



CITY OF BISMARCK

**TITLE VI
AND
NON-DISCRIMINATION
PLAN**

April 28, 2015

Title VI Coordinator
Robert W. McConnell, Director of Human Resources
221 N. 5th Street, PO Box 5503, Bismarck, ND 58506-5503

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**EQUAL EMPLOYMENT
OPPORTUNITY ACT
(EEO)**

EQUAL EMPLOYMENT OPPORTUNITY (EEO) REPORT

City of Bismarck is an equal opportunity employer and has employment policies that adhere to the Civil Rights Act of 1964 and the Adults With Disabilities Act (ADA).

Bi-annually, City of Bismarck submits an EEO-4 Report on the demographics of its workforce. This is a required report for employers of 15 or more employees.

There is also EEO information submitted voluntarily by applicants of all posted positions. That information goes with the applicant if they become an employee.

Promotions are recorded by each of the departments.

Since the City of Bismarck is an equal opportunity employer, those that recruit may not exclude any particular class of people, however, there may be specialized events. For example, there may be a job fair at a college in a reservation or for all women but all vacancies are advertised on the City of Bismarck website which is accessible to both internal and external candidates.

ORGANIZATION, STAFFING & RESPONSIBILITIES

The City of Bismarck May 2015

Employee Classification, Commission, Council, Board or Committee	Employee, Elected, Appointed	Vacant	F	M	White	Black	Hispanic	Asian	Native American	Other
Robert McConnell, HR Director, ADA Coordinator, Title VI Coordinator	Employee			X	X					
CITY COMMISSION										
Mike Seminary, Mayor	Elected			X	X					
Parrell Grossman, Commissioner	Elected			X	X					
Josh Askvig, Commissioner	Elected			X	X					
Nancy Guy, Commissioner	Elected		X		X					
Steve Marquardt, Commissioner	Elected			X	X					
BOARD OF ADJUSTMENT										
Michael Marback, Chair	Appointed			X	X					
Ken Heier	Appointed			X	X					
Jennifer Clark	Appointed		X		X					
Jeff Ubl	Appointed			X	X					
Ken Hoff	Appointed			X	X					
Chris Seifert	Appointed			X	X					

PLANNING & ZONING COMMISSION										
Brian Bitner, County Commissioner--Ex-officio Member	Appointed			X	X					
Tom Atkinson, City	Appointed			X	X					
Mel Bullinger, City Engineer--Ex-officio Member	Appointed			X	X					
Mike Donahue, ETA	Appointed			X	X					
Vernon Laning, ETA	Appointed			X	X					
Doug Lee, Vice President City	Appointed			X	X					
Ken Zelzler, ETA	Appointed			X	X					
Mike Schwartz, City	Appointed			X	X					
Lisa Waldoch, City	Appointed		X		X					
Mike Seminary, Mayor--Ex-officio Member	Appointed			X	X					
Wayne Yeager, Chairman City	Appointed			X	X					
Bismarck-Mandan Mayor's Committee on Employment of People With Disabilities										
Laura Mildenerger, President	Appointed		X		X					
Eunice Meidinger, Vice President	Appointed		X		X					
Mary Robinson, Secretary	Appointed		X		X					
Keli Berglund, Treasurer	Appointed		X		X					
Robin Were	Appointed		X		X					
Ron Beck	Appointed			X	X					
Elaine Anton	Appointed		X		X					
Joan Ternes	Appointed		X		X					
Kelly Steckler	Appointed		X		X					
Wymon Roeder	Appointed		X		X					
Gwen Beckler	Appointed		X		X					
Sharon Klein	Appointed		X		X					
Jan Kolding	Appointed		X		X					
Kevin Glatt	Appointed			X	X					
Darcy Severson	Appointed		X		X					
Jim Neubauer	Appointed			X	X					
Tracy Carson	Appointed		X		X					
Human Relations Committee										
Sharon Korsmo, Chair	Elected		X		X					
Will Kincaid	Elected			X	X					
Jared Lee	Elected			X	X					

Karel Sovak	Elected			X	X					
Danielle Stuckle	Elected		X		X					
Julie Thiery	Elected		X		X					
Michelle Thomas	Elected		X		X					
Jordan West	Elected			X	X					
Rissa Williams	Elected		X		X					
Library Board										
Michael Schaff, President	Appointed			X						
Michael Fladeland, Vice President	Appointed			X	X					
Pat Grantier	Appointed									
Joyce Hinman	Appointed		X							
David Ripley	Appointed			X	X					
Morton Burleigh Bismarck Mandan (MBBM) Opportunity Development Subcommittee										
Mike Seminary, Bismarck City Commission	Appointed			X	X					
Sandra Tibke, Mandan City Commission	Appointed		X		X					
Mark Armstrong, Burleigh County Commission	Appointed			X	X					
Bruce Strinden, Morton County Commission	Appointed			X	X					
Metropolitan Planning Organization (MPO) Policy Board										
Doug Schonert, Chairman	Appointed			X	X					
Mayor Robert Johnston, Vice-Chair	Appointed			X	X					
Andy Zachmeier	Appointed			X	X					
Mayor Arlyn Van Beek	Appointed			X	X					
Mary Mike Seminary	Appointed			X	X					
Parking Authority										
Ondine Baird	Appointed		X		X					
Claire Ann Homberg	Appointed		X		X					
Brian Peterson	Appointed			X	X					
Chuck Hale	Appointed			X	X					
Jim Christianson	Appointed			X	X					
Renaissance Zone Authority - Planning										
Curt Walth, Chairman	Appointed			X	X					
Chuck Huber, Vice Chairman	Appointed			X	X					
Jim Christianson	Appointed			X	X					
Jeff Ubl	Appointed			X	X					
George Keiser	Appointed			X	X					
Todd Van Orman	Appointed			X	X					

Josh Askvig, City Commissioner--Ex-officio Member	Appointed			X	X					
Special Assessment Committee										
Joe Ibach	Appointed			X	X					
Dennis Schlittenhardt	Appointed			X	X					
Alan Butts	Appointed			X	X					
Traffic Advisory Committee										
Charles Bartholomay	Appointed			X	X					
Dawn Kopp	Appointed		X		X					
Mary Korsmo	Appointed		X		X					
Shelly Syverson	Appointed		X		X					
Pat Stocking	Appointed		X		X					
Vision Fund Committee										
Bill Daniel	Appointed			X	X					
George Keiser	Appointed			X	X					
Kevin Strege	Appointed			X	X					
Brian Eiseman	Appointed			X	X					
Randy Hansen	Appointed			X	X					
Greg Vetter	Appointed			X	X					
Marv Heinert	Appointed			X	X					
Julie Kuennen	Appointed		X		X					
Metropolitan Planning Technical Advisory Committee (TAC)										
Mike Aubol	Appointed			X	X					
Justin Froseth	Appointed			X	X					
Mel Bullinger	Appointed			X	X					
Marcus Hall	Appointed			X	X					
Michael Johnson	Appointed			X	X					
Carl Hokenstad	Appointed			X	X					
Roberta Unterseher	Appointed		X		X					
Chuck Peterson	Appointed			X	X					
Steve Saunders	Appointed			X	X					
Daniel Nairn	Appointed			X	X					
Robin Were	Appointed		X		X					
Civil Service Commission										
Rita Lindgren	Appointed		X		X					
Mike Lalonde	Appointed			X	X					
Patty Tangen	Appointed		X		X					
Dakota Media Access Board										
Jack McDonald, Chair	Appointed			X	X					
Rick Kuhn	Appointed			X	X					
Mary Miller	Appointed		X		X					
Robin Thorstenson	Appointed		X		X					

Richard Torrence	Appointed			X	X				
Tom Ackerman	Appointed			X	X				
Rick Collin, Treasurer	Appointed			X	X				
Renae Hoffman Walker	Appointed		X		X				
Cameo Skager	Appointed			X	X				
Sue Balcom	Appointed		X		X				
Steve Marquardt – Liaison	Appointed			X	X				
Shauna Laber – Liaison	Appointed		X		X				
Convention & Visitors Bureau (CVB) Committee									
Launa Moldenhauer	Appointed		X		X				
Randy Hansen	Appointed			X	X				
Forestry Advisory Board									
Carolyn Godfread	Appointed		X		X				
Brett Gurholt	Appointed			X	X				
Laif Olson	Appointed			X	X				
Kevin Christ	Appointed			X	X				
Monty Hainemeyer	Appointed			X	X				
Stan Churchill	Appointed			X	X				
John Wanser	Appointed			X	X				

**Employee Classification, Commission, Councils, Board or Committee
PURPOSES & RESPONSIBILITIES**

TITLE VI COORDINATOR

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the City's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by the City.
2. Collect statistical data (race, color, sex, age, disability or national origin) of participants in and beneficiaries of state highway programs, e.g, relocates, affected citizens, and impacted communities.
3. Conduct annual Title VI reviews to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid highway fund contracts administered through the City.
5. Review City program directives. Where applicable, include Title VI language and related requirements.
6. Conduct training programs on Title VI and other related statutes for City employees and recipients of federal highway funds. Include a statement about the City of Bismarck's Title VI Plan in the Employee Newsletter. Advise all employees of the availability of the Title VI Plan on the City of Bismarck's

- Intranet. Post the Title VI Plan on the City of Bismarck Intranet. Post the Title VI Plan on employee bulletin boards at City of Bismarck worksites. Inform all employees that a copy of the Title VI Plan is available upon request. Instruct all new employees about the Title VI Plan during orientation.
7. Prepare a yearly report of Title VI accomplishments and goals, as required.
 8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Post the Title VI Plan on the City of Bismarck web page.
 9. Conduct post-grant approval reviews of City programs and applicants (e.g, highway location, design and relocation, and persons seeking contracts with the City), for compliance with Title VI requirements.
 10. Identify and take corrective action to help eliminate discrimination.
 11. Establish procedures to promptly resolve identified Title VI deficiencies. Document remedial actions agreed to be necessary. Provide remedial actions within 90 days of identification of a deficiency.

ADA COORDINATOR

The Americans with Disabilities Act (ADA) of 1990 is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 that prohibits discrimination against people with disabilities. ADA implementing regulations to Title II of the act prohibit discrimination in the provision of services, programs, and activities by state and local governments such that "...No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity." 28 CFR § 35.130(a).

The City of Bismarck will make every reasonable accommodation to provide and accessible meeting facility for all persons, and to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, 28 CFR §35.160. Individuals may request appropriate provisions, auxiliary aids or services (such as sign language, interpreter, accessible parking, or materials in alternative format), by contacting the ADA Coordinator, Robert McConnell, Director of Human Resources, City of Bismarck, at 701-355-1330 or TDD 711, or at rmcconnell@bismarcknd.gov.

The Americans with Disabilities Act requires public agencies with more than 50 employees to create and maintain a transition plan. The City of Bismarck employs more than 50 employees; for information about the City of Bismarck's ADA transition plan please contact Robert McConnell. Contact information listed above.

As the Americans with Disabilities Act is companion civil rights legislation with the Civil Rights act of 1964, all disability/handicap related complaints will follow the complaint procedures and forms as outlined in the City of Bismarck Title VI and Non-Discrimination Program.

Complaints about violations of ADA by units of state and local governments may also be filed directly with the US Department of Justice. The form may be found at <http://www.ada.gov/publicat.htm#Anchor-TitleII-47857>. For assistance, please call the toll-free ADA Information Line at 800-514-0301 (voice), or 800-514-0383 (TTY), or go to: <http://www.ada.gov/>

CITY COMMISSION

The board of city commissioners has the sole authority to pass and adopt rules and regulations concerning the organization, management, and operation of all the departments of the city and the other agencies created by it for the administration of the city's affairs.

Reference: NDCC Sec. 40-09-14

The board of city commissioners, by a majority vote of all the members thereof, shall designate from among its members:

1. A police and fire commissioner who shall have under his or her special charge the enforcement of all police regulations of the city and the general supervision of the fire department of the city.
2. A commissioner of streets and improvements who shall have under his or her special charge the supervision of the streets and alleys of the city and who shall be charged with responsibility for the lighting, cleaning, and sanitary condition of the streets and alleys and with the enforcement of all rules and regulations relating thereto, and with the preservation of the health of the inhabitants of the city, and the supervision of all public improvements, and shall see that all contracts for such improvements and conditions of all grants of franchises or privileges are complied with faithfully and performed.
3. A waterworks and sewerage commissioner who shall have under his or her special charge the waterworks and sewerage department of the city and who shall see to the enforcement of all regulations with respect to said departments and all revenue pertaining thereto.
4. A commissioner of finance and revenue who shall have under his or her special charge the enforcement of all laws for the assessment and collection of taxes of every kind and the collection of all revenues belonging to the city, from whatever source the same may be derived, and who shall examine into and keep informed as to the finances of the city.

The duties assigned by this section and any other duties with regard to other departments of the city may be otherwise distributed by a majority vote of the board.

*Reference: NDCC Sec. 40-09-12
(Ord. 5978, 07-09-13)*

BOARD OF ADJUSTMENT

The Board of Adjustment is a six member board appointed by the Bismarck City Commission to decide appeals from an order, requirement or determination made by an administrative official of the City of Bismarck. The Board of

Adjustment is empowered to make interpretations and grant variances related to zoning regulations.

PLANNING & ZONING COMMISSION

The Bismarck Planning and Zoning Commission is an 11 member advisory board to the City Commission. The City Planning and Zoning Commission includes the Mayor; five Bismarck residents appointed by the Mayor; a Burleigh County Commissioner; three members appointed by the Burleigh County Commission to represent the City's extraterritorial area; and the City Engineer, who serves as an ex officio member. In addition, for applications within the extraterritorial area, a township supervisor from the organized township in which the property is located participates as a voting member for that item. The Bismarck Planning and Zoning Commission hears requests for major and minor subdivision plats, zoning changes, zoning ordinance text amendments, annexations, special use permits and rural lot splits. The City of Bismarck has zoning and subdivision authority within the corporate limits and the extraterritorial area.

BISMARCK-MANDAN MAYOR'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

The Bismarck-Mandan Mayors' Committee on Employment of People with Disabilities works to educate the public and initiate projects. The goal of their work is to establish a receptive climate for the involvement of people with disabilities in all aspects of life within the communities of Bismarck-Mandan.

HUMAN RELATIONS COMMITTEE

The mission of the Human Relations Committee is to protect and promote the personal dignity of all Bismarck citizens and to eliminate any discriminatory barriers that prevent them from reaching their full human potential. If you believe you have experienced discrimination, you may contact the Human Relations Committee for assistance.

LIBRARY BOARD

The Library Board of Directors governs library operations. Board members must be residents of Bismarck and are appointed by the City Commission under authority of state statute to three-year terms. Meeting dates are subject to change by action of the Board.

MORTON BURLEIGH BISMARCK MANDAN (MBBM) OPPORTUNITY DEVELOPMENT SUBCOMMITTEE

The Morton Burleigh Bismarck Mandan (MBBM) Opportunity Development Committee - is a subcommittee of the Mayors' Economic Advisory.

Vision Statement of the Morton Burleigh Bismarck Mandan Opportunity Development Subcommittee:

"We the members of the Committee in an effort to preserve, enhance, manage and develop human collective financial natural and manmade resources of our current and future citizens will continually strive to identify meaningful opportunities in areas where we can collaborate and cooperate in the spirit of community."

METROPOLITAN PLANNING ORGANIZATION (MPO) POLICY BOARD

The Bismarck-Mandan MPO consists of the cities of Bismarck, Mandan, Lincoln, and portions of Burleigh and Morton Counties. The Policy Board represents the member cities/counties and is the decision-making body of the MPO.

METROPOLITAN PLANNING TECHNICAL ADVISORY COMMITTEE (TAC)

The Technical Advisory Committee (TAC) of the Bismarck-Mandan MPO represents the member cities/counties, North Dakota Department of Transportation, Federal Highway Administration, and the local transit authority. This group is responsible for facilitating the recommendations to assist the Policy Board in the transportation planning decision making process for the MPO study area.

RENAISSANCE ZONE AUTHORITY – PLANNING

The Renaissance Zone Authority is a seven member advisory board that makes recommendations on requests for designation as a Renaissance Zone project and CORE Incentive Grant program applications. The Renaissance Zone Authority also provides guidance on Downtown Design Review and other activities impacting the core of the community.

SPECIAL ASSESSMENT COMMITTEE

Special assessments are used to designate a unique charge against real estate parcels for certain public projects [i.e. drinking water lines, sewer lines, paved streets, police or fire protection, parking structures, street lighting and many of the other purposes permitted by state and local government statutes, etc]. This charge is levied in a specific geographic area known as a Special Assessment District (S.A.D.). A special assessment may only be levied against parcels of real estate which have been identified as having received a direct and unique "benefit" from the public project.

The Special Assessment Committee funds a public project that directly, uniquely and specifically "benefits" (increases) the value of certain parcels of real estate it may levy a charge against each specifically benefitted property as compensation for the benefit. Properties designated to be specially assessed are assembled into a geographic area with clearly defined boundaries. This geographic area is termed a Special Assessment District.

The Special Assessment Commission shall inspect projects and determine proportionate benefits. This Board will prepare a complete list of benefits and assessments setting forth: (a) each tract benefited, and (b) the amount to be assessed. Total final cost will include final contract construction costs (which are to include 10 percent contingency for construction overruns), plus 20 percent to cover incidental expenses such as engineering, administration, Legal, advertising, etc.

The Special Assessment Commission holds a public meeting to hear all objections to the method of assessment.

TRAFFIC AND SAFETY ADVISORY COMMITTEE

1. There is created a committee to be known as the traffic and safety advisory committee which is composed of five citizen members who shall geographically represent the city and who shall be appointed by the mayor for four-year terms, the city traffic engineer, city engineer, chief of police, director of police traffic division, city coordinator, director of public works and city attorney.
2. The duties of the traffic and safety advisory committee are:
 - a. To receive citizen input and concerns regarding traffic and safety issues that exist in the city and to investigate the same.
 - b. To advise and assist the Traffic Engineer in identifying, studying and correcting traffic and traffic safety problems that exist or arise in the city.
 - c. To make recommendations from time to time to the Traffic Engineer in matters of policy and legislation to establish and maintain an effective comprehensive traffic safety plan for the City.
 - d. To advise and assist the city traffic engineer in setting regulations relating to traffic control, parking, loading, pedestrian safety, and any other issues related thereto.
3. The authority of the traffic engineer shall be as set out in this title. The traffic and safety advisory committee shall serve in an advisory capacity. The final authority on all traffic related matters shall rest with the city commission.

(Ord. 4517, 06-08-93)

VISION FUND COMMITTEE

1. A Job Development Authority appointed by the City Commission pursuant to NDCC Chapter 40-57.4 shall be called Vision Fund and shall have all of the powers and authorities contained in that chapter except:
 - a. The Board of City Commissioners shall make the final decision as to whether or not a project should be funded.
 - b. The Vision Fund may consider applications from outside the corporate limits of the City of Bismarck pursuant to a charter approved by the Board of City Commissioners.

- c. The Board of City Commissioners may authorize City staff to aid the Vision Fund as directed by the Board of City Commissioners.
 - d. The Vision Fund may utilize consultants or other professionals to aid it in investigating any matter before it.
 - e. Any misrepresentation by an applicant to the Vision Fund or the City will be considered material and may result in the denial of or the discontinuance of funding, and the applicant must repay any monies already received together with interest at the statutory rate.
2. Appeal. Any applicant may appeal a negative recommendation of the Vision Fund to the Board of City Commissioners. A written Notice of Appeal must be filed in the Office of City Administration within 15 days of the determination by the Vision Fund. An appeal to the Board of City Commissioners shall be limited in scope to the record of the application proceedings before the Vision Fund Committee. No testimony or additional evidence shall be received. After reviewing the record, the Board of City Commissioners can either affirm the decision of the Vision Fund Committee denying the application or send the application back to the Vision Fund Committee for further investigation and review. An appeal to the Board of City Commissioners from the decision of the Vision Fund shall be final.

(Ord. 4680, 04-25-95)

BISMARCK PARKING AUTHORITY

Provide convenient reasonably priced parking to the residents, clients, customers, merchants, and employees of the Downtown Parking District.

The Parking Authority currently manages three ramps and one surface lot. The total number of spaces under management is approximately 1,754.

In addition, the Parking Authority administers all aspects of the Park Smart program. The Park Smart program was designed to help businesses attract customers by validating customer parking with printed coupons at a reduced rate.

<http://www.bismarckparkingauthority.com/>

CIVIL SERVICE COMMISSION

This Commission aims to ensure that all employees receive fair and equal treatment. The duties of the commission are:

1. To propose to the board of city commissioners for adoption by ordinance such rules and regulations deemed necessary for the administration of this title.
2. To hear appeals on disciplinary cases and other personnel matters as provided in this title.
3. To make investigations either on complaint or on its own motion concerning any matters touching the administration of this title and otherwise represent the public interest in the improvement of personnel administration and the protection of civil service principles.

4. To make reports to the board of city commissioners on its activities together with recommendations for improvement of the civil service system.
5. To make any special analysis or reports requested by the board of city commissioners.

Reference: N.D.C.C. 40-44-07

(Ord. 4173, 12-08-87)

DAKOTA MEDIA ACCESS BOARD

Dakota Media Access (DMA) is a North Dakota non-profit corporation with a volunteer board of directors drawn from the community. DMA serves the cities of Bismarck and Mandan by managing the production facilities, equipment, programming and distribution systems for the area's public, educational and governmental media needs.

To foster free speech and public dialog by making access to the electronic media available to all citizens through media training, access to media tools and transmission paths on a non-discriminatory basis.

To enable, support, and promote the production & distribution of electronic media programs by and for education, government, charitable, or other non-profit organizations, residents of, or members of a group which operates within the communities of Bismarck and Mandan.

To strengthen the Bismarck/Mandan community by building partnerships and networks to leverage emerging technology for non-profits, government, education and other organizations that would not otherwise have this capability.

To strengthen our community by using media to:

- facilitate the sharing of information and democratic involvement
- enhance community dialogue and freedom of speech
- encourage community involvement and civic pride
- create an awareness of local interests, views and cultures
- promote artistry and creative expression

<http://dakotamediaaccess.org/>

CONVENTION & VISITORS BUREAU (CVB) COMMITTEE

Mission Statement: The mission of the Bismarck-Mandan Convention & Visitors Bureau, in collaboration with our partners, is to entice visitors from around the world to eat, meet, sleep, shop and play in Bismarck-Mandan.

Objective: To showcase our community to visitors, influencing them to make Bismarck-Mandan their destination, thus stimulating economic growth in the community by increasing visitor volume and visitor expenditures.

Vision Statement: Our vision is to be known as the Upper Midwest's premier visitor destination for cultural, historic & leisure activities, sports & recreation events and

meetings & business travel.

History: Our Convention and Visitors Bureau is the oldest in North Dakota with over 30 years of experience in promoting the attributes of our communities. We are a Bismarck-Mandan organization and have found many benefits to selling both communities.

Sales and Marketing: Sales and marketing is the main purpose of the Convention and Visitors Bureau. The Sales Department is where the sale, promotion and service is initiated and carried out. Our program areas include sales of: meetings, conventions, events, sports tournaments, group tours, and leisure travel.

Operation: The Convention and Visitors Bureau is a private, non-profit organization. The primary funding source for the Bureau is lodging tax revenue generated through rental of our local hotel sleeping rooms.

Membership: Membership plays a large part in the successful operation of the Bismarck-Mandan Convention and Visitors Bureau. It is our belief that the more businesses we have involved in the CVB, the more successful and effective we can be in contributing to the well-being of our economy. See "Membership Information" to the right for more insight.

<http://bismarckmandancvb.com/>

FORESTRY ADVISORY BOARD

The Bismarck Forestry Advisory Board has been established to:

- Advise and assist the City Forester in the selection, planting, maintenance, protection and removal of trees on streets, in parks and on other public property in the city.
- Advise and assist the City Forester in the enforcement of the Forestry Ordinance.
- Make recommendations to the City Forester as to desirable legislation concerning the selection, planting, maintenance, protection and removal of trees on streets, in parks and on other public areas in the City of Bismarck and the Bismarck Parks & Recreation District.

Forestry Advisory Board Members serve a four year term. The Board is composed of:

- One member of the Board of City Commissioners, appointed by the Mayor.
- One member of the Board of Park Commissioners, appointed by the President of that board.
- Eight citizen members, appointed by the Mayor.
- Two Ex Officio members: the Operations Director of Parks & Recreation and the City Forester.

EEOC Reporting for Publicly held meetings

The Civil Rights Act of 1964 and relate nondiscrimination authorities require the North Dakota Department of Transportation to ensure everyone has the opportunity to comment on the transportation programs and activities that may affect their community.

The City of Bismarck monitors attendance to ensure equal opportunity at all publicly held meetings. The survey sheet found on the next page will be presented for voluntary participation of the attendees. This survey is for affirmative action purposes only. It will aid to monitor attendance, determining demographics being reaching and how to announce future meetings to the public.

NDDOT TITLE VI PUBLIC PARTICIATION SURVEY

North Dakota Department of Transportation, Civil Rights
SFN 60149 (Rev. 12-2014)



PLEASE USE DARK INK AND PRINT CLEARLY

The Civil Rights Act of 1964 and related nondiscrimination authorities require the North Dakota Department of Transportation to ensure everyone has the opportunity to comment on the transportation programs and activities that may affect their community.

To help with that, we ask that you respond to the following questions. You are not required to disclose the information requested in order to participate. Any information provided to the NDDOT will be retained solely for the purpose of collecting statistical data to ensure inclusion of all segments of the population affected by transportation programs and activities.

Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male	Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No
Age: <input type="checkbox"/> 34 and younger <input type="checkbox"/> 35-54 <input type="checkbox"/> 55 and older	
Race: <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Other Pacific Islander <input type="checkbox"/> Asian <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Other _____ <input type="checkbox"/> Hispanic or Latino	
Language most frequently spoken in your home: <input type="checkbox"/> Arabic <input type="checkbox"/> German <input type="checkbox"/> Somali <input type="checkbox"/> Vietnamese <input type="checkbox"/> Bosnian <input type="checkbox"/> Nepali <input type="checkbox"/> Spanish <input type="checkbox"/> Other _____ <input type="checkbox"/> Croatian <input type="checkbox"/> Russian <input type="checkbox"/> Swahili <input type="checkbox"/> English <input type="checkbox"/> Serbian <input type="checkbox"/> Turkish	
Do you receive public assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Indicate how you heard about the event: <input type="checkbox"/> Internet <input type="checkbox"/> Mailing <input type="checkbox"/> NDDOT Contact <input type="checkbox"/> Newspaper <input type="checkbox"/> Radio <input type="checkbox"/> Social Service Agency <input type="checkbox"/> Television <input type="checkbox"/> Advocacy Group (which group) _____ <input type="checkbox"/> Other _____	

For Office Use

Event Date [][] / [][] / [][][][]	City [][][]	County [][]	MPO <input type="checkbox"/> Bismarck-Mandan <input type="checkbox"/> Fargo-Moorhead Metro COG <input type="checkbox"/> Grand Forks-East Grand Forks
Div/Dist Number [][]	PCN [][][][][]	ROW <input type="checkbox"/> Negotiation <input type="checkbox"/> Relocation	Consultant [][][][]
			Subrecipient <input type="checkbox"/> Yes <input type="checkbox"/> No

After you have completed this form, please place it in the designated location.

SUB RECIPIENT TITLE VI PUBLIC PARTICIPATION SURVEY

Instructions

NDDOT developed the Title VI Public Participation Survey to collect statistical data of participants and beneficiaries of NDDOT and its' sub recipient's programs. This survey is a means to determine if FHWA or FTA financial assistance is reaching communities and populations that need the assistance as well as a means to quantitatively monitor the performance of our Title VI and nondiscrimination programs.

1. At your event, explain the purpose of the survey. The purpose of the survey is printed on the survey along with instructions on filling out the survey. The language question is intended to capture Limited English Proficiency (LEP) persons attending. The public assistance question is intended to capture traditionally underserved populations attending. Encourage event attendees to complete the survey. (Only the public attending the events should complete the survey. It is not intended for NDDOT, city, county, or consultant employees who are hosting the event.)
2. Process the survey information within your agency.

NDDOT Survey Processing

Sub recipients may send the completed surveys to the Local Government Division, NDDOT, for processing, if you have 30 or more responses. The NDDOT will process the completed surveys. The results will be provided to you from the Local Government Division.

The Title VI Public Participation Survey has been set up by NDDOT for use with the ILINX Capture Program. The surveys are scanned documents that automatically sort and record data into a file. The data file has the capability to be sorted on identifying information to produce a variety of reports.

If you choose to have NDDOT process your surveys, please follow the procedures listed below.

1. ILINX Capture requires specific processing to ensure accurate and timely reports. Prior to printing the survey, specific fields must be completed. Use leading zeros.
 - **Event Date:** Enter the date the event is being held.
 - **City:** Enter the ND city number. See code list on NDDOT website at <http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>
 - **County:** Enter the ND county number. See code list on NDDOT website at <http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>
 - **Division/District Number:** Leave blank. For NDDOT use only.
 - **Project Control Number (PCN):** Enter number if applicable. If there are multiple PCN's, only enter the Parent PCN.
 - **Right of Way (ROW):** Select/shade the appropriate oval only if the survey is being completed for the specific activity selected.
 - **Consultant:** Enter the Consultant ID number. See the Pre-Qualified Consultant List on NDDOT website at <http://www.dot.nd.gov/business/consultants.htm> For Consultants not listed, leave blank.
 - **MPO:** For use by MPO's only. If you are an MPO, select/shade your MPO area.
 - **Sub recipient:** Select Yes.
2. Save the survey completed with identifying information to your files. Do not copy the surveys for use at public events. Copies will not scan by the ILINX Capture program.
 - a. Print as many original documents as you need for your event.

**AMERICANS WITH
DISABILITIES ACT
(ADA)**

City of Bismarck
TITLE VI AND NONDISCRIMINATION POLICY STATEMENT

The **City of Bismarck**, hereinafter referred to as the "Recipient" is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. The Recipient assures that no person or groups(s) of persons shall, on the grounds of race, color, national origin, sex, age, disability/handicap, and income status*, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the Recipient, regardless of whether those programs and activities are federally funded or not.

The Recipient also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the Recipient will provide meaningful access to services for persons with Limited English Proficiency.

In the event the Recipient distributes federal-aid funds to a subrecipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient's Title VI Coordinator, Robert W. McConnell, Director of Human Resources, 701-355-1330, PO Box 5503, Bismarck, ND 58506, rwmccconnell@nd.gov is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.



Signature

President, Board of City Commissioners

Title

February 12, 2013

Date

TITLE VI ASSURANCES

The **City of Bismarck** in the State of North Dakota (hereinafter referred to as the Recipient) HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the U. S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that, in accordance with the Act, regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, 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 through the North Dakota Department of Transportation, including the U.S. Department of Transportation and the Federal Highway Administration; and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility," as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or materials subject to the regulations and made in connection with the Federal-aid Highway Program and, in adapted form, in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap, or income status** in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That 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 a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

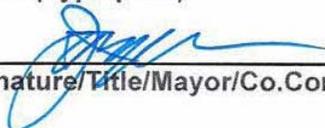
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal-aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein, or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he or she delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by 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.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal-aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal-aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

** The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

John Worford
Name (Type/print)

City of Bismarck
Recipient: (agency, city, county name)


Signature/Title/Mayor/Co. Commis. Chairman/Exec. Dir.

February 12, 2013
Date

Attachments: Appendices A, B, and C

LIMITED ENGLISH PROFICIENCY PLAN

**The City of Bismarck
December 2010**

Robert W. McConnell, Title VI Coordinator
Human Resources Department
221 N. 5th Street, PO Box 5503, Bismarck, ND 58506-5503

INTRODUCTION

This Limited English Proficiency Plan has been prepared to address the City of Bismarck's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin. Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understands 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 Bismarck departments receiving federal grant funds.

Plan Summary

The City of Bismarck has developed this *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 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 Bismarck 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 Bismarck.
2. The frequency with which LEP persons come in contact with City of Bismarck services.
3. The nature and importance of services provided by the City of Bismarck to the LEP population.
4. The interpretation services available to the City of Bismarck and the overall cost to provide LEP assistance. A summary of the results of the four factor analysis is in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

The number or proportion of LEP persons in the service area who may be served or are likely to require City of Bismarck services:

The City of Bismarck reviewed the 2010 U.S. Census Report and determined that 2,941 people (4.8% of the population) in Bismarck speak a language other than English at home. Statistics show that of these 2,941, (19.9%) 585 have limited English proficiency. In other words, they speak English less than "very well".

The data also shows that 429 (0.7%) speak Spanish or Spanish Creole, 1961 (3.2%) speak other Indo-European languages, while 184 (0.3%) speak Asian and Pacific Island languages and 429 speak other languages.

The frequency with which LEP persons come in contact with City of Bismarck services:

The City of Bismarck staff has reviewed the frequency with which City Commission members and City staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the City of Bismarck has had no requests for interpreters and

no requests for translated program documents. The City of Bismarck staff have had very little contact with LEP persons.

The nature and importance of services provided by the City of Bismarck to the LEP population:
There is no large geographic concentration of any type of LEP individuals in the service area for the City of Bismarck. The overwhelming majority of the population, 97.3%, speaks English. As a result, there are few social, service, professional and leadership organizations within the City of Bismarck service area that focus on outreach to LEP individuals. The City of Bismarck City Commission and staff are most likely to encounter LEP individuals through office visits and phone conversations.

The resources available to the City of Bismarck, and overall costs to provide LEP assistance:
The City of Bismarck reviewed its available resources that could be used for providing LEP assistance and identified which of its documents would be most valuable to be translated if the need should arise. Local citizens will likely be available to provide Spanish, Indo-European and Asian translation. Other languages will be interpreted through a telephone interpreter line for which the City 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 City of Bismarck services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another and/or translation, which means the written transfer of a message from one language into another language.

How the City of Bismarck staff may identify an LEP person who needs language assistance:

- Post notice of the LEP Plan and the availability of interpretation or translation services free of charge.
- All City staff will be provided with “I Speak” cards to assist in identifying the language interpretation needed if the occasion arises.
- All City staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the City of Bismarck sponsors an informational meeting or event, a staff person may 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 very low percentage of LEP individuals in the City of Bismarck, that is, persons who speak English “not well” or “not at all”, the city will strive to offer the following measures:

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

STAFF TRAINING

The following training will be provided to all staff:

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

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

TRANSLATION OF DOCUMENTS

The City of Bismarck weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating 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 very small local LEP population, the City of Bismarck does not have a formal outreach procedure in place, as of 2010. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, the City of Bismarck 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, the same procedures will be used to identify LEP individuals and their need for document translation services as with other requests for interpretation that may arise.

MONITORING

Monitoring and Updating the LEP Plan:

The City of Bismarck will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2010 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the City of Bismarck 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 the City of Bismarck’s financial resources are sufficient to fund language assistance resources needed.
- Determine whether the City of Bismarck 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 BISMARCK LEP PLAN

Post I Speak cards at the front desks/doors of City offices to aid staff in notifying LEP persons of the LEP Plan and how to access language services.

PUBLIC OUTREACH AND EDUCATION

**SOCIO-ECONOMIC INFORMATION
Bismarck-Mandan Metropolitan Area**

CITY OF BISMARCK

Concentration of "Elderly"
Persons in the Bismarck-Mandan
MPO Area by Census Block - 2010

- ETA Jurisdiction
- Corporate Limits

Percent "Elderly" (By Census Block)

- 15% or Less
- 15% - 25%
- 25% - 50%
- 50% - 75%
- 75% - 100%

Map created by DAN, May 2015. Based on data maintained by the Bismarck-Mandan MPO, the City of Bismarck, Morton County, and the US Census Bureau. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

w:MPO\Title VI\Maps\Age_2010CensusBlock

*For purposes of this effort "Elderly" is considered 60 years of age or older. Data based on table P12 of the 2010 US Census Summary File 1.

0 0.75 1.5 3 4.5 6 Miles



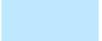
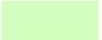
CITY OF BISMARCK

Percent Minority Population in the Bismarck-Mandan MPO Area - 2010

 ETA Jurisdiction

 Corporate Limits

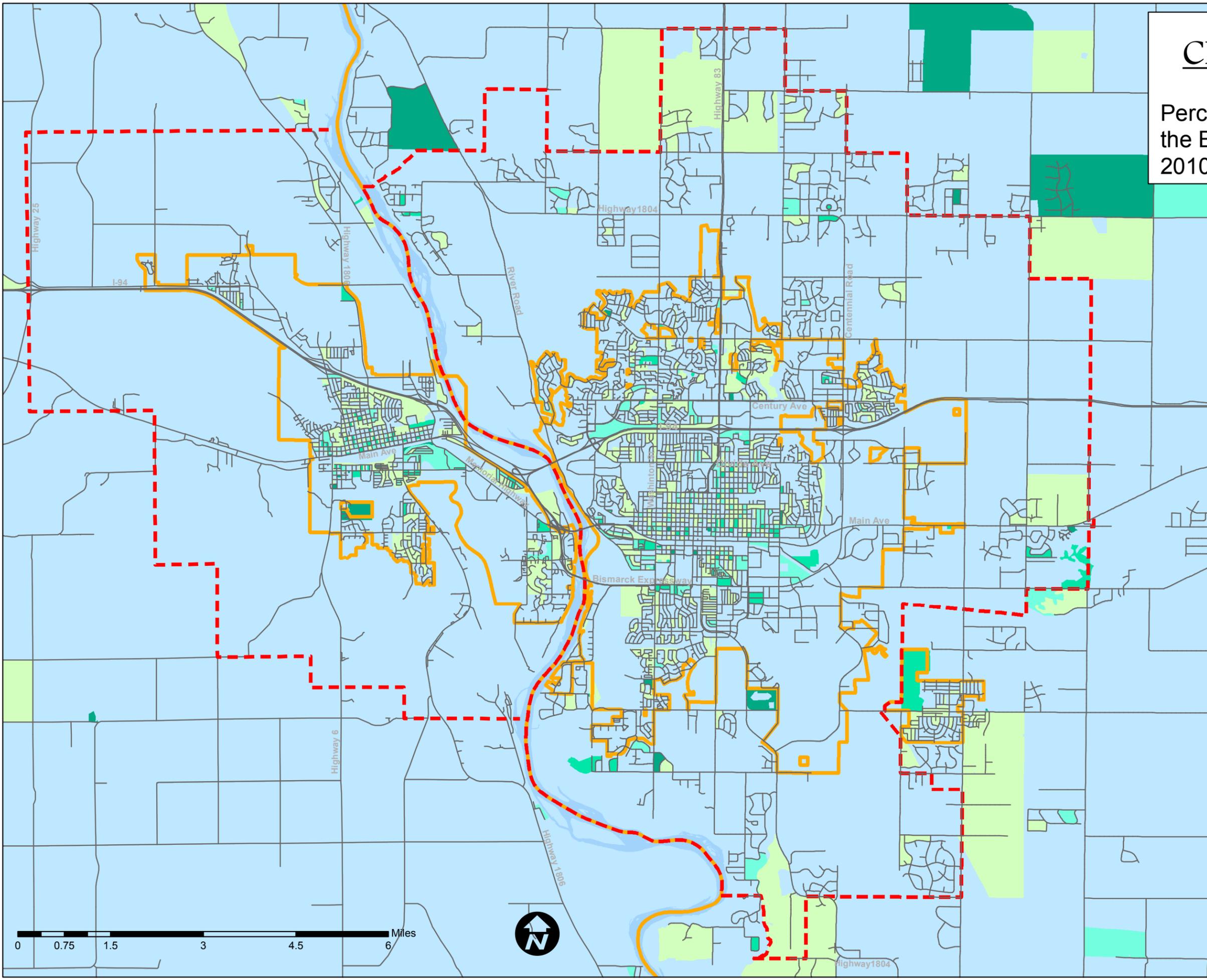
Minority Population (By Census Block)

-  5% or Less
-  5% to 15%
-  15% to 25%
-  25% to 50%
-  More than 50%

Map created by DAN May 2015 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO. This data is for representation only and does not represent a survey. No Liability is assumed as to the accuracy of the data delineated herein.

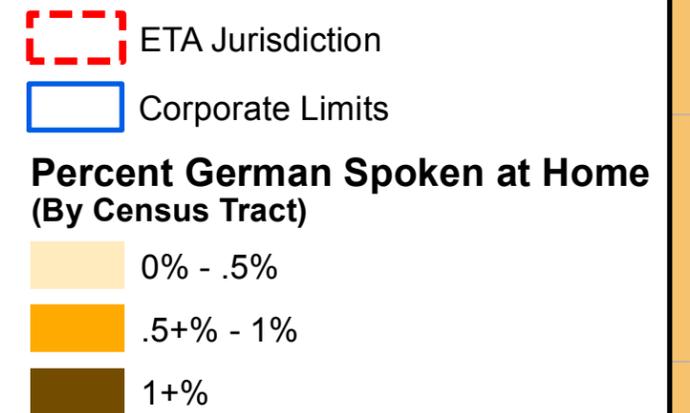
w:\MPO\Title VI\Maps\Race_2010CensusBlock

Based on US Census Bureau 2010 Block data. For this effort "Minority Population" is considered to be all races other than the US Census Bureau defined "White" racial category.



CITY OF BISMARCK

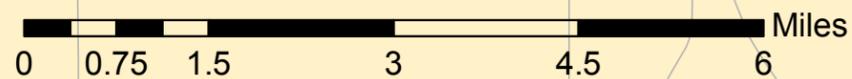
Ability to Speak English Less than "Very Well" in the Bismarck-Mandan MPO Area, 2007-2011 - German Spoken at Home*



Map created by DAN May 2015. Based on data maintained by the Bismarck-Mandan MPO, the City of Bismarck, Morton County, and the US Census Bureau. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

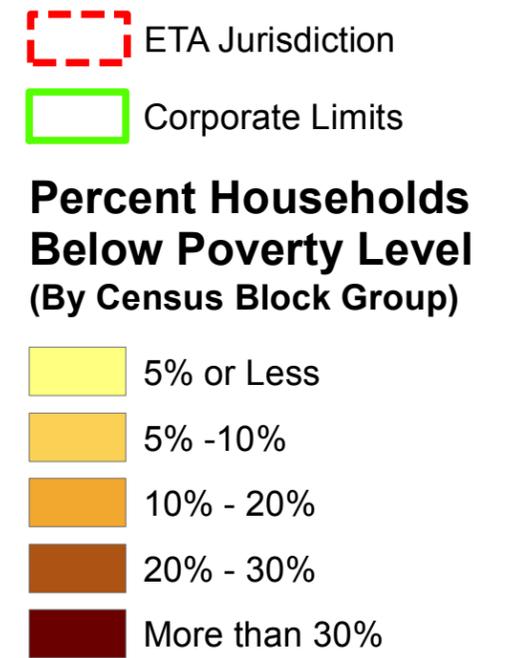
w:\MPO\Title VI\Maps\AbilitytoSpeakEnglishLessthanVeryWell_GermanSpokenatHome_ACS2008_2011_May2015

*Defined by 2007-2011 US Census Bureau American Community Survey.



CITY OF BISMARCK

Percent of Households Below Poverty Level in the Past 12 Months* in the Bismarck-Mandan MPO Area - Between 2007-2011



Map created by DAN May 2015 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO. This data is for representation only and does not represent a survey. No Liability is assumed as to the accuracy of the data delineated herein.

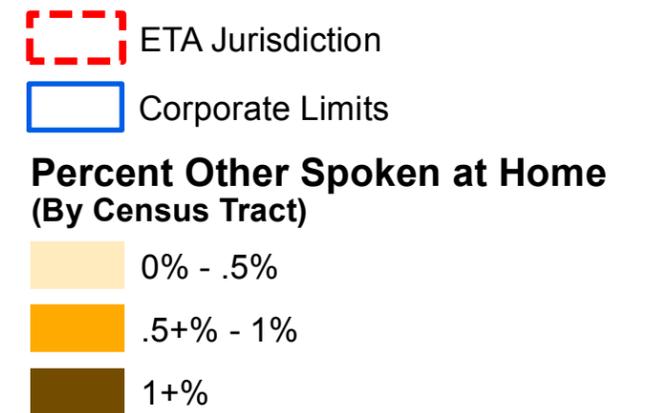
w:MPO\Title V\IMaps\Poverty_ACS2007_2011_CensusBlockGroup

*Based on US Census Bureau American Community Survey 2007-2011 Block Group data. For this effort "Poverty Level" is defined by the US Census Bureau.



CITY OF BISMARCK

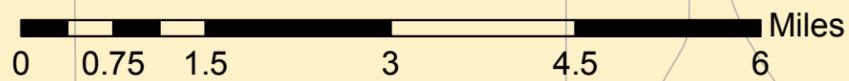
Ability to Speak English Less than "Very Well" in the Bismarck-Mandan MPO Area, 2007-2011 - All Other Languages Spoken at Home*



Map created by D.A.N. May 2015. Based on data maintained by the Bismarck-Mandan MPO, the City of Bismarck, Morton County, and the US Census Bureau. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.

w:MPO\Title VI\Maps\AbilitytoSpeakEnglishLessthanVeryWell_OtherSpokenatHome_ACS2008_2011_May2015

*Defined by 2007-2011 US Census Bureau American Community Survey.



TeleLanguage Interpretive Services

Why do we provide interpreter services in the City of Bismarck?

To provide quality services and to solicit input from all of the residents in the Bismarck area which includes non-English speaking residents.

Title VI of the Civil Rights Act requires us to assist non-English speaking residents with their request for services, complaints or to provide an opportunity to provide input at public meetings. Because non-English speaking residents may find it difficult to communicate, we will need to assist them to overcome the language barrier in order to provide them with the same quality service and opportunities as those who speak English as their primary language.

Is this something new?

No, interpretive services have been in use by the city's Police and Public Health Department for some time. We are simply expanding the service to all city departments with this project and better educating our staff on the importance and benefits of providing language services.

How will we communicate with this population group?

TeleLanguage is a vendor that has agreed to provide interpretive services to The City of Bismarck.

They will help us to identify the language being spoken and assist us in interpreting what is being said via the telephone.

Interpretive Process

The following is a sample of how this process works

You: Refer the non-English speaking person to the Language Poster
Resident: Points to the Language that they speak

You: Dial 1-800-514-9237
Operator: *May I please get your Access Code?*

You: 51332
Operator: *Thank you. May I please get the language you are requesting?*

You: Spanish.
Operator: *Thank you. May I get your department code?*

You: 160 (Human Resources)
Operator: *Thank you, one moment please for your Spanish interpreter.*

Department	Department Code
Administration	100
Airport	620
Attorney	125
Civic Center	35
Communications	135
Community	170

Development	
Municipal Court	165
Engineering	140
Finance	145
Fire Dept.	150
Human Resources	160
Library	210
Police	175
Public Health	180
PW- Services	660
PW-Utilities	680

Documenting the Service

A log report must be kept to record the use of service. Submit the report to Human Resources quarterly. This report will be used to verify the invoiced charges, assist in determining what department is to be billed, and helps in the collection of data to determine utilization of the service.

TeleLanguage Utilization Report

Date	Start Time	Stop Time	Length of Call	Language Requested	Caller's Name

Other resources

“I Speak” cards located under -- Appendix D.

Request for Reasonable Accommodations under -- Appendix E

Auxiliary Aids and Services – Appendix F

TITLE VI COMPLAINTS



CITY OF BISMARCK

TITLE VI COMPLAINT PROCEDURE

SCOPE OF TITLE VI COMPLAINTS

The scope of Title VI covers all external **City of Bismarck** activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with **City of Bismarck** for the furnishing of goods and/or services. Examples include advertising for bid proposals; prequalification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

FORMAL TITLE VI COMPLAINT PROCEDURE

City of Bismarck Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability/handicap, and income status*, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by **City of Bismarck**, its recipients, subrecipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

City of Bismarck uses the following procedure for prompt processing of all Title VI complaints received directly by it.

- a. Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint form and file the complaint with **City of Bismarck**. Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of **City of Bismarck** programs for it to be considered and processed as an allegation of a discriminatory practice.

- b. The complaint **must** be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. **City of Bismarck Title VI Complaint Form must** be used.
- c. The complaint may also be filed with the U.S. Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE (S-33), Washington, D.C. 20590. The complaint **must** be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of the U.S. Department of Transportation.
- d. Within **two days of receipt** of a Title VI complaint, **City of Bismarck forwards the complaint to the Civil Rights Division of the North Dakota Department of Transportation (NDDOT).**
- e. **NDDOT provides the Federal Highway Administration (FHWA) Bismarck Division Office the complaint within two days of receipt. FHWA determines the correct agency for review. It could be FAA, FHWA, FTA, NDDOT, NHTSA, etc. That agency makes the final decision and communicates directly with the person filing the complaint.**

*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.



CITY OF BISMARCK

Title VI Complaint Form

PART I – COMPLAINANT INFORMATION (Print all items legibly)

Name		Telephone
Street Address/P.O. Box		Email Address
City	State	Zip Code

PART II – CAUSE OF DISCRIMINATION BASED ON [Check all appropriate box(es).]

Race Age National Origin Disability/Handicap Color Sex Income Status

PART III – THE PARTICULARS ARE: (Include names, dates, places, and incidents involved in the complaint.) [If additional space is needed, attach extra sheet(s).]

PART IV – REMEDY SOUGHT [State the specific remedy sought to resolve the issue(s).]

PART V – VERIFICATION

Complainant's Signature: _____ Date: _____

SUBRECIPIENT INSTRUCTIONS

Name of Subrecipient CITY OF BISMARCK		Name of Suprecipient's Title VI Coordinator ROBERT MCCONNELL		
Street Address/P.O. Box 221 NORTH 5 th STREET		City BISMARCK	State ND	Zip Code 58506
Telephone 701-355-1330	Relay North Dakota Telephone Number 711 or 1-800-366-6888		Text Telephone Number (TTY)	

GENERAL

1. Under Title VI of the Civil Rights Act of 1964 and the related statutes and regulations, no person or groups(s) of persons shall, on the grounds of race, color, sex, age, national origin, disability/handicap, and income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by City of Bismarck. Any person or groups(s) of persons who feel they have been discriminated against may file a complaint.
2. Instructions provided within this form are not meant to be all inclusive. Complainants are responsible for all procedural requirements.
3. Complainants **must** include all required information and **must** meet all timeframes as defined in the City of Bismarck Title VI Complaint Procedure.
4. Legible copies of all available pertinent documentation should be attached to this form.
5. All inquiries should be directed to Robert W. McConnell, Director of Human Resources, City of Bismarck, PO Box 5503, Bismarck ND 58806-5503, 701-355-1330, TDD State Relay: 711.

PART I

Complete all information in this section.

PART II

Check all boxes that apply indicating the basis for the complaint. The discrimination **must** be based on at least one of the listed categories. In the case of sexual or other harassment, also check the appropriate box indicating the basis for the harassment (race, sex, age, etc.).

PART III

State the specific complaint in a manner that clearly identifies the issues upon which the complaint is based.

PART IV

State the minimum remedy acceptable for resolution of this complaint.

PART V

Sign and date this section to verify the information contained in Parts I through IV

Complaints filed with U. S. Department of Transportation

Discrimination complaints based on race, color sex, age, national origin, disability/handicap, and income status may be filed with the Secretary, U.S. Department of Transportation, Room 4132, 400 Seventh Street, Southwest, Washington, D.C. 20590. The complaint **must** be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary, U.S. Department of Transportation.

TITLE VI YEARLY REPORTING PRACTICE

At the end of each fiscal year, City of Bismarck will have a yearly complaint reporting log. This will lists all Title VI complaints that have come in during that time frame.

Such logs will look like the form on the next page.

This log is required by the North Dakota Department of Transportation (NDDOT). They will audit our project hearing and the concerns that came up with each project. Keeping such a log will also help to identify repetitive issues to address.

TITLE VI COMPLAINT LOG
 City of Bismarck

Reporting Year

Name		
Address	State	Zip Code

Status of Complainant:

Race	Color	National Origin	Sex	Age	Disability	Income Status
Nature of Complaint (If you need more space please attach additional sheets)						
Recipient (Processor of Complaint)						
Date Filed		Date Investigation Completed		Date of Disposition		
Disposition (If you need more space please attach additional sheets)						

Name		
Address	State	Zip Code

Status of Complainant:

Race	Color	National Origin	Sex	Age	Disability	Income Status
Nature of Complaint (If you need more space please attach additional sheets)						
Recipient (Processor of Complaint)						
Date Filed		Date Investigation Completed		Date of Disposition		
Disposition (If you need more space please attach additional sheets)						

Goals and Accomplishments

City of Bismarck

Goals: For the upcoming 2015-2016 year, the City of Bismarck has sited these as the goals to reach.

1. Have a good response to the City of Bismarck's Title VI plan in the upcoming audit June 2015
2. Gain greater participation on the Public Participation Surveys by explaining the forms and their purpose before every public meeting. Encourage meeting attendees to submit the form in a private tally box that Human Resources will be responsible for.
3. Contact the Title VI expert at NDDOT to get recommendations for all-staff training for 2016
4. Update City of Bismarck's ADA plan.
5. Watch the NDDOT Title VI website for any required form update and make changed to our posted documents as needed.

Accomplishments: During the Fiscal Year July 1, 2014-June 30, 2015, here are the accomplishments obtained by the City of Bismarck in compliance with the Title VI program.

1. All facilities associated with the City of Bismarck now have a forms display board at all public entrances. This board holds the City of Bismarck's Title VI & Nondiscrimination Plan document, Policy Statement, Assurances, LEP Plan, Request for Reasonable Accommodations, and Title VI Complaint Procedure
2. All City of Bismarck Employees have received current training on Title VI.
3. The Title VI Coordination had refresher meetings with other directors and key figures about the City's responsibilities with Title VI. This renewed everyone's cooperation and expectations of the plan and the City's obligations to the program.

Appendix

The City of Bismarck will insert or add the following clauses into every contract subject to the Act and Regulations associated with the receipt of Federal financial assistance:

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:

Compliance with Regulations: The Contractor shall comply with the regulations relative to nondiscrimination 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.

Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

Solicitations for Subcontracts. Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, age, national origin, disability/handicap, or income status.

Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the City of Bismarck or the North Dakota Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the City of Bismarck or the North Dakota Department of Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the City of Bismarck and the North Dakota Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- A. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
- B. Cancellation, termination, or suspension of the contract, in whole or in part.

Incorporation of Provisions: The Contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the City of Bismarck or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request the City of Bismarck enter into such litigation to protect the interests of the City of Bismarck; and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the City of Bismarck, as authorized by law and upon the condition that the City of Bismarck 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, and also in accordance with 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, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation (hereinafter referred to as the Regulations), 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 City of Bismarck all the right, title, and interest of the U.S. Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Bismarck and its successors forever, subject, however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, and shall be binding on the City of Bismarck, its successors, and assigns.

The City of Bismarck, 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 successor, and assigns that (1) no person shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, 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 City of Bismarck shall 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, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended L] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land; and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assignees as such interest existed prior to this instruction.*

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

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

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or 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 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 program or activity is extended, or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the City of Bismarck shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, the City of Bismarck shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the City of Bismarck and its assigns.

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

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her 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 grounds of race, color, sex, age, national origin, disability/handicap, or income status, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the *event* of breach of any of the *above* nondiscrimination covenants, the City of Bismarck shall *have* the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds.]*

That in the *event* of breach of any of the *above* nondiscrimination covenants, the City of Bismarck shall *have* the right to re-enter said land and facilities thereon, and the *above* described lands and facilities shall thereupon *revert* to and *vest* in and become the absolute property of the City of Bismarck 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 effectuate the purpose of Title VI of the Civil Rights Act of 1964.

“I Speak” cards for all departments and locations

2004 Census Test	 LANGUAGE IDENTIFICATION FLASHCARD
<input type="checkbox"/> وضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Խոսողում ե՞ք նշում կատարե՞ք այս քանակություն, եթե խոսում կամ կարողում եք հայերեն:	2. Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/> ឈ្មួញបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	11. English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

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U.S. CENSUS BUREAU

- | | | |
|--------------------------|--|--------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français. | 13. French |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. | 14. German |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάσετε ή μιλάτε Ελληνικά. | 15. Greek |
| <input type="checkbox"/> | Make kazye sa a si ou li oswa ou pale kreyòl ayisyen. | 16. Haitian Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। | 17. Hindi |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob. | 18. Hmong |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet. | 19. Hungarian |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. | 20. Ilocano |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano. | 21. Italian |
| <input type="checkbox"/> | 日本語を読んだり、話せる場合はここに印を付けてください。 | 22. Japanese |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. | 23. Korean |
| <input type="checkbox"/> | ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືຢາກພາສາລາວ. | 24. Laotian |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish |

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<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องดำผ่านถ่านหรือชุกภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukranian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

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U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

REQUEST FOR REASONABLE ACCOMMODATIONS

(03-2012)

CITY OF BISMARCK

Date

Name				
Street/Mailing Address		City	State	ZIP Code
Day Telephone Number	Evening Telephone Number	Preferred Method of Contact	Email Address	
Type of Event: <input type="checkbox"/> Public Meeting/Public Hearing <input type="checkbox"/> Print Materials <input type="checkbox"/> Other (specify) _____				
Date of Event		and/or	Date Needed	
Type(s) of Accommodation <input type="checkbox"/> Interpreter for deaf (Specify ASL, tactile, etc.) _____ <input type="checkbox"/> Assistive listening device (specify) _____ <input type="checkbox"/> Physical location accessible for persons with a physical mobility concern. <input type="checkbox"/> Other (specify) _____				
Other Type(s) of Assistance <input type="checkbox"/> Wheelchair-accessible meeting room <input type="checkbox"/> Meeting room close to elevator or lobby				
Nature of Disability (Medical documentation may be required.) <input type="checkbox"/> Physical mobility impairment (Specify: wheelchair, walker, crutches, etc.) _____ <input type="checkbox"/> Speech Impairment (specify) _____ <input type="checkbox"/> Visual Impairment <input type="checkbox"/> Hearing impairment (select one) <input type="checkbox"/> deaf <input type="checkbox"/> hard of hearing <input type="checkbox"/> Deaf-blind <input type="checkbox"/> Other (specify) _____				
List any special requests or anticipated problems for accommodations.				

Print Materials

Alternate format you prefer? (Indicate first, second, third choice if possible.)	
<input type="checkbox"/> Braille	<input type="checkbox"/> CD/flash drive
<input type="checkbox"/> Cassette tapes(s)	<input type="checkbox"/> Reader
<input type="checkbox"/> Large print (font point size) _____	
<input type="checkbox"/> Other (specify) _____	

For Office Use Only

The accommodation request is:		
<input type="checkbox"/> Granted as requested	<input type="checkbox"/> Granted as follows: (indicate below)	<input type="checkbox"/> Denied (indicate reason below)

AUXILIARY AIDS AND SERVICES

As a recipient of Federal Financial Assistance, the North Dakota Department of Transportation (NDDOT) assures compliance with Title VI of the Civil Rights Act of 1964, Regulations, and other pertinent directives. NDDOT is required to take reasonable steps to ensure meaningful access to persons with Limited English Proficiency (LEP) through oral and written translation.

Additionally, NDDOT has a responsibility to develop a policy in advance of any request for auxiliary aids or services for persons with impaired vision and hearing. With respect to the provision of auxiliary aids to access State Transportation Agency/Local Public Agency (STA/Sub Recipient) programs, services and activities, the most likely of these will be public activities in connection with the planning and construction of federal-aid construction projects. Program areas where auxiliary aids and effective communications may be required include, but are not limited to the following: bid opening events, Disadvantaged Business Enterprise (DBE) certification activities, right-of-way proceedings (appraisals, acquisitions), public telephone lines (511, project hotlines, pothole repair hotlines), law enforcement activities (if STA has a law enforcement branch), groundbreaking/ribbon-cutting ceremonies, and rest area tourist information centers.

Auxiliary aids and services for deaf or hard of hearing include a wide range of services, equipment, and devices such as:

- sign language interpreter
- note takers
- computer-aided real-time transcription services (CART)
- amplified and hearing-aid compatible telephones
- assistive listening systems
- open or closed captioning and caption decoders
- video relay, or
- text telephones/telephone communication devices for the deaf (TTY/TDD), and
- flashing alarms

Auxiliary aids and services for the vision impaired include providing access to printed information through the following:

- audio recording- MP3
- computer diskettes
- Braille or large print materials, or through the use of qualified readers
- providing verbal descriptions of action and visual information to enhance the accessibility of performances and presentations; and
- making a staff member available as a guide to enable a person with limited vision to find his or her way along an unfamiliar route

The following information provides a synopsis of the critical facts and costs involved in providing oral and written communication services.

North Dakota has laws governing Interpreter Services for individuals that are deaf, deaf-blind, speech impaired, hard of hearing, or who require special communication techniques in order to communicate. Our policy should identify what qualifications are required for interpreters after reviewing the North Dakota Century Code as the Federal Highway Administration (FHWA) Americans With Disabilities Act (ADA) Desk Reference states that when sign language

interpretation is necessary, the ADA requires that it be provided by a “qualified interpreter” and defined at [28 C. F. R. § 35.104].

- ▶ North Dakota Century Code
 - Under Occupations & Professions, Chapter 43-52 Interpreters
 - Defines requirements for deaf persons
 - Requires a valid nationally recognized certification or met certification by 2003
 - Contains exceptions
 - Under Judicial Procedure, Civil, Chapter 28-33 Interpreters For Deaf Persons
 - Defines requirements for deaf persons
 - Includes administrative proceedings
 - Requires “Qualified interpreter”- certified by the national registry of interpreters for the deaf or ND Association for the deaf, interpreter approved by the superintendent of the school for the deaf, or, if none available, any other interpreter whose qualifications have been appropriately determined.

The FHWA ADA Desk Reference allows flexibility in providing accommodations. A visual communication accommodation may include the use of other auxiliary aids such as recorded text, electronic documents, or large print text depending on the circumstances.

The FHWA Limited English Proficiency Program Desk Reference states that oral interpreters are not required to have formal certification but certification is helpful. Recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English by following the Safe Harbor provisions.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) below outline the circumstances that can provide a “safe harbor” for recipients regarding the requirements for translation of written materials. A “safe harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is noncompliance. Rather these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

The following actions will be considered strong evidence of compliance with the recipient’s written-translation obligations:

- a. The STA/Sub Recipient provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- b. If there are fewer than 50 persons in a language group that reached the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in

the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Available Sources

There are several sources to obtain auxiliary aids and services for persons with Limited English Proficiency or speech, hearing, and vision impairments. Some common sources are as follows:

- ▶ Communication Services for the Deaf (CSD) and Interpreting Online (CSDIO)
- ▶ CTS Language Link
- ▶ Interagency Program for Assistive Technology (IPAT)
- ▶ International Translation Services
- ▶ Metro Interpreter Resource Center (MIRC)
- ▶ ND Association for the Blind (NDAB)
- ▶ North Dakota School for the Deaf
- ▶ ND Vision Services/School for the Blind (NDVS/SB)
- ▶ Relay North Dakota

Communication Services for the Deaf (CSD) and Interpreting Online (CSDIO)

CSD is a private, nonprofit organization dedicated to providing services for all individuals who are deaf or hard of hearing. Interpreter service information including service area, hours of service, rates, etc., can be obtained by contacting CSD.

Additionally, CSD operates CSDIO which enables deaf and hearing people in the same room to communicate through an interpreter at a distant location. Video conferencing equipment is required for this service.

Contact: Cathy Obregon, Communication Services for the Deaf, P.O. Box 66, Fargo, ND 58107; (701) 799-1395; email: cobregon@c-s-d.org website: www.c-s-d.org

CTS LanguageLink

CTS LanguageLink is located in Vancouver, Washington. CTS LanguageLink provides a variety of services including Over-the-Phone-Interpretation, Video Remote Interpretation, Translation, etc. CTS LanguageLink offers telephone interpretation services in more than 240 languages and dialects, and can accommodate call centers and industries like court/legal, general business, government and healthcare/medical.

The State of North Dakota has contracted with CTS Language Link for telephone based interpretive services under the Western States Contracting Alliance (WSCA). The contract provides 24/7/365-days/year/7-days/week/24-hours a day Telephone Based Interpreter Services on an "as needed" basis for Limited English Proficiency (LEP) clients needing immediate interpreter assistance. The contract is not for scheduled, in-person interpretation services.

Government agencies may access the contract at The North Dakota State Procurement Office website at the following location:

<https://secure.apps.state.nd.us/csd/spo/services/bidder/listCurrentContracts.htm>

Contact: Richard Miller, CTS LanguageLink , WSCA Account Executive, 911 Main St, Suite 10, Vancouver, WA 98660; 1-800-208-2620; email: richard.miller@ctslanguagelink.com ; website: www.ctslanguagelink.com

Interagency Program for Assistive Technology (IPAT)

The North Dakota Interagency Program for Assistive Technology (IPAT) is the North Dakota Telecommunications Equipment Distribution Service for relay equipment. IPAT provides free specialized telecommunications equipment for individuals who are deaf, hard-of-hearing, deaf-blind, or have a speech disability who meet income, residency, disability, etc., qualifications.

IPAT operates a statewide assistive technology Equipment Rental Program for short-term access to a variety of assistive devices. The rental program offers a wide range of devices for short term loan, including: communication; telecommunications; computer access; vision; hearing; seating, positioning, and personal mobility, etc. Rental fees and procedures can be accessed on IPAT's website.

Contact: Judie Lee, Executive Director, Program Director, IPAT, 3240 15th St. South, Suite B, Fargo, ND 58104; (701) 365-4728; toll free 1-800-895-4728; email: jlee@ndipat.org website: www.ndipat.org

International Translation Services

International Translation Services is located in Moorhead, Minnesota. Leonor Sillers, owner, provides onsite and telephonic interpreters. She also provides written translation services. Interpreter and translation service information including service area, hours of service, rates, etc., can be obtained by contacting Leonor Sillers.

Contact: Leonor Sillers via email: Leonor.Sillers@gmail.com no website

Metro Interpreter Resource Center (MIRC)

The Metro Interpreter Resource Center (MIRC) is located in and serves the Fargo area. They work with local city and county government. MIRC provides access to an Oral Interpreter List for an annual fee for nonprofits and for profit businesses.

Interpreter and translation service information including service area, hours of service, rates, etc., can be obtained by contacting MIRC.

Contact: Hatidza Asovic, Coordinator, MIRC, 3350 35th Ave SW, Fargo, ND 58104; (701) 241-8594; email: hasovic@cityoffargo.com website: www.rrrmirc.com

ND Association for the Blind (NDAB)

The North Dakota Association for the Blind publishes the Promoter, a quarterly newsletter. The Promoter is available in alternative formats. You may submit notices or information for publication in the Promoter. Details regarding publications can be obtained by contacting NDAB.

Contact: Mark Kueffler, President, NDAB, West Fargo, ND 58078; (701) 866-9908; website: www.ndab.org or Kathy Larson, Promoter Editor, klarson@dia.net 15225 59th St. NW, Williston, ND 58801-9560; (701) 875-4291.

North Dakota School for the Deaf

The North Dakota School for the Deaf maintains the ND Freelance Interpreter's List on their website. A disclaimer states that the interpreters listed are not endorsed or in any way recommended by the ND School for the Deaf other than the fact they hold national certification. The interpreters list can be accessed at the web link below.

Contact: Communications Department, Lake Region State College, 1401 College Drive N, Devils Lake, ND 58301; (800) 877-2980; website: www.nd.gov/ndsd
Web link for Interpreters List: www.nd.gov/ndsd/outreach/doc/freelance-interpreters-2011.pdf

ND Vision Services/School for the Blind (NDVS/SB)

North Dakota Vision Services/School for the Blind operates a Braille Access Center that transcribes materials into Braille or large print and electronic media. The cost of Braille or another alternative formatted project can be obtained by contacting NDVS/SB.

Contact: Leslie Pederson, ND vision Services/School for the Blind, 500 Stanford Rd, Grand Forks, ND 58203; (701) 795-2713; email: lespeder@nd.gov
website: www.ndvisionservices.com

Relay North Dakota

Relay North Dakota is a free service that provides full telephone accessibility to people who are deaf, hard-of-hearing, deaf-blind, and speech-disabled. This service allows hearing callers to communicate with text-telephone (TTY) users and vice versa through specially trained Communication Assistants (CAs). Calls can be made to anywhere in the world, 24 hours a day, 365 days a year with no restrictions on the number, length, or type of calls. All calls are strictly confidential and no records of any conversations are maintained. Anyone wishing to use Relay North Dakota simply dials the relay number to connect with a CA. The CA will dial the requested number and relay the conversation between the two callers.

Contact: Roxy Ennen, Relay ND Administrator, Telecommunications Analyst, ITD, 4201 Normandy Street, Bismarck, ND 58503; (701) 328-2300; email: rennen@nd.gov
Website: www.relaynorthdakota.com

INTERNET RESOURCES

Limited English Proficiency, a Federal Interagency Website, promotes a positive and cooperative understanding of the importance of language access to federally conducted and federally assisted programs. It is located at www.lep.gov There are numerous documents addressing language issues.

North Dakota Department of Public Instruction website provides statistics on the location and number of students with Limited English Proficient skills. This information may provide an alternate method of identifying LEP populations. Their website is located at www.dpi.state.nd.us

United States Access Board, a Federal Agency Committed to Accessible Design, is an independent federal agency devoted to accessibility for people with disabilities. The Board is a leading source of information on accessible design. Their website is located at www.access-board.gov

United State Census Bureau, at the Census Bureau Web Site provides on-line access to Data on Race and Hispanic Origin, Age, Employment, Income, Marital Status, Education, Genealogy, Businesses, Governments and more. It is located at www.census.gov Put your mouse on Data and select American Fact Finder where you can locate detailed data sets. There is a Help tab available on the Fact Finder ribbon.

U.S. Department of Justice, Americans with Disabilities Act, ADA Home Page is found at www.ada.gov

- Search- Title II Technical Assistance Manual.
 - Select the Title II Technical Assistance Manual (1993) and Supplement to view a 56-page manual that explains in lay terms what State and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance. (Spanish edition available)

US Department of Transportation, Federal Highway Administration (FHWA) carries out the Federal highway programs in partnership with the State and local agencies to meet the Nation's transportation needs. FHWA's website hosts vast information about nondiscrimination issues. FHWA's Home Page is found at www.fhwa.dot.gov Under Programs, select Browse by Topic, and see specifically the following:

- Search- Overview Environmental Justice
 - Describes and explains Environmental Justice (EJ) issues
- Search- Civil Rights FHWA
 - Under Programs – Select and read about FHWA Programs
 - Title VI and Nondiscrimination
 - Limited English Proficiency
 - Americans with Disabilities Act (ADA)/Section 504 of the Rehabilitation Act of 1973 (504)
 - Many others

Notice of Disclaimer

The North Dakota Department of Transportation (NDDOT) follows the provisions of Title VI and Nondiscrimination as required by Federal Law. The NDDOT has developed an Auxiliary Aids and Services resource document which is available on the web on an "as is" basis as a public service.

Under no circumstances does NDDOT warrant or certify the information to be free of errors or deficiencies of any kind. NDDOT specifically disclaims all warranties, express or implied, including but not limited to the warranties of merchantability and fitness for a particular purpose.

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The City of Bismarck is committed to providing non-discriminatory service. No person shall, on the basis of a person's nation origin, race, color, disability, sex, age and/or income status, be excluded from participation or be subjected to discrimination or harassment by the City of Bismarck or any of its locations.

Contact Robert McConnell, Director of Human Resources and Title VI Coordinator for the City of Bismarck at 701-355-1337 or rwmccconnell@bismarcknd.gov, to request additional information on our nondiscrimination obligations or to file a complaint.