

Exhibit A

2013 City of Portland Civil Rights Title VI Plan

Office of Management and Finance
Bureau of Internal Business Services

May 2013



CIVIL RIGHTS TITLE VI PLAN

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POLICY STATEMENT

It is the policy of the City of Portland that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of race, religion, color, national origin, English proficiency, sex, age, disability, religion, sexual orientation, gender identity, or source of income. The City of Portland also requires its contractors and grantees to comply with this policy.

OBJECTIVES

The objectives of the City of Portland's Title VI plan are:

- To ensure the City of Portland's compliance with Title VI (including compliance by the City's grantees, sub-grantees, and related entities) and to assign responsibilities for ensuring compliance.
- To ensure that all persons are able to receive the benefits of City programs, services and activities.
- To ensure that limited English proficient (LEP) individuals are provided meaningful access to City programs, services and activities.
- To avoid, minimize or mitigate disproportionate adverse environmental effects, including social and economic effects, on communities of color and low income populations as a result of City programs, services and activities.
- To establish clear procedures for filing, investigating, and successfully resolving complaints on a timely basis and at the lowest level possible.

LEGAL AUTHORITY REQUIRING TITLE VI COMPLIANCE

The Civil Rights Act of 1964 (the Act) is a fundamental piece of federal legislation that prohibits discrimination on the basis of race, color or national origin in federally funded programs, services and activities. Title VI has also been implemented to require that persons with limited English proficiency have meaningful access to programs, services, and activities; and that decision-making processes are designed to avoid, minimize or mitigate disproportionately adverse environmental effects, including social and economic effects, on communities of color and low income populations. Other federal, state and city legislation prohibits discrimination based on disability, religion, sex, sexual orientation, gender identity or source of income.

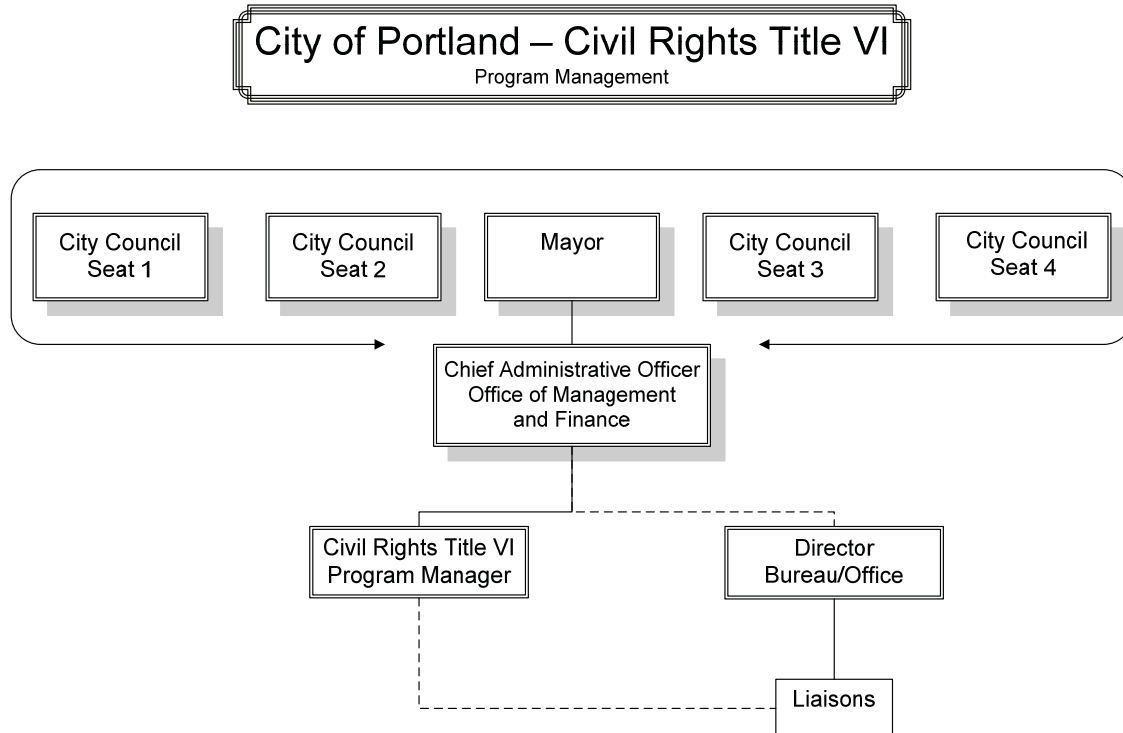
A list of supporting legal authorities may be found in Appendix 1.

IMPLEMENTATION OF THE CITY OF PORTLAND TITLE VI PLAN

As part of the Portland Plan adopted on April 25, 2012, the City Council directed the Office of Management and Finance to implement the City of Portland Civil Rights Title VI Plan to remove barriers and conditions that prevent people of color, disabled persons, low-income persons, persons with limited English proficiency (LEP) and other disadvantaged groups from receiving access to, participation in and benefits of City programs, services, and activities.

The Portland City Council is responsible for ensuring implementation of the City's Title VI plan. The Chief Administrative Officer (CAO) of the Office of Management and Finance, on behalf of the Mayor and Council, is responsible for the overall management of the City's Title VI program. The CAO has delegated responsibility for day-to-day administration of the citywide Title VI program to the Title VI Program Manager. Each Bureau Director is responsible for ensuring implementation of the Title VI Plan at the bureau level. Each Bureau Director shall designate one or more individuals to serve as the liaison(s) between the Title VI Program Manager and her or his Bureau for Title VI efforts and activities.

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In addition, the City has created the Office of Equity and Human Rights whose mission is to provide education and technical support to City staff and elected officials, leading to recognition and removal of systemic barriers to fair and just distribution of resources, access and opportunity, starting with issues of race and disability. The work of the Office of Equity and Human Rights will inform implementation of the City's Title VI Plan. The Office of the City Attorney provides legal guidance in the administration of the Title VI Plan.

The Office of Neighborhood Involvement has led the City in developing strong public involvement policies and initiatives designed to increase meaningful participation and further equity. These include the Public Involvement Principles promulgated by the Public Involvement Advisory Council (PIAC) and the Racial Equity Strategy Guide developed by Portland's Partnership for Racial Equity. These principles and strategies will also inform implementation of the City's Title VI Plan.

PUBLIC INVOLVEMENT REQUIREMENTS

It is the policy of the City of Portland to involve the public in important decisions by providing for early, open and continuous public participation in and access to key planning and project decision-making processes. This policy was reiterated throughout the Portland Plan. The City recognizes that Title VI has been implemented to ensure decision-making processes are designed to prevent disproportionate adverse human health and environmental effects, including social and economic effects, as a result of any City project or activity on minority and low-income populations.

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The City has developed extensive resources and best practices to ensure that the public is meaningfully involved in the decisions it makes. Such involvement is critical to the implementation of the Title VI program. The City Council adopted the following Public Involvement Principles in August, 2010, and is committed to applying them in planning, providing services and decision-making.

- *Partnership:* Community members have a right to be involved in decisions that affect them. Participants can influence decision-making and receive feedback on how their input was used. The public has the opportunity to recommend projects and issues for government consideration.
- *Early Involvement:* Public involvement is an early and integral part of issue and opportunity identification, concept development, design, and implementation of City policies, programs, and projects.
- *Building Relationships and Community Capacity:* Public involvement processes invest in and develop long-term, collaborative working relationships and learning opportunities with community partners and stakeholders.
- *Inclusiveness and Equity:* Public dialogue and decision-making processes identify, reach out to, and encourage participation of the community in its full diversity. Processes respect a range of values and interests and the knowledge of those involved. Historically excluded individuals and groups are included authentically in processes, activities, and decision- and policy-making. Impacts, including costs and benefits, are identified and distributed fairly.
- *Good Quality Process Design and Implementation:* Public involvement processes and techniques are well-designed to appropriately fit the scope, character, and impact of a policy or project. Processes adapt to changing needs and issues as they move forward.
- *Transparency:* Public decision-making processes are accessible, open, honest, and understandable. Members of the public receive the information they need, and with enough lead time, to participate effectively.
- *Accountability:* City leaders and staff are accountable for ensuring meaningful public involvement in the work of city government.

More details about the City of Portland's Public Involvement Principles may be found in Appendix 2.

The City will continually assess its communications and public involvement strategies and will employ best practices that foster meaningful involvement by traditionally underrepresented persons. Current best practices in public involvement are described in the City's Public Involvement Toolkit (also in Appendix 2), which lays out a systematic and comprehensive process for engaging the public. The City will use non-

discrimination notices to notify the public of the protections provided by Title VI and related statutes. Examples of the non discrimination notices are provided in Appendix 3.

LIMITED ENGLISH PROFICIENCY REQUIREMENTS

A person with limited English proficiency (LEP) is one who does not speak English as her or his primary language and has a limited ability to read, write, speak or understand English. It is the policy of the City of Portland to ensure that LEP persons have full access to its programs, services and activities. The City recognizes that language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with regulations, or understanding other information provided by its programs and activities. For purposes of this plan translation refers to translating written communication and interpretation refers to interpreting spoken communication.

The City of Portland's LEP policy is intended to ensure that all people, regardless of their proficiency in English, have meaningful access to the benefits of municipal programs and services. Persons interacting with the City should be notified in their language about the availability of language assistance and critical service information. City bureaus should assess the language proficiency of the persons to be served in determining how to provide meaningful access to their services, programs and activities. Additionally, each bureau should identify which documents (if any) are vital to the public's interaction with that bureau, and translate those documents.

In making translation decisions, the following factors should be considered:

1. How many LEP individuals live in the service area or municipality?
2. The frequency with which LEP individuals come in contact with or try to access the program, service or activity.
3. The nature and importance of the program, service or activity.
4. Available resources and costs.

All City staff have access to a contractor that can provide telephonic, written and in-person meeting translation and interpretation services. The City will monitor the services provided and update the translation and interpretation service contract as needed. The *Guide to Providing Translation and Interpretive Services* and the instructions to access translation and interpretation services are found in Appendix 4. The Guide should be used in evaluating what services are reasonably necessary to provide meaningful access for LEP persons.

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ENVIRONMENTAL JUSTICE REQUIREMENTS

It is the policy of the City of Portland to consider whether any City decision, service, program, or benefit results in a potential disproportionate adverse human health and environmental effect, including social and economic effects, on communities of color, tribal communities and other communities underrepresented in public processes.

Environmental justice is predicated on the notion of fair treatment and equal protection, meaning a just distribution of the benefits and burdens of decisions and actions. No group of people should bear a disproportionate share of the negative environmental consequences resulting from the execution of governmental policies and programs.

Self-determination is also a fundamental principle of environmental justice. All stakeholders must have an opportunity for meaningful involvement in all decisions that may affect their immediate lives. The City of Portland and its bureaus should strive to provide more than the minimum notice and comment particularly where barriers to participation exist. To ensure fair treatment and involvement in decision-making, the City must identify potentially impacted communities and work to build capacity around the pertinent issues so the opportunities to participate are accessible and genuine. Guidelines for analyzing and addressing potential environmental justice impacts may be found in Appendix 5.

Principles of environmental justice analysis and decision-making include:

- Early identification and engagement of affected communities.
- Clear articulation of the problem, and solutions that fit both the problem and the needs of the community affected by the project. Creative solutions that reduce impact are encouraged.
- Consideration of the accumulation of the environmental hazards in the impact area.
- Documentation of why decisions were made and analysis of the impact on the community of that decision.
- Determination if the impacts disproportionately burden or benefit a community.
- Any additional considerations such as mitigation, environmental assessment, and supplemental benefits that support the decision.

ADMINISTRATION OF THE TITLE VI PROGRAM

Administration of the City of Portland's Civil Rights Title VI Program and implementation of this plan is housed in the Office of Management and Finance and serves all City bureaus as a resource, providing management oversight of complaints based on Civil Rights protections.

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TITLE VI PROGRAM MANAGER RESPONSIBILITIES

The Title VI Program Manager is responsible for managing the implementation of the Title VI Plan, including initiating, monitoring, and ensuring Portland's compliance with Title VI requirements. Key responsibilities include:

Implementing the Title VI Plan and ensuring compliance with policy and program objectives. Performing Title VI Plan reviews to assess administrative procedures and staffing, and to provide recommendations and resources. Assisting bureau officials, liaisons and employees with the review of public participation plans, regional plans, overall work plans, environmental impact reports, concept reports and other types of plans and grant applications in relationship to Title VI requirements.

Identifying and Eliminating Civil Rights Disparities across the City including developing procedures to eliminate discrimination in benefits or burdens of the bureaus' projects, programs and services.

Maintaining Resources and Information including updating the current City of Portland Title VI Plan and producing Triennial Accomplishment Reports and other resource information pertaining to the implementation of the City's Title VI Plan per changes in federal laws, rules and regulations. Information will be made available to other City bureaus and departments or the public as requested or required.

Managing Data Collection by bureau staff and updating procedures as necessary to ensure sufficiency of data for Title VI Plan administration.

Reviewing Title VI Complaints received by the City, following adopted procedural guidelines, and ensuring every effort is made to resolve complaints informally at the bureau or manager level.

Conducting or Facilitating Training Programs on Title VI issues and regulations for City employees and facilitating Title VI training for contractors and sub-recipients. A summary of training conducted will be reported to council.

Preparing a Triennial Accomplishment Report on the City's Title VI performance for the preceding period, based on bureaus' annual Title VI reporting. The report will include an assessment of the program's accomplishments and challenges and identify goals and objectives for the upcoming three-year period as required. The report will be presented to City Council..

Providing Guidance on Public Information including developing and disseminating Title VI Plan information to City employees and sub-recipients, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI

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language in contracts or other agreements, website postings, and annual publication of the City's Title VI Policy Statement in newspapers and informational brochures. Ensuring public service announcements or notices of proposed projects, hearings, meetings, or formation of public advisory boards are posted in newspapers or other media reaching affected communities. Encouraging public participation by ensuring communications are written in plain language. Ensuring the full utilization of available minority publications or media and, where appropriate, providing written or verbal information in languages other than English.

Updating the City's Title VI Plan as needed or required. The updated plan will be submitted to the Chief Administrative Officer for approval.

BUREAU DIRECTOR RESPONSIBILITIES

Each Bureau Director, or his/her designee, working with the City Title VI Program Manager, is responsible for Title VI compliance for his or her bureau. To comply, Bureau Directors are responsible for:

Appointing a Title VI Liaison to work with the Title VI Program Manager and lead the bureau's efforts to implement Title VI Plan.

Collecting and Analyzing Data regarding participants in and beneficiaries of a bureau's programs, activities and services. Analyzing the data to determine bureau program or investment benefits and burdens to eligible populations, including persons protected by Title VI and other civil rights statutes. This work should be coordinated between the bureaus and maintained centrally if possible to maximize efficiency and reduce costs.

Ensuring the Bureau's Compliance with Title VI when formulating policies and implementing plans and programs. Working proactively with bureau personnel to prevent disparities and take corrective action when necessary. If complaints arise, advise the Title VI Program Manager and work to resolve complaints. Submit an annual review of bureau compliance in a format directed by the Title VI Program Manager.

Ensuring Environmental Justice by considering any potential disproportionate adverse human health and environmental effect, including social and economic effects, by any City project or activity on minority and low-income populations.

Provide LEP Access to ensure programs, services and benefits of their bureaus are accessible to LEP persons.

Ensuring Involvement of All Stakeholders in the bureau's decision-making. Annually reporting community outreach and involvement activities conducted to engage the appropriate public.

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TITLE VI BUREAU LIAISON RESPONSIBILITIES

Title VI Bureau Liaisons work at the direction of the Bureau Director and the Title VI Program Manager to implement the City's Title VI Plan at the bureau level. Title VI Bureau Liaisons are responsible for:

Annual Reporting of their bureau's Title VI compliance activities, in a format directed by the Title VI Program Manager. As part of annual reports, each bureau shall report accomplishments and upcoming goals, complaints, and any remedial actions.

Assisting the Bureau Director to implement LEP requirements to help ensure compliance.

Assisting the Bureau Director in all other Title VI compliance activities. This includes advising the Title VI Program Manager and Bureau Director of potential Title VI issues within their bureaus and possible corrective actions and, if complaints are received, working with bureau personnel to reach a resolution.

Serving as a Source of Title VI Information for bureau personnel. This may include disseminating materials provided by the Title VI Program Manager or providing technical assistance to coworkers or contractors.

Ensuring Dissemination of Title VI Information to the public in a manner that provides meaningful access to bureau programs and activities by all members of the community. Title VI Non-discrimination Notices should be included in all applicable bureau or project documents and public meeting materials.

COMPLAINT PROCESS

The City of Portland encourages resolution of the civil rights complaints at the lowest possible level of responsibility. Every effort will be made to resolve complaints informally at the bureau level, including complaints based on the actions of sub-recipients or contractors.

Any person who believes that he or she has been the object of unequal treatment or discrimination as to the receipt of benefits and/or services based on his or her race, color, national origin, or limited English proficiency has the right to file a written complaint under Title VI with the Title VI Program Manager. In addition, complaints alleging disability discrimination may be filed with Title VI Program Manager in her capacity as the ADA Program Manager. Complaints based on protections afforded under other civil rights statutes, such as religion, sex, sexual orientation, gender identity, age or source of income will be reviewed with the City Attorney's Office where possible

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efforts will be made to informally resolve such complaints. An outline of the complaint process is outlined below.

Complaint Process under Title VI of the Civil Rights Act:

Any person who believes she or he has been the object of unequal treatment or discrimination on the grounds of race, color, or national origin may file a complaint with the City of Portland's Title VI Program Manager.

This process applies to all complaints filed under Title VI of the Civil Rights Act of 1964, arising from any program, service of or activity of the City of Portland or its subrecipients.

This is an administrative process that does not provide for compensatory or punitive damages.

The City's process is not exclusive. A person filing a complaint with the City may also file a complaint with other state or federal agencies or the courts. Other agencies will have time limits for filing complaints. Generally, federal agencies require Title VI complaints to be filed within 180 days of the date of the discrimination.

The Title VI complaint process does not cover complaints based on protections afforded under other civil rights statutes, such as sex, sexual orientation, gender identity, age or source of income. If a complaint is filed alleging such discrimination, the complainant will be notified that it cannot be processed as a Title VI complaint. However, the City will review complaints of discrimination based on sex, sexual orientation, gender identity, age or source of income to determine if they can be informally resolved.

Complaints of discrimination based on disability will be handled under the City's ADA Title II complaint process which is substantially similar to this Title VI complaint process.

To be accepted, a Title VI complaint must:

- a) involve discrimination on the basis of race, color or national origin;
- b) allege that the discrimination was committed by the City of Portland, a City of Portland employee or a subrecipient of the City of Portland; and
- c) be filed within 180 days of the alleged discrimination (or within 180 days of when the complainant knew, or should have known, of it).

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Filing a Title VI Complaint:

Complaints should be filed with Title VI Program Manager, in the Office of Management and Finance.

Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Title VI Program Manager or may have another person write and acknowledge the complaint on his or her behalf.

Complaints should include:

- a) the name, address and phone number of the person who experienced the discriminatory action;
- b) the date of the alleged act of discrimination or the date when the complainant(s) became aware of the alleged discrimination; and
- c) a brief but specific description of the discriminatory practice or action and any relevant facts.

The complaint should include names and contact information of any witnesses, including city employees or contractors.

Allegations may be faxed or e-mailed and will be acknowledged. Allegations sent by fax or e-mail will not be processed until the identity of the complainant and the intent to proceed with the complaint have been established.

The complaint form must be signed or acknowledged, and returned to the Program Manager for processing.

The original copy may be sent, faxed or emailed to:

Title VI Program Manager
1120 SW 5th Avenue, Room 1204
Portland, Oregon 97204
Fax 503-823-6924
title6complaints@portlandoregon.gov

Allegations received by telephone or TDD will be reduced to writing on a complaint form and provided to complainant for confirmation or revision before processing.

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Processing a Title VI Complaint:

Upon receipt of the complaint, the Title VI Program Manager will determine:

- a) If the complaint is complete;
- b) If additional information is needed;
- c) If the City has jurisdiction; and
- d) If the complaint is timely.

The Program Manager will notify the complainant in writing within **5 working days** **either** that the complaint is accepted or the complaint is not accepted. If the complaint is not accepted, the Program Manager will state why. If the complaint is not accepted because additional information is needed, the complainant will be notified what information is needed.

If the Complaint is accepted, the City will investigate the merits of the complaint and will attempt to resolve it at the lowest level possible.

Complaints submitted directly to City bureaus will be forwarded to the Title VI Program Manager for intake.

In cases where the complaint is against one of the City of Portland's subrecipients, the City will assume jurisdiction and will investigate the complaint.

In some instances the City will have a legal obligation to notify a state or federal agency of a Title VI complaint, and in such instances that agency may investigate the complaint.

Dismissal of Complaints:

The City of Portland may dismiss a complaint for any of the following reasons:

The complainant withdraws the complaint.

The complainant fails to respond to repeated requests for additional information needed to process the complaint.

The complaint is untimely.

The complainant cannot be located.

The complaint is determined to be legally insufficient.

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Investigating and Tracking Title VI Complaints:

The Program Manager will notify the complainant in **writing** within **5 working days** of the decision to accept or reject the complaint. Notification will include a case number.

In cases in which the complaint is against the City, the Title VI Program Manager will work with the involved Bureau and the complainant to attempt to resolve the complaint. The option of informal mediation meetings may be used at any stage.

If the parties are unable to resolve the complaint, the Title VI Program Manager will investigate the complaint. The Complainant will be provided a written decision on the complaint within **60 working days** of the acceptance of the complaint for investigation.

Appealing the Program Manager's Written Decision:

The Title VI Program Manager will only re-consider a complaint if new facts come to light.

If the complainant is not satisfied with the written decision of the Program Manager, the complainant has **14 working days** from the date of the decision to provide the Program Manager with written notice of intent to appeal.

The appeal shall be to the Director of the involved City Bureau.

The involved Bureau Director shall issue a decision on the appeal within **30 working days** of the notice of intent to appeal, which shall be the final decision of the City.

A copy of these procedures and a complaint form are included in Appendix 6.

CONTRACTOR AND SUB GRANTEE AGREEMENTS

It is the policy of the City of Portland to require that contractors and sub grantees state that they are aware of federal, state and local Title VI requirements and that every sub-grant includes clauses required by federal statute and executive orders and their implementing regulations. An example of appropriate Title VI contract language is provided in Appendix 7.

NEXT STEPS

To ensure timely and continuing compliance with the City's Civil Rights Title VI Plan, it is now critical to move forward on the following activities:

- Inform the public about the rights provided by this Title VI Plan. An important part first step will be to disseminate information about the complaint process. This information campaign will happen throughout the summer and fall of 2013.

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- Train City staff on the requirements and expectations of the Title VI Plan. Develop training programs in partnership with the Office of Equity, the Office of Neighborhood Involvement and the City Attorney's Office.
- Develop a system of reporting to meet federal and any other reporting requirements.
- Post non-discrimination policy and notices prominently so the public understands the civil rights protections.

In addition, the Title VI Program Manager will begin working with City bureaus to determine whether the City's LEP obligations are best met by City-wide or bureau-specific LEP plan(s), and to develop and implement such plan(s).

Appendix 1
Legal Authority for the Title VI Plan

Appendix 1

Selected list of City, State and Federal Nondiscrimination statutes ¹

City of Portland Code

PCC 23.01.010 Policy.

(Amended by Ordinance No. 175158, effective January 15, 2001.) It is the policy of the City of Portland to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income. Such discrimination poses a threat to the health, safety and general welfare of the citizens of Portland and menaces the institutions and foundation of our community.

PCC 23.01.050 Discrimination in Employment Prohibited. Provides protections from employment discrimination on the basis or an individual's race, religion, color, sex, sexual orientation, gender identity, source of income of familial status. national origin, marital status, age if the individual is 18 years of age or older, or disability.

PCC 23.01.060 Discrimination in Selling, Renting, or Leasing Real Property Prohibited. Provides protections from discrimination when selling, renting, or leasing real property on the basis of an individual's race, religion, color, sex, sexual orientation, gender identity, source of income, national origin, marital status, familial status, or disability.

PCC 23.01.070 Discrimination in Places of Public Accommodation Prohibited. Provides protections from discrimination when providing public accommodations on the basis of an individual's race, religion, color, sex, sexual orientation, gender identity, source of income, national origin, marital status, familial status, or disability.

Selected Oregon Revised Statutes

ORS 659A.030 Discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status or age prohibited. Provides protection from discrimination on the base of protected status in employment

ORS 659.59A403 Discrimination in place of public accommodation prohibited. Provides protection from discrimination on account of race, color, religion, sex, sexual orientation, national origin, marital status or age in places of Public accommodation.

Federal Nondiscrimination Statutes

- Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000, provides in section 601 that:
"No person in the United States shall, on the ground of race, color,

¹ This list is provided for informational purposes and not considered exhaustive list of all Civil Rights Statutes.

or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Prohibits discrimination in impacts, service and benefits of, access to, participation in and treatment under a federal- aid recipient’s program or activities.

- The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101, provides:

“No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Prohibits discrimination based on age.

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, provides:

“For the fair and equitable treatment of persons displaced as direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.” Provides for fair treatment of persons displaced by federal and federal - aid programs and projects.

- The Federal-aid Highway Act, 49 U.S.C. 306

Outlines the responsibilities of the U.S. Department of Transportation and, at (c) outlines the Secretary’s authority to decide whether a recipient has not complied with applicable Civil Rights statues or regulations, requires the Secretary to provide notice of the violation, and requires necessary action to ensure compliance.

- The 1973 Federal-aid Highway Act, 23 U.S.C 324, provides:

“No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Title or carried on under this title.” Prohibits discrimination on the basis of sex.

- The Civil Rights Restoration Act of 1987, P.L. 100-209, provides:

Clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. Restores the broad, institution-wide scope and coverage of the nondiscrimination statute to include all programs and activities of federal-aid recipients, sub recipients and contractors, whether such programs and activities are federally assisted or not.

- The Uniform Relocation Act Amendments of 1987, P.L 101-246, provides:

“For fair, uniform, and equitable treatment of all affected persons; ...(and) minimizing the adverse impact of displacement...(to maintain)...the economic and social well-being of communities; and...to establish a lead

agency and allow for State certification and implementation.” Updated the 1970 Act and clarified the intent of congress in programs and project which cause displacement.

- The Americans with Disabilities Act, P.L. 101-336, provides:

“No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government.” Provided enforceable standard to address discrimination against people with disabilities.

- The Civil Rights Act of 1991, in part, amended Section 1981 of 42 U.S.C. by adding two new sections that provided:

“(b) For the purposes of this section, the term ‘make and enforce contracts’ includes the making, performance, modification, and termination of contracts and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.”

“(c) The rights protected by this section are protected against impairment by non-governmental discrimination and impairment under color of State law.”

- Title VIII of the 1968 Civil Rights Act, 42 U.S.C. 3601, provides that:

“(l) It shall be unlawful...to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion or national origin.” Prohibits discrimination in the sale or rental of housing. HUD is the primary interest agency, but FHWA and states under Title VI are responsible for preventing discrimination in the function of Right-of-Way)

- The National Environmental Policy Act of 1969, 42 U.S.C. 4321

Requires the consideration of alternatives, including the “no-build” alternative, consideration of social, environmental and economic impacts, public involvement, and use of a systematic interdisciplinary approach at each decision making stage of Federal-aid project development.

Federal Nondiscrimination Executive Orders

- E.O. 12250 - DOJ Leadership and Coordination of Nondiscrimination Laws
- E.O. 12259 - HUD Leadership and Coordination of Federal Fair Housing Programs
- E.O. 12292 - Amended E.O. 12259, in part and addressed leadership and coordination in Federal Fair Housing Programs. It affirmatively furthers fair housing in all Federal programs and activities relating to housing and urban development throughout the United States.
- E.O. 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
- E.O. 13160 - nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs
- E.O. 13166 - August 11, 2000- requires Federal agencies and their recipients to improve access to federally sponsored programs for persons with limited English proficiency
- E.O. 13175 – Consultation and Coordination with Indian Tribal Governments

Appendix 2 Public Involvement Principals and Toolkit

City of Portland Public Involvement Principles

Adopted by the City of Portland, Oregon on August 4, 2010



Preamble

Portland City government works best when community members and government work as partners. Effective public involvement is essential to achieve and sustain this partnership and the civic health of our city. This:

- ❖ Ensures better City decisions that more effectively respond to the needs and priorities of the community.
- ❖ Engages community members and community resources as part of the solution.
- ❖ Engages the broader diversity of the community—especially people who have not been engaged in the past.
- ❖ Increases public understanding of and support for public policies and programs.
- ❖ Increases the legitimacy and accountability of government actions.

The following principles represent a road map to guide government officials and staff in establishing consistent, effective and high quality public involvement across Portland's City government.

These principles are intended to set out what the public can expect from city government, while retaining flexibility in the way individual city bureaus carry out their work.

City of Portland Public Involvement Principles

- ❖ **Partnership** Community members have a right to be involved in decisions that affect them. Participants can influence decision-making and receive feedback on how their input was used. The public has the opportunity to recommend projects and issues for government consideration.

- ❖ **Early Involvement** Public involvement is an early and integral part of issue and opportunity identification, concept development, design, and implementation of city policies, programs, and projects.

- ❖ **Building Relationships and Community Capacity** Public involvement processes invest in and develop long-term, collaborative working relationships and learning opportunities with community partners and stakeholders.

- ❖ **Inclusiveness and Equity** Public dialogue and decision-making processes identify, reach out to, and encourage participation of the community in its full diversity. Processes respect a range of values and interests and the knowledge of those involved. Historically excluded individuals and groups are included authentically in processes, activities, and decision and policy making. Impacts, including costs and benefits, are identified and distributed fairly.

- ❖ **Good Quality Process Design and Implementation** Public involvement processes and techniques are well-designed to appropriately fit the scope, character, and impact of a policy or project. Processes adapt to changing needs and issues as they move forward.

- ❖ **Transparency** Public decision-making processes are accessible, open, honest, and understandable. Members of the public receive the information they need, and with enough lead time, to participate effectively.

- ❖ **Accountability** City leaders and staff are accountable for ensuring meaningful public involvement in the work of city government.

City of Portland
Public Involvement Principles, Indicators and Outcomes

<p>Principles</p> <p>Public agencies that achieve excellence in public involvement follow the principles below.</p>	<p>Indicators</p> <p>Public involvement processes that follow these principles commonly exhibit the following characteristics.</p>	<p>Outcomes</p> <p>High quality public involvement processes often produce the following outcomes and benefits.</p>
<p>Partnership</p> <p>Community members have a right to be involved in decisions that affect them. Participants can influence decision-making and receive feedback on how their input was used. The public has the opportunity to recommend projects and issues for government consideration.</p>	<ul style="list-style-type: none"> • Community members are kept informed of issues and processes. • Community members know how to be involved and decide the degree of their involvement. • Community members are advised how their input will affect the decision, and are followed up with contact from the lead agency throughout the decision-making process. (feedback loop) • Process constraints are clarified and understood by community members. • The decision making process and decision makers and their power are explained and understood. 	<ul style="list-style-type: none"> • A better project or policy will result from community participation. • Government will have a better understanding of the community and its concerns. • The policy or project will have greater community acceptance.

<p>Principles</p> <p>Public agencies that achieve excellence in public involvement follow the principles below.</p>	<p>Indicators</p> <p>Public involvement processes that follow these principles commonly exhibit the following characteristics.</p>	<p>Outcomes</p> <p>High quality public involvement processes often produce the following outcomes and benefits.</p>
<p>Early Involvement</p> <p>Public involvement is an early and integral part of issue and opportunity identification, concept development, design, and implementation of city policies, programs, and projects.</p>	<ul style="list-style-type: none"> • Community members help set priorities and shape policies, programs, and projects. • Key stakeholders are involved as early as possible. • Key stakeholders help define the problem, issues, and project parameters. • Community members help define the process for outreach and decision making. 	<ul style="list-style-type: none"> • Better project scoping, more predictable processes, and more realistic and defensible assessments of process time and resource needs. • Early and broad community support for the project or policy. • Identification of potential problem areas before they become an issue.
<p>Building Relationships and Community Capacity</p> <p>Public involvement processes invest in and develop long-term, collaborative working relationships and learning opportunities with community partners and stakeholders.</p>	<ul style="list-style-type: none"> • Community members feel heard and feel that their input is valued and used by city staff. • Community members trust the process and city staff. • City staff have consistent and reliable connections with stakeholders and community groups that facilitate effective two-way communications. • City staff engage in ongoing monitoring of relationships. • City staff continually assess which communities and populations are missing key information, or are not involved. 	<ul style="list-style-type: none"> • Processes leave neighborhoods and communities stronger, better informed, increase their capacity to participate in the future, and develop new leaders.

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<p>Inclusiveness and Equity</p> <p>Public dialogue and decision-making processes identify, reach out to, and encourage participation of the community in its full diversity. Processes respect a range of values and interests and the knowledge of those involved. Historically excluded individuals and groups are included authentically in processes, activities, and decision and policy making. Impacts, including costs and benefits, are identified and distributed fairly.</p>	<ul style="list-style-type: none"> • A strong effort is made to accommodate diverse needs, backgrounds values and challenges. • Participation in the process reflects the diversity of the community affected by the outcome. • Culturally appropriate and effective strategies and techniques are used to involve diverse constituencies. • City staff follow-up with under-engaged groups to see how the process worked for their community members. • An assessment is made to identify communities impacted by a project or policy. The active participation of these communities is made a high priority. • The demographics, values, and desires of and impacts on affected communities are identified early on, influence the process design, and are reaffirmed throughout the process. 	<ul style="list-style-type: none"> • City policies, projects, and programs respond to the full range of needs and priorities in the community. • Trust and respect for government increases among community members. • City staff and members of more traditionally-engaged communities understand the value of including under-engaged communities. • Equity is increased by actively involving communities that historically have been excluded from decision making processes. • Members of under-engaged communities increase their participation in civic life. • New policies do not further reinforce the disadvantaged position of historically disadvantaged people or groups.

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<p>Good Quality Process Design and Implementation</p> <p>Public involvement processes and techniques are well-designed to appropriately fit the scope, character, and impact of a policy or project. Processes adapt to changing needs and issues as they move forward.</p>	<ul style="list-style-type: none"> • The public is allowed an opportunity to give meaningful input regarding what the community needs from government. • Process facilitators have the skills, experience, and resources needed to be effective. • Careful planning of project timelines take into account the length of time community media, neighborhoods and organizations require for effective public involvement. • Information is sent out in a timely manner so people and organizations can respond. • Input is sought from participants periodically on how the process is working for them. • Community partners have input into whether processes should change and how they should be modified. 	<ul style="list-style-type: none"> • People understand the purpose of the project and why it's being done. • Conflict is reduced as are challenges to the process. • Communication is more efficient and effective. • Outcomes are more sustainable. • Public confidence and trust built through good processes can carry on to future processes.

<p>Principles</p> <p>Public agencies that achieve excellence in public involvement follow the principles below.</p>	<p>Indicators</p> <p>Public involvement processes that follow these principles commonly exhibit the following characteristics.</p>	<p>Outcomes</p> <p>High quality public involvement processes often produce the following outcomes and benefits.</p>
<p>Transparency</p> <p>Public decision-making processes are accessible, open, honest, and understandable. Members of the public receive the information they need, and with enough lead time, to participate effectively.</p>	<ul style="list-style-type: none"> • Roles and responsibilities are clearly identified, understood and accepted. • All meetings are open to the public and held in venues that are accessible and welcoming to community members. • Relevant documents and materials are readily available to the public. • Materials are available prior to the meeting so people are informed and ready to participate fully. • Materials that are lengthy or complex are made available with additional lead time to ensure community members can review and understand the materials, clarify with bureau staff, and check back with the communities they represent as needed. • Adequate time and resources are given for translation of materials and interpretation services and accommodations at meetings and forums as necessary. 	<ul style="list-style-type: none"> • Community members have a better understanding of the project or policy and are better able to participate effectively. • Government understanding of community opinions and needs is enhanced.

<p>Principles</p> <p>Public agencies that achieve excellence in public involvement follow the principles below.</p>	<p>Indicators</p> <p>Public involvement processes that follow these principles commonly exhibit the following characteristics.</p>	<p>Outcomes</p> <p>High quality public involvement processes often produce the following outcomes and benefits.</p>
<p>Accountability</p> <p>City leaders and staff are accountable for ensuring meaningful public involvement in the work of city government.</p>	<ul style="list-style-type: none"> • Resources are applied appropriately to public engagement activities. • Community members' time and resources are respected and used effectively. • Public involvement processes are evaluated on a regular basis to foster ongoing learning and improvement. • Evaluation methods are tailored to different audiences to ensure meaningful feedback from all parties involved in a process, including community members, stakeholder groups, staff and management. • Best practices are identified and shared. 	<ul style="list-style-type: none"> • Improved strategies and tools for outreach and decision-making. • Increased sense of trust in government from community members.

Public Involvement Toolkit



November 2006

**Submitted by:
The Mayor's Bureau Innovation Project #9:
Public Involvement**

Eileen Argentina and Jo Ann Bowman, Co-Chairs

Guidelines for Using this Toolkit

Introduction

The Bureau Innovation Project #9 team, an initiative of Mayor Potter that began in June 2005, developed this toolkit. A team made up of both city staff and public members developed the tools based on research and discussion of models from around the world. It was important to the team to develop a model that would be easy to apply to all city bureaus and create consistent expectations for the public, yet not limit the creativity or flexibility of public involvement staff.

Before the Toolkit:

Before a public involvement staff person starts using the toolkit, there are activities that should normally occur in the overall public involvement project. The Process Overview demonstrates a typical public involvement process¹. More about general steps and guidance for performing public involvement is available in the City of Portland's Outreach and Involvement Handbook, the third edition of which will incorporate the Toolkit.

First, project managers – be they public involvement staff, general project managers, or consultants – should perform, at the very least, an assessment of the project or initiative that includes the following:

- An environmental scan for related mandates, plans and other directives that may have bearing on the project,
- An initial stakeholder assessment, including considering whether this project may disproportionately affect a particular community or traditionally underrepresented community.
- A review of the goals and purposes of public involvement for the project, and
- An evaluation of resources available for the public engagement component of the project.

Once this preliminary review is complete, the toolkit can be drawn upon to further define the public involvement approach most suited to the particular project. The toolkit can also be used multiple times throughout the span of a project to assess options in a project's phases or to reassess in the event that circumstances change or modifications are needed.

How to use the Toolkit:

This toolkit is designed to be used, ideally with participation from a representative stakeholder group, to assess the optimal approaches and methods for engaging the public in a project or initiative. It is applicable to development and planning projects as well as policy explorations and general public education.

¹ Appendix A, page 4 of Toolkit

Consisting of a series of questions intended to clarify public interests and needs in the engagement process followed by a spectrum of approaches matched with tools and methods, this toolkit can help with identification of prospective options. Used with a stakeholder group, it can also help develop early public commitment to project success as public members participate in the development of the public process. The suggested steps for using the toolkit are as follows.

The Facilitated Stakeholder Meeting:

Step 1: Asking the Questions

Once an environmental assessment (see above) has been completed, convene a stakeholder meeting. Bringing together stakeholders with diverse perspectives and interests helps insure that the resulting involvement will respond more readily to community needs and values.

Referring to the list of questions², pose each question and allow all participants to answer the question in turn. If the group is very large, dividing into multiple small groups of 6-10 is recommended. As participants answer the question, the facilitator should place a check mark in the appropriate box. When all participants have answered, the facilitator moves on to the next question and each subsequent question in turn.

The facilitator should take care to ensure all voices are heard and that no answers are discussed or judged during this process. It is a free-flowing question and answer period, and all answers are equally valid.

Step 2: Assessing the Answers

Once all the questions have been answered in this manner, after thanking participants for their input, the facilitator should get agreement that the next step is to assess the group's general majority view on each question. The facilitator assessing the answer patterns, averaging them to determine a probable midpoint, and then affirming this with the group can informally accomplish this. Another option is to assign a number value to each answer and then average the answers for a mathematical average.

Step 3: Overall Scoring or Scale Assessment

After each question has been assessed and the average answer plotted, the facilitator should work with the group to come up with an overall score or location on the scale for the project. Some answers may seem to have opposing scales for this purpose. It is better not to focus on this, but to work with the group to determine a general rating or characterization of the project that will help point to the type of engagement and tools of engagement are warranted.

The questioning exercise can result in multiple positive outcomes. The facilitator, who is likely the public involvement manager for the project, will have a much better sense

² Appendix B, page 5 of Toolkit

of stakeholder views and issues. If the outcomes of the questions conflict with the limitations of mandates driving the project, this early warning system will help daylight potential sources of conflict so they can be dealt with early on. In addition, engaging stakeholders in discussing the community interest and positions regarding the project can result in early education as well as participation.

Step 4: Using the Spectrum

Once the project assessment using the questions is complete, the group can turn to the spectrum³ to discuss levels and methods of engagement. Usually, the facilitator will suggest a “landing place” for the project on the spectrum based on the question discussion, the question-by-question scores, and the overall score or outcome.

The group should discuss and come to agreement on the level of public involvement dictated for the project by the assessment. The ultimate choice need not conform directly with the “score” from the questioning exercise. It is important that the level of involvement take account of the answers to the questions but also other associated factors of the project – mandates, timelines, resources, geographic scope, etc.

Step 5: Determining the Appropriate Tools and Methods

Once the group has agreed where the project falls on the spectrum and understands the purposes and roles associated with the result, the facilitator can lead a discussion of likely tools and methods⁴ for ensuring public engagement at the determined level. This is the point in the exercise where stakeholder participation can be particularly effective in providing insights of which project staff may be unaware and in matching tools and methods to the community in which the engagement is to take place.

What Follows:

Putting the toolkit to use early in a project is an important step in developing a public involvement plan. Following these initial planning steps, staff should develop a public involvement plan that includes timelines, goals, benchmarks, and a detailed budget for the project’s involvement components. Common steps following the toolkit exercise are:

- Complete and gain approval for the public involvement plan
- Share the plan with your initial stakeholder group and incorporate feedback
- Launch and implement the plan
- Evaluate and revisit the plan as warranted
- Ensure evaluation of the plan’s success, especially with the initial stakeholder group
- Assess and report on successes and lessons learned

³ Appendix C, page 6 of Toolkit

⁴ Appendix D, page 7 of Toolkit

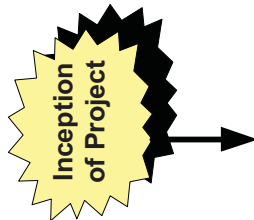
Additional Resources

1. Outreach and Involvement Handbook
(<http://www.portlandonline.com/shared/cfm/image.cfm?id=98500>)
2. IAP2 website (www.iap2.org)

APPENDIX A PUBLIC INVOLVEMENT TOOLKIT, PROCESS OVERVIEW

NOTES:

- ✓ This model should apply to any project, no matter where it comes from
- ✓ Assumption: process should be able to deal with 90% of the issues that come up

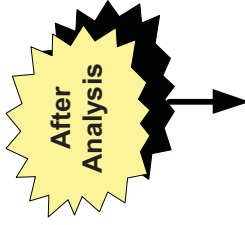
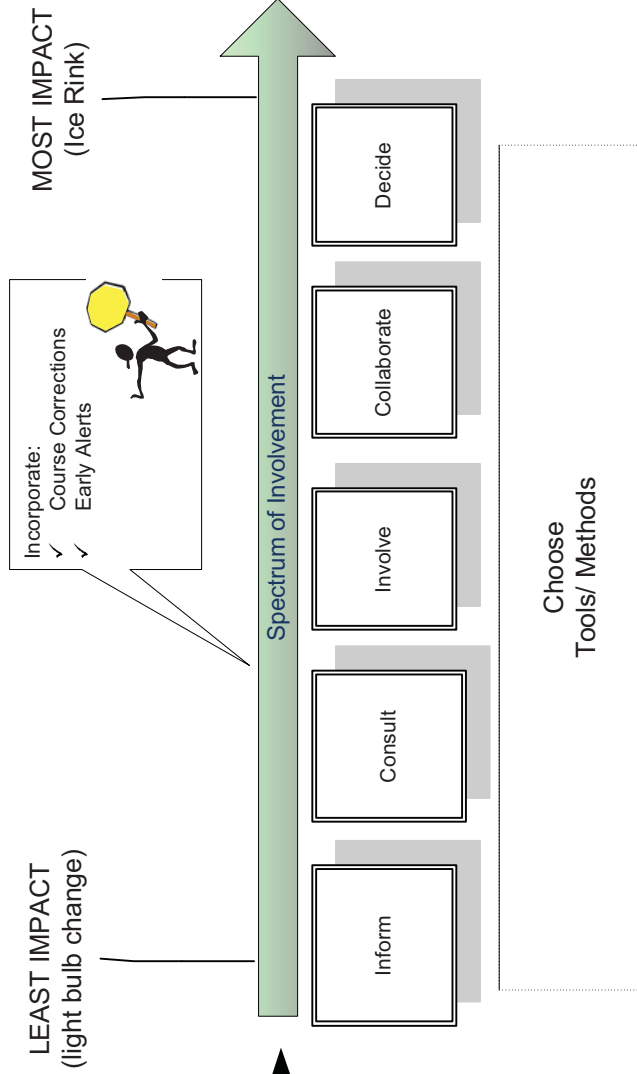


Characteristics:

- ✓ Origin of the project (its history & prior decisions)
- ✓ Timeline
- ✓ Cost/Budget
- ✓ Scope
- ✓ Policy background
- ✓ Precedent/Mandate
- ✓ Urgency *
- ✓ Level of community interest

* perhaps hardest to identify due to limiting factors

Questions Exercise & Project Assessment with Stakeholders, see Guidelines



PUBLIC INVOLVEMENT PLAN:

- Audience/ Stakeholder(s)
- Tool(s)
- Timing
- Goals
- Evaluation

Appendix B of City of Portland Public Involvement Toolkit – Page 5

Levels of Impact

Assessment Questions	Very Low	Low	Moderate	High	Very High
1. What is the anticipated level of conflict, opportunity, controversy, or concern on this or related issues?					
2. How significant are the potential impacts to the public?					
3. How much do the major stakeholders care about this issue, project, or program?					
4. What degree of involvement does the public appear to desire or expect?					
5. What is the potential for public impact on the proposed decision or project?					
6. How significant are the possible benefits of involving the public?					
7. How serious are the potential ramifications of NOT involving the public?					
8. What level of public participation does Council and/or bureau directors desire or expect?					
9. What is the possibility of broad public interest?					
10. What is the probable level of difficulty in solving the problem or advancing the project?					

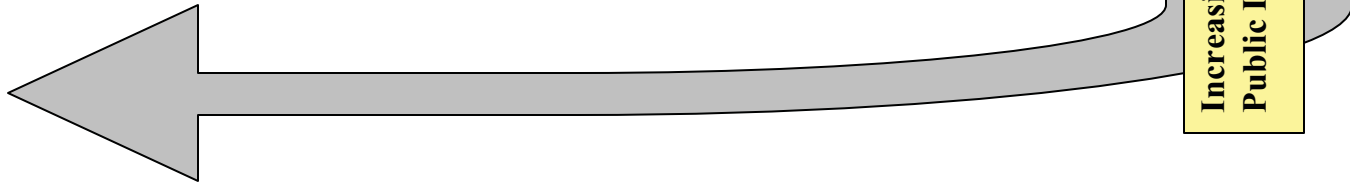
DRAFT Public Participation Spectrum

Level:	Public Participation Goal:	The City will:	Tools* to Consider:	The Community:
Decide	To place final decision-making in the hands of the public.	<i>Implement what the public decides.</i>	#5 Committees #6 Feedback Mechanisms #8 Community Driven & Organized #9 Techniques & Methods	Decides
Collaborative	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	<i>Partner with public in each aspect of decision.</i>	#6 Feedback Mechanisms #8 Community Driven & Organized #9 Techniques & Methods	Partners
Involve	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	<i>Work with the public to ensure that their concerns are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.</i>	#5 Committees #6 Feedback Mechanisms #7 Formal Hearings/Forums #8 Community Driven & Organized	Participates
Consult	To obtain public feedback on analysis, alternatives, and/or decisions.	<i>Keep the public informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.</i>	#3 Events/ Meetings #5 Committees #6 Feedback Mechanisms #7 Formal Hearings/Forums	Contributes
Inform	To provide the public with balanced & objective information to assist them in understanding the problem, alternatives, opportunities, and/or solutions.	<i>Keep the public informed.</i>	#1 Information/ Notification #2 Publications #3 Events/ Meetings #4 Community Education	Learns

*Refer to “Public Involvement Tools, by Category” on the next page for the full list of techniques.

Adapted from IAP2’s Public Participation Spectrum (www.iap2.org)

DRAFT – October 2006 – Bureau Innovation Project # 9, City of Portland



Public Involvement Tools, By Category – BIP #9

#1 Information/ Notification	#2 Publications	#3 Events/ Meetings	#4 Community Education	#5 Committees	#6 Feedback Mechanisms	#7 Formal Hearings/ Forums	#8 Community Driven & Organized	#9 Techniques & Methods
<ul style="list-style-type: none"> • Advertisements • Advertisements, Newspaper Inserts • Advertisements, Transit Ads • Bill Stuffer • Clerical Information Contact • Email • Info Centers & Field Offices • Information Hot Line • Information Repositories • Media: Comics, Community Media/Cable Access, Feature Stories, Podcasting, Radio, TV • News Conferences • Postcards • Press Releases • Soap Box • Staffed Displays • Tabling 	<ul style="list-style-type: none"> • Brochures • Fact Sheets • Issues Papers • Mailings • Newsletters • Reports • Review Drafts • Websites 	<ul style="list-style-type: none"> • Community Fairs • Community Forums • Design Charrettes • Door to Door/Canvass • Field Trip • Groundbreaking Ceremonies • Meetings with Existing Groups • Meetings, Virtual • Neighborhood Walks/Strolls • Open Houses • Roadshow • Summits • Tours • Open Houses • Virtual Open Houses • Web-based Meetings • Workshop, Computer-Facilitated • Workshops 	<ul style="list-style-type: none"> • Briefings to Neighborhood & Community Organizations • Brown Bags • Door to Door/Canvass • Panels • FAQ's • Field Trip • Media: Feature Stories & Editorials • Speakers Bureau • Staffed Displays • Tabling • Trainings 	<ul style="list-style-type: none"> • Advisory Committees • Citizen Juries • Commissions & Boards • Established Groups & Committees • Expert Panels • Task Forces 	<ul style="list-style-type: none"> • Comment Cards • Community Feedback Board • Door to Door/Canvass • Fishbowls • Focus Groups • Handheld Voting • Interviews • Large Group Study • Media, Blogs • Online • Testimony • Polling: Computer-Based, Deliberative • Response Sheets • Surveys: Exit/Follow-up, In Person, Intercept, Internet, Mailed, Telephone • Tabling • Virtual Room 	<ul style="list-style-type: none"> • Community Forums • Online • Testimony • Public Hearings 	<ul style="list-style-type: none"> • Coffee Klatches/House Parties • Community Facilitators • Form New Community Group • Meetings, Community Initiated • Small Grants 	<ul style="list-style-type: none"> • Consensus Building Techniques • Deliberative Dialogue • Design Charrette • Future Search Conference • Network with Leadership (esp. cultural groups) • Open Space Technology • Outside Consultant/Facilitator • Popular Education • Role-playing • Samoan Circle • Study Circles • Technical Information Contact

Appendix 3
Sample Non-discrimination Notices

APPENDIX 3**Nondiscrimination Notice to the Public****Full notice nondiscrimination notice**

The City of Portland operates without regard to race, color, national origin, religion, sex, sexual orientation, gender identity, marital status, age or disability in accordance with the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and related statutes and regulations, including Title II of the ADA, ORS chapter 659A, and Portland City Code Chapter 23. Title VI of the Civil Rights Act requires that no person in the United States shall be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any City program or activity, on the grounds of race, color, or national origin. To help ensure access to City programs, services and activities, the City will provide translations, will reasonably modify policies and procedures and will provide auxiliary aids or alternative formats to persons with disabilities. For accommodations, translations, or additional information, contact the Title VI/Title II Program Manager at Room 1204, 1120 SW 5th Avenue, Portland, OR 97204, by email at title6complaints@portlandoregon.gov or by telephone (503) 823-2559, City TTY 503-823-6868, or use Oregon Relay Service: 711. Any person who believes they have been aggrieved by an unlawful discriminatory practice may file a complaint with the Bureau or the City. Any Title VI complaint must be in writing and filed with the Bureau's Title VI Program Manager within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

Shorter version or email notice:

To help ensure equal access to City programs, services and activities, the City of Portland will provide translation, reasonably modify policies/procedures and provide auxiliary aids/services/alternative formats to persons with disabilities. For accommodations, translations, complaints, and additional information, contact me, use City TTY 503-823-6868, or use Oregon Relay Service: 711.

Alternate shorter version or email notice:

The City of Portland complies with all non-discrimination laws including Title VI (Civil Rights) and Title II (ADA). To request a translation, accommodation or additional information, please contact **insert name here** by **insert email** or use City TTY 503-823-6868, or Oregon Relay Service: 711.

Sample Translation Notices for Persons with Limited English Proficiency (should be in languages appropriate to the communication)

The Bureau of XXXXX is committed to providing meaningful access to the residents of Portland. If you require translation services please contact XXXXXXX.

Spanish Version

La Oficina de XXXX se compromete a proporcionar un acceso significativo a los residentes de Portland. Si necesita servicios de traducción, por favor póngase en contacto con XXXXXXX

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The Portland Bureau of Transportation operates without regard to race, color national origin, religion, sex, sexual orientation, marital status, age or disability in accordance with Title VI of the Civil Rights Act of 1964, Title II of the ADA, ORS chapter 689 A, and City of Portland Code Title 23.01. For accommodations, complaints, and additional information, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW 5th Avenue, Portland, OR 97204, or by telephone (503) 823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711.

Cục Giao Thông Vận Tải Portland (Portland Bureau of Transportation) hoạt động trên nguyên tắc không phân biệt sắc tộc, màu da, tôn giáo, giới tính, định hướng tình dục, tình trạng hôn nhân, tuổi tác hoặc tình trạng khuyết tật theo Tiêu Đề VI của Đạo Luật Dân Quyền (Civil Rights Act) ban hành năm 1964, Tiêu Đề II của ADA, chương 689 A của ORS và Tiêu Đề 23.01 của Bộ Luật Thành Phố Portland. Để biết thông tin về quy trình hòa giải, khiếu nại và thông tin bổ sung, xin vui lòng liên hệ với Điều Phối Viên của Tiêu Đề II và Tiêu Đề VI tại Phòng 1204, 1120 SW 5th Avenue, Portland, OR 97204, hoặc bằng điện thoại (503) 823-5185, TTY Thành Phố 503-823-6868, hay sử dụng Dịch Vụ Chuyển Tiếp Oregon (Oregon Relay Service): 711.

포틀랜드 교통관리국(Portland Bureau of Transportation)은 1964년 제정 민권법 제6장(Title VI of the Civil Rights Act of 1964), 장애인보호법 제2장(ADA Title II), 오레곤주 개정 법안 689 A 장(ORS chapter 689 A), 포틀랜드시 조례 제23장 1조(City of Portland Code Title 23.01)를 준수하여 인종, 피부색, 국적, 종교, 성별, 성적 지향, 결혼 여부, 연령 또는 장애에 대한 차별 없이 업무를 처리합니다. 조정사항이나 불만사항 및 자세한 내용은 장애인보호법 제2장 및 민권법 제6장 담당 조정관에게 우편(주소: Room 1204, 1120 SW 5th Avenue, Portland, OR 97204) 또는 전화번호 (503) 823-5185, 시 TTY(문자전화) (503) 823-6868이나 오레곤 릴레이 서비스 번호 711을 이용해 문의하십시오.

La Oficina del Transporte de Portland opera sin tomar en cuenta la raza, el color, el país de origen, el sexo, la orientación sexual, el estado civil, la edad, o la discapacidad, de conformidad con el Título VI de la Ley de Derechos Civiles de 1964, el Título II de ADA, el capítulo 689 A de ORS, y el Título 23.01 de la Ciudad de Portland. Para casos especiales, quejas o información adicional, póngase en contacto con el coordinador de Título II y el Título VI, en la Sala 1204, 1120 SW 5th Avenue, Portland, OR 97204, o por teléfono al (503) 823-5185, TTY de la ciudad 503-823-6868, o utilice el servicio de relevo de Oregon: 711

Транспортное управление г. Портленд осуществляет свою деятельность без различия расы, цвета кожи, национальности, религия, пола, сексуальной ориентации, семейного положения, возраста или инвалидности в соответствии с положениями раздела VI закона «О гражданских правах» 1964 года, раздела II закона «О защите прав граждан с ограниченными возможностями», раздела 689A Свода законов штата Орегон с дополнениями и изменениями и раздела 23.01 Свода законов города Портленд. С жалобами и за дополнительной информацией обращайтесь к координатору по вопросам соответствия положениям раздела II и раздела VI по адресу: Room 1204, 1120 SW 5th Avenue, Portland, OR 97204 или по телефону: (503) 823-5185, по номеру городского телетайпа (TTY): 503-823-6868 или воспользовавшись Орегонской службой передачи текстовых сообщений: 711.

波特蘭交通局依據「1964年公民權利法」第六章、「美國殘障人法案」第二章、「俄勒岡州修正條例」第689A章及「波特蘭市法典」第二十三章第一款運行，不因種族、膚色、國籍、宗教、性別、性傾向、婚姻狀況、年齡或殘疾不同而有差別。欲得到幫助、投訴和瞭解更多資訊，請聯繫第二章和第四章協調員：Room 1204, 1120 SW 5th Avenue, Portland, OR 97204, 或致電：(503) 823-5185, 市電傳打字機：503-823-6868, 也可使用俄勒岡州電話中轉服務：711。



Appendix 4
Guide to Providing Translation and Interpretation Services

City of Portland Guide to Providing Translation and Interpretation Services

A. Policy: Provide timely and meaningful access to services for persons with limited English proficiency (LEP) in the language they are most comfortable communicating. LEP persons are persons that have a limited ability to speak, read, write or understand the English language at a level that permits effective interaction with City staff. This guide and a definition of LEP persons should be distributed and posted widely, as should information about how to request translation or interpretation services.

B. Analysis: Determination of what LEP services are necessary should be based on the needs of the community to be served and a baseline of what languages are spoken by the LEP population. Each bureau should identify what documents are vital for the public to interact with that Bureau's business model. The U.S. Department of Justice (DOJ) recommends the following "Four Factor" analysis to determine if translation of documents needs to be performed to ensure meaningful participation or understanding of the agencies programs.

1. The number or proportion of LEP persons served or encountered in the eligible service population (baseline);
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program; and
4. The resources available to the recipient, and costs.

This baseline population analysis and English proficiency are key elements to determining what languages are most commonly used by LEP populations in the City and what translation services are necessary to ensure full access to City programs. The City should engage the community and seek input on the baseline population and English proficiency analysis. This will be a deliverable in the first year.

C. Access: Each bureau should develop a plan to provide meaningful access to its services for LEP populations. The plan should include a description of how the bureau will provide language assistance and notice and how it will train staff to access translation and interpretation services.

The following elements should be considered for inclusion in the plan:

1. Develop a list of vital documents that require translation as well as a set of criteria to determine what future documents will require translation. Vital documents generally include all documents that describe benefits, fees or penalties. Web pages that are considered vital should be identified for translation. As an interim step, features such as Google Translate may be utilized

to provide immediate translation. However this step on its own will often not be a full or sufficient solution to providing access. (Note: Newly issued business cards could contain the City's statement about access to translation.)

2. For all other web pages and publications, engage in the Four Factor DOJ analysis set forth above. Post notices in locations accessible to the public in the most common languages that translation and interpretation services are available. For example: *The City of Portland is committed to providing meaningful access to the residents of Portland. If you require translation or interpretation services please contact XXXXXX.* (The contact information should be the person responsible for the information on that page or designated by the owner of the page to address translation.
3. Develop a bureau and City-wide database of City personnel with foreign language skills. Post on the internal staff website and train staff how to use the reference. Provide instructions and billing numbers to staff who are asked to provide quality assurance or communication assistance. For translation or interpretation use the City-wide contractor.
4. For in-person contact by LEP speakers, use a language chart to help identify what languages an LEP person speaks. These should be located wherever the public has access to bureau staff to help identify what languages an LEP person speaks. This tool can provide information to City staff when in-person interpretation is necessary. Use steps laid out in the City-wide translation and interpretation service to access immediate telephone translation services as needed.
5. For telephone calls, provide interpretation services using staff, as available, or the steps laid out in the City-wide translation and interpretation service.
6. For significant public meetings, establish a system for providing translation services using the City's translation and interpretation service. Clearly notify the public about the availability of translation and interpretation. Plan for interpretation services for meetings that are expected to draw LEP speakers. Train staff on how to access translation and interpretation services. A minimum of two interpreters should be scheduled per language required for meetings that exceed two hours. Accommodate requests for interpretation in a timely manner by using the City-wide service.
7. Consider employing an email address that could be used by the public to gain information about services. Emails could be written in the native language of the sender and then translated once the email is received by the City of Portland, using the above methods or other translation options.

8. Consider images and language that conveys information for persons with low literacy.

D. Safe Harbor Provisions: The DOJ has developed *safe harbor* provisions that can be used to demonstrate that an agency has met the translation obligations. Essentially, if an agency provides written translation of vital documents for each eligible LEP language group that constitutes 5 percent or 1000 persons, which ever is less, of the total population to be served, then such action will be considered strong evidence of compliance with the written translation obligations.

To use the *safe harbor* provisions, the bureaus would translate vital documents into the languages most commonly used in the City. The decision to use the *safe harbor* provisions should be documented and reviewed based on subsequent information about the LEP populations.

Appendix 5
Environmental Justice Policy and Analysis Guidelines

Environmental Justice Policy and Analysis Guidelines

The City of Portland recognizes that the question of whether a decision of any bureau or agent raises environmental justice issues is highly sensitive to the history or circumstances of a particular community or population, the particular type of environmental or human health impact, and the nature of the proposed action itself.

While there is no standard formula for how environmental justice issues should be identified or addressed, the following principles provide general guidance.

The City of Portland and its bureaus should consider who lives and works in the area affected by the decision. It is critical to determine whether minority populations, low-income populations, or Indian tribes are present in the area affected by the proposed action, and if so whether there may be disproportionately adverse human health or environmental effects on people of color, low-income populations, or Indian tribes.

For each decision, certain questions should be posed:

- Does the proposed action solve a problem with the support of the affected community?
- Does this action or decision increase, compound or exacerbate exposure to human health hazards, including obesity?
- Does this action or decision increase, compound or exacerbate decline of a community or promote gentrification?

The City and its bureaus should consider relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards, to the extent such information is reasonably available. The City and its bureaus must also consider opportunities for economic and social equity caused by the decision, as well as multiple or cumulative effects of current and previous decisions.

The City and its bureaus should recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed action. These factors should include:

- the vulnerability of the community or population to particular impacts.
- how the decision will disrupt the area's community structure and if the disruption can or should be minimized.
- how the decision will disrupt the area's social and economic structure and environment and if the disruption can or should be minimized.

Appropriate public participation strategies must be employed to address environmental justice concerns. The City must remove physical, cultural, and linguistic barriers to meaningful participation. Early engagement of diverse constituencies is critical.

Appendix 6
Title VI Complaint Procedure and Form

ADA/TITLE VI COMPLAINT FORM



The purpose of this form is to assist you in filing a complaint under the Americans With Disabilities Act (ADA), The Rehabilitation Act or Title VI of the Civil Rights Act of 1964 (Title VI). The ADA and the Rehabilitation Act prohibit discrimination based on disability. Title VI prohibits discrimination based on race, color or national origin. Other laws prohibit discrimination based on sex, age, sexual orientation, gender identity, religion and source of income.

You may file a complaint against the City, a City contractor, or a City subrecipient of federal funds. All complaints must be filed within 180 days of the occurrence of the alleged act or a waiver requested as indicated below.

Send All Complaints To:
 ADA/Title VI Program Manager
 1120 SW 5th Avenue, Room 1204
 Portland, OR 97204
Title6complaints@portlandoregon.gov

1. Complainant's Name and Address.

Name:

Address:

City: State: Zip Code:

Home Phone: Work Phone: Cell Phone:

Today's Date:

2. Person(s) Discriminated Against, if Different from Above.

Name:

Address:

City: State: Zip Code:

Home Phone: Work Phone: Cell Phone:

3. City Department, Contractor, or Subrecipient that Discriminated.

Name:

Address:

City: State: Zip Code:

Home Phone: Work Phone: Cell Phone:

4. Indicate the Reasons You Believe the Discriminatory Action(s) Occurred.

Race/Color National Origin Disability Other

5. When and Where did the Incident Occur?

6. Please explain as clearly as possible what occurred, who was involved, why you believe it occurred, and how you (or another) were discriminated against. (Please use additional sheets of paper, if necessary, and attach a copy of any written materials pertinent to your claim.)

7. Sign and Date the Complaint (We Cannot Accept Unsigned Complaints).

Print Name

Signature

If you are unable to sign, please type or have another acknowledge for you.

Name of Person Acknowledging on Behalf of Complainant.

PROCESS FOR FILING, TRACKING, INVESTIGATING AND APPEALING CIVIL RIGHTS COMPLAINTS

Complaint Process under Title VI of the Civil Rights Act:

Any person who believes she or he has been the object of unequal treatment or discrimination on the grounds of race, color, or national origin may file a complaint with the City of Portland's Title VI Program Manager.

This process applies to all complaints filed under Title VI of the Civil Rights Act of 1964, arising from any program, service of or activity of the City of Portland or its subrecipients.

This is an administrative process that does not provide for compensatory or punitive damages.

The City's process is not exclusive. A person filing a complaint with the City may also file a complaint with other state or federal agencies or the courts. Other agencies will have time limits for filing complaints. Generally, federal agencies require Title VI complaints to be filed within 180 days of the date of the discrimination.

Complaint Process for Other Claims of Discrimination:

The Title VI complaint process does not cover complaints based on protections afforded under other civil rights statutes, such as sex, sexual orientation, gender identity, age or source of income. If a complaint is filed alleging such discrimination, the complainant will be notified that it cannot be processed as a Title VI complaint. However, the City will review complaints of discrimination based on sex, sexual orientation, gender identity, age or source of income to determine if they can be informally resolved.

Complaints of discrimination based on disability will be handled under the City's ADA Title II complaint process which is substantially similar to this Title VI complaint process.

To be accepted, a Title VI complaint must:

- a) involve discrimination on the basis of race, color or national origin;
- b) allege that the discrimination was committed by the City of Portland, a City of Portland employee or a subrecipient of the City of Portland; and
- c) be filed within 180 days of the alleged discrimination (or within 180 days of when the complainant knew, or should have known, of it).

Filing a Title VI Complaint:

Complaints should be filed with Title VI Program Manager, in the Office of Management and Finance.

Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Title VI Program Manager or may have another person write and acknowledge the complaint on his or her behalf.

Complaints should include:

- a) the name, address and phone number of the person who experienced the discriminatory action;
- b) the date of the alleged act of discrimination or the date when the complainant(s) became aware of the alleged discrimination; and
- c) a brief but specific description of the discriminatory practice or action and any relevant facts.

The complaint should include names and contact information of any witnesses, including city employees or contractors.

Allegations may be faxed or e-mailed and will be acknowledged and processed once the identity of the complainant and the intent to proceed with the complaint have been established.

The complaint form must be signed or acknowledged, and returned to the Program Manager for processing.

The original copy may be sent, faxed or emailed to:

Title VI Program Manager
1120 SW 5th Avenue, Room 1204
Portland, Oregon 97204
Fax 503-823-6924
title6complaints@portlandoregon.gov

Allegations received by telephone or TDD will be reduced to writing on a complaint form and provided to complainant for confirmation or revision before processing.

Processing A Title VI Complaint:

Upon receipt of the complaint, the Title VI Program Manager will determine:

- a) If the complaint is complete;
- b) If additional information is needed;
- c) If the City has jurisdiction; and
- d) If the complaint is timely.

The Program Manager will notify the complainant in writing within **5 working days either** that the complaint is accepted or the complaint is not accepted. If the complaint is not accepted, the Program Manager will state why. If the complaint is not accepted because additional information is needed, the complainant will be notified what information is needed.

If the Complaint is accepted, the City will investigate the merits of the complaint and will attempt to resolve it at the lowest level possible.

Complaints submitted directly to City bureaus will be forwarded to the Title VI Program Manager for intake.

In cases where the complaint is against one of the City of Portland's subrecipients, the City will assume jurisdiction and will investigate the complaint.

In some instances the City will have a legal obligation to notify a state or federal agency of a Title VI complaint, and in such instances that agency may investigate the complaint.

Dismissal of Complaints:

The City of Portland may dismiss a complaint for any of the following reasons:

- The complainant withdraws the complaint.
- The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- The complaint is untimely.
- The complainant cannot be located.
- The complaint is determined to be legally insufficient.

Investigating and Tracking Title VI Complaints:

The Program Manager will notify the complainant in **writing** within **5 working days** of the decision to accept or reject the complaint. Notification will include a case number.

In cases in which the complaint is against the City, the Title VI Program Manager will work with the involved Bureau and the complainant to attempt to resolve the complaint. The option of informal mediation meetings may be used at any stage.

If the parties are unable to resolve the complaint, the Title VI Program Manager will investigate the complaint. The Complainant will be provided a written decision on the complaint within **60 working days** of the acceptance of the complaint for investigation.

Appealing the Program Manager's Written Decision:

The Title VI Program Manager will only re-consider a complaint if new facts come to light.

If the complainant is not satisfied with the written decision of the Program Manager, the complainant has **14 working days** from the date of the decision to provide the Program Manager with written notice of intent to appeal.

The appeal shall be to the Director of the involved City Bureau.

The involved Bureau Director shall issue a decision on the appeal within **30 working days** of the notice of intent to appeal, which shall be the final decision of the City.

A copy of these procedures and a complaint form are included in Appendix 6.

Appendix 7
Title VI Contracting Language

Compliance with Non-Discrimination Laws and Regulations

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 nondiscrimination in Federally-assisted programs as set forth in 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) Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, sexual orientation, age, religion, disability, marital status, or family relationships 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 Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, , sex, sexual orientation, age, religion, disability, marital status, or family relationships.

(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 the *City of Portland* or any state or federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the *City of Portland* or the any state or federal agency as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the *City of Portland* shall impose such contract sanctions as it or any state or federal agency 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 (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the *City of Portland* or any state or federal agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the *City of Portland* to enter into such litigation to protect the interests of the *City of Portland*, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The contractor shall have the responsibility to inquire as to which agencies, if any, have a regulatory interest in the contract and comply with any resulting regulations or requirements.