to programs, services, and activities; and that decision-making processes are designed to avoid, minimize or mitigate disproportionately adverse environmental effects, including social and economic effects, on communities of color and low income populations. The City of Boise's Title VI Plan has been implemented to ensure the City's compliance with Title VI. Any person who believes they have been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City. Other federal, state, and local legislation prohibits discrimination based on disability, religion, age, sex, sexual orientation, and gender identity.

The City of Boise's Title VI Coordinator is responsible for providing leadership, direction and policy to ensure compliance with Title VI.

For additional information on the City's non-discrimination obligations or for information on filing a complaint, please contact the Title VI Coordinator:

- By mail addressed to:
Title VI Coordinator
625 West Idaho Street
P.O. Box 500
Boise, ID 83701-0500
- By fax addressed to:
Title VI Coordinator
(208) 384-3868
- By e-mail to: TitleVICoordinator@cityofboise.org
- Complaint forms are available on the city website at www.cityofboise.org

Dissemination of Public Notice

The above policy statement is the notice that is located on the city website at www.cityofboise.org and posted on the bulletin boards used for public notices in the foyer of Boise City Hall. It is also posted near the reception desk in the Mayor's Office. It serves to notify beneficiaries of the protections provided by Title VI of the Civil Rights Act. The City's Statement of Assurance is attached as Appendix 6.

All notifications for outreach events include the following language:

Arrangements for auxiliary aids and services necessary for effective communication for qualified persons with disabilities or language assistance need to be made as soon as possible, but no later than three (3) working days before the scheduled meeting. Please contact the City Clerk's Office by telephone at 208-384-3710 or e-mail at cityclerk@cityofboise.org or the Title VI Coordinator by telephone at 208-384-3868, or e-mail at TitleVICoordinator@cityofboise.org if an auxiliary aid is needed.

OBJECTIVES

The objectives of the City's Title VI plan are:

- To ensure the City complies with Title VI and to assign responsibilities for ensuring compliance.
- To ensure that all persons are able to receive the benefits of the City's programs, services and activities.
- To ensure that limited English proficiency (LEP) individuals are provided meaningful access to the City's programs, services and activities.
- To avoid, minimize or mitigate disproportionate adverse environmental effects, including social and economic effects, on communities of color and low income populations as a result of City programs, services and activities.

- To establish clear procedures for filing, investigating, and successfully resolving complaints on a timely basis and at the lowest level possible.

LEGAL AUTHORITY REQUIRING TITLE VI COMPLIANCE

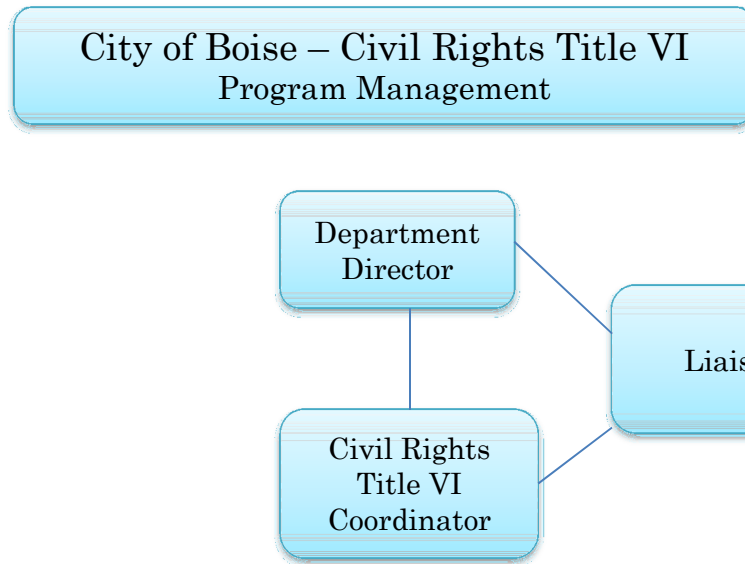
The Civil Rights Act of 1964 (the Act) is a fundamental piece of federal legislation that prohibits discrimination on the basis of race, color or national origin in federally funded programs, services and activities. Title VI has also been implemented to require that persons with limited English proficiency have meaningful access to programs, services, and activities; and that decision-making processes are designed to avoid, minimize or mitigate disproportionately adverse environmental effects, including social and economic effects, on communities of minority and low income populations. Other federal, state and city legislation prohibits discrimination based on disability, religion, age, sex, sexual orientation, gender identity or source of income.

A list of supporting legal authorities may be found in Appendix 1. The City's Statement of Assurance is attached as Appendix 6.

IMPLEMENTATION OF THE CITY OF BOISE'S TITLE VI PLAN

The City of Boise's Civil Rights Title VI Plan is implemented to remove barriers and conditions that prevent people of minority, disabled persons, low-income persons, persons with limited English proficiency (LEP) and other disadvantaged groups from receiving access to, participation in, and the benefits of the City's programs, services, and activities.

The Boise City Council and Mayor are responsible for ensuring implementation of the City's Title VI Plan. The Title VI Coordinator, located within the Department of Human Resources, shall be responsible for the overall management of the City's Title VI program. Each Department Director is responsible for ensuring implementation of the Title VI Plan at the departmental level. Each Department Director may designate one or more individuals to serve as the liaison(s) between the Title VI Coordinator and the Department for Title VI efforts and activities.



The Boise City Attorney’s Office provides legal guidance in the administration of the Title VI Plan.

PUBLIC INVOLVEMENT REQUIREMENTS

It is the policy of the City of Boise to involve the public in important decisions by providing for early, open and continuous public participation in and access to key planning and project decision-making processes. The City recognizes that Title VI has been implemented to ensure decision-making processes are designed to prevent disproportionate adverse human health and environmental effects, including social and economic effects, as a result of any City project or activity on minority and low income populations.

The City has developed and adopted best practices to ensure that the public is meaningfully involved in the decisions it makes. Such involvement is critical to the implementation of the Title VI program.

The City is committed to applying the following principles in planning, providing services and decision-making.

- *Partnership*: Community members have a right to be involved in decisions that affect them. Participants can influence decisions-making and receive feedback on how their input was used. The public has the opportunity to recommend projects and issues for government consideration.
- *Early Involvement*: Public involvement is an early and integral part of issue and opportunity identification, concept development, design, and implementation of the City's policies, programs, and projects.
- *Building Relationships and Community Capacity*: Public involvement processes invest in and develop long-term, collaborative working relationships and learning opportunities with community partners and stakeholders.
- *Inclusiveness and Equity*: Public dialogue and decision-making processes identify, reach out to, and encourage participation of the community in its full diversity. Processes respect a range of values and interests and the knowledge of those involved. Historically excluded individuals and groups are included authentically in processes, activities, and decision- and policy-making. Impacts, including costs and benefits, are identified and distributed fairly.
- *Good Quality Process Design and Implementation*: Public involvement processes and techniques are well-designed to appropriately fit the scope, character, and impact of a policy or project. Processes adapt to changing needs and issues as they move forward.
- *Transparency*: Public decision-making processes are accessible, open, honest, and understandable. Members of the public receive the information they need, and with enough lead time, to participate effectively.
- *Accountability*: City leaders and staff are accountable for ensuring meaningful public involvement in the work of city government.

The City will continually assess its communications and public involvement strategies and will employ best practices that foster meaningful involvement by traditionally underrepresented persons. The City will provide opportunities for the public to provide input, which may include an open house, public hearing, or other

effective outreach method. The City uses a comprehensive system of outreach methods during its planning efforts to notify the public, including:

- Press releases sent to regional newspapers, television stations and radio stations that report local news.
- Notification on the City of Boise website home page.
- Use of posters and notices placed inside City buildings.
- Publication of legal notices in the Idaho Statesmen.
- The use of e-mail distribution lists maintained by the City of Boise.

Planning materials for review are made available at City Hall, on the City's website, and upon request.

In addition to the measures outlined above, the City will reach out to organizations that serve and advocate for persons who are minority, low income, and Limited English Proficiency to assure they are represented in the outreach process.

LIMITED ENGLISH PROFICIENCY REQUIREMENTS

A person with limited English proficiency (LEP) is one who does not speak English as her or his primary language and has a limited ability to read, write, speak or understand English. It is the policy of the City to ensure that LEP persons have full access to its programs, services and activities. The City recognizes that language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with regulations, or understanding other information provided by its programs and activities. For purposes of this plan translation refers to translating written communication, and interpretation refers to interpreting spoken communication.

To ensure that all people, regardless of their proficiency in English, have meaningful access to the benefits of municipal programs and services, the City has drafted a city-wide LEP policy and has directed each City department to draft and maintain its own LEP addendum that takes into account that department's individualized interactions with the LEP community. Persons interacting with the City should be notified in their language about the availability of language

assistance and critical service information. The City should assess the language proficiency of the persons to be served in determining how to provide meaningful access to its services, programs and activities. Additionally, the City should identify which documents (if any) are vital to the public's interaction with the City, and translate those documents.

In making translation decisions, the following factors should be considered:

1. How many LEP individuals live in the service area or municipality?
2. The frequency with which LEP individuals come in contact with or try to access the program, service or activity.
3. The nature and importance of the program, service or activity.
4. Available resources and costs.

All City employees and staff have access to a contractor that can provide telephonic, written and in-person meeting translation and interpretation services. The City will monitor the services provided and update the translation and interpretation service contract as needed.

The City's LEP Policy is found in Appendix 2. Each department's LEP addendum can be found on HR's website.

ENVIRONMENTAL JUSTICE REQUIREMENTS

It is the policy of the City of Boise to consider whether any City decision, service, program, or benefit results in a potential disproportionate adverse human health and environmental effect, including social and economic effects, on communities of color and other communities underrepresented in public processes.

Environmental justice is predicated on the notion of fair treatment and equal protection meaning a just distribution of the benefits and burdens of decisions and actions. No group of people should bear a disproportionate share of the negative environmental consequences resulting from the execution of governmental policies and programs.

Self-determination is also a fundamental principle of environmental justice. All stakeholders must have an opportunity for meaningful involvement in all decisions that may affect their immediate lives. The City of Boise and its departments should strive to provide more than the minimum notice and comment particularly where barriers to participation exist. To ensure fair treatment and involvement in the decision-making, the City must identify potentially impacted communities and work to build capacity around the pertinent issues so the opportunities. Guidelines for analyzing and addressing potential environmental justice impacts may be found in Appendix 3.

Principles of environmental justice analysis and decision-making include:

- Early identification and engagement of affected communities.
- Clear articulation of the problem, and solutions that fit both the problem and the needs of the community affected by the project. Creative solutions that reduce impact are encouraged.
- Consideration of the accumulation of the environmental hazards in the impact area.
- Documentation of why decisions were made and analysis of the impact on the community of that decision.
- Determination if the impacts disproportionately burden or benefit a community.
- Any additional considerations such as mitigation, environmental assessment, and supplemental benefits that support the decision.

ADMINISTRATION OF THE TITLE VI PROGRAM

Administration of the City of Boise Civil Rights Title VI Program and implementation of this plan is housed in the Human Resources Department which serves all City departments as a resource, providing management oversight of complaints based on Civil Rights protections.

Title VI Coordinator Responsibilities

The Title VI Coordinator is responsible for managing the implementation of the Title VI program, plan, and assurances (see Appendix 6), including initiating, monitoring, and ensuring compliance with Title VI requirements. Key responsibilities include:

Implementing the Title VI Plan and ensuring compliance with policy and program objectives. Performing Title VI Plan reviews to assess administrative procedures and staffing, and to provide recommendations and resources. Assisting department liaisons and employees with the review of public participation plans, regional plans, overall work plans, environmental impact reports, concept reports and other types of plans and grant applications in relationship to Title VI requirements.

Identifying and Eliminating Civil Rights Disparities across the City including developing procedures to eliminate discrimination in benefits or burdens of a department's projects, programs and services.

Maintaining Resources and Information including regularly updating the City's Title VI Plan and producing resource information pertaining to the implementation of the City's Title VI Plan per changes in federal laws, rules and regulations. Information will be made available to other City departments or the public as requested or required.

Managing Data Collection by department staff and updating procedures as necessary to ensure sufficiency of data for Title VI Plan administration.

Reviewing Title VI Complaints received by the City, following adopted procedural guidelines, and ensuring every effort is made to resolve complaints informally at the department or manager level.

Conducting or Facilitating Training Programs on Title VI issues and regulations for City employees and facilitating Title VI training for contractors and sub-recipients. A summary of training conducted will be reported to Council.

Providing Guidance on Public Information including developing and disseminating Title VI Plan information to City employees and sub-recipients, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings,

and annual publication of the City's Title VI Policy Statement in newspapers and informational brochures. Ensuring public service announcements or notices of proposed projects, hearings, meetings, or formation of public advisory boards are posted in newspapers or other media reaching affected communities. Encouraging public participation by ensuring communications are written in plain language. Ensuring the full utilization of available minority publications or media and, where appropriate, providing written or verbal information in languages other than English.

Updating the City's Title VI Plan as needed or required. The updated plan will be submitted to the City Council for approval.

Department Director Responsibilities

Each Department Director, or his/her designee, working with the City Title VI Coordinator, is responsible for Title VI compliance for his or her department. To comply, each Department Director is responsible for:

Appointing a Title VI Liaison to work with the Title VI Coordinator and to lead the department's efforts to implement the Title VI Plan.

Collecting and Analyzing Data regarding participants in and beneficiaries of the department's programs, activities and services. Analyzing the data to determine department program or investment benefits and burdens to eligible populations, including persons protected by Title VI and other civil rights statutes. This work should be maintained centrally if possible to maximize efficiency and reduce costs.

Ensuring the Department's Compliance with Title VI when formulating policies and implementing plans and programs. Working proactively with department personnel to prevent disparities and take corrective action when necessary. If complaints arise, advise the Title VI Coordinator and work to resolve complaints. Submit an annual review of the department's compliance in a format directed by the Title VI Coordinator.

Provide LEP Access to ensure programs, services and benefits of the department is accessible to LEP persons.

Ensuring Involvement of All Stakeholders in the department's decision-making. Annually reporting community outreach and involvement activities conducted to engage the appropriate public.

Title VI Department Liaison Responsibilities

Title VI Department Liaisons work at the direction of the Department Director or designee and the Title VI Coordinator to implement the City of Boise's Title VI Plan. Title VI Department Liaisons are responsible for:

Annual Reporting of the Department's Title VI compliance activities, in a format directed by the Title VI Coordinator. As part of the annual report, the department shall report accomplishments and upcoming goals, complaints, and any remedial actions.

Assisting the Department to Implement LEP Requirements to help ensure compliance.

Assisting the Department in all other Title VI Compliance Activities. This includes advising the Title VI Coordinator and the Department Director of potential Title VI issues within the department and possible corrective actions and, if complaints are received, working with department personnel to reach a resolution.

Serving as a Source of Title VI Information for Department personnel. This may include disseminating materials provided by the Title VI Coordinator or providing technical assistance to coworkers or contractors.

Ensuring Dissemination of Title VI Information to the public in a manner that provides meaningful access to programs and activities by all members of the community. Title VI non-discrimination Notices should be included in all applicable departmental project documents and public meeting materials.

COMPLAINT PROCESS

The City of Boise encourages resolution of civil rights complaints at the lowest possible level of responsibility. Every effort will be made to resolve complaints informally at the departmental level, including complaints based on the actions of sub-recipients or contractors.

Complaint Process under Title VI of the Civil Rights Act:

Any person who believes she or he has been the object of unequal treatment or discrimination, or been excluded from participation in or denied benefits of the City's programs, activities or services on the grounds of race, color, or national origin may file a complaint with the City of Boise's Title VI Coordinator within 180 days from the date of the alleged discrimination.

The Title VI complaint process does not cover complaints based on protections afforded under other civil right statutes, such as sex, sexual orientation, gender identity or age. If a complaint is filed alleging such discrimination, the complainant will be notified that it cannot be processed as a Title VI complaint. However, the City will review complaints of discrimination based on sex, sexual orientation, gender identity or age to determine if they can be informally resolved.

Complaints of discrimination based on disability will be handled under the City's ADA Title II complaint process which is substantially similar to this Title VI complaint process.

To be accepted, a Title VI complaint must:

- Involve discrimination on the basis of race, color or national origin;
- Allege that the discrimination was committed by the City of Boise, a City of Boise employee, or a sub-recipient of the City of Boise; and
- Be filed within 180 days from the alleged discrimination (or within 180 days of when the complainant knew, or should have known of the discrimination).

Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Title VI Coordinator or may have another person write and acknowledge the complaint on his or her behalf.

Complaints should include:

- The name, address and phone number of the person who experienced the discriminatory action;
- The date of the alleged act of discrimination or the date when the complainant(s) became aware of the alleged discrimination; and

- A brief but specific description of the discriminatory practice or action and any relevant facts.

The complaint should include names and contact information of any witnesses, including city employees or contractors.

The City of Boise encourages use of its complaint form, which is available on the City of Boise's website at www.cityofboise.org, or by calling 208-384-3868. A sample of the City's complaint form is found in Appendix 4.

The complaint form must be signed or acknowledged and returned to the Title VI Coordinator. The original complaint may be sent, faxed or e-mailed to:

Title VI Coordinator
601 W. Idaho Street
P.O. Box 500
Boise, ID 83701-0500
FAX: (208) 384-3868
TitleVICoordinator@cityofboise.org

Allegations received by telephone or TDD will be reduced to writing on a complaint form and provided to the complainant for confirmation or revision before processing. Once a complaint is filed, the City of Boise Title VI Coordinator will record the complaint in a database and determine (a) whether the complaint is complete; (b) if additional information is needed; (c) whether the City has jurisdiction; and (d) whether the complaint is timely.

The Title VI Coordinator will notify the complainant in writing within **10 working days** either that the complaint is accepted or the complaint is not accepted. If the complaint is not accepted, the Coordinator will state why. If the complaint is not accepted because additional information is needed, the complainant will be notified what information is needed.

If the complaint is accepted, the City will investigate the merits of the complaint and will attempt to resolve it at the lowest level possible. The Title VI Coordinator will assign an investigator to investigate the complaint.

The investigator may interview any individuals named as witnesses and any other individuals who may have information. The investigator may review relevant

documentation. If more information is needed, the complainant has **thirty days from the date of the letter** to send the requested information. If the investigator is not contacted by the complainant or does not receive the additional information within thirty days, the City may administratively close the case. A case may also be closed if the complainant no longer wishes to pursue his or her case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding. A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. A letter of finding summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur.

Although the City strives to promptly resolve complaints, this process will differ depending on the complexity of the complaint, the individuals involved, and other factors. The investigation will be concluded within **sixty days** of receiving all requested information.

Complaints submitted directly to the department will be forwarded to the Title VI Coordinator for intake.

Dismissal of Complaints:

The City may dismiss a complaint and issue a closure letter for any of the following reasons:

- The complainant withdraws the complaint.
- The complainant fails to respond to requests for additional information needed to process the complaint.
- The complaint is untimely.
- The complainant cannot be located.
- The complaint is determined to be legally or factually insufficient.

Appealing the Coordinator's Written Decision:

If the complainant is not satisfied with the written decision of the Coordinator, the complainant has **14 working days** from the date of the decision to provide the Coordinator with written notice of intent to appeal.

The appeal shall be to the Department Director. The Department Director shall issue a decision on the appeal within **30 working days** of the notice of intent to appeal, which shall be the final decision of the Department.

Copies of these procedures are included in Appendix 5.

Complaint Processes for the U.S. Department of Transportation and Other Federal Departments

The City's process is not exclusive. A person filing a complaint with the City may also file a complaint with other state or federal agencies or the courts. Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to the discrimination on the grounds of race, color or national origin may submit a complaint to the U.S. Department of Transportation at the following address:

Federal Transit Administration's Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor-TCR
1200 New Jersey Ave. SE
Washington, DC 20590

Further information, including the Federal Transit Administration's (FTA's) complaint form is available at www.fta.dot.gov.

OUTSTANDING TITLE VI INVESTIGATIONS, COMPLAINTS AND LAWSUITS

The City will maintain a list of active investigations conducted by FTA and other state and federal entities that allege discrimination on the basis of race, color or national origin. The list will include the date that the transit-related Title VI investigation, lawsuit or complaint was filed, a summary of the allegations, the actions taken in response and any final findings related to the investigation, lawsuit, or complaint. There are no outstanding lawsuits or complaints naming the City of Boise alleging discrimination with respect to transportation or other programs, activities or services on the basis of race, color or national origin.

NEXT STEPS

To ensure timely and continuing compliance with the City of Boise's Civil Rights Title VI Plan, it is now critical to move forward on the following activities:

- Inform the public about the rights provided by this Title VI Plan. An important step will be to disseminate information about the complaint process. This information campaign will happen throughout the summer and fall of 2014.
- Train departmental staff on the requirements and expectations of the Title VI Plan. Develop training programs in partnership with the City Attorney's Office and other organizations.
- Develop a system of reporting to meet federal and any other reporting requirements.
- Post non-discrimination policy and notices prominently so the public understands the civil rights protections.

Appendix 1

Selected List of City, State and Federal Nondiscrimination Statutes

(This list is provided for informational purposes and not considered exhaustive of all Civil Rights Statutes.)

City of Boise Code

B.C.C. Chapter 6-2 – Discrimination Prohibited.

Section 6-02-01 PURPOSE AND DECLARATION OF POLICY

A. In order to ensure that all persons, regardless of sexual orientation and/or gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of public accommodations, the City of Boise has determined that discrimination on the basis of sexual orientation and gender identity/expression must be addressed, and appropriate legislation be enacted.

B. It is hereby declared that every individual in the City of Boise has the right to work and earn wages through gainful employment, has the right to seek housing, and has the right to enjoy public accommodation and hospitality.

C. It is hereby declared to be the public policy of the City of Boise to foster the employment of all individuals in accordance with their abilities. Every individual has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's citizens from contributing to the cultural, spiritual, social, and commercial life of the community. The contributions of all the citizens of the City of Boise are essential to the City's growth, vitality, and prosperity.

D. It is the intent of this Chapter that all persons be treated fairly and equally, and it is the express intent of this Chapter to guarantee fair and equal treatment under the law to all people in the City of Boise. The denial of fair and equal treatment under the law due to sexual orientation or gender identity/expression is detrimental to the health, safety, and welfare of the city's citizens, and damages a city's economic well-being.

Appendix 1 (cont.)

E. This Chapter shall be deemed an exercise of the police power of the City of Boise for the protection of the public welfare, prosperity, health and peace of the City of Boise, its residents and the community.

F. The prohibitions against discriminatory acts as provided for in this ordinance are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. For complaints alleging discrimination on a basis proscribed under state or federal law (e.g. race, color, religious creed, ancestry, age, sex, national origin, and/or disability) the Complainant is advised of his or her right to file a report alleging a violation of Idaho Code section 18-7301 et. seq., and/or his or her right to file a complaint with the Idaho Commission on Human Rights and/or the Federal Equal Employment Opportunity Commission pursuant to Title VII of the Civil Rights Act of 1964 as amended, the Fair Housing Act of 1968 as amended, or the Americans with Disabilities Act of 1990 as amended.

Selected Idaho Statutes

Title 18, Chapter 73 - Civil Rights

18-7301 FREEDOM FROM DISCRIMINATION CONSTITUTES A CIVIL RIGHT. The right to be free from discrimination because of race, creed, color, sex, or national origin is recognized as and declared to be a civil right. This right shall include, but not be limited to:

- (1) The right to obtain and hold employment without discrimination.
- (2) The right to the full enjoyment of any of the accommodations, facilities or privileges of any place of public resort, accommodation, assemblage or amusement.

Federal Nondiscrimination Statutes

-Title VI of the 1964 Civil Rights Act, 42 U.S.C. § 2000, provides in section 601 that:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Appendix 1 (cont.)

Prohibits discrimination in impacts, service and benefits of, access to, participation in and treatment under a federal-aid recipient's program or activities.”

-The Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101, provides:

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Prohibits discrimination based on age.

-The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601, provides:

For the fair and equitable treatment of persons displaced as direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.

Provides for fair treatment of persons displaced by federal and federal-aid programs and projects.

-The Federal-aid Highway Act, 49 U.S.C. § 306

Outlines the responsibilities of the U.S. Department of Transportation and, at (c) outlines the Secretary's authority to decide whether a recipient has not complied with applicable City Rights statutes or regulations, requires the Secretary to provide notice of violation, and requires necessary action to ensure compliance.

-The 1973 Federal-aid Highway Act, 23 U.S.C. § 324, provides:

No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Title or carried on under this title.

Appendix 1 (cont.)

Prohibits discrimination on the basis of sex.

-The Civil Rights Restoration Act of 1987, P.L. 100-209

Clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. Restores the broad, institution-wide scope and coverage of the nondiscrimination statute to include all programs and activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.

-The Uniform Relocation Act Amendments of 1987, P.L. 101-246, provides:

For fair, uniform, and equitable treatment of all affected persons; . . .
[and] minimizing the adverse impact of displacement . . .[to maintain] .
. . .the economic and social well-being of communities; and . . . to
establish a lead agency and allow for State certification and
implementation.

Updated the 1970 Act and clarified the intent of Congress in programs and project which cause displacement.

-The Americans with Disabilities Act, P.L. 101-336, provides:

No qualified individual with a disability shall, by reason of such
disability, be excluded from the participation in, be denied benefits of,
or be subjected to discrimination by a department, agency, special
purpose district, or other instrumentality of a State or a local
government.

Provided enforceable standards to address discrimination against people with disabilities.

-The Civil Rights Act of 1991, in part, amended Section 1981 of 42 U.S.C. by adding two new sections that provided:

Appendix 1 (cont.)

(b) For the purposes of this section, the term ‘make and enforce contracts’ includes the making, performance, modification, and termination of contracts and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) The rights protected by this section are protected against impairment by non-governmental discrimination and impairment under color of State law.

-Title VIII of the 1968 Civil Rights Act, 42 U.S.C. § 3601, provides that:

It shall be unlawful . . . to refuse or sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion or national origin.

Prohibits discrimination in the sale or rental of housing. HUD is the primary interest agency, but FHWA and states under Title VI are responsible for preventing discrimination in the function of Right-of-Way.

-The National Environmental Policy Act of 1969, 42 U.S.C. § 4321

Requires the consideration of alternatives, including the “no-build” alternative, consideration of social, environmental and economic impacts, public involvement, and use of a systematic interdisciplinary approach at each decision making stage of Federal-aid project development.

Federal Nondiscrimination Executive Orders

-E.O. 12250 – DOJ Leadership and Coordination of Nondiscrimination Laws

-E.O. 12259 – HUD Leadership and Coordination of Federal Fair Housing Programs

-E.O. 12292 – Amended E.O. 12259, in part and addressed leadership and coordination in Federal Fair Housing Programs. It affirmatively furthers fair housing in all Federal programs and activities relating to housing and urban development throughout the United States.

Appendix 1 (cont.)

- E.O. 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.
- E.O. 13160 – nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs.
- E.O. 13166 – August 11, 2000 – requires Federal agencies and their recipients to improve access to federally sponsored programs for persons with limited English proficiency.
- E.O. 13175 – Consultation and Coordination with Indian Tribal Governments.

Appendix 2

City of Boise's LEP Plan

Appendix 3

City of Boise Environmental Justice Policy and Analysis Guidelines

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The City of Boise recognizes that the question of whether a decision of any department raises environmental justice issues is highly sensitive to the history or circumstances of a particular community or population, the particular type of environmental or human health impact, and the nature of the proposed action itself. While there is no standard formula for how environmental justice issues should be identified or addressed, the following principles provide general guidance.

The City of Boise and its departments should consider who lives and works in the area affected by the decision. It is critical to determine whether minority populations or low-income populations are present in the area affected by the proposed action, and if so whether there may be disproportionately adverse human health or environmental effects on people of color or low-income populations.

For each decision, certain questions should be posed:

- Does the proposed action solve a problem with the support of the affected community?
- Does this action or decision increase, compound or exacerbate exposure to human health hazards, including obesity?
- Does this action or decision increase, compound or exacerbate decline of a community or promote gentrification?

The City and its department should consider relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the affected populations and historical patterns of exposure to environmental hazards, to the extent such information is reasonable available. The City and its departments must also consider opportunities for economic and social equity caused by the decision, as well as multiple or cumulative effects of current and previous decisions.

The City and its departments should recognize the interrelated cultural, social, occupational, historical, or economic facts that may amplify the natural and physical environmental effects of the proposed action. These factors should include:

- the vulnerability of the community or population to particular impacts;
- how the decision will disrupt the area's community structure and if the disruption can or should be minimized; and
- how the decision will disrupt the area's social and economic structure and environment and if the disruption can or should be minimized.

Appropriate public participation strategies must be employed to address environmental justice concerns. The City must remove physical, cultural, and linguistic barriers to meaningful participation. Early engagement of diverse constituencies is critical.

Appendix 4
Complaint Form

City of Boise
Title VI Complaint Form

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

Please provide the following information necessary in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to:
City of Boise, Title VI Coordinator, 625 W. Idaho Street, PO Box 500, Boise, ID, 83701-0500

1. Complainants Name: _____

2. Address: _____

3. City: _____ State _____ Zip _____

4. Telephone No: (Home) _____ (Business): _____

5. Person discriminated against (if other than Complainant)

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

6. What was the discrimination based on: (Check all that apply)

Race/ Color Low Income Disability

National Origin Sex Limited English Proficiency

Age

7. Date of incident resulting in discrimination: _____

8. Describe how you were discriminated against. What happened and who was responsible? For additional space, attach additional sheets of paper or use back of this form.

9. What City of Boise representatives is the complainant alleging were involved?

10. Where did the incident take place?

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11. Witnesses? Please provide their contact information.

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone Numbers: (Home) _____ (Business) _____

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone Numbers: (Home) _____ (Business) _____

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone Numbers: (Home) _____ (Business) _____

12. Did you file this complaint with another federal, state, or local agency; or with a federal or state court?

(Check the appropriate space) Yes No

If answer is yes, check each agency complaint was filed with:

Federal Agency Federal Court State Agency
 State Court Local Agency Other

13. Provide contact person information for the agency you also filed the complaint with:

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Date filed: _____

Sign the complaint in the space below. Attach any documents you believe supports your complaint.

Complainant's Signature

Signature Date

Appendix 5

Complaint Process Under Title VI of the Civil Rights Act:

Any person who believes she or he has been the object of unequal treatment or discrimination, or been excluded from participation in or denied benefits of the City of Boise's programs, activities or services on the grounds of race, color, or national origin may file a complaint with the City of Boise's Title VI Coordinator within 180 days from the date of the alleged discrimination.

To be accepted, a Title VI complaint must:

- Involve discrimination on the basis of race, color or national origin;
- Allege that the discrimination was committed by the City of Boise, a City of Boise employee, or a sub-recipient of the City of Boise; and
- Be filed within 180 days from the alleged discrimination (or within 180 days of when the complainant knew, or should have known of the discrimination).

Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Title VI Coordinator or may have another person write and acknowledge the complaint on his or her behalf.

Complaints should include:

- The name, address and phone number of the person who experienced the discriminatory action;
- The date of the alleged act of discrimination or the date when the complainant(s) became aware of the alleged discrimination; and
- A brief but specific description of the discriminatory practice or action and any relevant facts.

The complaint should include names and contact information of any witnesses, including city employees or contractors.

The City of Boise encourages use of its complaint form, which is available on the City of Boise's website at www.cityofboise.org, or by calling 208-384-3868. A sample of the City's complaint form is found in Appendix 4.

Appendix 5 (cont.)

The complaint form must be signed or acknowledged and returned to the Title VI Coordinator. The original complaint may be sent, faxed or e-mailed to:

Title VI Coordinator
625 W. Idaho Street
P.O. Box 500
Boise, ID 83701-0500
FAX: (208) 384-3868
TitleVICoordinator@cityofboise.org

Allegations received by telephone or TDD will be reduced to writing on a complaint form and provided to the complainant for confirmation or revision before processing. Once a complaint is filed, the City of Boise Title VI Coordinator will record the complaint in a database and determine (a) whether the complaint is complete; (b) if additional information is needed; (c) whether the City has jurisdiction; and (d) whether the complaint is timely.

The Title VI Coordinator will notify the complainant in writing within **10 working days** either that the complaint is accepted or the complaint is not accepted. If the complaint is not accepted, the Coordinator will state why. If the complaint is not accepted because additional information is needed, the complainant will be notified what information is needed.

If the complaint is accepted, the City will investigate the merits of the complaint and will attempt to resolve it at the lowest level possible. The Title VI Coordinator will assign an investigator to investigate the complaint.

The investigator may interview any individuals named as witnesses and any other individuals who may have information. The investigator may review relevant documentation. If more information is needed, the complainant has **thirty days from the date of the letter** to send the requested information. If the investigator is not contacted by the complainant or does not receive the additional information within thirty days, the City may administratively close the case. A case may also be closed if the complainant no longer wishes to pursue his or her case.

Appendix 5 (cont.)

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding. A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. A letter of finding summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur.

Although the City strives to promptly resolve complaints, this process will differ depending on the complexity of the complaint, the individuals involved, and other factors. The investigation will be concluded within **sixty days** of receiving all requested information.

Complaints submitted directly to a department will be forwarded to the Title VI Coordinator for intake.

Dismissal of Complaints:

The City may dismiss a complaint and issue a closure letter for any of the following reasons:

- The complainant withdraws the complaint.
- The complainant fails to respond to requests for additional information needed to process the complaint.
- The complaint is untimely.
- The complainant cannot be located.
- The complaint is determined to be legally or factually insufficient.

Appealing the Coordinator's Written Decision:

If the complainant is not satisfied with the written decision of the Coordinator, the complainant has **14 working days** from the date of the decision to provide the Coordinator with written notice of intent to appeal.

The appeal shall be to the Director of the involved department. The Director shall issue a decision on the appeal within **30 working days** of the notice of intent to appeal, which shall be the final decision of the City.

Appendix 6

STATEMENT OF ASSURANCE

The City of Boise:

HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, and any requirements or directives issued pursuant to that Act and the Regulations, to the effect that, no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity from which the Applicant received Federal financial assistance; and **HEREBY GIVES ASSURANCE THAT** it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal grants, loans, contracts, property, discounts or other Federal financial assistance from the U.S. Department of Transportation, Federal Transit Administration.

BY ACCEPTING THIS ASSURANCE, the Applicant agrees to compile data, maintain records and submit reports required to permit effective enforcement of Title VI, and permit authorized Department personnel during normal working hours to review and copy such records, books and accounts as needed to ascertain compliance with Title VI. If there are any violations of this assurance, the United States shall have the right to seek administrative and/or judicial enforcement of this assurance and suspend future assistance.

This assurance is binding on the Applicant, its successors, transferees and assignees as long as it receives assistance from the U.S. Department of Transportation, Federal Transit Administration. In the case of real property, this assurance is binding for as long as the property is used for a purpose for which this assistance was intended. In the case of personal property, this assurance applies for as long as the Applicant retains ownership or possession of the property. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the Applicant.

The City of Boise will enter this annual Certification and Assurances into TEAM each year and provide an electronic signature through a personal

identification number (PIN). No Federal agency has found the City of Boise to be in noncompliance with a civil rights requirement. The City of Boise does not provide fixed route transportation and does not have plans to construct a transportation facility at this time.

David H. Bieter, Mayor

Date

Appendix 7

City of Boise Resolution enacting the City of Boise's Title VI Plan and the Mayor Office's Limited English Proficiency Plan.