

ORDINANCE NO. 20190131-012

AN ORDINANCE ADOPTING THE CITY OF AUSTIN PARKS AND RECREATION DEPARTMENT'S TITLE VI PROGRAM FOR THE ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROJECT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

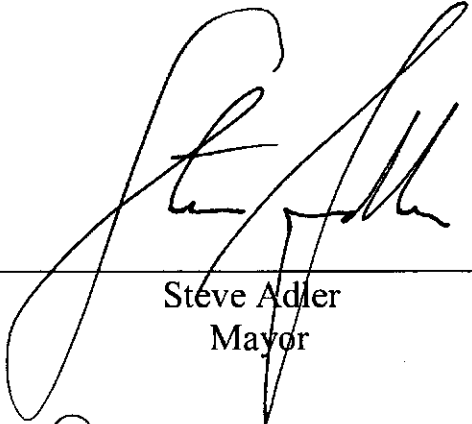
PART 1. The City of Austin Parks and Recreation Department Title VI Program for the enhanced mobility of seniors and individuals with disabilities project, attached as Exhibit A, is adopted.

PART 2. This ordinance takes effect on February 11, 2019.


PASSED AND APPROVED

January 31, 2019

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§
§


Steve Adler
Mayor

APPROVED:


Anne L. Morgan
City Attorney

ATTEST:

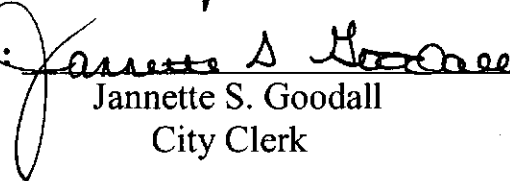

Jannette S. Goodall
City Clerk

EXHIBIT A

**City of Austin
Parks and Recreation Department**

Title VI Program



**AUSTIN
PARKS &
RECREATION**

Cultural Places, Natural Spaces

Data collection and reporting requirements for Federal
Transit Administration (FTA) Recipients under

Title VI of the 1964 Civil Rights Act

Submitted In Compliance with:
FTA circular 4702.1B
(Effective October 1, 2012)

By
Capital Metropolitan Transportation Authority (Cap Metro)
(FTA Recipient)
2910 East 5th Street
Austin, Texas 78702

And

City of Austin Parks and Recreation Department (PARC)
(FTA Sub Recipient)
200 South Lamar Blvd.
Austin, Texas 78704

Kim McNeeley
PARC Acting Director (Administrator)

David Crabb
Program Officer (Title VI Coordinator)

November, 2017

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I. Title VI Notice to the Public

The City of Austin Parks and Recreation Department has posted the following notice in its transport vehicle on its website, at all City of Austin Congregate Meal sites.

Notifying the Public of Rights under Title VI

Senior Transportation Program

The City of Austin Parks and Recreation Department operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Austin. For more information on Easter Seals Central Texas' Title VI program, and the procedures to file a complaint contact 311, or visit our administrative office at 200 South Lamar Blvd., Austin, Texas 78704. For more information, visit <http://www.austintexas.gov/departmentseniors-programs-and-services>. A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention:

Title VI Program Coordinator, East Building, 5th Floor-TCR,

1200 New Jersey Ave., Se, Washington, DC 20590
If information is needed in another language, call 311

Notificar al Publico de los Derechos bajo el Titulo VI

Programa de Transporte para Personas Mayores

El Departamento de Parques y Recreación de la Ciudad de Austin opera sus programas y servicios sin respecto a raza, color y origen nacional con arreglo al Título VI de la Ley Civil de derechos. Cualquier persona que cree que él o ella ha sido agravado por cualquier práctica discriminatoria ilegal bajo el Título VI puede presentar una queja con la Ciudad de Austin. Para obtener más información sobre el programa derechos civiles capaz de industrias y el procedimientos para presentar una queja, llame al 311, o visite nuestra oficina administrativa en 200 South Lamar Blvd., Austin, Texas 78704. Para más información, visite: <http://www.austintexas.gov/departmentseniors-programs-and-services>. Un demandante puede presentar una queja directamente con el Federal Transit Administration por archivar una queja con la Office of Civil Rights, Atención:

Title VI Program Coordinator, East Building, 5th Floor-TCR,
1200 New Jersey Ave., Se, Washington, DC 20590
Si se necesita información en otro idioma, contacte al (512)974-6572

II. City of Austin Parks and Recreation Department Non-discrimination Policy

City of Austin Parks and Recreation Department Title VI Drive Non-Discrimination Policy Statement

City of Austin Parks and Recreation Department is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or be subject to discrimination in the receipt of its services or programs on the basis of race, color or national origin or any other characteristics protected by law, including Title VI of the Civil Rights Act of 1964, as amended. Further, under the Americans with Disabilities Act (ADA) of 1990, no entity shall discriminate against an individual with a physical or mental disability in connection with the provision of transportation service.

To obtain more information on City of Austin Parks and Recreation Department Non-Discrimination obligations or to file a Title VI complaint, contact:

Sara Hensley, Director
200 South Lamar
Austin, TX 78701
512-974-6700
Sara.Hensley@austintexas.gov

You may file a written complaint no later than 180 calendar days after the date of the alleged discrimination.

Information on non-English alternative formats may be obtained from City of Austin Parks and Recreation Department. Translations are available in Spanish, Vietnamese, Korean, Chinese, Burmese and Arabic.

La información sobre formatos alternativos distintos del inglés se puede obtener City of Austin Parks and Recreation Department. Las traducciones están disponibles en español, vietnamita, coreano, chino, birmano y árabe.

III. Complaint Procedures

Procedures for Complaints of Discrimination

As a recipient of federal dollars, the City of Austin Parks and Recreation Department is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services are provided on a non-discriminatory basis. The City of Austin Parks and Recreation Department has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 4702. The City of Austin Parks and Recreation Department Title VI Complaint Procedure outlined below:

Any person alleging discrimination based on race, color, national origin, or any other characteristics protected by law has a right to file a complaint within 180 days of alleged discrimination. At the discretion of the complainant, the complaint may be filed with the federal department, the state recipient, or the City of Austin Parks and Recreation Department. The complaint may be filed through a legal representative. The identity of the complainant is not necessary, provided the information is sufficient to determine the identity of the recipient, and indicates the possibility of a violation. Should the complaint be submitted to the City of Austin Parks and Recreation Department, the following procedures will be followed:

Eligibility

All complaints, written or verbal, made to the City of Austin Parks and Recreation Department shall be accepted. In the event a complainant sets forth allegations verbally and refuses to reduce such allegations to writing, the person to whom the complaint is made shall reduce the elements of the complaint to writing.

Filing of Complaints

Discrimination complaints, whether written or verbal, should contain the following information:

- Name, address and telephone number of the complainant if available.
- Name and location of the program delivering the service.
- Nature of the incident that led the complainant to believe discrimination was a factor.
- Basis of the complaint, i.e., race, color, or national origin.
- Names, addresses and phone numbers of people who may have knowledge of the event.
- Date or dates on which the alleged discriminatory event or events occurred.
- A complaint log shall be kept by City of Austin Parks and Recreation Department.

Procedure

Complaints shall be handled within 90 days of their Receipt by the City of Austin Parks and Recreation Department, depending on the nature of the complaint and the complexity of the investigation.

A letter shall be sent by the City of Austin Parks and Recreation Department acknowledging receipt of the complaint to the complainant.

A preliminary inquiry shall be conducted by the City of Austin Parks and Recreation Department on all complaints to substantiate or refute the allegations.

If the preliminary inquiry by the City of Austin Parks and Recreation Department indicates that the complaint is valid, then a full complaint investigation shall be initiated. A certified letter shall be sent by the City of Austin Parks and Recreation Department to the complainant and any persons of interest notifying them that an investigation has begun and they should contact the City of Austin Parks and Recreation Department to schedule a date, time and

place of interest, or shall be notified at this time that no discussion should take place regarding this complaint other than with the investigator without prior approval and knowledge from the investigator.

If the allegations are not substantiated, a certified letter shall be sent by the City of Austin Parks and Recreation Department to the complainant that contains a description of the allegations investigated, the scope of the investigation, the facts learned and closing statement summarizing the basis on which the determination was made.

If the allegations are found to have merit, a certified letter shall be sent by the City of Austin Parks and Recreation Department to the Complainant that contains the results of the investigation, recommendations and detailed plan of action as well as a means and time frame for follow-up to the recommendations. The complainant or his/her representative will be advised of each step of the process by the City of Austin Parks and Recreation Department.

IV. Title VI Complaint Form

Title VI Complaint Form

Name:		
Address:		
City:		
Telephone:	(home)	(work)
Were you discriminated against because:		
<input type="checkbox"/> Race	<input type="checkbox"/> National Origin	<input type="checkbox"/> Color
<input type="checkbox"/> Other: (Explain)	<input type="checkbox"/> Disability	
Date of Alleged Incident:		
Explain as clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include the names and contact information of any witnesses. If more space is needed please use the back of the form.		
Have you filed this complaint with any other Federal, State, or Local Agency; or any Federal or State Court? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency	<input type="checkbox"/> Federal Court	<input type="checkbox"/> State Agency
<input type="checkbox"/> State Court	<input type="checkbox"/> Local Agency	
Please provide contact person at the agency/court where the complaint was filed. Name:		
Address:		
City, State & Zip Code:		
Telephone:		

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

Signature

Date

Please mail this form to:

City of Austin Parks and Recreation Department
Sara Hensley, Director
200 South Lamar Blvd.
Austin, TX 78701

V. List of Title VI Complaints Against Parks and Recreation Department

List of Title VI Complaints Against City of Austin Parks and Recreation Department

The following are details regarding transit-related active investigations, lawsuits, and complaints that allege that the City of Austin Parks and Recreation Department staff has discriminated on the basis of race, color, creed, national origin, sex, or age.

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

As of July 1, 2018 the City of Austin Parks and Recreation Department has no complaints lodged against it with regards to Title VI.

VI. Public Participation Plan



Public Participation Plan

Community Outreach is a requirement of Title VI. The City of Austin Parks and Recreation Department as a recipient of Title VI funding, shall seek out and consider the viewpoints of minority and economically disadvantaged populations in the course of conducting public outreach. The City of Austin Parks and Recreation Department makes the following community outreach efforts to better include all client populations in decision-making processes:

1. Client populations are invited to and encouraged to give feedback on services rendered by The City of Austin Parks and Recreation Department via customer satisfaction surveys.
2. The City of Austin Parks and Recreation Department's Title VI statements are posted in all City of Austin Parks and Recreation Department recreation centers and online.
3. A contact number can be provided by the City of Austin Parks and Recreation Department for individuals requiring special accommodations, including but not limited to deaf interpreters and translators for alternate languages.

Upon request, and within a reasonable timeframe, the City of Austin Parks and Recreation Department shall make every effort to render plans and documents in alternative languages and formats.

The City of Austin Parks and Recreation Department has engaged the public in its planning and decision-making processes, as well as its marketing and outreach activities. To date, we have made the following community outreach efforts:

- Client populations have been invited annually to give feedback on services rendered by the City of Austin Parks and Recreation Department via monthly anonymous, customer satisfaction surveys.
- Outreach to civic groups, churches, international groups and community agencies in the Austin.
- Citizens may call the City of Austin Parks and Recreation Department at 512-974-6700 to lodge a complaint or comment. All complaints/comments are logged and investigated.
- Brochures outlining Title VI policies and procedures are available in English and Spanish.

Failure to exactly comply with all Plan elements shall not constitute a failure of public process, nor render any actions or decisions invalid.

VII.

Limited English Proficiency Plan

City of Austin Parks and Recreation Department

Limited English Proficiency Plan

**TITLE VI COORDINATOR
David Crabb
200 South Lamar Blvd.
Austin TX 78626
(512) 974-9491**

INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the City of Austin Parks and Recreation Department 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, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a persons inability to to speak, read, 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 take place. This order applies to all state and local agencies which receive federal funds, including all City of Austin Parks and Recreation Department divisions receiving federal funds.

Plan Summary

The City of Austin Parks and Recreation Department has developed a *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined in 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 how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the City of Austin Parks and Recreation Department used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the City of Austin Parks and Recreation Department.
2. The frequency with which LEP persons come in contact with the City of Austin Parks and Recreation Department services.
3. The nature and importance of services provided by the City of Austin Parks and Recreation Department to the LEP population.
4. The interpretation services available to the City of Austin Parks and Recreation Department and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

Four-Factor Analysis

The City of Austin Parks and Recreation Department serves Travis county in Central Texas. Our mission is to inspire Austin to learn, play, protect and connect by creating diverse programs and experiences in sustainable natural spaces and public places.

The 2010 census has spurred the City of Austin Parks and Recreation Department to assess its communication. The table below represents the results of the census.

County	Population	# of Persons Speak a Language Other than English	Spanish	Indo- European	Asian or Pacific Island or	Other
TRAVIS	905,849	287,154 32%	221,019 24%	25,892 3%	34,526 4%	5,526 >1%

1. The number or proportion of LEP persons in the service area who may be served by City of Austin Parks and Recreation Department services.

The City of Austin Parks and Recreation Department staff reviewed the 2010 U.S. Census Report and determined that 287,154 people in Travis County (32% of the population) speak a language other than English. Of those 287,154 persons 124,050 (43.2%) have limited English proficiency; that is, they speak English "not well" or "not at all", this is only a (14%) of the overall population in the service area.

2. The frequency with which LEP persons come in contact with City of Austin Parks and Recreation Department.

The City of Austin Parks and Recreation Department staff reviewed the frequency with which the board, office staff and drivers have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, City of Austin Parks and Recreation Department has had (0) requests for interpreters and (0) requests for translated program documents. The board, office staff and drivers have had very little contact with LEP persons.

3. The nature and importance of services provided by City of Austin Parks and Recreation Department to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for the City of Austin Parks and Recreation Department in Travis County. The majority of the population, (68%) speak only English. As a result, there are few social, service, professional and leadership organizations within the City of Austin Parks and Recreation Department service area that focus on outreach to LEP individuals. The City of Austin Parks and Recreation Department board, office staff and drivers are most likely to encounter LEP individuals through bus/van rides, program visits, office visits, phone conversations, and attendance at board meetings.

4. The interpretation services available to the City of Austin Parks and Recreation Department and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

The City of Austin Parks and Recreation Department reviewed its available resources that could be used for providing LEP

assistance, which of its documents would be most valuable to be translated if the need should arise, and contacted local citizens that would be willing to provide voluntary Spanish translation if needed within a reasonable time period. Other language translation if needed would be provided through a telephone interpreter line for which City of Austin Parks and Recreation Department would pay a fee.

LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to the City of Austin Parks and Recreation Department services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How does staff identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- All staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When an informational meeting or event, a staff person will greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

Language Assistance Measures

Although there is a low percentage in the City of Austin Parks and Recreation Department service area of LEP individuals, that is, persons who speak English "not well" or "not at all", it will strive to offer the following measures.

- The City of Austin Parks and Recreation Department staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
- The following resources will be available to accommodate LEP persons:
 - Staff interpreters for the Spanish language are available and will be provided within a reasonable time period.

Staff Training

The following training will be provided to 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 Austin Parks and Recreation Department will be required to follow the Title VI LEP guidelines.

TRANSLATION OF DOCUMENTS

- The City of Austin Parks and Recreation Department weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.
- Due to the small local LEP population, the City of Austin Parks and Recreation Department does not have a formal outreach procedure in place, as of 2018. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, City of Austin Parks and Recreation Department will consider the following options:
 - When staff prepares a document, or schedules 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

Monitoring and Updating the LEP Plan:

The City of Austin Parks and Recreation Department will update the LEP Plan as required: At a minimum, the plan will be reviewed when data from the next U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in City of Austin Parks and Recreation Department service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether City of Austin Parks and Recreation Department financial resources are sufficient to fund language assistance resources needed.
- Determine whether City of Austin Parks and Recreation Department fully complies with the goals of this LEP plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

DISSEMINATION OF The CITY OF AUSTIN PARKS AND RECREATION DEPARTMENT LEP PLAN

All Senior Transportation staff in City of Austin Parks and Recreation Department will be trained on the LEP Plan.

Attach Board Minutes to show documentation of governing body of review and approval of Title VI Program.

VIII. Table Depicting Parks and Recreation Board Membership

Parks and Recreation Board Member Profile

Parks and Recreation Board Member	Appointing Council Member	Asian	African American	Hispanic	Caucasian	Other	Race Not Indicated	Gender
Rick Cofer, Chair	Kathie Tovo				X			M
Richard J. DePalma	Steve Adler			X				M
Michael N. Casias	Sabino Renteria			X				M
Tom W. Donovan	Ann Kitchen				X			M
Jane H. Rivera	Ora Houston						*	*
Frank P. Ward	Ellen Troxclair				X			M
Randy Mann	Delia Garza				X			M
Francoise Luca	Leslie Pool			X				F
Romteen Farasat	Greg Casar						*	
Dawn L. Lewis	Alison Alter				X			F
Fred Morgan	Jimmy Flannigan				X			M

*The City of Austin Clerk's Office provided the applications submitted by the current Parks and Recreation Board members. Some members did not identify their race and/or gender on the application.