

**AGENDA
OF THE CITY
COUNCIL WORK SESSION
CITY OF EAST GRAND FORKS
TUESDAY, MAY 14, 2013 - 5:00 P.M.**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

- 1. Police Department Plans & Specifications – Greg Boppre**
- 2. Community Gardens – Dave Aker**
- 3. Library Staff Reorganization – Charlotte Helgeson**
- 4. Transit Title VI Plan – Nancy Ellis**
- 5. Presentation on Current Road Conditions – Jason Stordahl**
- 6. Manhole Catch Basin Repair – Jason Stordahl**
- 7. Request for Purchase of Mower – Jason Stordahl**
- 8. Cemetery Commission Update – Chad Grassel**

ADJOURN:

Upcoming Meetings

Regular Council Meeting – May 21, 2013 – 5:00 PM – Council Chambers
Work Session – May 28, 2013 – 5:00 PM – Training Room
Regular Council Meeting – June 4, 2013 – 5:00 PM – Council Chambers
Work Session – June 11, 2013 – 5:00 PM – Training Room

Request for Council Action

Date: May 8, 2013

To: East Grand Forks City Council, Mayor Lynn Stauss, President Craig Buckalew, Council Vice President Greg Leigh, Council Members: Clarence Vetter, Henry Tweten, Chad Grassel, Mark Olstad and Ron Vonasek.

Cc: File

From: Greg Boppre, P.E.

RE: File – Plans/Specifications – 2013 City Project No. 3 – Police Building Improvements

Background:

I would like file, get permission to advertise and set the bid date for 2013 City Project No. 3 – Police Building Improvements. The budget remains the same as we previously submitted, please see below:

PROPOSED BUDGET

CONSTRUCTION	\$310,000.00
PLANS/SPEC'S	\$27,900.00
INSPECTION	\$15,500.00
CONTINGENCIES	\$37,200.00
ADMIN/LEGAL	\$6,200.00
TOTAL	\$396,800.00

Recommendation:

File plans/specifications, authorize advertising, set bid date

Enclosures:

Rendering of improvements



Request for Council Action

Date: May 6, 2013

To: East Grand Forks City Council, Mayor Lynn Stauss, President Craig Buckalew, Council Vice President Greg Leigh, Council Members: Chad Grassel, Mark Olstad, Henry Tweten, Clarence Vetter, and Ron Vonasek

Cc: File

From: Dave Aker

RE: Community Garden

Background:

I am asking for funds to help buy a water tank and fertilizer for a community garden that would be started with Chris Rieth, an Eagle Scout, Christ the King Church in East Grand Forks and the Parks and Recreation Department. The community gardens would be located in the open area south of the parking lot of Christ the King Church. We can get free top soil from Zavorals Landscaping for approximately a 200' x 90' piece of land. The plan is to have 18 community gardens for a cost of \$125 apiece and give them \$50 back if they clean up their garden at the end of the season, they would also have to keep their garden from over growth and weeds. Two gardens would be for the food shelf so they can grow food to hand out.

Recommendation: My recommendation is we purchase a water tank so people can water their garden and buy some fertilizer for start up. The money made from selling the community gardens would be put back into the gardens for the next season.

Enclosures: Chris and Rev. John Rieth will talk about the community gardens.

Request for Council Action

Date: May 8, 2013

To: East Grand Forks City Council Mayor Lynn Stauss, President Craig Buckalew, Council Vice President Greg Leigh, Council Members: Clarence Vetter, Ron Vonasek, Henry Tweten, Mark Olstad, and Chad Grassel

Cc: File

From: Library Board/Director

RE: Library Staff Reorganization

Consider approving the request to approve

The Library Board would like the City Council approve changing the part time Program Coordinator to a full time position. The board would like to see this position filled by September 1st.

With this position going full time the Board would like to decrease the Volunteer Coordinator from a full time position to a part time position (20-26 hours) beginning September 1st. The Volunteer Coordinator position would receive prorated sick leave and vacation. This position will also continue on PERA.

Enclosed Documents: Library Program Coordinator job description

Library Program Coordinator

Department: Library
Points: 380 Grade: 16

FLSA Status: Non-Exempt

General Definition of Work

Performs intermediate professional work preparing and planning special events, artists and art exhibits, story times and groups, generating and maintaining applicable records, reports and files, assisting patrons with using library technology, and related work as apparent or assigned. Work is performed under the general direction of the Library Director. Leadership is provided to volunteers.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable an individual with disabilities to perform the essential functions.

Essential Functions

- Prepares and presents story times.
- Organizes artists and art exhibits.
- Prepares and facilitates special programs, events and presentations.
- Facilitates writers and readers groups.
- Writes book notes.
- Creates and distributes written correspondence.

Knowledge, Skills and Abilities

Comprehensive knowledge of library operations and processes; thorough knowledge of library record needs; thorough skill developing applicable records, reports and files; thorough skill planning and facilitating special groups, events and meetings; ability to operate standard office equipment and related hardware and software; ability to learn specialized software or systems related to business need; ability to establish and maintain effective relationships with patrons, staff, media, donors, and the general public.

Education and Experience

Bachelor's degree in communications, art, or related field and moderate experience developing library based programs, or equivalent combination of education and experience.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires sitting, speaking or hearing, using hands to finger, handle or feel and repetitive motions and occasionally requires standing, walking, climbing or balancing, stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling and lifting; work has standard vision requirements; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

Special Requirements

Applicable position, department, organization and professional training will be provided and must be completed upon hire and on an ongoing basis.
Valid driver's license in the State of Minnesota.

Last Revised: 5/17/2012

Request for Council Action

Date: May 14, 2013
To: East Grand Forks City Council and Mayor Lynn Stauss
From: Nancy Ellis, Planner – EGF Transit
RE: Approval of Transit Title VI Plan

RECOMMENDATION:

Staff recommends approval of the proposed Title VI Plan

BACKGROUND:

In accordance with Title VI of the Civil Rights Act of 1964, recipients of federal financial assistance must not discriminate in the level and quality of transportation services and transit-related benefits on the basis of race, color, or national origin. Special emphasis is placed on persons with Limited English Proficiency (LEP), as different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination. Cities Area Transit (CAT) is required to submit a Title VI and LEP Plan to the Federal Transit Administration (FTA) every three years. Staff recommends approval of the 2013 Update of the CAT Title VI & LEP Plan, subject to FTA review and approval.

ANALYSIS & FINDINGS OF FACT:

Recipients of FTA funding must include the following in their Title VI Plan:

1. Title VI notice to the public and list of locations where the notice is posted

CAT posts a notice that indicates compliance with Title VI and informs the public of their protections against discrimination at the City Bus Garage, Metro Transit Center, Grand Forks City Hall, UND Memorial Union, East Grand Forks City Hall, Northland Community & Technical College, and on-board all transit vehicles. The notice instructs persons who believe they have been discriminated against to contact CAT or the FTA. The notice also instructs persons needing language assistance to contact CAT.

2. Notice to the public regarding Title VI discrimination complaint procedures

CAT provides instructions on how to file a Title VI discrimination complaint on its website. CAT provides a Title VI complaint form, which must be filed within 180 calendar days of the alleged occurrence. Complainants may also file Title VI complaints with the FTA.

3. List of any public transportation-related Title VI investigations, complaints, or lawsuits

CAT has not had any transportation-related Title VI investigations, complaints, or lawsuits filed since the last plan submission.

4. Public participation plan and outreach efforts

Since the last plan update, CAT has hired a Mobility Manager to perform outreach activities for public transit users, including monthly bus familiarization trainings for new Americans. CAT has also entered in to a Memorandum of Understanding with the Grand Forks-East Grand Forks Metropolitan Planning Organization (MPO) to follow the MPO's Public Participation Plan for transit fare and service changes.

5. Limited English Proficiency Plan

According to the U.S. Census Bureau, about 2.2% of the total population (1,279 persons) in Grand Forks, ND and East Grand Forks, MN are considered limited English proficient (LEP). This is a 29% increase from 989 LEP persons in 2010.

CAT assesses the frequency with which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. Contact with LEP persons has increased in recent years as many new Americans are utilizing CAT's public transportation services.

The Grand Forks community resettles about 90 refugees per year, most of whom speak Nepalese or Somali. CAT's public transportation services are very important to the new American community, as they rely heavily on public transit during their first year in the community. Through New American Services and Global Friends Coalition representatives who serve on the Human Services Coordinated Transportation Committee, CAT has learned a great deal about the importance of reliable transportation to and from English language classes for new Americans.

New American Services and other groups, such as Global Friends Coalition, provide bus skills training and teach new Americans how to purchase a bus pass, pay their fare, request a transfer on-board a CAT bus, etc. CAT's Mobility Manager also provides bus familiarization training once per month with the help of New American Services interpreters. The training goes over how to follow the bus map and schedule, hours of operation, fare payment, and more. This is also an opportunity to addresses issues that drivers encounter with LEP persons on the bus, such as understanding the rules for fare payment and the bike and bus program.

CAT continues to work closely with New American Services and Global Friends Coalition to assist LEP persons. Additional outreach measures that CAT is considering for the future include translation of vital documents and on-vehicle announcements in to Nepalese and/or Somali and partnering with the University of North Dakota Multicultural Student Services and Northland Community & Technical College to provide bus familiarization training.

SUPPORTING MATERIALS:

- Cities Area Transit Title VI Plan (2013 Update)



CITIES AREA TRANSIT TITLE VI PLAN

**CITIES OF GRAND FORKS, NORTH DAKOTA
AND EAST GRAND FORKS, MINNESOTA**

**Submitted to
Federal Transit Administration Region 8
12300 West Dakota Avenue – Suite 310
Lakewood, CO 80228-2583**

**DRAFT
2013 Update**

RECIPIENT INFORMATION

RECIPIENT: Cities Area Transit (CAT)

SUBMITTAL DATE: **Insert Date**

EXPIRATION YEAR: 2016

CONTACT INFORMATION:

Dale Bergman
Title VI Coordinator
Cities Area Transit
PO Box 5200
Grand Forks, ND 58206-5200
dbergman@grandforksgov.com
Phone: 701-746-2590
Fax: 701-746-2582

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I. PROVISION OF TITLE VI ASSURANCES

The Cities of Grand Forks, ND, and East Grand Forks, MN, have entered into an intergovernmental agreement and hereby certify that, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended:

- a. The Cities of Grand Forks, ND, and East Grand Forks, MN, shall submit on an annual basis, their Title VI Assurance, as part of their annual Certification and Assurance submission to the FTA.
- b. No person, on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
- c. The Cities of Grand Forks, ND, and East Grand Forks, MN, will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1A and in compliance with the Department of Transportation's Title VI Regulation, 49 CFR, Part 21.7.
- d. The Cities of Grand Forks, ND, and East Grand Forks, MN, will make it known to the public that those persons or person alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this Assurance on behalf of the grant applicant or recipient.

(NAME AND TITLE OF AUTHORIZED OFFICER) Date _____

(SIGNATURE OF AUTHORIZED OFFICER)

(NAME AND TITLE OF AUTHORIZED OFFICER) Date _____

(SIGNATURE OF AUTHORIZED OFFICER)

II. TITLE VI COMPLIANCE HISTORY

- a. There are no outstanding lawsuits or complaints naming Cities Area Transit (CAT) which allege discrimination on the basis of race, color or national origin with respect to service or other transit benefits.
- b. There are no pending applications for Federal financial assistance, and there is no Federal financial assistance currently being provided to CAT, other than that being supplied by the Federal Transit Administration (FTA). Currently CAT is applying for Section 5307 & 5309 funding through the FTA.
- c. During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to CAT and to the best of our knowledge, there are not presently any ongoing civil rights compliance review activities being conducted with respect to CAT.
- d. There are currently no pending construction projects which would negatively impact minority communities being performed by CAT.

III. INCORPORATION OF THE PROGRAM

The Cities of Grand Forks, ND, and East Grand Forks, MN, (hereinafter referred to as “Recipient”) hereby agree that, as part of the intergovernmental agreement, as a condition to receive Federal financial assistance from the Department of Transportation, will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives. No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration (FTA), 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) 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 Transit Administration (FTA) program:

- a. 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.
- b. The Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all FTA programs and in adapted form in all proposals or negotiated agreements:

CAT, in accordance with Title VI of the Civil Rights Act of 1964, 8 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders/proposers that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to the invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

- c. The Recipient shall insert the clauses contained herein as APPENDIX A in every contract subject to this Act and the Regulations.
- d. The Recipient shall insert the clauses contained herein as APPENDIX B, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest herein.
- e. 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.
- f. Where the Recipient receives Federal financial assistance in the form, or 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.
- g. The Recipient shall include the appropriate clauses contained herein as APPENDIX C, 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 Federal Transit

Administration programs; and (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under FTA programs.

- h. 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.
- i. The Recipient shall provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
- j. 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.
- k. The Recipient assures that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI of the Civil Rights Act of 1964.

These assurances are 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 Department of Transportation under the FTA and is binding on it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest and other participants in the FTA programs.

The person or persons, whose signature appears below, are authorized to sign these assurances on behalf of the grant applicant or recipient.

_____ Date _____
(NAME AND TITLE OF AUTHORIZED OFFICER)

(SIGNATURE OF AUTHORIZED OFFICER)

_____ Date _____
(NAME AND TITLE OF AUTHORIZED OFFICER)

(SIGNATURE OF AUTHORIZED OFFICER)

IV. GENERAL GUIDELINES/REQUIREMENTS

a. Annual Certification and Assurance

As stated, the Cities of Grand Forks, ND and East Grand Forks, MN shall submit their Title VI assurance as part of their annual Certification and Assurance submission to the FTA.

b. Complaint Procedures

In compliance with 49 CFR Section 21.9(b), CAT has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public on CAT's website. CAT's complaint procedures and complaint forms are contained herein as APPENDIX D.

c. Record Title VI Activities

In compliance with 49 CFR Section 21.9(b), CAT shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming CAT that allege discrimination on the basis of race, color or national origin. Such list shall include:

- 1) Date of the investigation, lawsuit, or complaint was filed;
- 2) Summary of the allegation(s);
- 3) The status of the investigation, lawsuit, or complaint; and
- 4) Actions taken by CAT in response to the investigation, lawsuit or complaint.

d. Access for LEP Persons

CAT shall take steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). CAT will assist persons with limited English proficiency to foster participation in the transportation planning process. CAT staff will make every effort to provide translators and document translation, where feasible, upon request. CAT's Limited English Proficiency (LEP) Plan is contained herein as APPENDIX E.

e. Public Notification

In compliance with 49 CFT Section 21.g(d), CAT shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by the Title VI. CAT complaint procedures and public notification information are contained herein as APPENDIX D.

f. Additional Information

CAT acknowledges that, at the discretion of the FTA, information other than that which is required by FTA C 4702.1A, may be requested in writing of CAT, to investigate complaints of discrimination or to resolve concerns about possible non-compliance with Title VI.

g. Timely Submission

CAT acknowledges that their Title VI submissions and/or updates thereto, shall be supplied to their FTA Regional Office once every three (3) years. The submission shall include, but is not limited to:

- 1) A summary of public outreach and involvement of activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;
- 2) CAT's process for assisting persons with LEP;
- 3) Title VI Complaint and Tracking procedures;
- 4) A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and

- 5) A copy of CAT's public notice regarding Title VI compliance and public access and instructions related to CAT's Title VI complaint procedures.

Portions of the Plan which have not changed since the last submission will not be resubmitted, however, CAT shall include a statement to this effect in lieu of copies of the original documents in order to eliminate redundancy in resubmissions.

h. Environmental Analysis of Construction Projects

CAT shall integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of transit related construction projects of which require NEPA. If a Categorical Exclusion (CE) is performed, CAT shall complete the FTA's standard CE check list which includes a section on community disruption and environmental justice. While preparing an Environmental Assessment (EA) or Environmental Impact Statement (EIS), CAT shall incorporate into their documents the following:

- 1) A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population;
- 2) A discussion of all adverse effects that would impact the identified minority and low-income population;
- 3) A discussion of all positive effects that would impact the identified minority and low-income population;
- 4) A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community impacts such as separation or cohesion issues, and the replacement of the community resources destroyed by the project, if applicable;
- 5) A discussion of the remaining effects, if any, and why further mitigation is not proposed; and
- 6) For projects that impact predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison will be completed of mitigation and environmental enhancement actions between the two stated areas. If there is no basis for such a comparison, CAT shall describe why this is so.

i. Public Participation

CAT shall seek out and consider viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. CAT shall make every effort to include the following practices:

- 1) Coordination with individuals, institutions, or organizations and implementation of community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
- 2) Provision of opportunities for public participation through means other than written communications, such as personal interviews or use of audio or video recording devices to capture oral comments;
- 3) Utilization of locations, facilities and meeting times that are convenient and accessible to low-income and minority communities;
- 4) Utilization of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities; and
- 5) Implementation of DOT's policy guidance regarding CAT's responsibilities to LEP persons.

(NAME AND TITLE OF AUTHORIZED OFFICER) Date _____

(SIGNATURE OF AUTHORIZED OFFICER)

(NAME AND TITLE OF AUTHORIZED OFFICER) Date _____

(SIGNATURE OF AUTHORIZED OFFICER)

APPENDIX A – TITLE VI PLAN
(To be inserted into every contract subject to Title VI)
Cities Area Transit is herein referred to as “CAT”

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

- 1) Compliance with Regulations: The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as “DOT”) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- 2) Non-discrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, or national origin.
- 4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by CAT or the Federal Transit Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to CAT or the Federal Transit Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5) Sanctions for Non-compliance: In the event of the contractor’s non-compliance with non-discrimination provisions of this contract, CAT shall impose contract sanctions as it or the Federal Transit 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
- 6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs one (1) through six (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 CAT or the Federal Transit Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request CAT to enter into such litigation to protect the interests of CAT, and in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B – TITLE VI PLAN
(To be inserted into every contract subject to Title VI)
Cities Area Transit is herein referred to as “CAT”

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 DOT, as authorized by Law, and upon the condition that CAT will accept title to the Lands and maintain the project constructed thereon, in accordance with the State of North Dakota, The Regulations for the Administration of program and policies and procedures prescribed by the Federal Transit Administration of the DOT and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the 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 CAT all the right, title and interest of the DOT in and to said lands described in Exhibit “A” attached hereto and made a part hereof.

(HABENOUUM CLAUSE)

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

CAT, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby [,] [and]* (2) that CAT 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above mentioned non-discrimination conditions the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

Cities Area Transit
Title VI Submission to the FTA

APPENDIX C – TITLE VI PLAN

(To be inserted into federally funded real property transactions or improvements)

Cities Area Transit is herein referred to as “CAT”

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

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assignees, 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 Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee Lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination of Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of a breach of any of the above non-discrimination covenants, CAT shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said (licenses, lease, permit, etc.) to re-enter and repossess said land and 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 a breach of any of the above non-discrimination covenants CAT 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 CAT and its assignees.

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

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assignees, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add “as a covenant running with the land”) that (1) no person on the grounds of race, color, or national origin 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 services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied, the benefits of, or be otherwise subjected to discrimination, and (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, Department of Transportation, Subtitle A, Office of the Secretary, Part 211, Non-discrimination in Federally –Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

APPENDIX C – TITLE VI PLAN (continued)

(To be inserted into federally funded real property transactions or improvements)

(Include in licenses, leases, permits, etc.)*

That in the event of a breach of any of the above non-discrimination covenants, CAT shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities as 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 a breach of any of the above non-discrimination covenants, CAT shall have the right to re-enter the 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 CAT and its assignees.

*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.

APPENDIX D

TITLE VI PUBLIC NOTICE OF RIGHTS/COMPLAINT PROCESS CITIES AREA TRANSIT (CAT)

Public Notice of Rights

The notice below is posted on the CAT website, on-board all transit vehicles, and at the following locations:

City Bus Garage – 867 S 48th St, Grand Forks, ND 58201
Metro Transit Center – 450 Kittson Ave, Grand Forks, ND 58201
University of North Dakota Memorial Union – 2901 University Ave, Grand Forks, ND 58203
Northland Community College – 2022 Central Ave NE, East Grand Forks, MN 56721
Grand Forks City Hall – 255 N 4th St, Grand Forks, ND 58201
East Grand Forks City Hall – 600 Demers Ave, East Grand Forks, MN 56721

Notice: Your Protections under Title VI of the Civil Rights Act of 1964

Any person who believes he/she or any specific class of persons is subjected to discrimination prohibited by Title VI Civil Rights Act or the provisions of the Americans with Disabilities Act may by him/herself or by a representative file a written complaint with Cities Area Transit (CAT) and/or the Federal Transit Administration. All complaints will be promptly investigated.

To request additional information on CAT's non-discrimination obligations or the Americans with Disabilities Act, contact:

Cities Area Transit
PO Box 5200
Grand Forks, ND 58206-5200
Phone: 701-746-8108
Fax: 701-746-2582

Information in languages other than English will be provided as needed and will be consistent with the Department of Transportation's Limited English Proficiency (LEP) Guidance. Additionally, alternative formats (i.e. large print, Braille, audio or video recordings of the use policies and procedures) are available upon request. For Federal Title VI information, please contact the Federal Transit Administration (FTA), Region 8 at 720-963-3300. Federal Title VI information, including filing complaints, can also be accessed on the FTA web site at www.fta.dot.gov.

Complaint Procedures

The following complaint procedures are made available on CAT's website:

Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint. CAT's complaint procedures are described below. However, these procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and CAT may be utilized for resolution.

The following measures will be taken to resolve Title VI complaints:

A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name,

Cities Area Transit
Title VI Submission to the FTA

address and telephone number, name of the alleged discriminating official(s), basis of complaint (race, color, or national origin) and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

CAT strongly encourages the use of the attached Title VI Complaint Form when filing official complaints. The preferred method is to file your complaint in writing using the Title VI Complaint Form and send it to:

Cities Area Transit
PO Box 5200
Grand Forks, ND 58206

In the case where a complainant is unable or unwilling to provide a written statement, a verbal complaint of discrimination may be made to the CAT Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the CAT Title VI Coordinator will assist the complainant in converting the verbal allegations to writing.

When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the complainant within ten (10) calendar days by registered mail.

If a complaint is deemed incomplete, additional information will be requested, and the complainant will be provided 60 calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.

Within 15 calendar days from receipt of a complete complaint, CAT will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) calendar days of this decision, the Title VI Coordinator or his/her authorized designee will notify the complainant and respondent by registered mail regarding the disposition.

If the decision is made not to investigate the complaint, the notification shall specifically state the reason for such decision.

If the complaint is to be investigated, the notification shall state the grounds of CAT's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.

When CAT does not have sufficient jurisdiction, the Title VI Coordinator or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.

If the complaint has investigative merit, the Title VI Coordinator or his/her authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Title VI Coordinator within six (6) calendar days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.

The Title VI Coordinator or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 calendar days from receipt of the complaint.

If the Complainant is dissatisfied with CAT's resolution of the complaint, he/she has the right to file a complaint with the:

Federal Transit Administration
Region 8
Attn: Civil Rights Officer
12300 West Dakota Avenue
Suite 310

Cities Area Transit
Title VI Submission to the FTA

Lakewood, CO 80228
720-963-3300
Fax: 720-963-3333

FTA Complaint procedures can be found on the FTA web site at: www.fl.dot.gov. These procedures are also outlined in FTA Circular 4701.1A, Chapter IX.

APPENDIX D (continued)

TITLE VI PUBLIC NOTICE OF RIGHTS/COMPLAINT PROCESS
CITIES AREA TRANSIT (CAT)



Title VI Complaint Form

Complaint Form

Any person who believes himself/herself or any specific class of persons to be subjected to discrimination prohibited by Title VI may by himself/herself or by a representative file a written complaint either with the City of Grand Forks Transportation Department or the Federal Transit Administration (FTA). A complaint must be filed no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by FTA.

Instructions: If you would like to submit a Title VI complaint to Cities Area Transit (CAT) please fill out the form below and send it to: Cities Area Transit, Attn: Title VI, PO Box 5200, Grand Forks, ND 58206-5200. For questions or a full copy of CAT's Title VI policy and complaint procedures, call 701-746-8108.

1. Name (Complainant):	
2. Phone:	3. Home address (street, city, state, zip)
4. If applicable, name of person(s) who allegedly discriminated against you:	
5. Location and position of person(s) if known:	6. Date of incident:
7. Discrimination because of: Race National origin Color Other Please specify:	

Title VI Complaint Form (continued)

Cities Area Transit
Title VI Submission to the FTA

8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.

9. Why do you believe these events occurred?

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses):

Name:

Address:

Phone number:

Title VI Complaint Form (continued)

13. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes No

If yes, check all that apply:

Federal agency Federal court State court

Local agency State agency

If filed at an agency and/or court, please provide information about a contact person at the agency/court where the complaint was filed.

Agency/Court _____

Contact Name _____

Address: _____

Phone number: _____

I understand that this statement of complaint will be submitted to the Public Transportation Office and will be routed to the Superintendent's office. The complaint may be the basis for review and/or investigation. Further, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true to the best of my knowledge and belief. Further, I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion, or promise of any kind.

Signature (Complainant):

Date of filing:



**CAT
TITLE VI / LEP
COMPLAINT LOG**

January 1, 2010 to December 31, 2010 – NONE

January 1, 2011 to December 31, 2011 - NONE

January 1, 2012 to date - NONE

April 30, 2013



**Cities Area Transit
Limited English Proficiency (LEP) Plan
APPENDIX E**

**CITIES OF GRAND FORKS, NORTH DAKOTA
and EAST GRAND FORKS, MINNESOTA**

**Submitted to
Federal Transit Administration Region 8
12300 West Dakota Avenue – Suite 310
Lakewood, CO 80228-2583**

2013 Update

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I. INTRODUCTION

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations provided that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and:

II. EXECUTIVE ORDER 13166

Executive Order 13166 “Improving Access to Services for Persons With Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice (DOJ’s) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency.” (See 65 FR 50123, August 16, 2000 DOJ’s General LEP Guidance). Different treatment based upon a person’s inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as Cities Area Transit (herein referred to as “CAT”), and governments, private and non-profit entities, and sub-recipients.

III. PLAN SUMMARY

CAT has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to CAT services as required by Executive Order 13166. An LEP person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff how to notify LEP persons that assistance is available, and information for future plan updates.

In developing the plan while determining CAT’s extent of obligation to provide LEP services, CAT undertook a U.S. Department of Transportation four factor LEP analysis which considers the following: 1) The number or proportion of LEP persons eligible in the CAT service area who may be served or likely to encounter CAT program, activity, or service; 2) the frequency with which LEP individuals come in contact with CAT services; 3) the nature and importance of the program activity or service provided by CAT to the LEP population; and 4) the resources available to CAT and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

IV. FOUR FACTOR ANALYSES

1. **The number or proportion of LEP persons eligible in the Grand Forks, ND/East Grand Forks, MN Urbanized Area to be served by or likely to encounter a CAT program, activity, or service.** CAT examined the US Census Bureau report of the American Community Survey 5-Year Estimates from 2007 to 2011 and was able to determine that the overwhelming majority of the population, 94.1% or 53,734 persons, speak English only. Of the remaining 2,958 that speak a language other than English, 43% or 1,279 speak English

less than “very well.” Therefore, 2.2% of the total population in Grand Forks, ND and East Grand Forks, MN would be considered LEP (See **SUB-APPENDIX A**).

2. **The frequency with which LEP individuals come in contact with a CAT program, activity, or service.** CAT assesses the frequency with which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. Contact with LEP persons has increased in recent years as many new Americans are utilizing CAT’s public transportation services.

New American Services of North Dakota has resettled about 4,000 refugees from 35 countries since 1997. The Grand Forks community resettles about 90 refugees per year, most of whom speak Nepalese or Somali. New American Services and other groups, such as Global Friends Coalition, provide bus skills training and teach new Americans how to purchase a bus pass, pay their fare, request a transfer, etc. CAT’s Mobility Manager also provides bus familiarization training once per month with the help of New American Services interpreters.

CAT has never had a request for language interpretation. CAT provides on its own accord public transportation use policy documents and bus schedules that are translated into Spanish.

3. **The nature and importance of the program, activity, or service provided by CAT to the LEP community.**

CAT’s public transportation services are very important to the LEP community. New Americans rely heavily on public transportation, especially during their first year in the community. Through New American Services and Global Friends Coalition representatives who serve on the Human Services Coordinated Transportation Committee, CAT has learned a great deal about the importance of reliable transportation to and from English language classes for new Americans.

There is often a great distance to travel between affordable and available housing for new Americans and the location of English language classes. Public transportation services are even more important during the winter months when extreme cold makes it dangerous to travel on foot. New Americans are often on a fixed income and are not able to afford frequent taxi fares.

Foreign students who attend the University of North Dakota also rely on public transportation to connect them with the greater community for shopping and entertainment trips.

4. **The resources available to CAT and overall costs.** Since the last Title VI plan update, CAT has hired a Mobility Manager to perform outreach activities for all public transportation users. CAT has also entered in to a Memorandum of Understanding with the Grand Forks-East Grand Forks Metropolitan Planning Organization (MPO) adopting the MPO’s Public Participation Plan for fare and service changes (see **SUB-APPENDIX C**).

V. **LIMITED ENGLISH PROFICIENCY PLAN OUTLINE**

- a. **How to Identify an LEP Person who Needs Language Assistance** – Below are tools to help identify persons who may need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- When CAT sponsored workshops or conferences are held, post on the public notices contact information for people with special needs. Also set up a sign-in sheet table,

have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;

- Have the Census Bureau's "I Speak Cards" at the workshop or conference sign-in sheet table (contained herein as **SUB-APPENDIX B**). While staff may not be able to provide translation assistance at that particular day's meeting, the cards are an excellent tool to identify language needs for future meetings. Also, have the cards available at the CAT Office and Metro Transit Center; and
- Frequently survey drivers and other first line staff of any direct or indirect contact with LEP individuals.

b. Language Assistance Measures - CAT has or will implement the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages or not speaking English at least "well," and the lack of resources available in the CAT service area:

- Census Bureau's "I Speak Cards" are to be located at the Metro Transit Center Customer Service locations at all times.
- The computer(s) located at the CAT office have AltaVista Babel Fish added to the favorites listing for easy access via Microsoft Internet Explorer for the translations of blocks of texts. This will aid the CAT staff in the interpretation of services on a one-on-one basis for LEP individuals visiting CAT.
- When CAT hosts public meetings or conferences and a special need is identified in advance, CAT will make every effort to have a translator available at the meeting.
- When the CAT website is redesigned, AltaVista Babel Fish translation will be explored as a possible added feature.
- When an interpreter is needed, in person or on the telephone, and the CAT staff has exhausted the above options, staff will first attempt to determine what language is required. Staff shall use the telephone interpreter service – Language Line Services at <http://www.languageline.com>. On the Language Line home page the staff will select the Need for an interpreter Now Link and follow the directions to receive and access code.

c. CAT Staff Training – All CAT staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of the CAT staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- What language assistance services CAT offers;
- Use of LEP "I Speak Cards";
- How to access AltaVista Babel Fish via the transit computer(s) in the CAT office.
- How to use the Language Line Interpretation and translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint (this process is contained in APPENDIX D of the CAT Title VI Plan)

d. **Outreach Techniques** – CAT provides monthly bus familiarization training for new Americans with the assistance of interpreters. The training goes over how to follow the bus map and schedule, hours of operation, fare payment, and more. This is also an opportunity to address issues that drivers encounter with LEP persons on the bus, such as understanding the rules for fare payment and the bike and bus program. Additional outreach techniques that CAT is considering are summarized below:

- Translation of vital documents in to Nepalese and/or Somali
- Translation of on-vehicle stop announcements and service announcements in to Nepalese and/or Somali
- Partnering with the University of North Dakota Multicultural Student Services to provide bus familiarization training for LEP persons
- Partnering with Northland Community & Technical College to provide bus familiarization training for LEP persons

e. **Monitoring and Updating the LEP Plan** – This plan is designed to be flexible and is one that can be easily updated. At a minimum, CAT will follow the Title VI Program update schedule for the LEP Plan.

Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in the CAT service area?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified CAT programs? Are there other programs that should be included?
- Have CAT's available resources, such as technology, staff, and financial costs changed?
- Has CAT fulfilled the goals of the LEP Plan? and
- Were any complaints received?

f. **Dissemination of the CAT Limited English Proficiency Plan** – This plan is available on the CAT website and is distributed via email to members of the Human Services Coordinated Transportation Committee. Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or e-mail. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the CAT Title VI Coordinator.

Cities Area Transit
Attn: Title VI
PO Box 5200
Grand Forks, ND 58206-5200
Phone: 701-746-8108
Fax: 701-746-258

SUB-APPENDIX A

Grand Forks, ND--MN Urbanized Area
 Selected Social Characteristics in the United States: 2007-2011
 Data Set: 2007-2011 American Community Survey 5-Year Estimates
 Survey: American Community Survey

LANGUAGE SPOKEN AT HOME

Population 5 years and over	57,111	100%
English only	53,734	94.1%
Language other than English	2,958	5.2%
Speak English less than "very well"	1,279	2.2%
Spanish	1,077	1.9%
Speak English less than "very well"	221	0.4%
Other Indo-European languages	1,127	2.0%
Speak English less than "very well"	343	0.6%
Asian and Pacific Islander languages	875	1.5%
Speak English less than "very well"	391	0.7%
Other languages	5,661	9.9%
Speak English less than "very well"	341	0.6%

Grand Forks Only

Population 5 years and over	49,341	100%
English only	46,430	94.1%
Language other than English	2,911	5.9%
Speak English less than "very well"	1,173	2.4%
Spanish	789	1.6%
Speak English less than "very well"	145	0.3%
Other Indo-European languages	987	2.0%
Speak English less than "very well"	318	0.6%
Asian and Pacific Islander languages	641	1.3%
Speak English less than "very well"	386	0.8%
Other languages	543	1.1%
Speak English less than "very well"		

SUB-APPENDIX B
I SPEAK CARDS

<input type="checkbox"/> Check the box if you read or speak English. I need an English Interpreter.	English
<input type="checkbox"/> Marque la casilla si se leen o hablan a español. Necesito un intérprete de español.	Spanish
<input type="checkbox"/> Xuǎn zhōng gāi kuāng, rúguǒ nǐ dú huò jiǎng yīngyǔ. Wǒ xūyào yīngyǔ fānyì.	Chinese
<input type="checkbox"/> Proverite kvadraticu ako pročitate ili ne govori engleski. i potrebno English Tumac	Croatian (Serbo)
<input type="checkbox"/> Die boks as jy lees of praat Engels nodig het. Ek 'n Engelse tolk. M	Afrikaans
<input type="checkbox"/> Anata ga yonde iru baai, matawa eigo o hanasu chek kubokkusu o sentaku shimasu. Watashi wa eigo tsūyaku o hitsuyō to shimasu.	Japanese
<input type="checkbox"/> La case à cocher si vous lisez ou parlez français. J'ai besoin d'un interprète français.	French
<input type="checkbox"/> Đánh dấu vào ô nếu bạn đọc hoặc nói tiếng Nhật. Tôi cần một thông dịch viên Nhật bản.	Vietnamese

SUB-APPENDIX B

Memorandum of Understanding Covering Public Participation within the Grand Forks-East Grand Forks Metropolitan Area

This Memorandum of Understanding (MOU) is between the Grand Forks-East Grand Forks Metropolitan Planning Organization, hereinafter "MPO," and the city of Grand Forks and the city of East Grand Forks, hereinafter collectively "Public Transportation Operator."

WHEREAS, joint responsibilities for establishing and maintaining a continuing, cooperative, and comprehensive (3-C) metropolitan transportation planning and programming process is defined and required by the United States Department of Transportation (USDOT) in regulations at *23 CFR 450 Subpart A – Transportation Planning and Programming Definitions*; *23 CFR 450 Subpart C – Metropolitan Transportation Planning and Programming*, 23 U.S.C. 134 and 135; and 49 U.S.C. 5303 and 5304; and

WHEREAS, The regulations at *23 CFR 450.314 – Metropolitan Planning Agreements* and 49 CFR 613 – Metropolitan Transportation Planning and Programming direct that the metropolitan planning organization (MPO) and Public Transportation Operators shall cooperatively determine their mutual responsibilities for carrying out the 3-C process and clearly identify them in a written agreement; and

WHEREAS, the Public Transportation Operator is the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 135 and 49 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under title 49 U.S.C. Chapter 5307 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation provided by Amtrak; and

WHEREAS, nothing in this MOU shall be construed to limit or affect the legal authorities of the parties or require the parties to perform beyond their respective authority,

NOW, THEREFORE, the MPO and the Public Transportation Operator agree to cooperatively undertake a continuing and comprehensive transportation planning and programming process for the defined metropolitan planning area. The process will be completed in accordance with state and local goals for urban planning, the provisions of 23 U.S.C. 135, 49 U.S.C. 5303 and 5304, 23 C.F.R. 450, and 23U.S.C 5307, as amended, and the provisions of this Memorandum of Understanding, in which it is mutually agreed that each agency has the following responsibilities:

I. Public Comment Process on Fare / Service Changes

The parties must solicit and consider public comment before implementation of all changes in fares or significant changes in service.

A. Metropolitan Planning Organization

- Prepare and maintain a Long Range Transportation Plan that includes the operational and financial plans for the Public Transportation Operators
- Periodically consider amendments to the LRTP that may cause change in fares and/or changes in public transportation services
- Process proposed amendments in accordance with the adopted MPO's Public Participation Plan

B. Public Transportation Operator

- Participate in the preparation and maintenance of the LRTP.
- Periodically consider changes to fares and/or services.
- Process proposed changes in fares and/or services as proposed amendments to the MPO's LRTP.
- Participate in the public process as provided in the MPO's Public Participation Plan

II. Definitions of Service changes

A. Definition of Temporary Service Changes

Temporary service changes are those that are in effect for a limited time period due to road construction, special events, etc., and are not intended to be permanent.

Temporary service changes shall be made administratively by the Public Transportation Operator. If a temporary service change is to become permanent, it should be evaluated to determine if it is minor or significant based on the following criteria.

B. Definition of Significant Service Changes

Route or service changes are considered significant if any of the following apply:

1. Elimination of a route
2. Addition of a route
3. Any change in routes in excess of 25% of the existing route mileage

4. Route changes that would reduce or eliminate service to schools, elderly/public housing, hospitals or social service agencies

All significant route changes would be subject to the amendment process of the MPO's LRTP and implemented after approval by the MPO.

C. Definition of Minor Service Changes

Route or service changes are considered minor if they are less than 25% of existing route mileage. Minor service changes shall be made upon approval of the Public Transportation Operator.

III. Period of Agreement

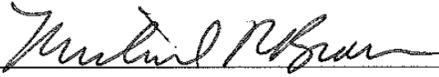
1. This Memorandum of Understanding shall be effective upon execution by the MPO and the Public Transportation Operator and may be terminated by any one of the parties by giving 90 days written notice to each of the other parties. This Memorandum of Understanding will remain in effect until terminated as provided in this clause, or until replaced by a new Memorandum of Understanding.
2. Any amendments to this Memorandum of Understanding must be mutually agreed to in writing.
3. It is mutually agreed that this Memorandum of Understanding will be reviewed (and amended as determined necessary) following the reauthorization of the current surface transportation authorization act.

The parties hereto execute this Memorandum of Understanding through their authorized representatives:

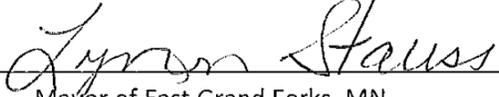
METROPOLITAN PLANNING ORGANIZATION

By _____ Date _____
Chair of Grand Forks-East Grand Forks
Metropolitan Planning Organization

PUBLIC TRANSPORTATION OPERATOR: City of Grand Forks, ND

By  10/8/12
Mayor of Grand Forks, ND Date

PUBLIC TRANSPORTATION OPERATOR: City of East Grand Forks, MN

By  _____
Mayor of East Grand Forks, MN Date

Request for Council Action

Date: 5/14/2013

To: East Grand Forks City Council, Mayor Lynn Stauss, Council President Craig Buckalew, Council Vice President Greg Leigh, Council members: Clarence Vetter, Ron Vonasek, Henry Tweten, Mark Olstad, and Chad Grassel

Cc: File

From: Jason Stordahl, Public Work Director

RE: Road Conditions

Presentation on current road conditions

Request for Council Action

Date: 5/14/2013

To: East Grand Forks City Council, Mayor Lynn Stauss, Council President Craig Buckalew, Council Vice President Greg Leigh, Council members: Clarence Vetter, Ron Vonasek, Henry Tweten, Mark Olstad, and Chad Grassel

Cc: File

From: Jason Stordahl, Public Work Director

RE: Annual Manhole/Catch Basin Repairs

Consider approving the request to approve:

Public Works issued an RFP for 2013 manhole and catch basin repairs. Repairs would include any damaged catch basins or manholes, and associated street panels and/or curb and gutter. I will bring with me to the Council Work Session all quotes received, along with a recommendation of which contractor to award the job.

Request for Council Action

Date: 5/14/2013

To: East Grand Forks City Council, Mayor Lynn Stauss, Council President Craig Buckalew, Council Vice President Greg Leigh, Council members: Clarence Vetter, Ron Vonasek, Henry Tweten, Mark Olstad, and Chad Grassel

Cc: File

From: Jason Stordahl, Public Work Director

RE: 360 Mower

Background and supporting documentation of request:

The 2013 capital improvement plan has \$25,000 budgeted (Storm Water) for a new mower. We have a quote from MTI Distributing through the MN DOT Contract (state buying bid). The mower quote is \$25,312.37, minus trade in of our 1991 GM345 mower.

Recommendation: Approve purchase of Toro Groundsmaster 360 for \$25,312.37, and trade in Toro GM 345 for \$2,000.



City of East Grand Forks
TORO TURF MAINTENANCE EQUIPMENT QUOTE



2013 GSA Contract Pricing	
<i>Grounds Maintenance Equipment</i>	2013 GSA Contract Price
<i>New TORO GROUNDSMASTER 360</i> , 36 HP Kubota Liquid-Cooled Diesel Engine, 4WD , 72" Side Discharge Center-Mount Commercial Rotary Mower, Quad-Steer True All-Wheel Steering, Mechanical Seat Suspension, Arm Rests & Foldable 2-Post ROPS (30537)	\$25,312.37
<i>TRADE IN Toro GM345 w/72" Side Discharge Deck</i> 1991 Model Year with 2,420 hrs (30789-20218)	(\$2,000.00)
<i>Subtotal</i>	\$23,312.37
<i>MN State Sales Tax (6.875%)</i>	\$1,602.73
Total	\$24,915.10

All New Toro Commercial Equipment is Sold with a 2 Year Manufactures Warranty.

Quote valid for 30 days / Set-Up & Delivery at No Charge / Parts & Operator Safety Manuals Included

Thank you for the opportunity to submit this quote. If you have any questions, please do not hesitate in contacting us at 800-492-9972.

Sincerely,

Wayne Heintz & Matt Arntzen, Sales Representatives