



MEMORANDUM

Date: March 22, 2024

To: New Mexico Department of Transportation (NMDOT)

Through: Maria Garcia-Cunningham, Purchasing & Contracts Division Manager *mgc*

From: Carole Jaramillo, Director of Financial Services *CJ*

Re: City of Rio Rancho Title VI Coordinator

Please utilize this memo as formal notification that effective April 3, 2023, the City of Rio Rancho's Title VI Coordinator changed from Shonna Ybarra to Maria Garcia-Cunningham. The Title VI Policy, which was approved by the City of Rio Rancho's Governing Body on January 25, 2017, remains the same.

Should you have any questions, please feel free to reach out to me or Maria Garcia-Cunningham at (505) 891-5044.



City of Rio Rancho

Title VI Plan

I. Nondiscrimination Statement of Policy

Title VI Policy Statement

The City of Rio Rancho is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The City of Rio Rancho assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under City of Rio Rancho program, activity or service.

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

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quantity, quality, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

This policy will be incorporated in with the City's Grants Administrative Policy to ensure all federally funded projects maintain compliance and transparency.

Environmental Justice/Limited English Proficiency Policy Statement

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

Definition of Federal financial assistance and recipients affected

Federal financial assistance is defined as any Federal dollars that are assigned to the City of Rio Rancho to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty.

Specific Forms of Discrimination Prohibited

The City of Rio Rancho efforts to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.

- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

City of Rio Rancho programs and services covered by Title VI

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

Authorities

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability)
6. The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. § 4601
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department of Transportation-Effectuation of Title VI Of The Civil Rights Act of 1964*);
9. 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
10. 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On the Basis Of Handicap In Program Or Activities Conducted By The Department Of Transportation*);
11. 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
12. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
13. 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
14. 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

II. FHWA Assurances for Title VI and Other Nondiscriminatory Statutes

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

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

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

General Assurances

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

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

Specific Assurances

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

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

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

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

other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.

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

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

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

By: Keith Riesberg
Keith J. Riesberg, City Manager

Dated: 1/27/17

Appendix A

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

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

equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the City of Rio Rancho or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request City of Rio Rancho to enter into any litigation to protect the interests of the City of Rio Rancho. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B

Covenant Running with the Land Assurance

The following clauses shall be included in deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Rio Rancho will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Rio Rancho 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 Rio Rancho and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Rio Rancho, its successors and assigns.

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

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

Appendix C

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

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

- A. The (grantee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the City of Rio Rancho will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) and never been made or issued.*

- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City of Rio Rancho will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Rio Rancho and its assigns.*

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

Appendix D

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

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the City of Rio Rancho will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to the deeds, in the event of breach of any of the above Non-discrimination covenants, the City of Rio Rancho will there upon revert to and vest in and become the absolute property of the City of Rio Rancho and its assigns.*

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

Appendix E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (29 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the program or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your program (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (U.S.C. 1681 *et seq.*)

III. Public Participation Plan (PPP)

The City of Rio Rancho Public Participation Plan (PPP) describes how the city communicates and distributes information to the public as well as how the public can interact and provide comments to the city. The needs of those traditionally underserved by the existing system will be sought and considered by the City of Rio Rancho.

Through its public involvement efforts, the City of Rio Rancho will strive to achieve the following Title VI and Environmental Justice (EJ) goals:

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

Title VI states that no person shall, on the ground of race, color, or national origin, be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The City of Rio Rancho will ensure that the input and feedback from all people will be considered in the development of planning/design documents and construction activities.

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

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

1. When possible, public meetings will be held in locations that are convenient to low and moderate income neighborhoods and accessible to disabled populations. Such locations include community centers, senior centers and schools. Where possible, city staff will meet at the locations of businesses, neighborhood groups, stakeholders, and other agencies.
2. Upon request, all City of Rio Rancho work products and documents will be made available in alternative formats, including Braille, large type and languages other than English.
3. The following statement will be included in all City of Rio Rancho documents: The City of Rio Rancho does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. This document can be made available in alternative formats by calling the City of Rio Rancho at (505)891-5010 or at the City's website: www.rnm.gov.

4. The following statement will be included in all meeting announcements:
“Persons with disabilities in need of accommodations, contact the City Clerk’s office at (505)891-5004, five (5) working days prior to the meeting date.”
5. The City of Rio Rancho will evaluate Environmental Justice actions and Title VI requirements on an annual basis to ensure effectiveness of public involvement. This document will be reviewed and updated in conjunction with the Public Participation Plan.

Communication and Notification to the Public

All members of the public are ensured protections against discrimination which are afforded to them by Title VI. To ensure open communication with the public, the City of Rio Rancho will adhere to the following requirements:

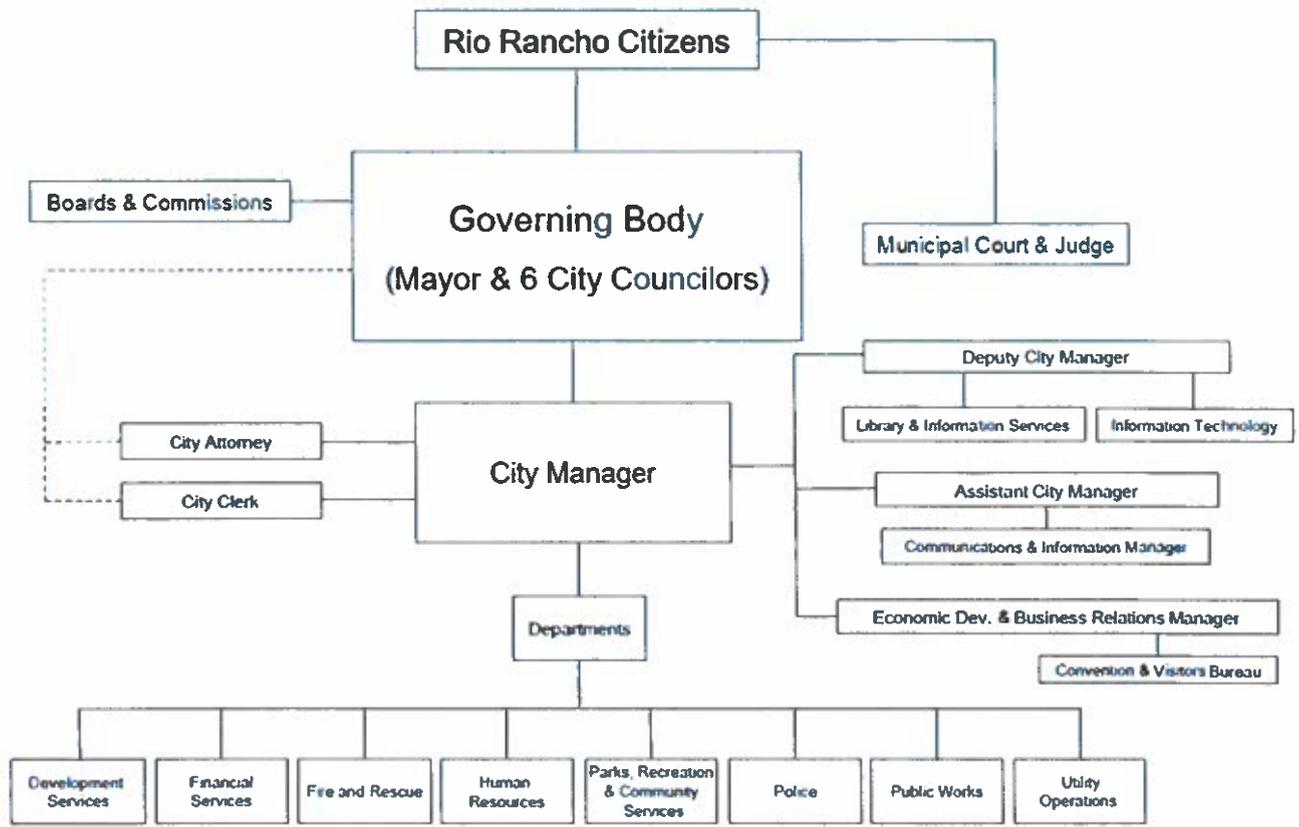
- The City of Rio Rancho will disseminate agenda and public meeting information to members of the public via accessible printed and electronic media, including postings on the City’s website: www.rnm.gov.
- Public notices of City meetings will be posted at the location of the meeting site.
- In appropriate documents, the City of Rio Rancho will include a statement that the organization complies with Title VI by assuring that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any City of Rio Rancho program, activity, or service.

IV. Organization/Staff Responsibilities

The City of Rio Rancho is one of New Mexico’s newest communities, incorporated as a City in 1981. The population of the City has continued to grow from approximately 9,985 in 1980, to 51,765 in 2000 and most recently 87,521 according to the 2010 U.S. Census. It comprises approximately 105 square miles. The City receives more than half of its revenues (48%) from gross receipts tax and only 26% of its revenue from property tax. As a predominantly residential community the City experiences substantial retail leakage to surrounding communities which then results in budget constraints. Due to the budget constraints the City is dependent on federal funding to make many of its projects complete.

The City of Rio Rancho has a governing body which consists of six councilors and a mayor. Serving the council and mayor is the City Manager who oversees the all the City’s operations. The City consists of eleven (11) departments: Administration Services, City Attorney, City Clerk, Development Services, Financial Services, Fire and Rescue, Human Resources, Parks, Recreation and Community Services, Police, Public Works and Utilities Operations. The Purchasing and Contracts Manager or their designee will serve as the Title VI Coordinator for the City. Please see the exhibit below detailing the organizational structure of the City.

City of Rio Rancho Organizational Structure



Title VI Coordinator Responsibilities: The Title VI Coordinator is responsible for the development and implementation of the Title VI plan. The Coordinator must also ensure that all departments of the City of Rio Rancho are compliant with Title VI requirements. The Title VI Coordinator is also responsible for:

- Submitting a Title VI plan and annual reports for City of Rio Rancho
- Developing procedures for receiving, processing, investigating and reporting Title VI complaints.
- Maintaining a Title VI complaint log, and report to NMDOT on a periodic basis.
- Developing procedures for the collection and analysis of statistical data.
- Developing a program to conduct Title VI reviews or program areas.
- Conducting annual assessments of identified Title VI program areas.
- Developing Title VI information for dissemination.
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

V. Primary Program Area & Review Procedures

The City of Rio Rancho engages in the following program areas.

Program Area	General Description	Title VI/ Nondiscrimination Concerns and Responsibilities	Review Procedures for Ensuring Nondiscrimination
Planning	Projects are developed through the City's Infrastructure Capital Improvements program. The City determines areas of need based on missing or deficient infrastructure.	Ensure that minorities and low income populations are served equally to other populations.	The City will evaluate and monitor compliance with Title VI requirements in all aspects of the agency's planning process and solicitation of all agreements.
Design	Once projects have been planned and approved by the City's Governing Body, design parameters are fully vetted to address missing and deficient infrastructure. This can include meetings with the public.	Ensure that minorities and low income populations are served equally to other populations.	The City will evaluate and monitor compliance with Title VI requirements in all aspects of the agency's design process and solicitation of all agreements.
Right of Way	If right-of-way is needed, then contact is made with affected Owners and this begins the acquisition process. This is also discussed with the public if public meetings are required.	Ensure that minorities and low income populations are served equally to other populations.	The City will evaluate and monitor compliance with Title VI requirements in all aspects of the agency's purchase of Right of Way.
Environmental	On federally funded projects, the City fully complies with NEPA and involves public participation on all required aspects of the project.	Ensure that minorities and low income populations are served equally to other populations.	The City will evaluate and monitor compliance with Title VI requirements in all aspects of the agency's process.
Construction	During construction, the City communicates through our own Public Information Officer (PIO) and requires the contractor to notify the public of any and all project changes or issues.	Ensure that minorities and low income populations are served equally to other populations.	The City will evaluate and monitor compliance with Title VI requirements in all aspects of the agency's solicitation of all construction agreements and throughout the completion of the project.

VI. Title VI Complaint Procedures

The complaint procedures cover the following:

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

Any person believing he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any transportation service, program or activity (whether Federally funded or not) due to that person's race, color, national origin, gender, age, disability, economic status, or limited English proficiency has the right to file a complaint.

An individual, group of individuals or entity may file a formal Title VI complaint. Complaints must be submitted to the City of Rio Rancho or NMDOT Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following address:

City of Rio Rancho
Legal Department
3200 Civic Center Circle NE
Rio Rancho, New Mexico 87144

Or

New Mexico Department of Transportation
Construction and Civil rights Bureau
1570 Pacheco Street - Suite A10
Santa Fe, New Mexico 87505
Telephone: (505) 629-9890

The complaint should include the name, address, phone number and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints may also be filed directly with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA) or the Federal Railroad Administration (FRA) within the 180 day period of the alleged discriminatory act (or latest occurrence).

Title VI complaints must be investigated within 60 days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also require relevant information. The City of Rio Rancho may specify if there is a particular individual(s) that City of Rio Rancho should not investigate the complaint due to conflict of interest or other reasons.

Title VI complaints may be forwarded to either the New Mexico Department of Transportation or the Federal Highway Administration for investigation, If the complaint is forwarded to one of these agencies. The City of Rio Rancho will provide the name and contract information for the person handling the Title VI complaint to the complainant.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

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

Federal Highway Administration, New Mexico
4001 Office Court Drive - Suite 801
Santa Fe, New Mexico
Telephone: (505) 820-2021



Title VI Compliant Form

Section I	
Name:	
Address:	
Telephone (Home/Cell):	Telephone (Work):
Email Address:	
Section II	
Are you filing this complaint on your own behalf: Yes <input type="checkbox"/> No <input type="checkbox"/>	
*If you answered "yes" to this question, go to Section III.	
If you answered "no" please enter the name and relationship of the person you are filing the complaint against:	Name:
	Relationship:
If you are filing a complaint as a third party, please explain why in the space below:	
Have you have obtained permission of the aggrieved party if you are filing on behalf of a third party: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Section III	
I believe the discrimination I experienced was based on (check all that apply):	
<input type="checkbox"/> Race	<input type="checkbox"/> Color
	<input type="checkbox"/> National Origin
Date of Alleged Discrimination (Month, Day, Year):	Date:
Explain, as clearly as possible, that happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses. If more space is needed please attach additional sheets to this form:	

Section IV

Have you previously filed a Title VI complaint)? Yes No

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? Yes No

If yes, please check and name all that apply:

Federal Agency: _____

Federal Court: _____

State Agency: _____

State Court: _____

Local Agency: _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Section VI

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

Signature: _____

Date: _____

Please submit this form in person at the address below, or mail form to:

City of Rio Rancho
Legal Department
3200 Civic Center Circle NE
Rio Rancho, New Mexico 87144

VII. Title VI Program Management Procedures

The City of Rio Rancho's mission is to ensure the health, safety and welfare of the community by providing excellent service to achieve a high quality of life for residents, businesses, and visitors. This is achieved, for transportation projects, through the use of public review, including minority and low income populations, of the Infrastructure Capital Improvements Plan and Specific Area Plans that incorporate the projects. The City has identified employees that have the ability to speak to the populations with limited English proficiencies.

The City of Rio Rancho Title VI Coordinator or Designee shall:

- Ensure that all aspects of the transportation planning process fully complies with the requirements of Title VI.
- Monitor the transportation planning process overall strategies and goals and ensure compliance with Title VI requirements.
- Review operational policies and procedures to ensure Title VI compliance.
- Monitor the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Ensure the planning organizational membership attempts to reflect the makeup of the population served. This would include periodically reporting the MPO/RPO racial, ethnic, and gender composition of public involvement organizations or groups.
- Ensure the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitor compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Evidence that input from minority groups/persons has been considered in the transportation planning process. Evidence could include but is not limited to the participation level and composition of participants in public information settings. Also reporting any follow-up and conclusions to issues communicated throughout the planning process.
- Monitor the gathering and utilization of demographic data used to identify and locate low-income and minority populations in order to investigate the possible benefits and detriments of transportation plans on these populations.
- Monitor compliance with Limited English Proficiency populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population.

VIII. Title VI Related Training

The City of Rio Rancho Title VI Coordinator shall ensure that staff is trained and familiar with City of Rio Rancho related policies and procedures. Training materials and education opportunities shall be made available to all employees, which includes all information on available federally funded training and webinars to ensure compliance.

IX. Limited English Proficiency (LEP) Plan

The City of Rio Rancho is currently developing the LEP Plan to ensure compliance with Title VI. The City shall provide strategies to provide meaningful access to LEP persons to ensure that they can communicate effectively will be achieved by measures including but not limited to:

- Applying the recommended “four factor analysis” process detailed by the U.S. Department of Justice to determine LEP needs in our community. This process includes determining the number and proportion of LEP individuals within the City’s population, the frequency with which LEP individuals will come in contact with the program, the nature and importance of the program to the citizen’s lives, and the resources available to provide translation services. The results of this analysis will be used to outreach and engage LEP persons in the transportation planning process.
- Developing a demographic assessment for the impacted area to determine if there is a 5% or more minority population requiring special language assistance, and address their needs.
- Developing a written policy to ensure the implementation of LEP measures that identify and assess the language needs of its LEP population. Provide for a range of language assistance options, including notice to LEP persons in a language they can understand regarding their right to free language assistance.
- Training to ensure that City staff are knowledgeable and aware of the LEP policies and procedures, and are trained to work effectively in the facilitation of the process.
- Provide translation services for public documents and competent interpreters at public meetings as needed.
- Increasing opportunities for public involvement, particularly by historically underserved populations including LEP individuals by advertising in local and other media resources that serves the general public.
- Monitoring the program to ensure that LEP persons have meaningful access to the transportation planning and implementation process.

X. External Communication (Notification to public beneficiaries)

The City of Rio Rancho will provide information to members of the public detailing its Title VI obligation and notify members of the public of the protections against discrimination afforded to the citizens by Title VI Plan. Information will be available through the following sites:

- **City Website** – The City of Rio Rancho maintains an extensive website www.rrnm.gov, which is updated almost daily. The site includes information on agency's responsibilities, programs, publications, press releases; contact information for all City staff; a search function; the Title VI Plan, complaint procedures, and complaint form; and a comment form so visitors may comment directly to City of Rio Rancho on any subject.
- **Publications** – Each year, the City of Rio Rancho issues a multitude of publications, reports, and maps as part of the agency's work program, and responds to and processes a large number of data requests. The information is used by planning and public works departments, and can be accessed through the website and at appropriate city offices.
- **Press releases** – Press releases are routinely sent to several media contacts, including local print reporters, television stations and radio stations. All press releases shall include the abbreviated Title VI Notice to the public and contact information for agency staff.
- **Meetings open to the public** – All City of Rio Rancho board and committee meetings are open to the public (except for topics meeting the closed session criteria of the Open Meetings Act). Time for public comment is allowed at all meetings. Meeting dates and times are posted in advance on the agency's website. In the future all meeting agendas will contain the following statement "Anyone requiring special accommodations is requested to notify the City of Rio Rancho at 505-891-5004 or email [the meeting contact] seven days prior to the meeting."
- **Public comment** – The City of Rio Rancho routinely provides opportunities for public comment, and continues to work to find new and innovative ways to solicit public comments and involve all segments of the population in the city. Comments are accepted by phone, fax, email, U.S. mail, and in person.
- **Staff is accessible** – Staff is accessible in person, on the phone, by mail, by fax, by email, or by online comment forms. Contact information for all staff is provided on the agency's website.
- **Mailings** – The City routinely uses direct mail and/or email to keep the public informed of the agency's programs, public comment periods, meetings, and publications.
- **Events** – Events such as workshops, open houses, and forums are held as needed.

X. Data Collection

The City of Rio Rancho shall use the following procedures for collection and analysis of data on the race, color, national origin, and gender of participants and beneficiaries of the City's programs and projects.

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting Data)
Planning	U.S. Census data on low-income and minority figures: self-reporting during public participation.	Ensure outreach and participation of low-income and minority populations in the planning process.
Design	U.S. Census data on low-income and minority figures: self-reporting during public participation.	Ensure outreach and participation of low-income and minority populations in the design process and for Title VI reporting.
Right of Way	Collection of data on relocates regarding race, color, national origin and gender.	Maintain data on affected participants for Title VI reporting as well as prevention of discrimination.
Environmental	U.S. Census data on low-income and minority figures.	Ensure outreach and participation of low-income and minority populations in the environmental review process and for Title VI reporting.
Construction	U.S. Census data on low-income and minority figures: self-reporting during vendor participation.	Ensure outreach and participation of low-income and minority populations in the construction process and for Title VI reporting.

XI. Notice of Rights

The following notice shall be posted in accessible public places throughout the City of Rio Rancho as well as on the City's website.

Your Rights Against Discrimination Under Title VI of the Civil Rights Act of 1964

The City of Rio Rancho operates its programs and services without regard to race, color, national origin, sex, age, and disability. Anyone who believes they have been excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any City of Rio Rancho program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with City of Rio Rancho or the New Mexico Department of Transportation.

For information on the City of Rio Rancho's Title VI program and the procedures to file a complaint, you may contact (505) 891-5010; visit the City's website at www.rnm.gov; or visit our administrative office located at 3200 Civic Center Circle NE, Rio Rancho, New Mexico 87144.

A complainant may file a Title VI discrimination complaint directly to the New Mexico Department of Transportation, Construction and Civil Rights Bureau, 1570 Pacheco Street Suite A10, Santa Fe, New Mexico 87505; or call (505) 629-9890., please contact:



**CITY OF RIO RANCHO
DEPARTMENT OF FINANCIAL SERVICES
PURCHASING DIVISION**

Date: January 27, 2017

To: Keith J. Riesberg, City Manager

From: Shonna Ybarra, Purchasing and Contracts Manager

Re: City of Rio Rancho Title VI Plan

I attach 1 copy of the above-referenced policy for your signature. ^{ASJ} It was heard by the Governing Body on January 25, 2017 and needs your formal execution. The NMDOT is requesting this from us as soon as possible since the original deadline was January 13, 2017. Thank you for your attention to this matter.

If you have any questions, or require additional information, please do not hesitate to contact me at extension 5044.



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

**ORDINANCE AMENDING CHAPTER 36, SECTION 36.02 BUDGET
PROCESS; REVISION**

WHEREAS: in accordance with the provisions of its Charter, the City of Rio Rancho has adopted an ordinance/municipal code outlining the procedures for administering the budget; and

WHEREAS: Section 6-6-2(L) (NMSA 1978 annotated) grants authority to the Secretary of the New Mexico Department of Finance and Administration (DFA) to establish rules relating to the budgets, records, reports, handling and disbursement of public funds of local public bodies; and

WHEREAS: City staff continues to evaluate the City's financial processes and identify areas to create efficiencies while complying with State requirements; and

WHEREAS: the City's process for administering the budget has become overly cumbersome and outdated as the City's annual budget has grown; and

WHEREAS: the City's current ordinance needs to be updated to streamline administration of the budget throughout the fiscal year while continuing to comply with DFA requirements.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. Chapter 36, Section 36.02 Budget Process; Revision, R.O. 2003, is hereby amended as follows:

36.02 BUDGET PROCESS; REVISION.

(A) At or before the first regular meeting of the governing body in the month of May, the City Manager shall submit to the governing body a proposed budget for the fiscal year commencing the following July. The governing body shall examine and revise the proposed budget utilizing whatever mechanism, including committees, work session or other processes as are appropriate, and shall conduct at least one regular or special meeting constituting a hearing at which the public shall be invited to provide comments upon the proposed budget.

(B) The governing body and the City Manager shall comply with all DFA requirements in the preparation and administration of the city budget.

(C) Budget adjustments to the adopted budget shall be made as follows:

2 (1) Budget adjustments between ~~departments or funds~~, and from the Ending
3 Fund Balance Account, or that increase or decrease the total budget of any
4 single fund shall be made in accordance with the State Department of Finance
and Administration's (DFA) regulations.

5 (2) Budget adjustments within a ~~budgetary division of a single fund and~~
6 department that, in the aggregate during a fiscal year, do not exceed \$20,000
7 50,000 may be approved administratively according to the following approval
8 levels: by the City Manager, with a hard copy and email notification to the City
9 Councilors within five working days.

10 (a) <\$1,000 – Budget and Grants Division Manager

11 (b) \$1,000 - \$5,000 – Director of Financial Services

12 (c) >\$5,000 – City Manager or designee

13 (3) Budget adjustments within a ~~budgetary division of a single fund and~~
14 department that, in the aggregate during a fiscal year, exceed \$20,000 50,000
15 shall be approved by resolution.

16 (D) The City Manager shall submit quarterly, a report to the governing body
17 summarizing all budget ~~transfers~~ adjustments.

18 **Section 2. Severability Clause.** If any section, paragraph, clause, or provision of
19 this Ordinance, or any section, paragraph, clause, or provision of any regulation
20 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
21 unenforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
22 clause, or provision shall not affect the validity of the remaining portions of this
23 Ordinance or the regulation so challenged.

24
25 **Section 3. Compiling Clause.** This Ordinance shall be incorporated in and
26 compiled as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).

27
28 **Section 4. Effective Date.** This Ordinance shall become effective ten days after
29 adoption. *2nd reading October 23 — should go into effect by Nov 4th*

30
31 ADOPTED THIS _____ DAY OF _____, 2019.

32
33
34
35
36 _____
Greggory D. Hull, Mayor

37
38
39 ATTEST:

40
41 _____
42 Rebecca A. Martinez, City Clerk
43 (SEAL)