

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY
RESOLUTION NO. 2017 - 3**

**A RESOLUTION APPROVING THE SANTA FE COUNTY
TITLE VI PLAN AND AUTHORIZING THE COUNTY
MANAGER TO SUBMIT THE PLAN TO THE NEW MEXICO
DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE
COUNTY**

WHEREAS, Title VI of the federal Civil Rights Act of 1964 (Title VI) prohibits discrimination based upon race, color, and national origin, and 42 USC 2000d of Title VI states, *“No person in the United States shall, on the ground of race, color, 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”*; and

WHEREAS, the Federal Department of Transportation (USDOT), which provides transportation funding to state and local governments, implements Title VI through 49 CFR Part 21 (Nondiscrimination in Federally-Assisted Programs of the USDOT); and

WHEREAS, the purpose of 49 CFR Part 21 is:

[To] effectuate the provisions of title VI of the Civil Rights Act of 1964 ... to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation.

49 C.F.R. § 21.1; and

WHEREAS, there are other Nondiscrimination statutes that afford legal protection from unlawful discrimination, including Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (prohibiting discrimination on the basis of sex), Age Discrimination Act of 1975 (prohibiting discrimination on the basis of age), and Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (prohibiting discrimination on the basis of disability); and

WHEREAS, two Presidential Executive Orders place further emphasis upon the Title VI protections of race and national origin, Executive Order #12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) and Executive

Order #13166 ("Improving Access To Services For Persons With Limited English Proficiency"); and

WHEREAS, the New Mexico Department of Transportation (NMDOT) has notified the County that all subrecipients of USDOT funds must implement a Title VI Program through adoption of a Title VI Plan demonstrating how unlawful discrimination will be prevented in accordance with all applicable federal law; and

WHEREAS, the County's ability to receive USDOT funding will be jeopardized unless the County submits its Title VI Plan to NMDOT by January 13, 2017; and

WHEREAS, staff has prepared the attached draft Title VI Plan in compliance with all NMDOT requirements; and

WHEREAS, regardless of the source of finding, it is the County's policy to fully comply with all Nondiscrimination laws and to implement the policies and procedures outlined in the County Title VI Plan to assure such compliance.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners as follows:

1. The County Manager is authorized to finalize, sign, and submit to the NMDOT a Santa Fe County Title VI Plan that is substantially in the form of Exhibit A to this Resolution.
2. The County Manager may make such corrections and additions to the Title VI Plan as the NMDOT may require for the County to receive USDOT funding.
3. The County Manager shall be responsible for implementing the Santa Fe County Title VI Plan.

PASSED, APPROVED, AND ADOPTED THIS 10th DAY OF January, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: [Signature]
Chair

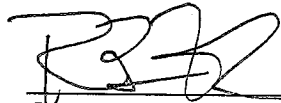
ATTEST:

[Signature]
Geraldine Salazar, Santa Fe County Clerk

Date: 1-13-2017



APPROVED AS TO FORM:



Gregory S. Shaffer, Santa Fe County Attorney

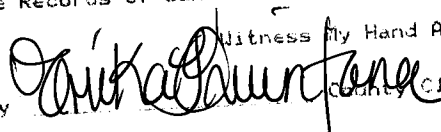
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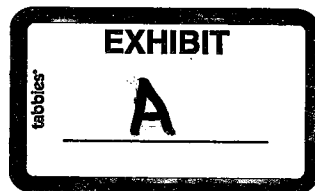
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 42

I Hereby Certify That This Instrument Was Filed for
Record On The 13TH Day Of January, 2017 at 11:15:23 AM
And Was Duly Recorded as Instrument # 1814823
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk Santa Fe, NM

SFC CLERK RECORDED 01/13/2017



Santa Fe County Title VI Plan

January 12, 2017

SFC CLERK RECORDED 01/13/2017

I. Nondiscrimination Statement of Policy

Title VI Policy Statement

This policy applies to all operations of Santa Fe County, including its contractors and anyone who acts on behalf of Santa Fe County. This policy also applies to the operations of any department or agency to which Santa Fe County extends federal financial assistance. Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance.

Santa Fe County is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, and all related regulations and directives. It is the policy of Santa Fe County that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any Santa Fe County program, activity or service.

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

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

Environmental Justice/Limited English Proficiency Policy Statement

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

Definition of Federal financial assistance and recipients affected

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

Specific Forms of Discrimination Prohibited

Santa Fe County will not, on the ground of race, color, or national origin, exclude any person from participating in or benefiting from any program or activity of the County. It is the policy of the County not to engage in any form of discrimination on the basis of race, color, or national origin, including but are not limited to the following:

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

Santa Fe County programs and services covered by Title VI

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

Authorities

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability)
6. The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. § 4601
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department of Transportation-Effectuation of Title VI Of The Civil Rights Act of 1964*);

9. 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
10. 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On the Basis Of Handicap In Program Or Activities Conducted By The Department Of Transportation*);
11. 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
12. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
13. 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
14. 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

II. FHWA Assurances for Title VI and Other Nondiscriminatory Statutes

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

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

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

General Assurances

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

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

Specific Assurances

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

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

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

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

recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.

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

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

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

By _____ Dated: _____

Katherine Miller
County Manager, Santa Fe County

Appendix A

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

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

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as Santa Fe County the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request Santa Fe County to enter into any litigation to protect the interests of Santa Fe County. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B

Covenant Running with the Land Assurance

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the State of New Mexico will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the State of New Mexico all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(Habendum Clause)

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

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

revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

SFC CLERK RECORDED 01/13/2017

Appendix C

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

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

- A. The (grantee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) and never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the State of New Mexico and its assigns.*

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

Appendix D

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

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

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

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

SFC CLERK RECORDED 01/13/2017

Appendix E

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

Pertinent Non-Discrimination Authorities:

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

compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your program (70 Fed. Reg. at 74087 to 74100);

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

Appendix F

CERTIFICATION OF NON-SEGREGATED FACILITIES

(Sample: Included in all Santa Fe County Procurements)

(Applicable to construction contracts and related subcontracts exceeding \$10,000, which are not exempt from the Equal Opportunity Clause.)

The construction contractor certifies that it does not maintain or provide for its employees any segregated facility at any of its establishments, and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The construction contractor certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity Clause in this contract. As used in this certification, the term "segregated facilities" means any waiting room, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clock, locker rooms and other storage or dressing areas, parking lots, drinking foundations, recreating or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. The construction contractor agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed SUBCONTRACTORS prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause and that it will retain such certifications in its files.

(SIGNED) _____

TITLE _____

SUBSCRIBED AND SWORN to before me this _____ day of _____ 2017.

NOTARY PUBLIC

My Commission Expires _____

CERTIFICATION OF BIDDER REGARDING EQUAL EMPLOYMENT OPPORTUNITY

INSTRUCTIONS

This certification is required pursuant to Executive Order 11246 (30 F. R. 12319-25). The implementing rules and regulations provide that any bidder or perspective contractor, or any of their proposed subcontractors, shall state as an initial part of the bid or negotiations of the contract or subcontract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and, if so, whether it has filed all compliance reports due under applicable instructions.

Where the certification indicates that the bidder has not filed a compliance report due under applicable instructions, such bidder shall be required to submit a compliance report within seven calendar days after bid opening. No contract shall be awarded unless such report is submitted.

CERTIFICATION OF BIDDER

Bidder's Name: _____

Address: _____

- 1. Bidder has participated in a previous contract or subcontract subject to the Equal Opportunity Clause.
Yes ____ No ____
- 2. Compliance reports were required to be filed in connection with such contract or subcontract.
Yes ____ No ____

Certification – The information above is true and complete to the best of my knowledge and belief.

NAME AND TITLE OF SIGNER (PLEASE TYPE)

SIGNATURE

DATE

SFC CLERK RECORDED 01/13/2017

III. Public Participation Plan (PPP)

As a local government Santa Fe County is subject to the New Mexico Open Meetings Act (OMA), NMSA (1978) Sect. 10-15-1 et seq. Under this Act, with certain limited exceptions, the Board of County Commissioners (BCC) and all other County boards and commissions that formulate County policy must conduct the County's business in meetings that are open to the public. The OMA requires Santa Fe County to annually determine reasonable notice for public meetings. See County Resolution No. 2016-136. The BCC generally holds two regular open meetings on the second and fourth Tuesday of each month. The meetings and their agendas must be properly noticed to the public in advance of the meeting. All members of the public are invited to make public comment on any County business at all BCC and other public County meetings. The public is also permitted to engage in discussion on any agenda item that is up for approval or disapproval by the BCC. This is the method by which the County ensures that all members of the public, including low income and minority populations, have adequate notice and opportunity to access County officials and fully participate in County proceedings. In addition to public comment at the BCC meetings, all members of public may use the County website to file a public comment on issues or topics of concern.

All published notices of public County meetings include the following statement: "Santa Fe County makes every practical effort to assure that auxiliary aids or services are available for meetings and programs. Individuals who would like to request auxiliary aids or services should contact the Santa Fe County Managers Office at (505) 986-6200 in advance to discuss specific needs (e.g., interpreters for the hearing impaired or readers of the sight impaired)".

The BCC's annual meeting schedule is advertised at the beginning of the year in the local newspaper. In addition, meeting notices and changes are posted at the County Administration Building and on the Santa Fe County website. Final agendas are posted on the webpage at least 3 days prior to the meeting.

The Santa Fe County Board of County Commissioners and the Transportation Advisory Committee:

Santa Fe County is governed by the BCC, which is comprised of 5 elected members who represent their respective districts. Commission District 1 is represented by Commissioner Henry P. Roybal; District 2 by Commissioner Anna Hansen; District 3 by Commissioner Robert A. Anaya; District 4 by Commissioner Anna Hamilton; and District 5 by Commissioner Ed Moreno.

The Transportation Advisory Committee (TAC) is a citizen advisory committee which makes recommendations to the BCC on elements of transportation. The TAC is composed of 13 members: two from Commission Districts 2, 4 and 5, and 3 from the

larger Commission Districts 1 and 4. There is one member who serves at large. TAC members are appointed by the BCC.

Santa Fe County recognizes and includes minority populations through its development and periodic update of the 2015 Sustainable Growth Management Plan (SGMP), 11 Community Plans, and the 2 Corridor Plans that are included in the Sustainable Land Development Code (SLDC). Community Plans apply to specific identifiable communities, including traditional Hispanic communities, and are developed substantially by the affected community itself. 2010 US census data was used in the update of these plans. This data was used to develop profiles for each community and to identify patterns, trends and issues that are important for the community. The Planning Division staff develop a process in consultation with community members on how each area plan will be updated that includes a series of meetings for the plan development. All issues brought forth in the Community planning process by members of the community, including low income or minority populations, are noted in each plan. The meetings are advertised in the local newspaper and open to minority populations and all members of the public, community organizations and neighborhood groups. County mailing lists are also used for emails and mail outs on the meetings. Community and Corridor Plan meeting are hosted in the respective plan area to ensure maximum participation by all members of the community or corridor. All updates of the SGMP and SLDC utilize the same process in which public comment meetings are held at different locations in the County to maximize public participation. These meetings are also advertised in the local paper, posted on the County webpage, and emails and mail outs are also used for public notice.

Santa Fe County communicates and conducts outreach to minority populations and the public through postings on the County webpage for County programs, projects and public meetings. The Santa Fe County Manager's Monthly Newsletter is also used to provide information on programs, projects and upcoming public meetings. All regular BCC meetings are advertised and open to public input and comment to minority populations and the public in accordance with the New Mexico Open Meetings Act.

Santa Fe County currently communicates with and conducts outreach to Limited English Proficient individuals through bilingual staff members who are fluent in English and Spanish. 2014 US Census American Survey Community Data estimates 10.5 % of the County population over 5 years of age speak English less than very well. Of this 10.5 % the largest proportion (31.3%) are Spanish speakers. If a County staff person is unable to communicate in the person's language, efforts are made to locate another staff person who can. The County also has a Tribal Liaison who can assist tribal members who have limited English proficiency.

Santa Fe County is a member of, and participates and coordinates with the North Central Regional Transit District, the Santa Fe Metropolitan Planning Organization, and the Northern Pueblo Regional Transportation Planning Organization. Each of these agencies has their respective Title VI plan that is developed in consultation and coordination with Santa Fe County. Santa Fe County coordinates and works with these

agencies to ensure that Santa Fe County minority populations have equal access to these agency planning processes. Please see Section VII of this plan that is specific to the transportation planning process.

Input from minority populations for decision making is ultimately considered by the BCC at its regular meetings when it publicly votes on policies, plans, programs and projects. Input from minority population is also considered in the development process of Community Plans and updates to the SGMP and SLDC. That process includes a series of public meetings, and documentation of written comments received. All comments received through the County website are also documented for consideration in the development of plan, policies, programs and projects and decision making by the BCC.

IV. Organization/Staff Responsibilities

Organizational Overview:

Santa Fe County Organization Chart

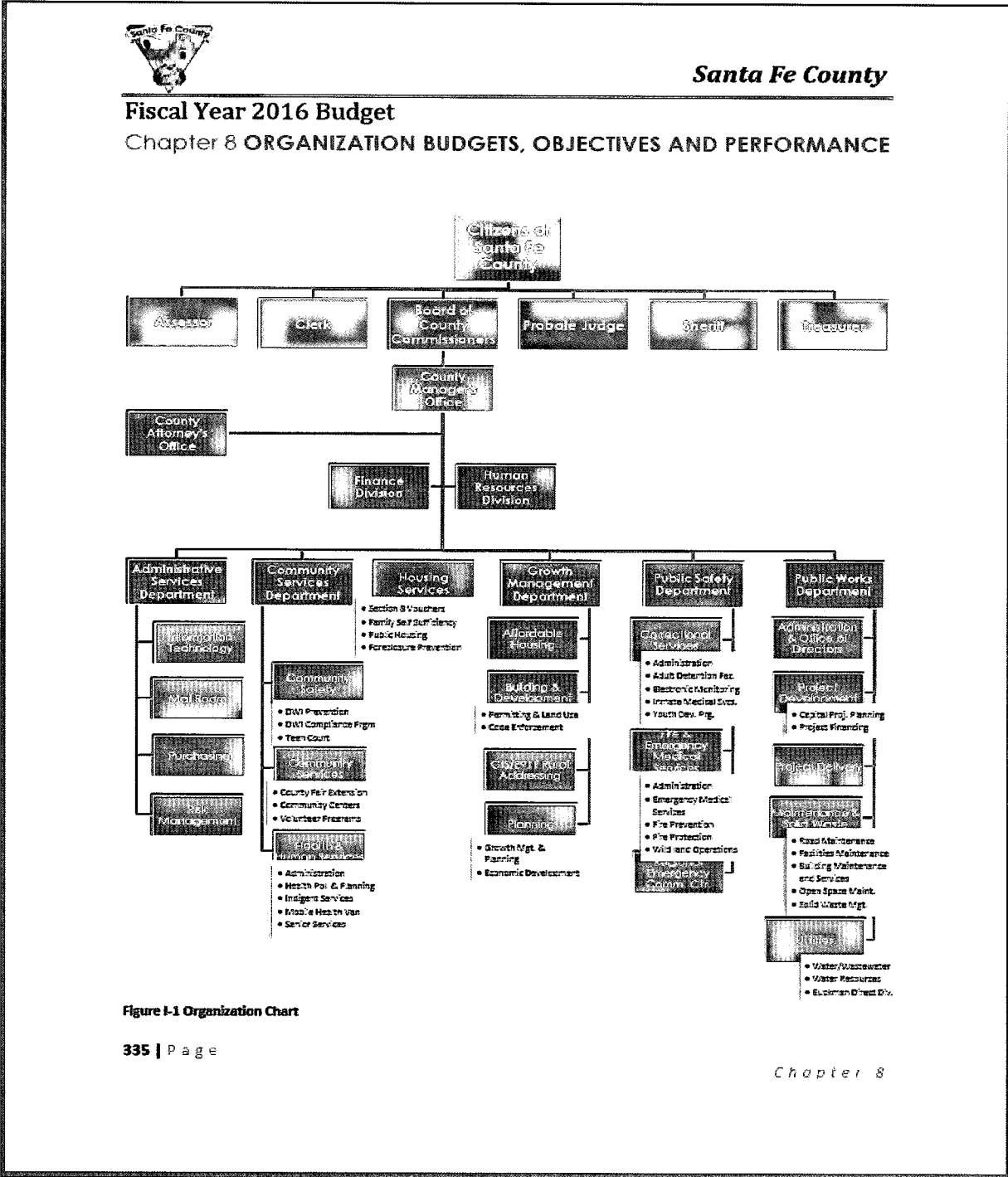
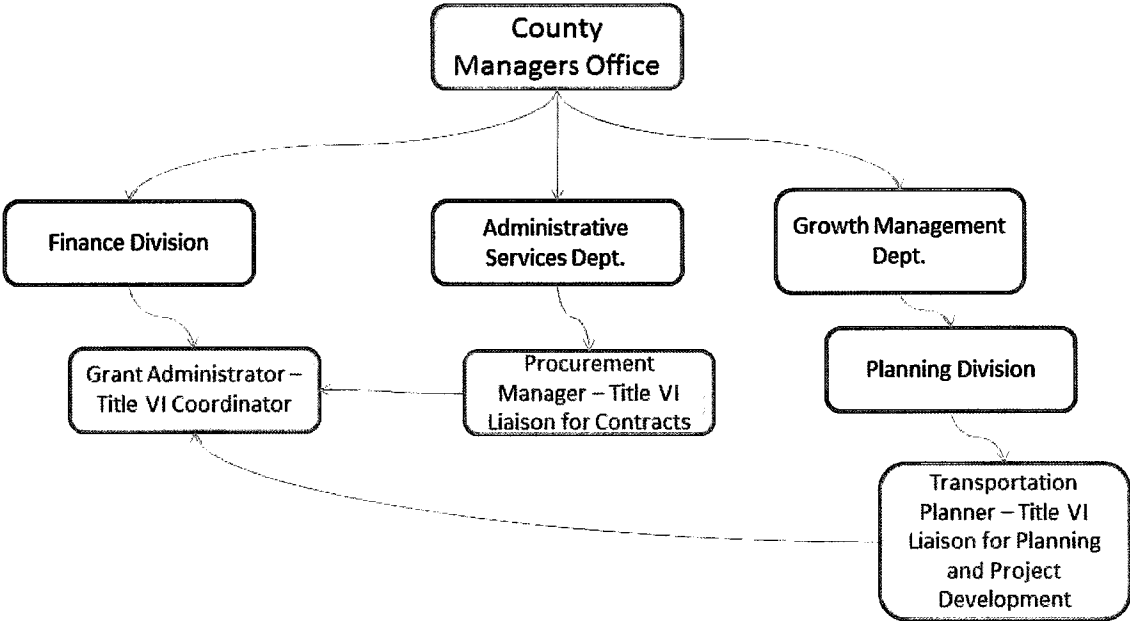


Figure I-1 Organization Chart

SFC CLERK RECORDED 01/13/2017

**Santa Fe County Title VI Plan:
Supplemental Organizational Chart Depicting Title VI Roles**



Title VI Coordinator Responsibilities: The Title VI Coordinator is responsible for the development and implementation of the Title VI plan. The Coordinator must also ensure that all entities of Santa Fe County are compliant with Title VI requirements. The Title VI Coordinator is also responsible for:

- Submitting a Title VI plan and annual reports for Santa Fe County
- Developing procedures for the collection and analysis of statistical data.
- Developing a program to conduct Title VI reviews or program areas.
- Conducting annual assessments of identified Title VI program areas.
- Developing Title VI information for dissemination.
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

Please note Santa Fe County does not have any sub-recipients, as referenced in FHWA Title VI Program Implementation Checklist, item 6.

V. Primary Program Area & Review Procedures

Santa Fe County engages in the following program areas.

Program Area	General Description	Title VI/ Nondiscrimination Concerns and Responsibilities	Review Procedures for Ensuring Nondiscrimination
Planning	Santa Fe County Transportation Planning	1) Ensure the Santa Fe County Transportation Planning process is open and inclusive to all minority populations and the public. This includes reasonable meeting times and locations, meeting notice requirements and dissemination of information. 2) Coordinate and work with the Santa Fe MPO. North Central Transit District, Northern Pueblos and Mid Region RTPo for compliance with Title VI transportation planning requirements so Santa Fe County minority populations have equal access to these planning agencies.	The Title VI Liaison for Transportation Planning (Transportation Planner or Planning Div. Director) will review at least annually the Santa Fe County Transportation Planning procedures for compliance with Title VI requirements and report those findings to the Santa Fe County Title VI Coordinator for submission to NMDOT.
Purchasing Department	Santa Fe County Purchasing Department (includes ROW, acquisition and	Ensure that all ROW acquisition and procedures, and federally funded transportation	The Title VI Liaison for the Purchasing Department will review at least annually the Santa

SFC CLERK RECORDED 01/13/2017

	procedures, and contracts for federally funded projects and project implementation).	contracts and projects, comply with Title VI requirements.	Fe County procedures for ROW acquisition, and contracts for federally funded projects and project implementation for compliance with Title VI requirements and report those findings to the Santa Fe County Title VI Coordinator for submission to NMDOT.
--	--	--	---

VI. Title VI Complaint Procedures

Santa Fe County will use the NMDOT Title VI complaint procedures as outlined in this document. The complaint procedures cover the following:

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

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

An individual, group of individuals or entity may file a formal Title VI complaint. Complaints must be submitted to the NMDOT Title VI Coordinator in writing, signed and

dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following address:

Attn: Title VI Coordinator
Construction and Civil Right Bureau
1570 Pacheco St.
Suite 110
Santa Fe, NM 87505

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

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

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

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

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

New Mexico Department of Transportation
Construction and Civil Rights Bureau
1570 Pacheco St. Suite A10
Santa Fe, NM 87505
Phone: (505) 629-9890

Federal Highway Administration, New Mexico
4001 Office Court Dr.
Suite 801
Santa Fe, NM
Phone: (505) 820-2021

Title VI Complaint Form

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

additional sheets to this form:

Section IV

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

Section V

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

If yes, please check and name all that apply:

☐ Federal Agency: _____

☐ Federal Court: _____

☐ State Agency: _____

☐ State Court: _____

☐ Local Agency: _____

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

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Section VI	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	
Signature: _____	
Date: _____	
Please submit this form in person at the address below, or mail form to: Attn: Title VI Coordinator Construction and Civil Rights Bureau 1570 Pacheco St. Suite 110 Santa Fe, NM 87505	

Título VI Formulario Cumple México

Sección I	
Nombre:	
Dirección:	
Teléfono (Casa/Celular):	Teléfono (Trabajar):
Dirección de correo electrónico:	
Sección II	
¿Está usted presentando esta queja en su propio nombre: Sí ☐ No ☐	
* Si usted contestó "sí" a esta pregunta, pase a la Sección III.	
Si su respuesta es "no", por favor escriba el nombre y la relación de la persona que está presentando la queja en contra:	Nombre:
	Relación:
Si usted está presentando una queja en calidad de tercero, por favor, explica por qué en el siguiente espacio:	
¿Te ha obtenido el permiso de la parte perjudicada, si usted está presentando en nombre de un tercero: Sí ☐ No ☐	
Sección III	
Creo que la discriminación que experimenté fue basado en (marque todo lo que corresponda):	
☐ Raza	☐ Color ☐ Origen Nacional
Fecha de la discriminación alegada (Mes, Día, Año):	Fecha:
Explicar, lo más claramente posible, lo que sucedió y por qué usted cree que fue discriminado. Describir todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de la persona (s) que discriminó (si se conoce), así como los nombres y información de contacto de cualquier testigo. Si necesita más espacio, adjunte hojas adicionales a este formulario:	

Sección IV
¿Ha previamente presentado una queja del Transportation VI con el Departamento de Transporte de Nuevo Mexico (NMDOT)? Sí ☐ No ☐
Sección V
¿Ha presentado esta queja con cualquier otro federal, estatal o local, o ante cualquier tribunal federal o estatal? Sí ☐ No ☐
En caso afirmativo, marque y el nombre de todas las que correspondan:
☐ Agencia Federal:_____
☐ Tribunal Federal: _____
☐ Agencia Estatal:_____
☐ Tribunal Estatal:_____
☐ Agencia Local:_____

Sírvanse proporcionar información acerca de una persona de contacto en la corte / entidad donde se presentó la queja. Nombre: _____ Título: _____ Agencia: _____ Dirección: _____ Teléfono: _____	
Sección VI	
Nombre de la agencia de queja es contra:	
Persona de contacto:	
Título:	
Teléfono:	
Firma: _____ Fecha: _____	
Por favor, envíe este formulario en persona en la dirección indicada más abajo, o en forma de correo electrónico a: Damian Segura, NMDOT Title VI Coordinator 1596 Pacheco St. Suite 201 Santa Fe, NM 87505	

VII. Title VI Program Management Procedures

The purpose of the Santa Fe County Transportation Planning Division is to develop and update multi modal plans and assist in the moving forward of projects and programs which implement the transportation policies and goals of the 2016 SFC Sustainable Growth Management Plan. There are three ways transportation planning occurs in Santa Fe County.

1) The development and update of Community and Corridor Plans: Community Plans apply to specific identifiable communities, including traditional Hispanic communities, and are developed substantially by the affected community itself. The latest available census data is used in the update of these plans. The data is used to develop profiles of the communities, and to identify patterns, trends and issues that are important for the community. The Planning Division develops a process in consultation with community members on how each area plan will be updated that includes a series of meetings for the plan development. The meetings are advertised in the local newspaper and open to minority populations and all members of the public, community organizations and neighborhood groups. County mailing lists are also used to provide public notice of the meetings by email and regular mail. Community and Corridor Plan meeting are hosted in the respective plan areas to ensure maximum participation by all members of the community or corridor. All issues brought forth in the Community planning process by members of the community, including low income or minority populations are noted in each plan. The 2015 SGMP and SLDC, and the 2016 SLDC and subsequent updates utilize the same process in which public comment meetings are held at different locations in the County to maximize public participation. These meetings are also advertised in the local paper, posted on the County webpage, and emails and mail outs are used for public notice. As part of the 2017 review and adoption process for the Santa Fe County Transportation Plan all issues brought forth by the public, including low income and minority populations will be documented in the plan.

2) Membership and participation in the Santa Fe Metropolitan Planning Organization (MPO) (responsible for the urban and planned urban areas of the County); North Central Regional Transit District (the provision of transit services in the County), Northern Pueblos Regional Transportation Planning Organization (RTPO) (areas outside the MPO), and Mid Region Council of Governments RTPO (southern-most part of Santa Fe County that is within the Mid Region planning area). All four of these agencies have their own approved Title VI plan. Santa Fe County coordinates and works with these agencies to ensure that Santa Fe County minority populations have equal access to these agency planning processes.

3) Santa Fe County Transportation Planning Committee (TAC)

The Santa Fe County TAC is a citizen advisory committee whose purpose is to provide recommendations to the BCC on elements of transportation. Among other tasks the

TAC reviews investment recommendations and provides input on transportation planning to include updating the 5-year Road Improvement Plan and the Capital Improvement Plan. The TAC also reviews all elements of transportation funding affecting the County including but not limited to funding for roadways, trails, bikeways, transit improvements/facilities/services and pedestrian and bicycle improvements.

TAC members are appointed by the BCC. The TAC is composed of 13 members: two from Commission Districts 2, 4 and 5, and 3 from the larger Commission Districts 1 and 4. There is one member who serves at large. TAC members are appointed by the BCC.

Santa Fe County currently communicates with and conducts outreach to Limited English Proficient individuals through bilingual staff members who are fluent in English and Spanish. If a County staff person is unable to communicate in the person's language, efforts are made to locate another staff person who can. The County also has a Tribal Liaison who can assist tribal members who have limited English proficiency.

The Santa Fe County Title VI Transportation Planning Liaison shall:

- Ensure the transportation planning process fully complies with the requirements of Title VI.
- Monitor the transportation planning process overall strategies and goals and ensure compliance with Title VI requirements.
- Review operational policies and procedures to ensure Title VI compliance.
- Monitor the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Ensure the planning organizational membership attempts to reflect the makeup of the population served.
- Ensure the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitor compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Evidence that input from minority groups/persons has been considered in the transportation planning process.
- Also report any follow-up and conclusions to issues communicated throughout the planning process.

- Monitor the gathering and utilization of demographic data used to identify and locate low-income and minority populations in order to investigate the possible benefits and detriments of transportation plans on these populations.
- Monitor compliance with Limited English Proficiency populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population.

The Santa Fe County Title VI Plan will be reviewed and updated every three years from the BCC adoption date of this plan. The updated Title VI plan will be forwarded to NMDOT upon BCC adoption.

VIII. Title VI Related Training

The Santa Fe County Title VI Coordinator shall ensure that staff is trained and familiar with Santa Fe County related policies and procedures.

This will include a periodic refresher session for senior management, and/or periodic training/discussion sessions to provide opportunities to discuss practical situations and how Title VI requirements may be useful. SFC Title VI Liaisons may also use FHWA and NMDOT Training Resources like webinars or National Highway Institute training courses. In addition the NMDOT Office of Equal Opportunities may also be contacted for possible on-site Title VI training.

IX. Limited English Proficiency (LEP) Plan

The Four Factor Analysis to prevent discrimination on the basis of limited English Proficiency:

- **Number or Proportion of LEP Individuals:**

**US Census 2010-2014 American Community Survey 5 year Estimate			
Subject	Total	Speak English Very Well	Speak English Less Than Very Well
Population 5 Years and Over	138,713	89.5%	10.5%
Speak a Language Other than English (Total)	35.4%	70.4%	29.6%
Spanish	31.6%	68.7%	31.3%
Other Indo European	1.8%	86.5%	13.5%
Asian and Pacific Island	0.8%	70.3%	29.7%
All Other	11.0%	92.0%	8.0%
		** Extract from US Census ACS Table	

From the table above it is estimated that 10.5% (14,565) of Santa Fe County residents over the age of 5 speak English less than very well. Of that portion of the population that speaks English less than very well: 31.3% speak Spanish, 29.7% speak Asian and Pacific Island languages, 13.5% speak other Indo European languages, and 8.0 % speak other languages.

By June 1, 2017, Santa Fe County will have a web link on the Santa Fe County website to Google Translator or similar software, which converts critical documents in English to the user’s language. Critical documents will include, but are not limited to: the 2016 Sustainable Growth Management Plan (SGMP), the 2016 Sustainable Land Development Code (SLDC), the Santa Fe County Transportation Plan (when available for public comment), the Santa Fe County Title VI Plan, Title VI Notice and Complaint procedures; BCC meeting notices, public meeting notices for Community Plans or SLDC/ SGMP updates, and any special meetings scheduled for review and adoption of the Santa Fe County Transportation Plan.

- **Frequency of Contact with the Program:**
Santa Fe County does not currently have records which indicate the frequency that LEP persons contact or access planning and transportation programs. Beginning

Feb. 1 the Transportation Planning Title VI Liaison will collect data on the frequency of LEP contact for planning activities that may include transportation components and for Public Works transportation projects that include federal funding. In January, 2018, the Title VI Liaisons will evaluate 2017 data for any needed areas of improvements for Title VI access and report the data and findings to the Santa Fe County Title VI Coordinator for submission to NMDOT.

- **Nature and Importance of the Program:**

Transportation Planning and the implementation of federally funded transportation projects do not typically have immediate life or death implications. The Transportation Planning Liaison and the Purchasing Department Title VI liaison will monitor and ensure their respective program areas are compliant with Title VI provisions and LEP persons are not denied or delayed in the provision of any service or benefit from the transportation planning process or the implementation of federally funded projects.

- **Resources Available:**

Santa Fe County will review total costs associated with the provision of translating documents and the number of LEP persons using this service for changes or improvements to this service.

- Documents to be translated:

Critical documents that will be available for use with translation software by LEP persons include, but are not limited to, the 2016 Sustainable Growth Management Plan, the 2016 Sustainable Land Development Code, the Santa Fe County Transportation Plan when it is available for public comment, and the Santa Fe County Title VI Plan, Title VI Notice and Complaint procedures.

- Process to identify when oral translation is needed:

Santa Fe County will communicate with and conduct outreach to Limited English Proficient individuals through bilingual staff members who are bilingual in English and Spanish when oral translation is needed. If a County staff person is unable to communicate in the persons language efforts will be made to locate another staff person who can. The County will also use the Tribal Liaison to assist tribal members who have limited English proficiency.

- When services will be immediately available:

Santa Fe County will coordinate and work with NCRTD and Santa Fe Trails through the MPO to ensure that information on transit service changes that would impact LEP persons are communicated in a format that is understood by LEP persons. Examples of this can include posting of notices in English and Spanish on pending transit route or service changes.

X. External Communication (Notification to public beneficiaries)

Title VI notices will be prominently and publicly displayed at all County Administration Buildings. In addition, the Santa Fe County Title VI Plan, Title VI Notices and Complaint procedures will be posted on the County website.

Posting of the notices at the County Administration Buildings and other applicable buildings will occur no later than March 1, 2017. The Tile VI Plan, Notices and Complaint procures will be posted on the County website no later than March 15, 2017.

- Contents of Notification:
 1. Statement that your organization operates the Federal Program(s) without regard to race, color, national origin, sex, age, or disability.
 2. Identify procedures to be followed by members of the public to request additional information regarding your organizations Title VI obligation.
 3. Identify procedures to be followed by members of the public to file a discrimination complaint against your organization.

The Title VI notices will specify that Santa Fe County operates a Title VI Program Without regard to race, color, sex, national origin, age disability, describe how to request additional information about the Santa Fe County’s Title VI program and explain how to file a complaint. The notices will be in English and Spanish.

X. Data Collection

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting Data)
Transportation Planning, Transportation Planning Title VI Liaison	Collect and analyze US Census data for Santa Fe County on race, color, national origin, income level and language spoken and sex.	1) Demographic data will be used to monitor the public outreach efforts and to make improvements where necessary. 2) The data will be used for the purpose of planning projects and programs which include all population groups. 3) Demographic data will be used to identify populations or population groups that benefit from County transportation projects and programs that include federal funding.

	Collect data on the frequency of LEP contact for planning activities (public meetings, workshops) that are for transportation or include transportation components.	Data will be used to monitor the LEP program and to make improvements where necessary.
Purchasing Department, Purchasing Department Title Vi Liaison	In the event of relocation through ROW acquisition track data on ethnicity of residents relocated.	Data will be used to identify any trends in relocations due to ROW acquisitions, and where necessary, develop strategies that would ensure that minorities and low income populations are not disproportionately impacted by relocations for ROW acquisition.

XI. Notice of Rights

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

This policy applies to all operations of Santa Fe County, including its contractors and anyone who acts on behalf of Santa Fe County. This policy also applies to the operations of any department or agency to which Santa Fe County extends federal financial assistance. Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance.

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

To file a Title VI discrimination complaint regarding transportation planning or implementation of federally funded County transportation projects or programs please, please contact:

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

Federal Highway Administration, New Mexico
4001 Office Court Dr.
Suite 801
Santa Fe, NM
Phone: (505) 820-2021

To file a Title VI complaint on all matters please contact the Santa Fe County Title VI Coordinator:

Santa Fe County Title VI Coordinator and Capital and Grants Manager
Santa Fe County Finance Division
142 W. Palace Avenue, 2nd Floor
Santa Fe, NM 87504
Phone (505) 986-6323

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