

# Farmington Metropolitan Planning Organization

## Title VI Plan

Compliance with Title VI, Environmental Justice, and  
Limited English Proficiency Requirements



800 Municipal Dr.  
Farmington, NM 87401  
<http://www.farmingtonmpo.org>

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Title VI Plan**

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## **I. STATEMENTS OF POLICY**

### **Introduction**

The Farmington Metropolitan Planning Organization (FMPO) is the transportation planning agency for the cities of Aztec, Bloomfield, Farmington and the urbanized area of San Juan County in New Mexico. Federal regulations require that an MPO be designated to carry out a comprehensive, continuing and coordinated transportation planning process for urbanized areas with a population of 50,000 or more. The City of Farmington is the fiscal and administrative agent for the Farmington MPO.

### **Title VI Nondiscrimination Statement of Policy**

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

### **Environmental Justice and Limited English Proficiency Policy Statement**

The Farmington MPO is also committed to assuring every effort will be made to prevent the discrimination of low-income and minority populations, as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations.

In addition, the FMPO also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency (LEP), in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

### **Definition of Federal Financial Assistance and Recipients Affected**

Federal financial assistance is defined as any Federal dollars that are assigned to the Farmington MPO to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty. The FMPO typically receives planning funds from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to carry out the transportation planning requirements as set forth by the federal law "Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)".

## **II. Title VI Assurances**

### **Specific Forms of Discrimination Prohibited**

The Farmington MPO efforts to prevent discrimination must address, but are not limited to:

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

### **Programs and Services covered by Title VI**

The Farmington MPO Title VI Plan applies to all of its 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 National Environmental Policy Act of 1969, 42 U.S.C. § 4321;

7. 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*);
8. 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
9. 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*);
10. 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
11. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
12. 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
13. 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

### **FHWA Assurances for Title VI and Other Nondiscriminatory Statutes**

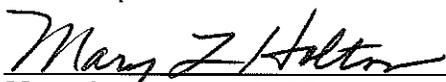
The Farmington MPO (hereafter referred to as the "Recipient") in keeping with our policy of nondiscrimination, hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d - 42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to: Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, nondiscrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to that end in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, national origin, or age be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration (FTA), and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7 (a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to operating assistance projects:

- That the Recipient agrees that each "program" or "facility", as defined in Subsections 21.23(b) and 21.23 (e) of the Regulations, will be (with regard to a "program")

conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations; and

- That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements;
- The Farmington MPO in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and 49, of the Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, national origin, income status or age in consideration for an award;
- The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, 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;
- 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; and
- This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

  
\_\_\_\_\_  
Mary L. Holton, AICP  
MPO Officer

06/25/2013  
Date

### III. Title VI and Environment Justice – MPO Planning Requirements

The Farmington MPO is responsible for ensuring Title VI and Environmental Justice compliance for the following planning activities:

### **Data Collection**

Census and other statistical data will be collected by the MPO as a means of identifying low income and minority populations within the MPO. The data will be maintained for the purpose of planning projects and programs that serve various population groups. The data collection process will be reviewed regularly to ensure sufficiency in meeting Title VI requirements.

- MPO Actions
  - Collect, maintain, and update databases of low income and minority concentrations within the MPO
  - Work with Farmington's CDBG program on data collection efforts
  - Utilize the data when developing plans and studies
  - Develop demographic profile maps to help identify neighborhoods with high concentrations of low income and minority populations
  - Use these maps in various planning documents

### **Unified Planning Work Program**

The FMPO's Unified Planning Work Program (UPWP) is the annual list of projects and activities that are expected to be completed by staff and the two FMPO committees. In this document, the FMPO will identify projects, studies, and other activities that will provide more transportation options to disadvantaged populations.

- MPO Actions
  - Identify planning activities that will encourage involvement by all populations
  - Analyze the benefits and impacts that planning studies might have on low income and minority populations
  - Create maps highlighting socio-economic groups and their geographical relationship to jobs, housing, and transportation options for all modes

### **Transportation Improvement Program**

The Transportation Improvement Program (TIP) is the short term program of projects that are expected to be designed, engineered, and constructed within the next six years. Projects should be reviewed to assess the benefits and impacts they might have on various aspects of the population.

- MPO Actions
  - Work with the entities to identify transportation projects that serve areas of the MPO with low income and minority populations
  - Provide opportunity for all populations to provide input into project identification

- Develop a performance target for a percent of projects that serve Title VI populations

### **Metropolitan Transportation Plan**

The Metropolitan Transportation Plan (MTP) is the long range, comprehensive plan that identifies the projects, programs, and policies needed in the next 20 years to meet the transportation needs of this area. Using various data collected by the MPO, the MTP can estimate growth patterns of disadvantaged populations and address the benefits and burdens that future transportation projects might have.

- MPO Actions
  - Develop demographic profile maps that project growth in disadvantaged populations over a 20-25 year planning horizon
  - Give all populations opportunity to provide input into project identification
  - Assess the effects that future land use decisions and transportation projects might have on the neighborhoods, the environment, and the economy
  - Ensure that the benefits and impacts of future transportation systems are equally distributed among all areas of the MPO
  - Develop a performance target for a percent of projects that serve Title VI populations

### **Transit Planning**

The City of Farmington operates Red Apple Transit, which runs five routes within Farmington as well as three routes that connect Farmington to Aztec, Bloomfield, Kirtland, and other parts of San Juan County between these cities. The MPO assists the City of Farmington in planning the route system so that it can appropriately serve low income and minority neighborhoods, make meaningful connections between housing and jobs, and ensure that transit is a viable transportation option.

- MPO Actions
  - Using demographic profile maps, ensure that transit routes and stops fully serve those neighborhoods with high concentrations of low income and minority populations.
  - Work with Red Apple to identify necessary changes to routes
  - Ensure bus stop locations are fully accessible for all users, both at the site and in the vicinity

## **IV. Title VI and Environmental Justice – the Public Participation Process**

### **Public Participation Plan (PPP)**

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

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

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

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

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

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

1. When possible, public meetings will be held in locations that are convenient to low and moderate income neighborhoods and accessible to disabled populations. Such locations include community centers, senior centers and schools. Where possible, MPO staff will meet at the locations of businesses, neighborhood groups, stakeholders, and other agencies.

2. Upon request, all MPO work products and documents will be made available in alternative formats, including Braille, large type and languages other than English.
3. The following statement will be included in all MPO documents: The Farmington MPO does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. This document can be made available in alternative formats by calling the MPO Office at 599-1466 (voice) or 599-1168 (TTY).
4. The following statement will be included in all meeting announcements:  
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the MPO Administrative Aide at the Downtown Center, 100 W Broadway, Farmington, New Mexico, at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the MPO Administrative Aide if a summary or other type of accessible format is needed.
5. Agencies and organizations that represent low income, minority and disabled populations will be identified and included in MPO mailings. Staff will maintain an active listing of contacts for these organizations.
6. The MPO will evaluate Environmental Justice actions and Title VI requirements on an annual basis to ensure effectiveness of public involvement. This document will be reviewed and updated in conjunction with the Public Participation Plan.

### **Communication and Notification to the Public**

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

- The FMPO will disseminate agenda and public meeting information to members of the public via accessible printed and electronic media, including postings on the FMPO's website and in the Farmington Daily-Times. Documents and agendas will be available at the MPO office (100 W Broadway in Farmington) and at other locations identified in the Public Participation Plan (see Appendix D of the PPP).
- Public notices of MPO meetings will be posted at the location of the meeting site.
- In appropriate documents, the FMPO will include a statement that the organization complies with Title VI by assuring that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any Farmington MPO program, activity, or service.

Section VI of this plan describes the procedures to be followed by members of the public to file a discrimination complaint against the Farmington MPO.

## **V. Organization and Staff Responsibilities**

### **Organization Overview**

The Farmington MPO is housed under the City of Farmington, which serves as the fiscal agent for the MPO. The MPO division is part of the Community Development Department, which is responsible for current and comprehensive planning, the Unified Development Code, building inspection, the Community Development Block Grant (CDBG) program, and zoning enforcement. The Community Development organization chart is shown in Appendix A.

MPO staff is comprised of the MPO Planner, the MPO Associate Planner, and the MPO Administrative Aide. The MPO Officer, currently the Community Development Director for the City of Farmington, provides oversight to the MPO. Staff is responsible for carrying out the transportation planning process as set forth by the federal transportation bill "Moving Ahead for Progress in the 21<sup>st</sup> Century". Staff develops long and short range transportation plans that identify multi-modal projects needed by this area to ensure safety, mobility, and accessibility.

MPO staff will be responsible for the development and implementation of the Title VI plan and for performing the actions relating to its primary transportation planning requirements as outlined in Section III.

## **VI. Title VI Coordinator and Complaint Process**

### **Title VI Coordinator Responsibilities**

The Human Resources Director for the City of Farmington is the designated Title VI Coordinator for the city. Because Farmington is the MPO fiscal agent, the HR Director will also serve as the Title VI Coordinator for the MPO.

The Coordinator is responsible for oversight of the Farmington MPO Title VI plan. The Coordinator must ensure that the Farmington MPO is compliant with Title VI requirements. The Coordinator is also responsible for Title VI training of relevant staff, conducting reviews, and assisting in investigations of Title VI complaints. The Coordinator must also compile the Title VI Accomplishment and Goals report on an

annual basis. Farmington MPO staff can assist the Title VI Coordinator with compiling Title VI information from MPO activities for this report.

MPO staff and the Title VI Coordinator will be responsible for the following:

- Ensuring that the transportation planning process fully complies with the requirements of Title VI.
- Monitoring the transportation planning process and overall strategies and goals and ensuring compliance with Title VI requirements.
- Reviewing operational policies and procedures to ensure Title VI compliance.
- Monitoring the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Ensuring the planning organizational membership attempts to reflect the makeup of the population served. This would include periodically reporting the MPO/RPO racial, ethnic, and gender composition of public involvement organizations or groups.
- Ensuring the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitoring compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Providing evidence that input from minority groups/persons has been considered in the transportation planning process. Evidence could include but is not limited to the participation level and composition of participants in public information settings and reporting any follow-up and conclusions to issues communicated throughout the planning process.
- Monitoring 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.

### **Title VI Complaint Procedures**

The Farmington MPO is committed to ensuring that all citizens have equal access to all transportation services. It is further the intent of the FMPO that all citizens are aware of their rights to such access. 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.

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

### **Reporting a Title VI Complaint**

An individual, group of individuals or entity may file a formal Title VI complaint. If an individual or group believes that they have received discriminatory treatment by the Farmington MPO on the basis of your race, color or national origin, the individual or group has the right to file a complaint with the City of Farmington's Human Resources Department Director. The complaint must be filed no later than 180 calendar days of the alleged discriminatory incident.

The preferred method is to file your complaint in writing using the Title VI Complaint Form (Appendix B) and sending it to:

Attn: Human Resources Director  
 Human Resources Department  
 City of Farmington  
 800 Municipal Drive  
 Farmington, NM 87401

Verbal complaints will be accepted and transcribed by the Human Resources Director. To make a verbal complaint, call (505) 599-1132 and ask for the Director of Human Resources.

An individual or group also has the right to file a complaint with an external entity such as the New Mexico Department of Transportation (DOT), a federal or state agency, or a federal or state court. For complaints submitted to NMDOT, they 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  
 Office of Equal Opportunity Programs  
 1596 Pacheco St.  
 Suite 107  
 Santa Fe, NM 87505

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

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

Should a complaint be filed with the FMPO through Farmington's Human Resources Department and an external entity simultaneously, the external complaint shall supersede the FMPO complaint and the Farmington MPO's complaint procedures will be suspended pending the external entity's findings.

If the Farmington MPO were to receive a Title VI complaint, staff will inform NMDOT of the complaint and the measures taken to address and resolve the complaint.

### **Filing a Title VI Complaint**

Within ten (10) working days of receipt of the formal complaint, the Human Resources Director will notify the complainant and begin an investigation (unless the complaint is filed with an external entity first or simultaneously). The investigation will address complaints against the FMPO. The investigation will be conducted in conjunction with and under the advice of the Human Resources Department.

The investigation may include discussion(s) of the complaint with all affected parties to determine the problem. The complainant may be represented by an attorney or other representative of his/her own choosing and may bring witnesses and present testimony and evidence in the course of the investigation. The investigation will be conducted and completed within 60 days of the receipt of the formal complaint.

Based upon all the information received, an investigation report will be written by the Human Resources Director for submittal to the Farmington City Manager. The complainant will receive a letter stating the final decision of the Farmington City Manager by the end of the 60-day time limit. The complainant shall be notified of his/her right to appeal the decision. Appeals may be made to NMDOT, the Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

## **Title VI Complaint Form**

Completion of a Title VI Complaint form is required when filing a complaint. Please see Appendix B for a copy of the form. These forms are also available from the City of Farmington Human Resources Department, located at 800 Municipal Dr. in Farmington.

## **Title VI Related Training**

The Title VI Coordinator shall ensure that staff is trained and familiar with related policies and procedures. Related Title VI training will be provided by the Title VI Coordinator to senior management and others to discuss practical situations and how Title VI applies to the planning and public participation processes. Training may also be provided through FHWA-sponsored webinars and training resources. The NMDOT Office of Equal Opportunities can be contacted to provide on-site Title VI training.

## **VII. Limited English Proficiency (LEP) Plan**

### **Overview of LEP Plan**

Executive Order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency", indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. Any agency receiving federal funds needs to develop a Limited English Proficiency (LEP) Plan.

The primary element of the LEP Plan is the Four Factor Analysis that considers the following factors:

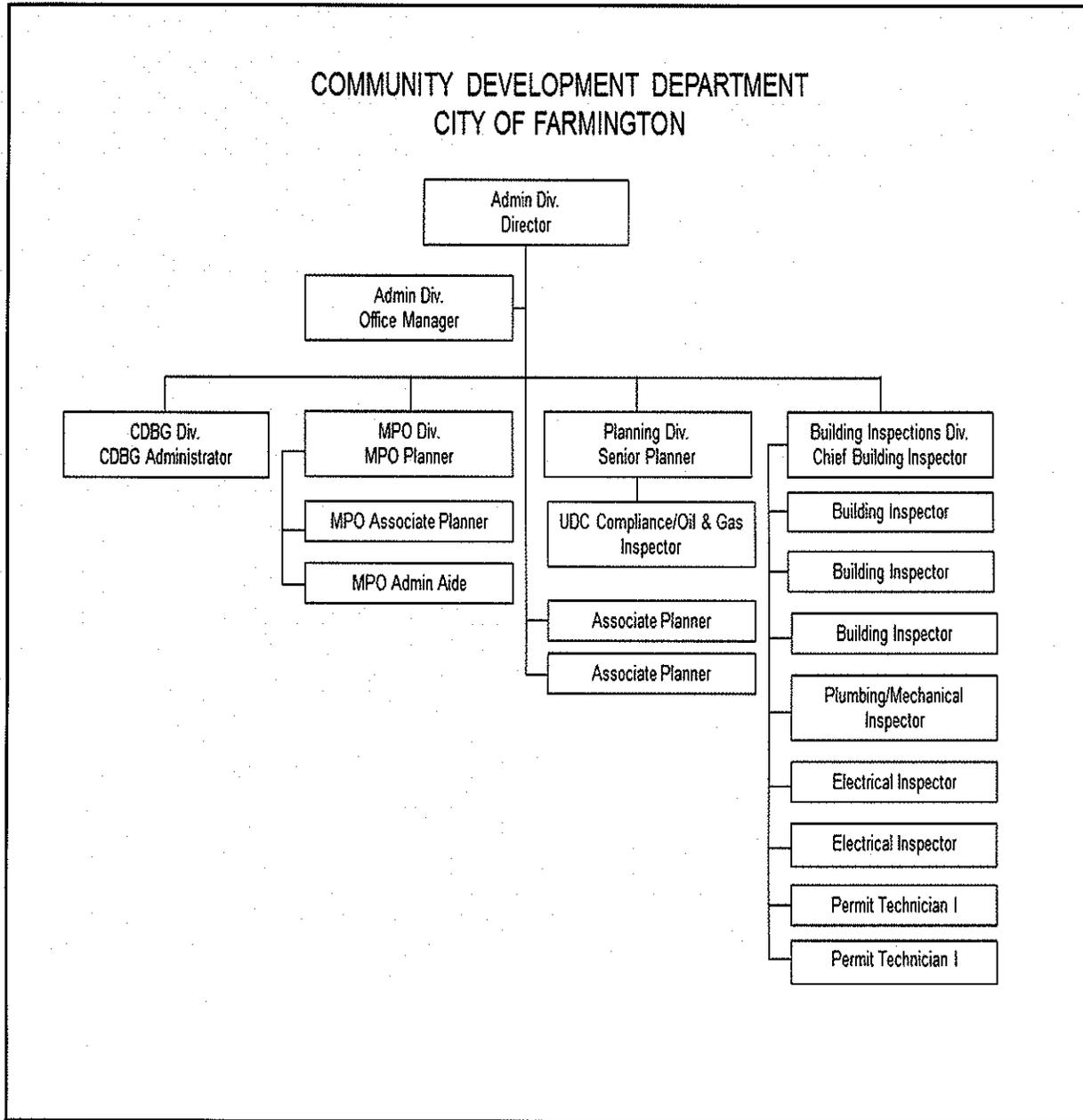
- Number or Proportion of LEP Individuals: a summary of LEP persons in the service area and a description of efforts to provide meaningful opportunities for the LEP population to be involved in programs and services.
- Frequency of Contact with the Program: a record of how often LEP persons access or come into contact with programs and services.
- Nature and Importance of the Program: a description of how LEP individuals have access to benefits and services from programs and services.
- Resources Available: a summary of the resources that the organization can use for providing assistance to LEP populations.

The Farmington MPO does not currently have an LEP Plan but has identified it as an upcoming work product. The MPO anticipates developing this document in late 2013 with expected completion and approval in the spring of 2014.

In October 2011, the City of Farmington developed a LEP Plan for the Red Apple Transit System. The document will serve as a viable reference for data on LEP populations until the FMPO develops its own plan. Upon completion of the FMPO LEP Plan, this section of the Title VI Plan will be amended accordingly.

The Farmington LEP Plan is available at Farmington City Hall (800 Municipal Dr.) or by calling 505-599-1100.

## APPENDIX A – City of Farmington Community Development Organizational Chart





Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

Yes	
No	

If so, which agency (check 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	
Address	
City, State and Zip Code	
Telephone Number	

Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature	Date
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