



# Doña Ana County

## Title VI Plan

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Revised March 2024

Title VI Coordinator:  
Liz Reed, Community and Constituent Services Manager

## **I. Nondiscrimination Statement of Policy**

### **Title VI Policy Statement**

Doña Ana County is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, and all related regulations and directives. Doña Ana County assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any Doña Ana County program, activity, or service.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

### **Environmental Justice/Limited English Proficiency Policy Statement**

Doña Ana County is also committed to assure every effort will be made to prevent the discrimination of 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, Doña Ana County also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency (LEP), 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 Doña Ana County to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty.

### **Specific Forms of Discrimination Prohibited**

Doña Ana County efforts to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program if required program eligibility requirements are met.
- Distinctions in the quality, quantity, or manner, in which the benefit is provided.
- Segregation or separation 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 related to services, highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

### **Doña Ana County programs and services covered by Title VI**

Doña Ana County Title VI Plan applies to all Doña Ana County programs, activities, and services, regardless of funding source. Some sections deal with specific requirements (e.g. FTA funded programs).

### **Authorities**

1. 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);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability)
6. The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. § 4601
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 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*);
9. 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
10. 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On the Basis Of Handicap In Program Or Activities Conducted By The Department Of Transportation*);
11. 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
12. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
13. 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
14. 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).



## **II. FHWA Assurances for Title VI and Other Nondiscriminatory Statutes**

Doña Ana County (hereafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *non-discrimination, In Federally-Assisted Programs Of The Department of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

### **General Assurances**

In accordance with the Act, the Regulations, other pertinent directives, including circulars, policies, memoranda, and/or guidance, the Recipient hereby gives its assurance that it will promptly take any measure 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 be subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from the DOT, including the FHWA."*

### **Specific Assurances**

More specifically and without limiting the above general Assurance, the Recipient agrees with and gives the following assurances with respect to its federally assisted programs and activities:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient shall insert the following notification in all solicitations for bids, request for proposals for work, or material subject to the Acts and the Regulations and made in connection with the Federal Aid Highway Program, and



in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

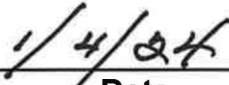
3. The Recipient will insert the clauses of Appendix A and E of this assurance in every contract or agreement subject to the Act and Regulations.
4. The Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. Where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance will extend to the entire facility and facilities operated in connection therewith.
6. Where the Recipient receives federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance will extend the right to space on, over, or under such property.
7. The Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties.
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired, or improved under the applicable activity, project, or program.
8. This Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project, except where the Federal assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to whom the Secretary 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 Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

By signing this Assurance, Doña Ana County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration access to records, accounts, documents, information, facilities, and staff. The County also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. The County shall keep records, reports, and submit the material for review upon request to the Federal Highway Administration or its designee in a timely, complete, and accurate way. Additionally, the County shall comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

  
\_\_\_\_\_  
**Fernando R. Macias**  
**County Manager**

  
\_\_\_\_\_  
**Date**



### **III. Title VI and Environmental Justice – The Public Participation Plan (PPP)**

Doña Ana County's Public Participation Plan (PPP) describes how the County communicates and distributes information to the public as well as how the public can interact and provide comments to the County. The needs of those traditionally underserved by the existing system will be sought and considered by Doña Ana County.

Through its public involvement efforts, Doña Ana County will strive to achieve the following Title VI and Environmental Justice (EJ) goals:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the infrastructure decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Title VI provides that no person shall, on the ground of race, color, or national origin be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Doña Ana County will ensure that the input and feedback from all people will be considered in the development of Doña Ana County planning documents and activities.

EJ concerns and goals should be considered throughout all public engagement efforts, from project planning through construction and operation. This includes public outreach conducted during infrastructure planning and during the environmental reviews required by the National Environmental Policy Act (NEPA).

The following actions related to Environmental Justice and Title VI are meant to reduce the barriers for participation in the decision-making process of low income, minority or disabled individuals.

1. When possible, public meetings will be held in locations that are convenient to low- and moderate-income neighborhoods and accessible to disabled populations (mobility needs). Such locations include community centers, senior centers, churches and schools. If AV is needed (microphone, speakers) to provide a better audio experience for the County sponsored meeting or event to individuals with hearing impairments, County departments can submit an IT work order or request the setup from location where the meeting/event is being held. Where possible, members of the County will meet at the locations of businesses, neighborhood groups, stakeholders, and other agencies.
2. If someone requests effective communication due to a disability, in order to participate in a County sponsored meeting or event, the County department shall contact the Human Resources ADA Coordinator to discuss. The County department pays for



whatever effective communication is determined appropriate under reasonable accommodation.

3. The County shares information with the public through various platforms and methods, including social media, traditional media (print, TV, radio), marketing, email communication, flyer distribution via utility bills or distributed in communities at high trafficked locations like grocery stores and U.S. Post Offices, to name a few. Recognizing the diversity of this region, County departments often provide the information in English and Spanish languages.
4. County departments utilize various strategies to obtain input from the public, including traditionally underserved persons, including minority, low-income and elderly citizens or those addressed by the Americans with Disabilities Act (ADA) in the planning of infrastructure projects and other County projects. Open houses, workshops, one-on-one meetings, dual language Survey Monkeys, to name a few avenues; Facilities and Parks Department is starting to implement a Building Committee (or Executive Committee), which could include traditionally underserved person, to provide input into projects. Any new infrastructure built for the County is designed to meet ADA requirements.
5. The following statement shall be included in the County's external documents when possible and practical: *"Doña Ana County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services."*
6. County departments should include the following statement in public announcements (printed notifications (ie flyers, posters, etc.), electronic notifications such as social media, or other methods of communication) to comply with Title VI.

**Upon request**, individuals with disabilities who need an accommodation such as an auxiliary aid or service for effective communication in a Doña Ana County sponsored events or meetings, contact the County's ADA Coordinator **at least two business days prior to event**, at (575) 647-7210 (voice) or (575) 525-2951 (TTY), or in writing at 845 N. Motel Blvd., Las Cruces, NM 88007.

*Below is a lengthier version of the County's ADA notification text:*

*Doña Ana County will ensure effective communication with individuals with disabilities and will, upon request, provide auxiliary communication aids and services to afford those individuals equal opportunity for participation in Doña Ana County sponsored meetings, events, or activities. Any request should be made to the Human Resources Department, in writing, or by phone, **at least two business days** prior to the event at which accommodation is needed. If you have any questions regarding examples of reasonable accommodations, please contact the Human Resources Department, at (575) 647-7210 (voice) or (575) 525-2951 (TTY), 845 N. Motel Blvd., Las Cruces, NM 88007.*

7. County departments should also include information below in their public notification of County sponsored events and meetings, if they do not have bilingual staff, to connect with Limited English Proficiency (LEP) residents per Title VI and to be aligned with the County's Strategic Plan regarding language justice measures to support inclusivity (BOCC approved November 14, 2023).

*Spanish language interpretation services are now available **upon request** for participation in Doña Ana County sponsored meetings, events, or activities. Please contact the **Community and Constituent Services Office at (575) 525-6163**, at least 48 hours prior to the event. **Por favor en contacto la Oficina de Servicio a la Comunidad y Constituyentes at (575) 525-6163 por lo menos 48 horas por adelantado para pedir este servicio.***

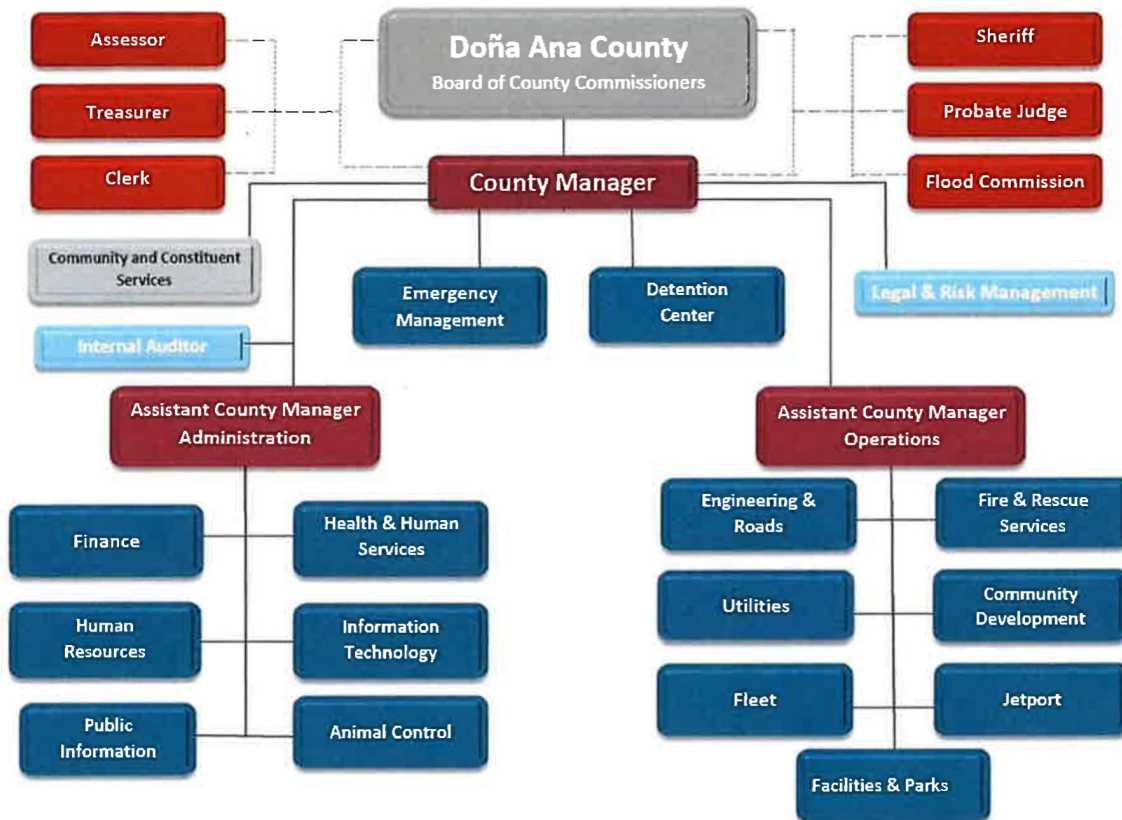
8. While the Community and Constituent Services Department oversees several of the County's contracts for Spanish language translation and interpretation services; the County department that requests the services pay for those services and should budget accordingly.
9. Agencies and organizations that represent low income, minority and disabled populations will be identified and included in the County's mailings or electronic communications. County departments have contacts for these organizations.
10. The County will evaluate Environmental Justice actions and Title VI requirements on an annual basis to ensure effectiveness of public involvement. This document will be reviewed and updated as needed.

#### **IV. Organization/Staff Responsibilities**

Doña Ana County is a political subdivision of the state of New Mexico and was formally recognized by the New Mexico state legislature in 1852. As a political subdivision, Doña Ana County derives its authority from the New Mexico Constitution and laws adopted by the New Mexico legislature. The laws provide the framework for county government, describe the powers conferred on the county and its various elected officials, and specify the functions of the county government and each elected official.

The political and corporate powers of the county government are exercised by a Board of County Commissioners. The County Commission consists of five members, all of whom are elected according to state law. The powers of a county government may be categorized as legislative, executive, and administrative. Some of its more broadly defined powers include managing county revenues, overseeing county property, creating and maintaining the county's infrastructure (roads, highways, bridges, wastewater systems and airports), planning and zoning, public works, providing for health and welfare, conducting elections, law enforcement, detention, and personnel administration. The organizational chart below represents the current structure for Doña Ana County.





**Doña Ana County Organizational Chart**

**Title VI Coordinator Responsibilities:** The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and updates to the NMDOT Title VI Coordinator when there are significant changes in procedure, organizational structure, or complaints. If no changes, a Title VI plan should be sent every three years to the NMDOT Title VI Coordinator. If there are no changes, correspondence should be submitted stating there are no changes. All Title VI complaints submitted to the County should be reported to the NMDOT Title VI Coordinator as they occur, as well as in the annual report. Annual updates are due by October 1.
- Developing procedures for receiving, processing, conferring with County leadership on appropriate method of investigating and reporting Title VI complaints. (See intake process under Title VI Complaint Process Overview section).
- Maintaining a Title VI complaint log so that three years of complaints that are submitted are documented.



## V. Primary Program Area and Review Procedures

Doña Ana County engages in the following program areas:

**Community Development-** Reporting to the Assistant County Manager of Operations, the Community Development Department provides basic infrastructure, maintenance and protection of the County's resources are Planning and Development's top priorities. Doña Ana County has a comprehensive plan called the Plan 2040. This plan was adopted by the Doña Ana Board of County Commissioners on August 25, 2015 by Doña Ana County Resolution 2015-54.

**Engineering/Roads Department-** Reporting to the Assistant County Manager of Operations, Doña Ana County's Engineering/Roads Department provides in-house professional support for road construction, flood prevention and a host of other projects related to infrastructure development.

**Rights-of-Way-** Doña Ana County adheres to ADA standards. The Public Rights-of-Way Guidelines (PROWAG) are used but not specifically referenced.

Doña Ana County posts the following two paragraphs on public meeting agendas to ensure effective communication with individuals with disabilities and for LEP individuals:

**NOTE:** Doña Ana County will ensure effective communication with individuals with disabilities and will, upon request, provide auxiliary communication aids and services to afford those individuals equal opportunity for participation in Doña Ana County sponsored meetings, events, or activities. Any request should be made to the Americans with Disabilities Act Coordinator, in writing, or by phone, **at least two business days** prior to the event at which accommodation is needed. If you have any questions regarding examples of reasonable accommodations, please contact the ADA Coordinator, at (575) 647-7210 (voice) or (575) 525-2951 (TTY), 845 N. Motel Blvd., Las Cruces, NM 88007.

*Spanish language interpretation services are now available **upon request** for participation in Doña Ana County sponsored meetings, events, or activities. Please contact the **Community and Constituent Services Office at (575) 525-6163**, at least 48 hours prior to the event.. **Por favor en contacto la Oficina de Servicio a la Comunidad y Constituyentes at (575) 525-6163 por lo menos 48 horas por adelantado para pedir este servicio.***

Doña Ana County does not tolerate any form of discrimination and has non-discrimination policies and procedures. Doña Ana County's website includes the ADA Public Notice, grievance form and procedures; as well as the Title VI Plan and Title VI complaint form.

## VI. Title VI Complaint Procedures

Doña Ana County is committed to ensuring that all residents have equal access to all

infrastructure services. It is further the intent of Doña Ana County that all residents are aware of their rights to such access. Any person believing, he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any service, program or activity (whether Federally funded or not) due to that person's race, color, national origin, gender age, disability, economic status, or limited English proficiency has the right to file a complaint.

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

Complaints must be submitted to the Doña Ana County Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following address:

Attn: Title VI Coordinator  
Community and Constituent Services  
Doña Ana County  
845 N. Motel Blvd.  
Las Cruces, NM 88007

**Complaint forms are available through the following:**

Doña Ana County's website:  
<https://www.donaanacounty.org/departments/community-services/community-constituent-services/title-vi-plan> or by calling the Community and Constituent Services Department at (575) 525-5959.

If not using the Doña Ana County Title VI Complaint form, the complainant shall include the name, address, phone number and signature of complainant. The formal written complaint should describe in detail the alleged discriminatory act that violates Title VI in detail.

Federal law prohibits retaliation against individuals because they filed a discrimination complaint or participated in a discrimination investigation. Any alleged retaliation in response to filing a Title VI complaint should be reported in writing to the Title VI Coordinator with detailed information about the retaliation experienced.

Title VI complaints may also be filed directly with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA) or other federal agencies dependent on source of the federal funding the county received. Complaints must be submitted within the 180 day period of the alleged discriminatory act (or latest occurrence).

Investigations into Title VI complaints must be completed within 60 days. The determination will be made based on the information obtained.

Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also require relevant information. Doña Ana County may determine if there is a particular individual(s) that Doña Ana County should not investigate the complaint due to conflict of interest or other reasons.

The County may forward Title VI complaints to either the New Mexico Department of Transportation or the Federal Highway Administration for investigation. If the complaint is forwarded to one of these agencies, Doña Ana County will provide the name and contact information for the person handling the Title VI complaint to the complainant.

Title VI complaints may also be filed directly with the following agencies:



Attn: Title VI Coordinator  
Community and Constituent Services  
Doña Ana County  
845 N. Motel Blvd.  
Las Cruces, NM 88007

New Mexico Department of Transportation  
Construction and Civil Rights Bureau  
Attn. Title VI Coordinator  
1570 Pacheco St. Suite A-10  
Santa Fe, NM 87505  
Phone: (505) 470-9668

Federal Highway Administration, New Mexico Division  
4001 Office Court Dr., Suite 801  
Santa Fe, NM 87507  
Phone: (505) 820-2021

#### **Title VI Complaint Process Overview**

- a) When a complaint is received, the Title VI Coordinator will check the complaint for completeness, and if complete, it will be logged into an Excel spreadsheet.
- b) Within ten (10) working days of the receipt of the complaint, the Title VI Coordinator will send notice to complainant confirming receipt of the complaint. If needed, notice will be sent requesting additional information, and notifying complainant that the activity was not related to Doña Ana County programs or activities or pdoes not meet the appropriate deadline. Also, if Doña Ana County is directly named in the complaint, notice will be sent within 10 working days to the New Mexico Department of Transportation.
- c) The Title VI Coordinator will forward the complaint to the County Manager, the County Attorney, the Human Resources Director, and to the Department Head (if not implicated in the complaint).
- d) The Title VI Coordinator may take the following actions regarding the complaint:
  - 1. Confer with Human Resources Director and/or County Attorney on best course to proceed. The County shall initiate an investigation or assign an investigator within 15 working days of receipt of the complaint. The investigator will determine the witnesses that will be contacted for interviews.
  - 2. For complaints against Doña Ana County employees involving discrimination, harassment, or retaliation, refer the complaint to the County Attorney's office.
  - 3. Determine if the complaint should be forwarded to the New Mexico Department of Transportation or the Federal Highway Administration for investigation.

- e) When a case is investigated by a representative of Doña Ana County as deemed appropriate by the County, the investigation will include the following steps:
1. Interview all identified parties and key witnesses involved as determined by the investigator.
  2. Provide the respondent with the opportunity to respond to the allegations concerning the allegations in the complaint.
  3. Prepare a final report. If the investigator is not the Title VI Coordinator, the investigator will forward the final report to the Title VI Coordinator within 30 days of completion of the investigation.
  4. The Title VI Coordinator will share the final report with the County Manager, the Human Resources Director, the County Attorney and Department Head (if not implicated).
  5. The Title VI Coordinator will draft a letter and obtain approval of letter by either the County Attorney or Human Resources Director prior to sending and submitting a report of the findings to the New Mexico Department of Transportation.
- f) Doña Ana County will issue a final decision based on the investigative report. Every effort will be made to notify all parties involved of the outcome within 60 days of the Title VI Coordinator's receipt of the final report.
- g) The County will make every effort to pursue a resolution. Mediation between the aggrieved party and the respondent may be pursued if the County deems necessary.
- h) If an investigation is conducted by Doña Ana County, and the complainant is not satisfied with the outcome, an appeal may be made to the New Mexico Department of Transportation or the Federal Highway Administration following their procedures pursuant to 49 CFR 21.
- i) A complaint may be dismissed if the complainant requests to withdraw the complaint; the complainant fails to provide additional information; or the complainant cannot be reached.



## Title VI Complaint Form

**Mail signed form to:**

**Title VI Coordinator**

845 N. Motel Blvd.

Las Cruces, NM 88007

|                                                                                                                                                                                                                                                                                                                                                                                                    |                     |                |                   |                 |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------|-------------------|-----------------|------------|
| Last Name                                                                                                                                                                                                                                                                                                                                                                                          |                     | First Name     |                   |                 |            |
| Mailing Address                                                                                                                                                                                                                                                                                                                                                                                    |                     | City           | State             | Zip             |            |
| Telephone                                                                                                                                                                                                                                                                                                                                                                                          | Alternate Telephone | Email          |                   |                 |            |
| Please indicate the basis of your complaint (mark all that apply):                                                                                                                                                                                                                                                                                                                                 |                     |                |                   |                 |            |
| Race                                                                                                                                                                                                                                                                                                                                                                                               | Color               | Age            | Gender            | National Origin | Disability |
| Date and place of alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination.                                                                                                                                                                                                                                                 |                     |                |                   |                 |            |
| How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your race/color/age/gender/national origin/disability was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional pages if necessary)       |                     |                |                   |                 |            |
| The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which was the cause for the alleged retaliation. |                     |                |                   |                 |            |
| Names of individuals responsible for the discriminatory action(s):                                                                                                                                                                                                                                                                                                                                 |                     |                |                   |                 |            |
| Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attach additional pages if necessary)                                                                                                                                                                                                 |                     |                |                   |                 |            |
| Name                                                                                                                                                                                                                                                                                                                                                                                               | Address             |                | Telephone         |                 |            |
| <hr/>                                                                                                                                                                                                                                                                                                                                                                                              |                     |                |                   |                 |            |
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| <hr/>                                                                                                                                                                                                                                                                                                                                                                                              |                     |                |                   |                 |            |
| Complainant's Signature:                                                                                                                                                                                                                                                                                                                                                                           |                     | Date:          |                   |                 |            |
| Number of Pages:                                                                                                                                                                                                                                                                                                                                                                                   |                     |                |                   |                 |            |
| FOR OFFICIAL USE ONLY:                                                                                                                                                                                                                                                                                                                                                                             |                     | Date received: | Complaint Number: |                 |            |





# Title VI Complaint Form

Envíe por correo el  
formulario firmado a:

Title VI Coordinator  
Doña Ana County Community &  
Constituent Services  
845 N. Motel Blvd.  
Las Cruces, NM 88007

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                    |                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|-------------------------|
| Apellido                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                  | Nombre             |                         |
| Dirección                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  | Ciudad             | Estado<br>Código Postal |
| Teléfono                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Teléfono Alterno | Correo electrónico |                         |
| Por favor indique la(s) bases(s) de su denuncia (marque todo que aplique):<br><input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Edad <input type="checkbox"/> Sexo <input type="checkbox"/> Origen Nacional <input type="checkbox"/> Discapacidad                                                                                                                                                                                                               |                  |                    |                         |
| Fecha y lugar de la(s) presunta(s) acción(es) discriminatoria(s). Por favor incluya la fecha de la primera discriminación y la fecha de la discriminación más reciente.                                                                                                                                                                                                                                                                                                                             |                  |                    |                         |
| ¿Cómo se le discriminó? Describa la naturaleza de la acción, decisión, o condiciones de la presunta discriminación. Explique, de la manera más clara que sea posible, que sucedió y por qué cree usted que su raza/color/edad/sexo/origen nacional/discapacidad fue un factor en la discriminación. Incluya como se le dio trato diferente al de otras personas. (Adjunte hojas adicionales de ser necesario)                                                                                       |                  |                    |                         |
| La ley prohíbe intimidación o represalias contra cualquier persona porque ya sea que esta persona haya tomado alguna acción, o haya participado en alguna acción, para asegurar los derechos que estas leyes protegen. Si usted siente que se han tomado represalias en su contra, aparte de la presunta discriminación que se menciona anteriormente, por favor explique las circunstancias a continuación. Explique la acción que tomó usted que cree que fue la causa de la presunta represalia. |                  |                    |                         |
| Nombres de las personas responsables de la(s) acción(es) discriminatoria(s)                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |                    |                         |
| Nombres de las personas (testigos, compañeros de trabajo, supervisores, u otros) a quienes podamos contactar para obtener información adicional para respaldar o aclarar su denuncia: (Adjunte hojas adicionales de ser necesario)                                                                                                                                                                                                                                                                  |                  |                    |                         |
| Nombre                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                  | Dirección          | Teléfono                |
| <hr/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  | <hr/>              | <hr/>                   |
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Firma del Denunciante:  
páginas:

Fecha:

Número de

## **VII. Program Management Procedures**

In 2015, Doña Ana County updated and adopted its Comprehensive Plan - Plan 2040, a product of the Viva Doña Ana Initiative funded by a Sustainable Communities Regional Planning Grant from the Partnership for Sustainable Communities (HUD, DOT and EPA). The Viva Doña Ana Initiative included an extensive community engagement component with special emphasis on engaging traditionally underrepresented populations within the planning process. During numerous public meetings, communities were provided the opportunity to voice shared concerns which developed into a series of value-based community principles. These concerns ultimately defined the Doña Ana County Livability Principles which guide the goals and actions of Plan 2040. Livability Principles include "Provide More Transportation Choice," "Support Existing Communities," and "Coordinate Policies and Investments". Doña Ana County also uses an Infrastructure Capital Improvement Plan (ICIP) which prioritizes investment as directed by the Sector Plan (Plan2040). ICIP establishes priorities for funding capital projects related to roadways, drainage, wastewater and facilities.

### **The Doña Ana County Title VI Coordinator or County Department staff shall:**

- Ensure the infrastructure planning process fully complies with the requirements of Title VI.
- Monitor the infrastructure planning process, overall strategies, and goals and ensure compliance with Title VI requirements.
- Review operational policies and procedures to ensure Title VI compliance.
- Monitor the service equities of planning data collection and analysis for potential impacts on social, economic, or ethnic groups.
- Ensure the opinions and views of all groups within their populations are solicited and considered in the planning of infrastructure projects.
- Monitor compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by infrastructure planning process.
- Gather evidence that input from minority groups/persons has been considered in the infrastructure planning process and other processes supported by federal funds. Evidence could include but is not limited to the participation level and composition of participants in public information settings and report any follow-up and conclusions to issues communicated throughout the planning process.
- Monitor the gathering and use of demographic data obtained to identify and locate low-income and minority populations in order to investigate the possible benefits and detriments to infrastructure plans on these populations.

- Monitor compliance with Limited English Proficiency (LEP) populations to improve access and comprehension of the infrastructure planning process for individuals comprising of the LEP population.

## **VIII. Title VI Related Training**

Doña Ana County will provide periodic training on Title VI requirements. Senior manager and director training may include discussion of how Title VI requirements apply to practical situations. Periodic training may also include online videos for all employees.

## **IX. Limited English Proficiency (LEP) Plan**

Individuals who do not speak English as their primary language and have limited ability to read, speak, write, or understand English are Limited English Proficient or LEP. These individuals may be entitled to language assistance with respect to Doña Ana County programs, services, or activities.

Doña Ana County complies with Executive Order 13166 (Limited English Proficiency) and related federal authorities through the LEP Plan. The following factors are used in development of its LEP Plan:

- **Number or Proportion of LEP Individuals:** a summary of efforts to provide meaningful opportunities for LEP population to be involved in programs and services.
- **Frequency of Contact with the Program:** a record of how often LEP persons access or come into contact with programs or services.
- **Nature and Importance of the Program:** identifying the need that LEP individuals have to access critical benefits and services. Identify programs where the denial or delay of access may have life or death implications.
- **Resources Available:** summary of the resources Doña Ana County can use for providing assistance to LEP populations.

When requested and with advance notice, the County can arrange translation and interpretation services from certified professionals. The County also has bilingual staff.

## **X. Data Collection**

Census and other statistical data will be used by Doña Ana County as a means of identifying low-income and minority populations within unincorporated areas. The data will be maintained or used for the purpose of planning projects and programs that serve various population groups. The data collection process will be reviewed regularly to ensure sufficiency in meeting Title VI requirements.

The Community Outreach Division of the Health and Human Services Department was formally institutionalized by the Doña Ana Board of County Commissioners in 2003. The Community Outreach Division provides the mechanism to reach the residents of rural communities or "colonias" in Doña Ana County. The Community Outreach Division works as a liaison among community residents, county programs, and other health or human service



providers. In order to build relationships and de-centralize services, the department uses six Community Centers (CCs) located in rural communities. These CCs are used by the County and other external agencies including, health and human service providers, to deliver direct services.

The CCs have sign-in sheets that are in English and Spanish. Each time a person visits a CC, the sign-in sheet requests their gender, age and ethnicity. This data is collected for tracking how many people visit each CC. The data also enables the Community Outreach Division to plan what types of programs to have and how many they should offer.

Materials available at the CCs are available in English and Spanish. The calendar of events for each CC is also available in English and Spanish and is available on the Doña Ana County website.

## **XI. External Communication (Notification to public beneficiaries)**

Doña Ana County's Title VI Notice of Rights to the Public provides information to members of the public detailing the County's Title VI obligations and notifying the public of the protections against discrimination afforded to them by Title VI.

Doña Ana County's Title VI Notice of Rights to the Public is prominently displayed on bulletin boards inside the Doña Ana County Government Center and posted in county community centers where higher percentage of LEP constituents reside.

### **External Communication Notice:**

#### **Notice of Rights**

##### **Your Rights under Title VI of the Civil Rights Act of 1964**

It is the policy of Doña Ana County to ensure that no person shall on grounds of race, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any Doña Ana County program or activity.

##### **Who may file a Title VI Complaint?**

A Title VI complaint may be filed by any individual or individuals who allege they have been subjected to discrimination or adverse impact under any Doña Ana County program or activity based on race, color, national origin, sex, age, or disability. To file a Title VI complaint, you may obtain the necessary form online at <https://www.donaanacounty.org/> or by calling (575) 647-7200.

## **Aviso de Derechos**

**Sus derechos bajo el Título VI de la Ley de Derechos Civiles de 1964** Es la política del Condado de Doña Ana asegurar que ninguna persona sea excluida de participar en, o se le nieguen los beneficios de, o de cualquier otra forma sea sometida a discriminación bajo cualquier actividad o programa del Condado de Doña Ana en base a su raza, color, origen nacional, sexo, edad o discapacidad.

### **¿Quién puede presentar una denuncia Título VI?**

Cualquier individuo(s) que alegue(n) que ha(n) sido sujeto(s) a discriminación o impactado(s) adversamente bajo cualquier programa o actividad del Condado de Doña Ana basados en raza, religión, color, origen nacional, sexo, edad, discapacidad o represalias puede(n) presentar una denuncia. Para presentar una denuncia Título VI, puede(n) obtener el formulario necesario en línea visitando: [www.donaanacounty.org](http://www.donaanacounty.org) o llamar al (575) 647-7200.

## **Appendix A: FHWA Assurances for Title VI and Other Nondiscriminatory Statutes**

Doña Ana County (hereafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

- 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 cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

### **General Assurances**

In accordance with the Act, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measure 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 the DOT, including the FHWA."*

### **Specific Assurances**

More specifically and without limiting the above general assurance, the Recipient agrees with and gives the following assurances with respect to its federally assisted programs and activities:

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



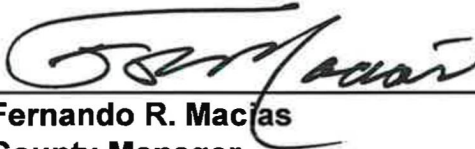
*"Doña Ana County in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged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

3. The Recipient will insert the clauses of Appendix B and F of this assurance in every contract or agreement subject to the Act and Regulations.
4. The Recipient shall insert the clauses of Appendix C of this assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. Where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance will extend to the entire facility and facilities operated in connection therewith.
6. Where the Recipient receives federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance will extend the right to space on, over, or under such property.
7. The Recipient will include the clauses set forth in Appendix D and Appendix E of this assurance as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties —
  - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired, or improved under the applicable activity, project, or program.
8. This assurance obligates the Recipient for the period during which federal financial assistance is extended to the project, except where the federal assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to the Secretary delegates specific authority to give reasonable guarantee that the Recipient, 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 Act, the Regulations and this assurance.

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

By signing this assurance, Doña Ana County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration access to records, accounts, documents, information, facilities, and staff. The County also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. The County shall keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, the County must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

  
\_\_\_\_\_  
**Fernando R. Macías**  
**County Manager**

  
\_\_\_\_\_  
**Date**



## Appendix B

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Regulations relative to non-discrimination in federally-assisted programs of the U.S. Department of Transportation, 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. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of the 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the New Mexico Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to Doña Ana County or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's non-compliance with the nondiscrimination provisions of this contract, Doña Ana County will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; or



b. cancelling, terminating or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through five in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as Doña Ana County or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request Doña Ana County to enter into any litigation to protect the interests of Doña Ana County. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## **Appendix C**

### **Covenant Running with the Land Assurance**

The following clauses shall be included in 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 County of Doña Ana will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, non-discrimination in federally-assisted programs of the U.S. Department of Transportation 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 County of Doña Ana 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 County of Doña Ana and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the County of Doña Ana, its successors and assigns.

The County of Doña Ana, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]\* (2) that the County of Doña Ana will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [,and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department shall have a right to enter or re-enter said lands and facilities on said land, and the above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such clause is necessary in order to make clear the purposes of Title VI of the Civil Rights Act of 1964.)



## **Appendix D**

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

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the County of Doña Ana, pursuant to the provisions of Assurance 7(a):

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

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

## **Appendix E**

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the County of Doña Ana, pursuant to the provisions of Assurance 7(b):

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

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

## Appendix F

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

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (29 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 program or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your program (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 (U.S.C. 1681 *et seq.*)