

TITLE VI PLAN

The City of Burleson

BURLESON
TEXAS



October 22, 2025

www.burlesontx.com
141 W. Renfro Street, Burleson
Texas 76028

City of Burleson Title VI Plan

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Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in any program or activity that receives federal financial support. Additional federal laws expand these protections to cover age, sex, disability, and Limited English Proficiency, or related retaliation. The Civil Rights Restoration Act of 1987 further strengthened Title VI by requiring that its provisions apply broadly to all operations of any entity receiving federal aid, not just those programs directly funded. Collectively, these laws obligate both recipients and subrecipients of federal funding to deliver programs and services to the public in a non-discriminatory manner.

City of Burleson (sometimes referred to as “City” in this plan), as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 C.F.R. Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964); and related statutes and regulations. The City acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

This plan outlines how the City integrates the requirements of Title VI and related legal mandates into its operations. It serves as both an internal reference for City staff and a public resource. The plan will be reviewed and updated every three (3) years to reflect any changes in Title VI compliance practices.

Discrimination under Title VI

It is the responsibility of every City of Burleson employee to prevent, minimize, and eradicate any form of discrimination. There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, national origin, sex, age, disability, Limited English Proficiency, or related retaliation (i.e. intentional discrimination); and (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. The focus of disparate impact is on the consequences of a decision, policy, or practice rather than the intent.

Prohibited forms of discrimination may include, but not be 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 a benefit is provided;
- Segregation or separation of persons in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Differing standards or requirements for participation;
- Methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination; or

- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

City efforts to prevent such discrimination must address, but not be limited to, how a program or activity:

- Impacts the public;
- Provides accessibility;
- Provides equal access to benefits;
- Encourages participation;
- Provides services equitably;
- Initiates contracting and training opportunities;
- Investigates complaints;
- Allocates funding; and
- Prioritizes projects.

Authorities

The authorities applicable to the City of Burleson Title VI/Nondiscrimination Program include:

- 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.
- 23 CFR Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
- 28 CFR Part 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964); and,
- Texas Administrative Code §9.4, Civil Rights – Title VI Compliance
- 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, (23 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 USC § 4 71, Section 4 7123), 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 programs 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);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq)

Title VI Policy Statement

It is the policy of the City of Burleson that no person shall on the grounds of race, color, or national origin (language), be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the City of Burleson as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

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

The nondiscrimination statement signed by City of Burleson City Manager, Tommy Ludwig, is included as Attachment 1.

The Title VI Coordinator shall post a copy of the City's Title VI policy statement in English and Spanish on the City's public notice boards at Burleson City Hall and the City of Burleson's website. The Title VI coordinator shall also circulate the City's policy statement internally within the organization.

Standard DOT Assurances

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the U.S. DOT provided an assurances agreement in U.S. DOT Order 1050.2A that federal fund recipients and subrecipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language, the City of Burleson, is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. The City of Burleson is committed to ensuring the necessary language is used as prescribed in the assurances agreement.

In accordance with this requirement, the City of Burleson has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances. The document is attached as Attachment 2.

The Title VI Coordinator shall work to ensure that the standard DOT assurances are presented for the City Manager's signature every three years or within 30 days following a change in executive leadership. Additionally, the Title VI Coordinator shall work with the City's purchasing division to help ensure that the applicable appendices of the Standard Assurances are included in every contract that includes federal assistance.

Organization and Staffing

The City Manager of the City of Burleson is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all City employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

The City of Burleson has assigned Cheryl Marthiljohni, Director of Human Resources, to perform the duties of the Title VI Coordinator and ensure implementation of the City's Title VI program. The position of Director of Human Resources is located within Human Resources Department of the City of Burleson.

The Title VI Coordinator is responsible for:

- Maintaining and updating the Title VI plan on the City's behalf;
- Ensuring relevant City staff receive necessary Title VI training;
- Ensuring prompt processing of Title VI complaints and referral to Texas Department of Transportation;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas; and
- Developing Title VI information for dissemination internally and externally



The City’s full organizational chart is attached as Attachment 3.

Roles and Responsibilities of the Title VI Coordinator

The Title VI Coordinator is charged with the primary responsibility of processing Title VI complaints received by the City. This includes any complaint which alleges exclusion from participation in and/or denial of benefits or services under any program or activity administered by the City or by businesses under contract with the City based on race, color, or national origin (language).

The Title VI Coordinator acts as the responsible City official in matters relating to Title VI and assists the City Manager in carrying out the Title VI responsibilities of the City. Specifically, the Title VI Coordinator has the authority and responsibility to implement the civil rights program by:

- Assisting the operating elements in the establishment of Title VI programs and recommending, developing, disseminating, monitoring, and pursuing policies and guidelines on the implementation of Title VI.
- Reviewing, evaluating, and monitoring the operating elements’ activities and programs related to Title VI and effectuating changes to ensure consistency and program effectiveness.
- Providing leadership, guidance, and technical assistance to the operating elements in the carrying out of their Title VI responsibilities.
- Providing continuous and meaningful consultation with the public concerning the City’s Title VI program, including, in appropriate situations, the provision of materials in languages other than English.

- Ensuring that all complaints of discrimination alleging non-compliance with Title VI are processed, investigated, and resolved in a fair and timely manner in accordance with Title VI and federal operating regulations.
- Advising the City Manager concerning significant developments in the implementation of the City’s Title VI program.
- Reviewing documents as needed for compliance with Title VI and to ensure that procedures used have safeguards to prevent discrimination.
- Developing Title VI information for dissemination to the public, and where appropriate, in languages other than English.
- Processing Title VI external complaints of discrimination in accordance with the external complaint processing procedures.

Additionally, the Title VI Coordinator shall work to help implement the following policies and procedures:

- Work to maintain a webpage on the City’s website that details the City’s Title VI plan and provides information and resources regarding the City’s plan to the public.
- Posting copies of the City’s Title VI policy statement in English and Spanish on the City’s public notice boards at Burleson City Hall and on the City’s website.
- Periodically circulating the City’s Title VI policy statement internally within the organization.
- Ensuring that the standard DOT assurances are presented for the City Manager’s signature every three years or within 30 days following a change in executive leadership.
- Working with the City’s purchasing division to help ensure that the applicable appendices of the Standard Assurances are included in every contract that includes federal assistance and requisite bids, requests for proposals, and similar bid solicitation documents.
- Posting copies of the City’s Title VI complaint procedures in English and Spanish on the City’s public notice boards at Burleson City Hall and on the City’s website.
- Periodically circulating the City’s Title VI complaint procedures internally within the organization.
- Periodically monitor and evaluate the Language Access Plan.
- Periodically review and evaluate the public participation processes and procedures.
- Periodically collect and analyze demographic data within the City’s jurisdictional boundaries to help ensure that the City’s programs, services, facilities, and projects effectively meets the needs of all persons without discrimination.
- Periodically monitor and evaluate the manner by which the City notifies the public of its nondiscrimination policies.

Primary Program Area Descriptions & Review Procedures

The citizens of the City of Burleson are the highest level in the City’s organizational structure. The citizens directly elect the City Council, which consists of the Mayor and six other members of the City Council.

The seven members of the City Council are elected at large and appoint the members of the City's Boards and Commissions. Boards and Commissions serve as advisory bodies to the Council, although some have quasi-judicial functions.

The City Council selects and confirms the City Manager. Pursuant to the City Charter, the City Manager acts as the chief executive officer and head of the administrative branch for the City government. The City Manager is responsible for, among other things, the administration of City services and programs, enforcement of the City's Municipal Code and ordinances, and preparation of the annual budget. The Department directors are selected by the City Manager. The departments reporting to the City Manager are shown on the City's organizational chart.

The City Council also selects and confirms the City Secretary, City Attorney, and municipal court judges in accordance with the City Charter.

The City's full organizational chart is attached as Attachment 3.

The City of Burleson engages in a wide variety of primary program areas. The Title VI Coordinator shall periodically, but not less than every three years, review the City's program areas, determine any non-discrimination concerns, and evaluate each program's procedures to help ensure non-discrimination.

Data Collection and Analysis

Statistical data on race, color, and national origin (language) of participants in and beneficiaries of the City's programs, will be gathered, analyzed, and maintained by the City to determine the transportation investment benefits and burdens to the population, including minority and low-income populations. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of Title VI program administration. Analysis of the data collected by the program emphasis areas may include:

- The population eligible to be served by race, color, and national origin (language)
- Persons to include in the decision-making process
- Percent of benefits allocated to persons below the poverty line vs. persons above the poverty line
- Impact of investments on race, and LEP groups
- Projected population increases versus planned facilities and types of facilities
- Language needs assessment
- Transportation needs of all persons within boundaries of plans or projects
- Impacts and persons impacted
- Strategies to address impacts
- Priorities for investments
- The manner in which services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination

- The location of existing or proposed facilities connected with the program and related information for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination
- Strategies to disseminate information

Potential sources of data and analysis tools include:

- Census Data
- American Community Survey
- School Districts
- Forms or Surveys from the public
- Citizen Advisory Committees
- Field Observations

Title VI Complaint Procedures

Any person who, based on race, color, or national origin (language), believes that they have been excluded from participation in, denied benefits or services of any program or activity administered by the City or its subrecipients, consultants, and contractors may bring forth a discrimination complaint under Title VI. Only complaints of discrimination based on the complainant's protected status will be considered under Title VI.

Title VI discrimination complaints are processed consistent with the provisions of 23 CFR part 200.9(4)(b)(3) and 49 CFR 21.11(b).

Time Limitations and Filing Options

Title VI complaints may be filed with the Title VI Coordinator. In order to have the complaint considered, the complainant must file the complaint no later than 180 calendar days after the alleged discrimination, unless the discrimination is ongoing, or the time for filing is extended by the FHWA.

Complaint Processing

Each Title VI complaint received by the City will be entered into the City's Title VI Discrimination Complaint Log. All external discrimination complaints filed under Title VI against the City in which the City or its sub-recipients are named as the respondent will be forwarded to Texas Department of Transportation ("TxDOT") for investigation within 10 calendar days.

To the greatest extent possible, all complaints written in a language other than English will be translated and responded to in the same language that it was received.

Conduct of Investigations

Investigation complaints for discrimination on the basis of race, color, national origin (language) will be conducted by TxDOT and or FHWA in accordance with their investigation procedures.

Recordkeeping Requirements

The City will ensure that all records relating to the City's Title VI Complaint Process are maintained with the City Secretary according to the records retention requirements of the State of Texas and are available for review by the Department of Transportation (DOT) upon request. The Title VI Coordinator will maintain a log of all complaints. The complaint will be noted in the log by case number based on year, month, and sequence in which complaint was received.

Complaint Log

The City of Burleson maintains a complaint log to document all activity related to the complaint. Information captured includes:

- Complainant's name, and if provided, race, color, and national origin (language);
- Respondent's name;
- Basis(es) of the discrimination complaint;
- Allegation(s)/Issue(s) surrounding the discrimination complaint;
- Date the discrimination complaint was filed;
- Date the investigation was complete;
- Disposition;
- Disposition date; and
- Other pertinent information.

Notice of Rights

In accordance with 23 CFR 200.9(a)(12), the City of Burleson is required to develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Notice of the City of Burleson Title VI policies and procedures can be found on the City's public notice boards at Burleson's City Hall, online at <https://www.burlesontx.com/2866/Title-IV-Non-Discrimination> (located on the City of Burleson's website under "Quick Links,") or can be

requested at the City of Burleson's Human Resources Department both in electronic and hardcopy formats.

Notification to Beneficiaries

The City of Burleson website is continuously updated to ensure Title VI information is readily accessible to the public in English and Spanish. The website informs the public of their rights under Title VI and provides information on how to file a complaint. Title VI information available on the City website includes:

- City of Burleson Title VI/Nondiscrimination Plan
- Title VI and Related Statutes Nondiscrimination Policy Statement
- Title VI Nondiscrimination Assurances
- Title VI Discrimination Complaint Procedures
- Title VI Discrimination Complaint Form
- Title VI Public Notice Poster

Public Involvement

In order to plan for efficient, effective, safe, equitable, and reliable government services, the City must have the input of the public it serves. The City spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community.

Any person may attend any City Council meeting and speak during the Citizens Appearance portion of the agenda concerning a matter of City. Additionally, any person may attend any City Council meeting and speak on a listed item on the agenda for that meeting when that item is called for consideration.

Agendas for the City Council meetings listing the items to be considered, including transportation and development items, are posted prior to each meeting on the City's website (<http://www.burlesontx.com/>) and on the City's public notice bulletin board. The City's public notice bulletin board is located at in Burleson City Hall located at 141 W Renfro St in Burleson, Texas.

City Council meetings are generally held the first and third Monday of each month, located in the City Council Chambers in Burleson City Hall located at 141 W Renfro St in Burleson, Texas. Interested parties should check the City's website (<http://www.burlesontx.com/>) for any changes to meeting dates, times, and location. Meeting locations are accessible to the disabled.

Other Inclusive Public Participation:

The City has a dedicated Community Services Department and offers a diverse variety of options for public outreach, notifications, and activity announcements to engage the public, including:

- City of Burleson’s Website - <http://www.burlesontx.com/>. The City’s website broadcasts City Council Meetings and Planning and Zoning Commission Meetings. Additionally, through the City’s website, citizens can view past recorded meetings.
- Social Media – the City of Burleson’s website includes the links to the city’s social media pages for the current platforms being used (Facebook, X, Instagram, YouTube, Nextdoor LinkedIn, Flickr):
 - <https://www.facebook.com/BurlesonTX/>
 - <https://x.com/CityofBurleson>
 - <https://www.instagram.com/cityofburleson/>
 - <https://www.youtube.com/user/CityofBurleson>
 - <https://nextdoor.com/agency-detail/tx/burleson/city-of-burleson/>
 - <https://www.linkedin.com/company/city-of-burleson>
 - <https://www.flickr.com/photos/154114894@N02/albums/>
- City of Burleson’s E-Newsletter - any individual can sign up online to receive City Newsletters via email <https://www.burlesontx.com/1813/City-E-Newsletter>, as well as review any past newsletters posted online.
- Emergency Alerts – any individual can sign up to receive customized emergency alerts to their email via written communication and cell phones via text or voice call at <https://member.everbridge.net/1772417038942931/new>.

Title VI Program Visibility

Community outreach is a requirement of Title VI. The City seeks out and considers viewpoints of minority and low-income populations in the course of conducting public outreach. The City does not have a formal outreach procedure in place, but the City has made the following community outreach efforts:

- The City’s website has a page dedicated to Title VI information, including, among other things, the name and contact information of the Title VI Coordinator. The page links to a copy of this plan, the complaint procedures, and the complaint form.
- The Title VI policy statement, Title VI complaint procedures, and Title VI Coordinator contact information shall be posted on the public notices board at Burleson City Hall.
- A publication was developed by the Texas Department of Transportation to provide the public with information regarding Title VI and related statutes and their rights under the law. A link to the publication is available on the City’s website.
- All City Council meetings are open to the public and follow the Texas Open Meetings Act.

Language Access and Limited English Proficiency

Individuals with Limited English Proficiency (LEP) are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. Under Title VI, these individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Per USDOT LEP guidance, as outlined on FHWA's Civil Rights website, recipients of federal funds are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors.

- (1) Number or proportion of LEP persons eligible to be served or likely to be encountered by the program, services or activities.
- (2) Frequency with which LEP individuals come in contact with the program, services or activities.
- (3) Nature and importance of the program, services, or activities to people's lives; and
- (4) Resources available to the city and the likely costs of the LEP services.

A general four-factor analysis will help anticipate and prepare for what may be needed; however meaningful four-factor analysis can only occur on a project-by-project basis. When preparing to publish a document, launch a campaign, hold a public meeting, etc., a focused four-factor analysis should be conducted to determine what type of language assistance is needed.

Limited English Proficiency Analysis

The City of Burleson has determined that the language, other than English, that is most likely to be encountered by employees of the City is Spanish. Spanish is also the language most commonly spoken at home by City of Burleson citizens who are Limited English Proficient (LEP). The methodology used to make this determination is as follows: According to data obtained in 2024 from the United States Census Bureau and World Population Review, 87.33% of Burleson residents speak only English, while 12.67% speak other languages. The non-English language the largest group speaks is Spanish, which is spoken by 9.73% of the population. Therefore, the City will review and begin translating all vital documents into Spanish.

The City of Burleson will continue to periodically monitor the LEP population of those served or those who could be served by the City. If additional groups are seeking benefits/services or are potentially eligible to receive benefits/services, the City will adjust its methods and services to serve the new population accordingly. Any new LEP populations will be reflected in an updated version of the LEP plan.

Language Access Plan

Effective communication is critical to ensuring understanding, empowering all citizens, and providing high-quality services. A language access plan can help ensure that an organization provides high-quality and appropriate language services. A language access plan can also help ensure that an organization's staff members are aware of what to do when an individual with limited English proficiency needs assistance. This plan identifies ways that The City of Burleson utilizes this language access plan to ensure persons with limited English proficiency have meaningful access to its programs.

The policy of the City of Burleson is to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by its programs. Such services will be focused on providing meaningful access to City programs, services, and/or benefits.

Any individual eligible for programs/services at the City of Burleson who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with City staff has the following rights:

- A right to qualified interpreter services at no cost to them.
- A right not to be required to rely on their minor children, other relatives, or friends as interpreters.
- The right to file a grievance about the language access services provided to them.

Language Assistance Measures and Available Resources

The City, at no cost to LEP individuals, will provide interpreter services to all LEP individuals applying for, participating in programs, or receiving services/benefits through the City. The interpreter services are provided in an efficient and timely manner so as not to delay a determination of eligibility for an individual or family, receipt of eligible services/benefits, or participation in City-run programs beyond that of an English-speaking individual or family.

The City does not require, suggest, or encourage LEP individuals to use friends, family members, or minor children as interpreters. If an LEP individual insists that a friend or family member serve as an interpreter, that choice is documented. The City will then, on a case-by-case basis, consider factors such as the competence of the family or friend used as the interpreter, the appropriateness of the use in light of the circumstances, and the ability to provide quality and accurate information, especially if the interview could result in a negative effect on the individual.

In no case does the City allow a minor child to act as an interpreter for an LEP individual.

The City addresses telephone calls and voicemails by LEP individuals in the following manner: Spanish-speaking employees are available in City of Burleson's departments including 311 and

public safety emergency dispatch and will be utilized to translate calls or voicemails. The City provides bilingual certification pay to ensure encouragement of second language skills.

The City provides free language services, such as qualified foreign language interpreters via hotline service or in person and information written in other languages, to ensure meaningful access to programs and activities for persons with Limited English Proficiency.

As a result of our analysis which indicates that 9.73% of Burleson residents are Spanish-speaking, the City will begin the process of determining which documents are vital and begin translating those documents into Spanish as required.

The City's website currently uses an embedded Google Translate application and the entire website can be translated into any language included in the app.

Training

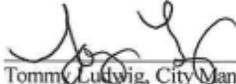
The City of Burleson will ensure that its staff understand Title VI of the Civil Rights Act of 1964 and how it may apply to their work. The City will maintain records indicating that staff have received sufficient training on a periodic basis.

Attachment 1 - Executed Title VI Policy Statement



TITLE VI AND ADA / NONDISCRIMINATION POLICY STATEMENT

The City of Burleson, Texas, as a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, color, national origin, sex, age, disability, Limited English Proficiency, or related retaliation be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.



Tommy Ludwig, City Manager
City of Burleson, Texas

10-20-25
Date

Attachment 2 – Executed U.S. DOT Standard Title VI/Non-Discrimination Assurances



THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) STANDARD TITLE VI/NONDISCRIMINATION ASSURANCES

DOT ORDER NO. 1050.2A

The City of Burleson, Texas, (herein 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:

Statutory/Regulatory 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);
- 49 C.P.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.P.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 Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures 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 U.S. DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.



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 U.S. DOT programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) or 49 C.P.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 will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all City of Burleson programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Recipient, 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 Appendix E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clause 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 to rights 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 program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods. a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other 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 Acts, 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 Acts, the Regulations, and this Assurance.

By signing this assurance, the Recipient 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 U.S. DOT 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 U.S. DOT. You must keep records, reports, and submit the material for review upon request to U.S. DOT, 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 Recipient 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. DOT under all Department of Transportation Programs. This assurance is binding on Texas, other recipients, subrecipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in all Department of Transportation programs. The person(s) signing below is/are authorized to sign this assurance on behalf of the Recipient.



Tommy Ludwig, City Manager
City of Burleson, Texas

8-27-25
Date



APPENDIX A
Contract Clauses

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 Acts and the Regulations relative to non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the FHWA, as they may be amended from time to time, 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, national origin, sex, age, disability, Limited English Proficiency, or related retaliation in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability, Limited English Proficiency, or related retaliation.
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 Recipient or FHWA 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 the information, the contractor will so certify to the Recipient or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or FHWA 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 a 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 will take action with respect to any subcontract or procurement as the Recipient or FHWA 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 the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.



APPENDIX B
Clauses for Deeds Transferring United States Property

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Burleson will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all DOT programs, and the policies and procedures prescribed by FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by 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 City of Burleson the 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 City of Burleson and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Burleson, its successors and assigns.

The City of Burleson, 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 on the grounds of race, color, national origin, sex, age, disability, Limited English Proficiency, or related retaliation, will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the City of Burleson will use the lands and interests in 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, Nondiscrimination 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 will have a right to enter or re-enter said lands and facilities on said land, and that 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 a clause is necessary to make clear the purpose of Title VI.



APPENDIX C
Clauses for Transfer or 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 Recipient pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for themselves, their 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 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, national origin, sex, age, disability, Limited English Proficiency, or related retaliation, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the City of Burleson 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.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City of Burleson will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Burleson and its assigns. *

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



APPENDIX D
Clauses for Construction/Use/Access to Real Property Acquired
Under the Activity, Facility, or Program

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for themselves, their 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 grounds of race, color, national origin, sex, age, disability, Limited English Proficiency, or related retaliation, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, disability, Limited English Proficiency, or related retaliation, 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 Nondiscrimination covenants, the City of Burleson 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 deeds, in the event of breach of any of the above non-discrimination covenants, the City of Burleson will there upon revert to and vest in and become the absolute property of the City of Burleson and its assigns. *

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



APPENDIX E
Contractor Non-Discrimination Statutes and Authorities

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, (23 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 USC § 4 71, Section 4 7123), 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 programs 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);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

Attachment 3 - City of Burleson Organizational Chart

