

TITLE VI NON-DISCRIMINATION PLAN

CITY OF ANGLETON

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TABLE OF CONTENTS

Introduction	3
Policy Statement.....	6
Assurances.....	8
Authorities.....	12
Definitions	14
Administration	17
Americans with Disabilities Act	19
Limited English Proficiency.....	20
Environmental Justice	29
Public Participation.....	34
Complaint Process.....	39
Annual Work Plan and Accomplishment Report	43
Appendix A Required Contract Language	45
Appendix B Clause for Deed Transfer of US Property.....	47
Appendix C Clause for Transfer of or Improved Property Under Activity, Facility, or Program	49
Appendix D Clauses for Construction/Use/Access to Property or Activity.....	50
Appendix E Other Required Contract Language	51
Appendix F Complaint Form (English and Spanish)	53

INTRODUCTION

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin in any program, service, or activity that receives Federal assistance. Specifically, Title VI assures that “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance.” Related statutes, regulations, and executive orders have broadened Title VI. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to encompass all programs and activities of Federal-aid recipients and contractors, regardless of whether those programs and activities are federally funded or not.

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

Also, Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP), provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. As a recipient of Federal financial assistance in its transportation and other improvement projects, the City of Angleton (hereinafter “the City”) must provide access to individuals with limited ability to speak, write, or understand the English language.

The City must not restrict an individual in any way from enjoying the same advantages or privileges as others who receive services, financial aid, or other benefits under its programs or projects. Individuals may not be subjected to criteria or methods of administration that cause an adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing the accomplishment of the objectives of the program because of race, color, or national origin. Therefore, the primary goals and objectives of the City of Angleton’s Title VI Non-Discrimination Plan are:

**City of Angleton
Title VI Plan**

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

As the recipient of Federal funds, the City must comply with Federal and State laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs without regard to race, color, national origin, sex, age, socio-economic status, or disability.

Every effort will be made to prevent discrimination in any City-sponsored program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City Title VI Plan also ensures that the City's sub-recipients adhere to Federal and State laws and include in all written agreements or contracts assurances that the sub-recipient must comply with Title VI and other related statutes. The City, as a sub-recipient receiving Federal funds, shall monitor its sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any such deficiencies.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination, which may or may not be intentional, is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the encompassing functions of planning, project development and delivery, right-of-way acquisition, construction, and research.

The City has developed this Title VI Plan to assure that services, programs, and activities are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of Federally funded programs, services, or activities (see the City's Policy Statement).

Statement of Policy Title VI Policy Statement

The City is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, and all related regulations and directives. The City assures that no person shall, on the grounds of race, color, national origin, sex, age, disability, or English proficiency, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any City program, activity, or service. The City further assures that every effort will be made to ensure non-discrimination in all of its programs, activities, and services, whether those programs, activities, and services are federally funded or not. In the event the City distributes Federal aid funds to another entity, the City will include Title VI language in all written agreements and will monitor for compliance.

The City is also committed to ensuring that every effort will be made to prevent discrimination against low-income and minority populations as a result of any impact of its programs or activities, in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations. In addition, the City assures that every effort will be made to provide meaningful access to persons with Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Definition of Federal Financial Assistance and Recipients Affected

Federal financial assistance is defined as any Federal dollars that are assigned to the City to support any program, activity, or service by way of grant, loan, or contract, other than a contract of insurance or guaranty. Specific Forms of Discrimination that Prohibit the City's efforts to prevent discrimination are, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the 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.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities or services related to a highway, infrastructure, or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program or service, the primary purpose of which is to provide employment.

The City's Title VI Plan applies to all of the City's programs, activities, and services, regardless of funding source. Some sections deal with specific requirements (e.g., FTA, FHWA, and FAA-funded programs).

John Wright, Mayor

The City of Angleton (hereinafter referred to as the "Sub-Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, through the Federal Highway Administration, 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.F.R. Part 21 (entitled Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964).
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

The preceding statutory and regulatory provisions are hereinafter referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above General Assurance, the sub-recipient agrees with and gives the following Assurances with respect to its Federally assisted

Department of Transportation programs:

1. The sub-recipient agrees that each activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The sub-recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Department of Transportation programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

The City, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. The sub-recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The sub-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 affecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sub-recipient.
5. That where the sub-recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the sub-recipient receives Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. The sub-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 sub-recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved

under the applicable activity, project, or program; and

- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the sub-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 sub-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 sub-recipient retains ownership or possession of the property.
9. The sub-recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The sub-recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the sub-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 USDOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the USDOT. You must keep records, reports, and submit the material for review upon request to USDOT, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

**City of Angleton
Title VI Plan**

Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the sub-recipients by the U.S. Department of Transportation under all Department of Transportation programs. This ASSURANCE is binding on Texas, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, and their subcontractors, transferees, successors in interest, and any other participants in all Department of Transportation programs. The person signing below is authorized to sign this ASSURANCE on behalf of the sub-recipient.

DATED _____ BY _____
John Wright, Mayor

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h):

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Federal Aid Highway Act of 1973, 23 USC 324: No person shall, on the grounds 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.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, based on 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.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

EO12250: Department of Justice Leadership and Coordination of Non-discrimination Laws.

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

28 CFR 50.3: Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964.

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness, or death,
- Air, noise, water pollution, and soil contamination,
- Destruction or disruption of man-made or natural resources,
- Destruction or diminution of aesthetic values,
- Destruction or disruption of community cohesion or the community's economic vitality,
- Destruction or disruption of the availability of public and private facilities and services,
- Adverse employment effects,
- Displacement of a person's businesses, farms, or non-profit organizations,
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community,
- Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies, and activities.

Significant Adverse Effects In Minority and Low-Income Populations – An adverse effect that:

- is predominantly borne by a minority population and/or a low-income population, or
- will be suffered by the minority population and/or low-income population and are shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Determine or Distinguish Significant/Non-Significant Effects

"Significant Effect" requires considerations of both context and intensity:

- **Context.** This means that the significance of an action must be analyzed in several contexts, including society as a whole (human, national), the affected region, the interests affected, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short- and long-term effects are relevant.
- **Intensity.** This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

- Impacts that may be both beneficial and adverse. A significant effect may exist

even if, on balance, the effect would be beneficial.

“Non-Significant Effect” means no substantial change to an environmental component and has no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of a significant effect. If an alternative had a beneficial effect, then it would also cause no significant adverse effect. If an alternative had an adverse effect, the effect might be significant or non-significant.

The Mayor will make determinations of “significant” and “non-significant” effects.

Federal Assistance – Includes grants and loans of Federal funds; the grant or donation of Federal property and interests in property; the detail of Federal personnel, Federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced to assist the sub-recipient, or in recognition of the public interest to be served by such sale or lease to the sub-recipient; and any Federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service, or benefit provided by the City.

Low-Income – A person whose median household income is at or below the Department of Health and Human Services Poverty guidelines (<http://aspe.hhs.gov/poverty/>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy, or activity.

Minority – A person who is:

- Black – A person having origins in any of the black racial groups of Africa.
- Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or

- American Indian and Alaskan Native – A person having origins in any of the original

peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy, or activity.

Non-Compliance – When a recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color, or national origin is required, the following designation ordinarily may be used: “White not of Hispanic origin,” “Black not of Hispanic origin,” “Hispanic”, “Asian or Pacific Islander,” “American Indian or Alaskan Native”. Additional sub-categories based on the national origin of the primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road, park, or other infrastructure improvement project, including planning or any activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Sub-Recipient – Any agency, such as a council or government, regional planning agency, or education institution, for example, which received Federal Highway Administration (FHWA) funds through the State Department of Transportation and not directly from the FHWA. Other agencies, local governments, contractors, and consultants that receive these funds are all considered sub-recipients.

The Title VI Coordinator shall have the lead responsibility for coordinating the administration of the Title VI and related statutes program, plan, and assurances for the sub-recipient.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or handicap, he/she may exercise his/her right to file a complaint with the City's Title VI Coordinator. Every effort will be made to resolve complaints informally and at the lowest level first.

Data Collection: The City will collect and maintain statistical data on the race, color, national origin, English language proficiency, and sex of participants in and beneficiaries of City programs, including impacted citizens and affected communities. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and issues. The Coordinator will conduct the reviews to ensure effectiveness in their compliance with Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure equal participation in all programs and activities at all levels of the organization. The City will conduct reviews annually by the end of the calendar year.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Coordinator. Priority for conducting reviews will be given to those sub-recipients of Federal funds with the greatest potential of impact on those groups covered by the Act. The reviews will entail examination of the sub-recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update to the appropriate federal authority.

TxDOT Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the Annual Work Plan and Accomplishment Report to the Texas Department of Transportation, Office of Civil Rights via TxDOT's Title VI/ Nondiscrimination Annual Work Plan & Accomplishments Report Development Guide, as presented in TxDOT's Title VI/ Nondiscrimination Technical Assistance Guide for Sub-Recipients.

TxDOT Title VI Plan Updates: If updated, a copy of the Title VI Plan will be submitted to the Texas Department of Transportation by October 5th. The City will automatically update and renew its Title VI Assurances every three years or as necessary, upon the occasion of a change in the Mayor of the City.

Public Dissemination: The City will disseminate Title VI Plan information to City

employees and the general public. Title VI Plan information will be distributed to sub-recipients, contractors, and beneficiaries. **Public dissemination will include Title VI language in contracts and publishing the Title VI Plan on the City's website at *www.Angleton.tx.us*.**

Remedial Action: The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are identified, procedures will be promptly implemented to correct them, and the corrective action(s) will be documented in writing. **The period to determine corrective action(s) and respond in writing to ensure compliance may not exceed 90 days from the date the deficiencies are found.**

The Governor's Committee evaluates compliance with and facilitates the implementation of the Americans with Disabilities Act, Texas Accessibility Standards, and other State and Federal disability rights laws. The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. The current text of the ADA includes changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009.

Title III prohibits discrimination on the basis of disability in the activities of or places of public accommodations (businesses that are generally open to the public and that fall into one of 12 categories listed in the ADA, such as restaurants, movie theaters, schools, day care facilities, recreation facilities, and doctors' offices) and requires newly constructed or altered places of public accommodation, as well as commercial facilities (privately owned, nonresidential facilities such as factories, warehouses, or office buildings), to comply with the ADA Standards:

§36.201 General.

Prohibition of discrimination. No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation.

The sub-recipient provides ADA accommodation on ALL of its projects, whether federally funded or not. The plans are submitted to an accredited TDLR/ADA Registered Accessibility Specialist for comment and/or approval before final approval and submission of the bid. During or after construction, ADA inspection of the entire facility is conducted by a Registered Accessibility Specialist. The inspection process results in a report identifying any issues or violations of the current rules and regulations as of the time of the plan approval. If violations are found and determined to warrant removal and replacement, the contractor is instructed to perform this work and to bring the entire facility into complete conformance.

TITLE VI COORDINATOR

Colleen Martin, Director of Human Resources
and Risk Management

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INTRODUCTION

Background

On August 11, 2000, President William J. Clinton signed Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil Rights Act of 1964. The purpose of the act was to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

The sub-recipient receives federal funds from various U.S. Departments, thus requiring the sub-recipient to, at a minimum, apply the four-factor analysis to the available data. Any LEP program requirement suggested by this analysis would extend to a sub-recipient's entire program or activity, i.e., to all parts of a sub-recipient's operations. This is true even if only one program of the sub-recipient receives Federal assistance.

The sub-recipient's primary LEP language group is Spanish. This Limited English Proficiency Plan has been prepared to address the sub-recipient's responsibilities, as a recipient of Federal financial assistance, as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients, clarifying their obligation to ensure that such discrimination does not occur. This order applies to all State and local agencies that receive Federal funds, including all City of Angleton departments that receive federal grant funds.

Plan Summary

The sub-recipient has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to individuals with limited English proficiency who wish to access services. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This plan outlines the procedures for identifying individuals who may require language assistance, the methods for providing assistance, staff training requirements, and the procedures for notifying Limited English Proficient (LEP) individuals that assistance is available.

In order to prepare this Plan, the sub-recipient used the four-factor LEP analysis, which considers the following factors:

1. The number or proportion of LEP persons in the service area that the City or its programs may serve,
2. The frequency with which LEP persons come in contact with the sub-recipient's services,
3. The nature and importance of services provided by the sub-recipient to the LEP population,
4. The interpretation services available to the sub-recipient and the overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is shown in the following section.

Four-Factor Analysis & Language Access Plan

Purpose

In compliance with Executive Order 13166, the sub-recipient has developed the following Language Access Plan (LAP) for Limited English Proficiency (LEP) persons.

History

Title VI of the Civil Rights Act of 1964 is a federal law that protects individuals from discrimination based on their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

The following Four-Factor Analysis will serve as a guide for determining which language assistance measures the sub-recipient will undertake to ensure access to their Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grant (ESG), and other federally funded programs for Limited English Proficient (LEP) persons.

The number of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who the recipient would serve if the person received education and outreach, and the recipient provided sufficient language services).

The sub-recipient utilized data from the 2015 American Community Survey (ACS) 5-Year Estimates, specifically the "Language Spoken at Home" and "Ability to Speak English" categories for the Population 5 Years and over. Based on this data, the sub-recipient exceeds the 1,000 or 5% LEP persons' threshold for the Spanish language, as is required to provide services to Spanish-speaking persons.

1. The frequency with which the LEP persons come into contact with the program.
2. In general, all public service programs and housing rehabilitation services administered through the sub-recipient serve a variety of persons. Therefore, residents are likely to have considerable direct contact with the program and its staff. The sub-recipient may require sub-recipients whose programs have direct contact with Spanish-speaking residents to develop a Language Access Plan for the program.
3. The nature and importance of the program(s), activities, or services provided by the program.
4. The proposed projects would likely provide direct assistance to project area beneficiaries related to housing and/or public services; therefore, the nature of the activities or services is of significant importance to the proposed area residents. The City of Angleton may require sub-recipients whose projects have a significant impact on Spanish-speaking residents to develop a Language Access Plan for the program/project.
5. Resources available and costs to the recipient.
6. Currently internet sites can be utilized to translate some written materials. Additionally, local volunteers and bilingual staff have been identified to provide oral interpretation services at public meetings and during conversations with LEP residents during the implementation of a proposed project. Furthermore, many of the common forms used in the implementation of a CDBG, HOME, or ESG project are available in multiple languages on the US Department of Housing and Urban Development (HUD) website. Additionally, translation activities are an eligible administrative expense for federal programs. Therefore, LAP measures indicated in the Language Access Plan are reasonable given the resources available to the sub-recipient.

Certification

Based on the above Four-Factor Analysis, the sub-recipient is required to develop a LAP

as follows.

Language Access Plan

As a result of the preceding Four-Factor Analysis, the sub-recipient has identified the following types of language assistance to be provided on an as-needed basis by the sub-recipient throughout the implementation of its HUD programs:

- All published citizen participation advertisements will include a statement in Spanish indicating that other program materials are available in Spanish upon request.
- All citizen participation notices will include a statement that interpreters will be available at public meetings upon request.
- If needed, an interpreter may be retained to provide oral interpretation in the field during the implementation of the project activities (generally for housing rehabilitation, hookups, acquisition, and relocation projects only).
- If other populations of LEP persons are identified in the future, the sub-recipient will consider additional measures to serve the language access needs of those persons.

Adopted:

Date Adopted

John Wright, Mayor

Attest

Source: American Community Survey (ACS) 2023 5-Year Estimates

LANGUAGE SPOKEN AT HOME		
94.2	94.2%	
English only	19,429	
Language other than English	6,369	
Speak English less than "very well"	461	
Spanish	6,152	
Speak English less than "very well"	461	
Other Indo-European languages	50	
Speak English less than "very well"	0	
Asian and Pacific Islander languages	107	
Speak English less than "very well"	0	
Other languages	60	
Speak English less than "very well"	0	

Language Spoken at Home for the Citizen Population 5 Years and over who Speak English Less Than "Very Well" for the City: 2023

Source: American Community Survey (ACS) 2023 5-Year Estimates
(data not available in 1 or 3-year estimates)

	Angleton, Texas	
	Estimate	Margin of Error
Total:	18,031	±233
Speak only English	14,106	±733
Spanish or Spanish Creole:	3,761	±665
Speak English "very well"	2,336	±535
Speak English less than "very well"	1,425	±371
French (incl. Patois, Cajun):	17	±18
Speak English "very well"	8	±20
Speak English less than "very well"	9	±13
French Creole:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Italian:	8	±14
Speak English "very well"	8	±14
Speak English less than "very well"	0	20
Portuguese or Portuguese Creole:	9	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
German:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Yiddish:	0	±20

City of Angleton
Title VI Plan

	Angleton, Texas	
	Estimate	Margin of Error
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Other West Germanic languages:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Scandinavian languages:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Greek:	13	±20
Speak English "very well"	13	±20
Speak English less than "very well"	0	±20
Russian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Polish:	20	±31
Speak English "very well"	20	±31
Speak English less than "very well"	0	±20
Serbo-Croatian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Other Slavic languages:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Armenian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Persian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Gujarati:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Hindi:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Urdu:	16	±23
Speak English "very well"	16	±23
Speak English less than "very well"	0	±20
Other Indic languages:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Other Indo-European languages:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Chinese:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Japanese:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Korean:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20

City of Angleton
Title VI Plan

	Angleton, Texas	
	Estimate	Margin of Error
Mon-Khmer, Cambodian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Hmong:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Thai:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Laotian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Vietnamese:	37	±54
Speak English "very well"	0	±20
Speak English less than "very well"	37	±54
Other Asian languages:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Tagalog:	28	±49
Speak English "very well"	28	±49
Speak English less than "very well"	0	±20
Other Pacific Island languages:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Navajo:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Other Native North American languages:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Hungarian:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Arabic:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
Hebrew:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20
African languages:	16	±23
Speak English "very well"	16	±23
Speak English less than "very well"	0	±20
Other and unspecified languages:	0	±20
Speak English "very well"	0	±20
Speak English less than "very well"	0	±20

Language Assistance Measures

To better serve the individuals lacking English proficiency, the City will strive to offer the following measures:

1. City staff will take reasonable steps to provide LEP clients who have difficulty communicating in English the opportunity for meaningful access.
2. The following resources will be available to accommodate LEP persons:
 - Interpreters for the Spanish language will be made available and provided within a reasonable time period.
 - Language interpretation will be accessed for all other languages through a telephone interpretation service.

Staff Training

The following training will be provided for all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for the City of Angleton will be required to follow the Title VI LEP guidelines.

Translation of Documents

When staff prepare a document or schedule a meeting for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

Monitoring and Updating the LEP Plan

The City will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census is available and when the City Secretary's Office begins to experience and log requests for interpretive or translation services. Updates will include the following:

- The documented number of LEP person contacts encountered annually.
- Have the needs of LEP persons been addressed?

**City of Angleton
Title VI Plan**

- The current LEP population in the service area.
- The need for translation services changed.
- Have local language assistance programs been adequate and sufficient to meet the needs?
- Are the City's financial resources sufficient to fund the language assistance resources needed?
- Does the City fully comply with the goals of this LEP Plan?
- Documented complaints received concerning the City's failure to meet the needs of LEP individuals.
- Maintain a Title VI complaint log, including LEP, to determine issues and the basis of complaints.

Dissemination of Angleton's LEP Plan

- Post signs in English and Spanish at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language services. Post the LEP Plan itself on the City website in English and Spanish.
- State on agendas and public notices, in the language that LEP persons would understand, that documents are available in that language upon request from the City Secretary's Office.
- Continue to monitor and log any requests for translated documents or interpretive services.

For more information regarding the City's policies on LEP, a copy of the LEP Plan can be found on our website at <http://www.Angleton.tx.us>.

A copy of the Plan document may be requested from:

Attn: Colleen Martin, Director of Human Resources and Risk Management
City of Angleton
121 South Velasco Street
Angleton, Texas 77515
979-849-4364

ENVIRONMENTAL JUSTICE

City of Angleton: 2014

TITLE VI COORDINATOR

Colleen Martin, Director of Human Resources
and Risk Management

City of Angleton
121 South Velasco Street
Angleton, Texas 77515
979-849-4364

Introduction

Compliance with Title VI includes ensuring that no minority or low-income population suffers “disproportionately high and adverse human health or environmental effects” due to any “programs, policies, and activities” undertaken by any agency receiving Federal funds.

The City plans and executes its roadway improvement projects in accordance with the rules, regulations, and procedures established by the Texas Department of Transportation’s (TxDOT) Environmental Manual and the National Environmental Policy Act (NEPA) process. The Environmental Manual provides procedures and practices related to environmental analysis and decision-making with TxDOT project development work. The Manual provides a guide to clearing transportation projects through the NEPA process. The process is updated and maintained by TxDOT’s Environmental Division (ENV).

The Environmental Manual includes the process involved in obtaining environmental clearance from TxDOT and the Federal Highway Administration (FHWA) for a roadway construction project. The NEPA process, Title VI of the Civil Rights Act, and related statutes, and Executive Order 12898 on Environmental Justice are incorporated in the processes to ensure nondiscrimination and identify and address any disproportionately high health and environmental impacts to minority populations and low-income populations. The following components lead to environmental clearance: preliminary survey, environmental documentation, public involvement, interagency coordination, permits, and environmental commitments.

Plan/Process

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, signed in February of 1994, requires a Federal agency to achieve Environmental Justice as a part of its mission by Identifying disproportionately high and adverse human health or environmental Effects on its program, policies, and activities on minority and low-income populations. FHWA requires TXDOT to carry out Environmental Justice responsibilities as part of its non-discrimination program.

Identification of Minority and Low-Income Populations

The City utilizes data from the U.S. Census Bureau, public outreach (scoping meetings, public meetings, and public hearings), information on poverty guidelines from the Department of Health and Human Services, and local agency coordination (including, but not limited to MPOs, local elected officials, county government, etc.) to establish demographic characteristics and trends. The data is used to identify and engage traditionally underserved populations, including those covered under existing Environmental Justice (EJ) policies, as well as populations with Limited English Proficiency (LEP).

NEPA Process and Public Involvement

On January 1, 1970, the National Environmental Policy Act of 1969 (NEPA) was signed into law. NEPA established a national environmental policy intentionally focused on Federal activities and the desire for a sustainable environment balanced with other essential needs of present and future generations of Americans.

NEPA requires FHWA to examine and determine avoidance of potential impacts to the social and natural environment when considering approval of proposed transportation projects. In addition to evaluating the potential environmental effects, sponsors must also take into account the transportation needs of the public in reaching a decision that is in the best overall public interest. The FHWA NEPA project development process is an approach to balanced transportation decision-making that takes into account the potential impacts on both human (social, economic and cultural) and the natural environment and the public's need for safe and efficient transportation.

consultations are coordinated as a single process, and the project's compliance with

all applicable environmental requirements are identified and discussed in the environmental document, resulting in either a full Environmental Assessment or a Categorical Exclusion, as required by this regulation.

Alternative courses of action are evaluated, including multiple alternative alignments, and all decisions are made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation; of social, economic and cultural impacts; local and regional natural environmental impacts of the proposed transportation improvement; and in keeping with national, state, and local environmental protection goals, such as air quality conformity.

Public involvement in the review of alternative alignments and the eventual selection of a proposed alignment is an essential part of the project development process. As early as practicable, the City will invite stakeholders (i.e., TxDOT, local elected and public officials, the Drainage District, affected property owners and the public) to a Public Meeting.

NEPA requires that projects be evaluated for impacts to the human environment. Public involvement occurs as a part of social and economic impact analysis. In this way the public assists the City and TxDOT by serving as an important resource in providing information for socio-economic analysis by:

- Identifying alternatives and impacts.
- Identifying community values and community landmarks; and
- Developing strategies and solutions for avoiding, mitigating, minimizing, or enhancing impacted resources.

This obligation will be met by the City in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.

- If mitigation options do not sufficiently eliminate the disproportionate effect,

discuss and, if necessary, implement reasonable alternatives.

- The Director of Development Services and City Manager oversee this process and review the final resulting project documents to ensure compliance with Federal regulations.

Disproportionate effects are those effects that are appreciably more severe for one group or predominantly borne by a single group. The City uses U.S. Census data to identify low-income and minority populations and their location with respect to the proposed project and its impacts.

Where a project impacts a small number or area of low-income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.
- The project's impact is unavoidable.
- The benefits of the project far outweigh the overall impacts, and
- Mitigation measures are being taken to reduce the harm to low-income or minority populations.

If it is concluded that no minority and/or low-income population groups are present in the project area, the Environmental Report will document the process by which this conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of a project on minority and/or low-income population groups:

STEP ONE: Determine if a minority of low-income population is present within the project area. If a conclusion is that no minority and/or low-income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority populations and/or low-income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low-income and minority populations are disproportionately high and adverse. In doing so,

refer to the list of potential impacts defined in the City's Non-Discrimination Plan definitions, "Adverse Effects." If it is determined that there are disproportionately high and adverse impacts on minority and low-income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize, and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If, after mitigation, enhancements, and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact on minority or low-income populations, then the following questions must be considered:

- Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effects to the minority or low-income population?
- Question 2: Are there additional alternatives to the proposed action that would avoid or reduce the impacts on the low-income or minority populations?
- Question 3: Considering the overall public interest, is there a substantial need for the project?
- Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other socioeconomic or environmental impacts that are more severe than those of the proposed action, (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations, or demonstrations in the environmental document prepared for the project.

PUBLIC PARTICIPATION PLAN

City of Angleton

Title VI Coordinator

Colleen Martin, Director of Human Resources
and Risk Management

City of Angleton
121 South Velasco Street
Angleton, Texas 77515
979-849-4364

Introduction

This section details how the City notifies the public regarding the development of plans and improvement programs, solicits their comments, and addresses those comments in the final documents. Additionally, this section details how the City manages the Public Participation process.

Public Participation Plan

The Public Participation Plan (PPP) demonstrates how the City provides opportunities for public review and comment at key decision points during the citywide improvement planning process, as dictated by Environmental Processes for federally funded projects. The process consists of open discussion of planning documents in local government forums, public meetings, informational exhibits, published advertisements, and, if required, a Public Hearing.

All City projects will require a Public Meeting to provide the public with information on the project and its likely impact on the project area. All projects will pass through the Office of the Title VI Coordinator for review to ensure that the Public Participation requirements are incorporated into the project plan and are followed.

Public Participation and Consultative Tools

Besides the Public Meeting process, the City uses a number of methods to communicate information regarding projects and opportunities for public and stakeholder participation in the planning process:

- Newsletters and direct mailings

- Media releases
- Notices published in the local and regional newspapers.
- Visualization presentations
- Exhibits
- Local community public meetings
- Social media such as Facebook and Twitter

The City makes available to the public several sources of GIS data in the form of maps used in the planning process to enhance public understanding of the project.

Long-Range Planning Documents:

- The City's Major Thoroughfare Plan
- City Right of Way Maps and County Property Identification

Public Participation Considerations

Public participation is an ongoing aspect of the project planning process that encourages and solicits public input and provides the opportunity for the public to become fully informed about project development. Public Participation considerations include:

- Types of Public Participation Procedures
- Specialized Public Participation – Cultural Resources
- Public Participation Following Project Approvals
- Notices and Media Releases Types of Public Participation Procedures

Early in the planning process, projects are included in the Statewide Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP). Meetings to discuss the recommended projects included in the STIP/TIP are advertised allowing any interested citizen to provide input in the project planning and programming process. In some instances, these meetings can be considered adequate public participation for minor projects constructed in existing right of way and/or general maintenance projects. However, depending on the type and complexity of the project, public concerns, associated social, economic, and environmental factors,

additional public participation may be required. Types of additional public participation efforts may include:

- Meetings with Affected Property Owners (MAPO) – MAPOs are held with property owners affected by minor or temporary projects. MAPOs may occur at any stage of the project development process. Due to the informal nature of MAPOs, the format and conduct will be tailored to the individual project, allowing ample time for public questions and comment.
- Public Meetings – Public meetings are held to inform the public and provide a forum for a free exchange of project views and concerns. Public meetings occur as early as TxDOT determines it feasible to assure public input in project planning, location, and design alternatives. Public meetings include meetings with interested citizens, the general public, or local, neighborhood, or special interest groups. A public meeting will be held during the drafting of a DEIS to present the draft coordination plan.
- Opportunities for Public Hearing – An opportunity for public hearing is advertised to determine if any interested citizens desire TxDOT to hold a public hearing for a proposed project. This is a minimum requirement for projects requiring acquisition of significant amounts of new Right of Way, those requiring a substantial change in layout or function of the roadway or connecting roadways or requiring measurable adverse impact on abutting real property. The decision to afford an opportunity for a public hearing is generally decided upon by a District in consultation with ENV and FHWA (for federally funded projects). If no requests for public hearing are received by the deadline, the district will submit a certification to that effect signed by the District Engineer or his/her designee.
- Public Hearings – Public hearings are held to present project alternatives. They also serve to encourage and solicit public comment on the location, design, and environmental analyses of a project. The manual includes sections that describe various aspects of public hearings, including the format and procedures for conducting a public hearing.

Specialized Public Participation – Cultural Resources

Section 106 of the National Historic Preservation Act requires that special care be taken when potential historic and/or archaeological resources are involved in a transportation project. For projects involving historical resources and archeological

sites, the City will identify and coordinate with interested parties early in the project planning process.

Public Participation Following Project Approvals

Additional public participation (opportunity, public hearing, public meeting, or limited meeting) is scheduled when:

- Substantial change occurs in the project (major design changes, changes in right-of-way requirements, etc.).
- Substantial unanticipated development occurs in the project area.
- New significant social, economic, and environmental effects are identified as project related; and
- An unusually long time passes before major steps are taken to advance the project. Major steps include authority to acquire Right of Way and issuance of construction Letter of Authority.

Notices and Media Releases

The Environmental policies describe the requirements and formats for publishing notices and media releases, which include:

- Publishing Notices – Official notices are published in local general circulation newspapers, regional newspapers (if there is no local newspaper) and special interest newspapers, such as neighborhood, ethnic, foreign language. If the predominant language of an area is not English, notices will be published in the predominant language.
- Publication Requirements – The opportunities for public hearing notice is published approximately 30 days prior to the deadline for submission of written requests for holding a public hearing and at a minimum, a public hearing notice will be published at least 30 days before the day of a public hearing. The Environmental policies outline the information and procedures that should be included in all notices.
- Other Forms of Publicity – Other forms of publicity include temporary signs, leaflets posted in public locations, media releases, notices mailed to residents, etc.

- Notices of Availability - Environmental Assessment (EA) and Final Environmental Impact Statement (FEIS) inform the public of the approval of an EA and required following approval of a FEIS; notice of availability is published in local newspapers.
- Media Releases - Project planning and development decisions are to be publicized through press releases to inform the public about the project. Any changes to a transportation project may require additional public participation.

COMPLAINT PROCESS

Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City's programs, activities, and services as required by statute.

Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion, assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

Filing a Complaint

The complainant shall make him/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities, and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of Federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI by completing the Title VI Discrimination Complaint Form (see City's Complaint Form) and submitting it to the City's Title VI Coordinator.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI

Coordinator. In all situations, the employees of the City must contact the Title VI Coordinator immediately upon receipt of Title VI related statutes complaints.

Complaints must be filed within 180 days of the alleged discrimination. The policy assumes that if a complainant could not reasonably be expected to know that the act was discriminatory within the 180-day period, the period is extended 60 days beyond the date the complainant became aware to file the complaint.

Complaints must be made in writing and must be signed by the complainant and/or the complainant's representative. The complainant must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

- An anonymous complaint that is too vague to obtain required information,
- Inquiries seeking advice or information,
- Courtesy copies of court pleadings,
- Newspaper articles,
- Courtesy copies of internal grievances.

Investigation

Investigation Plan: The Title VI Coordinator shall assign a trained investigator to the complaints that will be required to prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s),

- Basis for complaint: Issues, events or circumstances that caused the person to believe that he/she has been discriminated against,

- Information needed to address the issue,
- Criteria, sources necessary to obtain the information,
- Identification of key people,
- Estimated investigation timeline,
- Remedy sought by the complaint(s).

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations of the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- TxDOT will be responsible for conducting the investigation of any transportation related discrimination complaints filed under Title VI with the city of Angleton in which the City or its sub-recipients are named as the respondent. Upon receipt, the complaint and any pertinent information will be forwarded to the TxDOT Office of Civil Rights Program Unit within ten (10) calendar days.

Investigation Reporting Process

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Title VI Coordinator for review.
- Upon review of the file and investigative report, the Title VI Coordinator makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation

The laws enforced by this City prohibit retaliation or intimidation against anyone

because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint, please contact:

City of Angleton
Attn: Colleen Martin, Director of Human Resources and Risk Management
City of Angleton
121 South Velasco Street
Angleton, Texas 77515
979-849-4364

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the Texas Department of Transportation, Office of Civil Rights within 30 days of the date the investigation is completed.

Records

All records and investigation working files are maintained in a confidential area. Records are kept for a minimum of three years.

City of Angleton
Title VI Plan

1. The City of Angleton Title VI Plan will be communicated to each City Department Head who will review the plan with departmentalemployees.
2. The City of Angleton's Title VI Plan and Policy Statement will be published on the City's website. The Policy Statement will also be posted in conspicuous locations.
3. Appendix A of the Assurances will be included in all City contracts as outlined in the Title VI Plan.
4. The procedure for responding to individuals with Limited English Proficiency will be implemented.
5. All City employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
6. A review of City of Angleton facilities will be conducted in reference to compliance with the Americans with Disabilities Act.
7. The following data will be collected and reviewed in the annual report produced by the Title VI Coordinator and transmitted in the annual report submitted to TxDOT:
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of Public Meetings or Open Houses directly related to planned projects; how meeting dates and times are communicated to the general public and to individuals directly affected by the meetings.
 - c. **Construction Projects:** The number of construction projects; number of minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** Number of requests for language assistance or number of instances in which language assistance was required, and the outcome of these requests; if possible, analyze the number of times

the website translator program has been utilized and what languages it translated information into.

- e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - f. **Timeliness of Services:** Number of requests for services; amount of time from request to delivery of service; number of requests denied.
 - g. **Right of Way/Imminent Domain:** Numbers of such actions and diversity of individuals affected.
 - h. **Program Participants:** Racial data statistics and analysis of program participants where possible.
 - i. **Reviews:** Status of special emphasis program reviews and reviews on the City's Sub-Recipients.
8. The City's Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report will be submitted to TxDOT annually by October 31. The Report will provide an updated status on an annual basis of the City's implementation and monitoring of the Title VI/Nondiscrimination Plan.

APPENDIX A

Title VI Required Contract Language

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 shall comply with the Regulations relative to nondiscrimination in Federally Assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall 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 Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor
- (5) shall so certify to the Recipient, or the Federal Highway Administration as appropriate and shall set forth what efforts it has made to obtain the information.

- (6) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient shall 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) cancellation, termination, or suspension of the contract, in whole or in part.

- (7) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such 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 non-compliance. Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

Title VI Clauses for Deeds Transferring United States Property

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures, or improvements thereon, or 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 sub-recipient will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all Department of Transportation programs, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the sub-recipient 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 parthereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the sub-recipient 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 shall be binding on the sub-recipient, its successors and assigns.

The sub-recipient, 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 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 with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (and)* (2) that the sub-recipient shall 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

Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act.

APPENDIX C

Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the sub-recipient pursuant to the provisions of Assurance 7(a).

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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"]
 - 1. that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally- assisted programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- B. With respect licenses, leases, permits, etc., in the event of breach of any of the above nondiscrimination covenants, the sub-recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, 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 sub-recipient shall have the right to re-enter said lands and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of the sub-recipient and its assigns.

APPENDIX D

Clauses for Construction/Use/ Access to Real Properly Acquired Under the Activity, Facility or Program

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the sub-recipient pursuant to the provisions of Assurance 7(b).

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 shall 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 shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall 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 (license, permits, etc.), in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.
- C. With respect to deeds, in the event of breach of any of the above nondiscrimination covenants, the sub-recipient shall have the right to re-enter said land and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of the sub-recipient and its assigns.

**Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purposes of Title VI of the Civil Rights Act of 1964.*

APPENDIX E

Title VI Required Contract Language

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

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in

Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

APPENDIX F

Title VI Discrimination Complaint Form

This form may be used to file a complaint with the City of Angleton based on violations of Title VI of the Civil Rights Act of 1964. Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 days, you have 60 days after you became aware to file a complaint. Return the signed form to the Attn: Colleen Martin, Director of Human Resources and Risk Management, 121 South Velasco Street, Angleton, Texas 77515. If you need assistance completing this form, please call 713.475.4977.

Last Name		First Name		
Mailing Address		City	State	Zip
Telephone	Alternate Telephone	Email Address		
Please indicate the basis of your complaint:				
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Ethnicity	
<input type="checkbox"/> Age	<input type="checkbox"/> Gender	<input type="checkbox"/> Disability	<input type="checkbox"/> Income	
Date(s) and place(s) alleged discriminatory action took place, including earliest date of discrimination and most recent date of discrimination:				
Name(s) of City Departments, Programs, and Individuals responsible for discriminatory action(s):				
Please explain as clearly as possible how you were discriminated against. Describe the nature of the action, decision, or conditions of the alleged discrimination. Include how you were treated differently from others based on your protected status.				

City of Angleton
Title VI Plan

Names of persons (witnesses, others subjected to discrimination, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint:

Name

Phone

Email

Complainant's Signature:

Date:

Office Use Only

Date Received_____

By_____

☐ Internal

☐ External

Notes:_____

Apéndice F

Formulario de Queja de Discriminación: Título VI

Este formulario puede utilizarse para presentar una queja con la Ciudad de Angleton, basado en las violaciones del Título VI de la Ley De Derechos civiles de 1964. Quejas deberán presentarse dentro de los 180 días de la supuesta discriminación. Si usted podría no esperar razonablemente conocer que la ley era discriminatoria dentro de 180 días, usted tiene 60 días después de que usted se dio cuenta al presentar una queja. Devolver el formulario firmado a la Atención: Colleen Martin, examinador de cumplimiento, 121 South Velasco Street, Angleton, Texas 77515 si necesita ayuda para completar este formulario, por favor llame al 713.475.4977.

Apellido		Primer Nombre		
Dirección de Correo		Ciudad	Estado	Código postal
Teléfono	Teléfono Alternativo	Correo Electrónico		
Por favor de indicar la base de su queja:				
<input type="checkbox"/> Raza	<input type="checkbox"/> Color	<input type="checkbox"/> Origen Nacional	<input type="checkbox"/> Etnico	
<input type="checkbox"/> Edad	<input type="checkbox"/> Sexo	<input type="checkbox"/> Discapacidad	<input type="checkbox"/> Ingresos	
Fecha (s) y lugar (es) supuesta acción discriminatorias llevaron a cabo, incluyendo fecha más temprana de la discriminación y la fecha más reciente de discriminación:				
Nombre(s) de departamentos de la ciudad, programas y responsables de acción discriminatorias:				
Por favor explicar lo más claramente posible cómo fueron discriminados. Describir la naturaleza de la acción, decisión o condiciones de la discriminación alegada. Incluyen cómo fueron tratados diferentemente de otros basado en su estatus de protección.				

City of Angleton
Title VI Plan

Nombres de personas (testigos, otros sujetos a discriminación, compañeros de trabajo, supervisores u otros) que nos podemos en contacto para que obtener más información apoyar o aclarar su queja: _____	
<u>Nombre:</u> Teléfono: Electrónico: o:	
Firma del Demandante:	Fecha:

Para Uso de Oficina

Fecha Recibida: _____ Por: _____ ☐ Interna ☐ Externa

Notas: _____