

**Wahpeton Park Board (WPB)**  
**Title VI Non-Discrimination Policy Statement**  
**Original Date: February 17, 2021**

Title VI of the Civil Rights Act of 1964 ensures 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, including sex, age, disability, low-income or Limited English Proficient (LEP) discrimination under any program or activity for which the Recipient received Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other non-discrimination 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.

The WPB is a political subdivision of the State of North Dakota. It is the policy of the WPB to ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in all programs and activities.

As Director of Parks and Recreation for the WPB, I am personally committed to and in support of taking all steps to ensure that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, low-income or LEP discrimination; be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services or activities administered by the WPB.

The Title VI Coordinator is granted the authority to administer and monitor the Title VI and Non-Discrimination Program as promulgated under the Title VI of the Civil Rights Act of 1964 and any subsequent legislation. The Title VI Specialist will provide assistance as needed.

The WPB recognizes the need and will provide Title VI training for WPB personnel. Anyone who believes that he or she has been discriminated against should contact the WPB Title VI Coordinator at 701-642-2811.

Wahpeton Park Board

By                     Wayne H. Beyer                      
Wayne H. Beyer, Director of Parks & Recreation

Dated                     9-20-21

**Wahpeton Park Board (WPB)**  
**Title VI Assurances**  
**United States Federal Government - Standard Title VI – Non-Discrimination**  
**Original Date: February 17, 2021**

The Wahpeton Park Board (herein referred to as the “Sub-Recipient”), hereby agrees that, as a condition to receiving any Federal financial assistance from a U.S. Federal Government agency, 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 and national origin);
- 49 C.F.R. Part 21 (entitled non-discrimination in federally-assisted programs of Federal Agencies -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 “Regulators,” respectively.

**General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and / or guidance, the Sub-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 Sub-Recipient receives Federal financial assistance from a federal agency.”*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other non-discrimination 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 Sub-Recipient, so long as any portion of the program is Federally assisted.

**Specific Assurances**

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

1. The Sub-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 Regulators.

2. The Sub-Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulators made in connection with Federal Agencies / Programs and in adapted form, in all proposals for negotiated agreements regardless of funding source.

“The Wahpeton Park Board, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Statute 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 Sub-Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Sub-Recipient will 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 Sub-Recipient.
5. That where the Sub-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 Sub-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 where the Sub-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 Sub-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 Sub-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 cases the Assurance obligates the Sub-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 Sub-Recipient retains ownership or possession of the property.
9. The Sub-Recipient will provide for such methods of administration for the program as are found by federal officials to who 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 Sub-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 Wahpeton Park Board also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and / or assignees to comply) with all applicable provisions governing federal 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 Federal Agencies. You must keep records and reports and submit the material for review upon request to the applicable Federal Agency, or its designees 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 Wahpeton Park Board 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 about the date hereof to the sub-recipients by the Federal Agency. This Assurance is binding on the Wahpeton Park Board, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest and any other participants with this Federal Program. The person (s) signing below is authorized to sign this ASSURNACE on behalf of the Sub-Recipient.

Wahpeton Park Board

By Wayne H. Beyer  
Wayne H. Beyer, Director of Parks and Recreation

9-20-21

Date

**Wahpeton Park Board (WPB)**  
**Title VI Complaint Process**  
**Original Date: February 17, 2021**

**A. Scope of Title VI Complaints**

The scope of Title VI covers all external WPB activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with the WPB for the furnishing of goods and / or services. Examples include advertising for bid proposals, prequalification or qualification, bid proposals and awards, selection of contractors or sub-contractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc. or the allocation of funding.

Complaints can originate as a result of project impacts on individuals or groups, for example, social and economic, traffic, noise, air quality, access, accidents and failure to maintain facilities.

**B. Formal Title VI Complaint Procedure**

WPB's Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services or activities administered by the WPB, its recipients, sub-recipients and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status and Executive Order 13166 prohibits discrimination based on Limited English Proficiency (LEP).

WPB uses the following detailed internal procedures for prompt processing of all Title VI complaints received directly by any program having responsibilities under Title VI. These procedures include but are not limited to:

1. Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with the Wahpeton Park Board Title VI Coordinator, Wayne H. Beyer, Director of Parks and Recreation, 304 South 5<sup>th</sup> Street, Wahpeton, ND 58075 or 701-6424-2811. Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of WPB's programs for it to be considered and processed as an allegation of a discriminatory practice.
2. The complaint must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. WPB's Title VI Complaint Form must be used.
3. The complaint may also be filed with the U.S. Department of Transportation, Office of the

Secretary, 1200 New Jersey Avenue, SE (S-33), Washington, D.C. 20590. The complaint must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary, U.S. Department of Transportation.

4. Upon receipt of a formal Title VI complaint, the Title VI Coordinator immediately forwards the complaint to the Federal Highway Administration (FHWA) Division Office, then informs the WPB Agency Director and legal counsel.
  - a) Title VI complaints filed against the WPB are referred to the FHWA Division Office for processing.
  - b) Title VI complaints are immediately forwarded to the FHWA Division Office for processing.
  - c) The FHWA Headquarters Office of Civil Rights makes the final agency decision.

Title VI complaints filed against the WPB, recipients and sub-recipients (e.g. contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.) are processed in accordance with the FHWA approved complaint procedures as required under 23 Code of Federal Regulations Part 200. <http://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm>.

#### C. Informal Title VI Complaint Procedure

- a. Title VI complaints may be resolved by informal means. When informal means are used, the complainant is informed of his or her right to file a formal written complaint.
- b. Such informal attempts and their results are summarized by the Title VI Specialist, and are forwarded to the Title VI Coordinator.
- c. Any complaint received in writing is considered to be a formal complaint and is handled under the formal complaint procedure outlined above.
- d. The Title VI Specialist periodically informs the FHWA Division Office of the status of all complaints.
- e. When a complaint has been directly filed with another federal or state agency, the Title VI Coordinator is to be informed by the division where the complaint has been filed and is to coordinate any action needed by WPB to resolve the complaint.

Wahpeton Park Board

By Wayne H. Beyers  
Wayne H. Beyers, Director of Parks and Recreation

9-20-21

Date



**Limited English Proficiency Plan**  
**Wahpeton Park Board (WPB)**  
**Title VI Coordinator: Wayne H. Beyer, Director of Parks & Recreation**

**Introduction**

This Limited English Proficiency Plan has been prepared to address the Wahpeton Park Board's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

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. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all Wahpeton Park Board departments receiving federal grant funds.

**Plan Summary**

The Wahpeton Park Board has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the Wahpeton Park Board used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the Wahpeton Park Board.
2. The frequency with which LEP persons come in contact with WPB services.
3. The nature and importance of services provided by the WPB to the LEP population.
4. The interpretation services available to the WPB and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

## **Meaningful Access: Four-Factor Analysis**

### **The number or proportion of LEP persons in the service area who may be served or are likely to require NDPRD services.**

The 2013-2017 American Community Survey estimates for North Dakota determined that 41,350 individuals in North Dakota or 5.9% of the population speak a language other than English. Of those, 9226 individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.” This is only 1.3% of the overall population in North Dakota. In North Dakota, of those persons with limited English proficiency, 2.2% speak Spanish, 1.7% speak Indo-European languages, 1.2% speak Asian and Pacific Island languages and .9% speak other languages.

### **The frequency with which LEP persons come into contact with Wahpeton Park Board services.**

The WPB staff reviewed the frequency with which their department staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the WPB has had no requests for interpreters and no requests for translated program documents. The Wahpeton Park Board’s staff have had very little contact with LEP persons.

### **The nature and importance of services provided by the Wahpeton Park Board to the LEP population.**

There is no large geographic concentration of any type of LEP individuals in the service area for the Wahpeton Park Board. The overwhelming majority of the population, 94.1%, speak only English. As a result, there are few social, service or professional and leadership organizations within the Wahpeton Park Board service area that focus on outreach to LEP individuals. The WPB staff are most likely to encounter LEP individuals through office visits, phone conversations and notifications from department staff of impacts on service area services and attendance at meetings.

### **The resources available to the Wahpeton Park Board and overall costs to provide LEP assistance.**

The Wahpeton Park Board reviewed its available resources that could be used for providing LEP assistance and which of its documents would be most valuable to be translated if the need should arise. Language translation, if needed would be provided through bilingual staff or a telephone interpreter line for which the Wahpeton Park Board would pay a fee.

## **Language Assistance**

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be

entitled to language assistance with respect to WPB services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and / or translation, which means the written transfer of a message from one language into another language.

How the Wahpeton Park Board staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- WPB staff will be provided with language identification cards to assist in identifying the language interpretation needed if the occasion arises.
- WPB staff will be informally surveyed periodically on their experiences concerning any contacts with LEP persons during the previous year.
- When the WPB sponsors an informational meeting or event, a staff person may greet persons as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

### **Language Assistance Measures**

Although there is a very low percentage of LEP individuals in the Wahpeton Park Board service area, that is, persons who speak English less than "very well" or "not at all," it will strive to offer the following measures:

1. The WPB staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
  - Language interpretation will be supported with interpreter service provider's language identification cards.

### **Staff Training**

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of interpreter service provider's language identification cards.
- Documentation of language assistance requests.
- How to handle a Title VI / LEP complaint.

**All contractors or subcontractors performing work for the Wahpeton Park Board will be required to follow the Title VI / LEP guidelines.**

## Translation of Documents

The Wahpeton Park Board weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.

Due to the very small LEP population, the Wahpeton Park Board does not have a formal outreach procedure in place, as of 2021. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, the Wahpeton Park Board will consider the following options:

- When staff prepares a document or schedules a meeting for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers and agendas will be printed in an alternative language based on the known LEP population.
- The Wahpeton Park Board will assess requests for translation of documents based on the possible impacts and known LEP population.

## Monitoring

Monitoring and Updating the LEP Plan – The Wahpeton Park Board will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the Wahpeton Park Board service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the Wahpeton Park Board financial resources are sufficient to fund language assistance resources needed.
- Determine whether the Wahpeton Park Board fully complies with the LEP Plan goals.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

## Dissemination of the Wahpeton Park Board Plan

- Post signs in the Wahpeton Park Board office notifying LEP persons of the LEP Plan and how to access language services.
- Post on the WPB website the LEP Plan and how to access language services.

By Wayne H. Beyer  
Wayne H. Beyer, Director of Parks & Recreation

9-20-21

Date

## 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 Acts and the Regulations relative to non-discrimination in Federally-assisted programs of Federal Agencies, 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 or national origin 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 Regulations, including employment practices when the contract covers any activity, project or programs set forth in Appendix B of 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 Sub-Recipient or the Federal Agency 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 Sub-Recipient or the Federal Agency, 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 non-discrimination provisions of this contract, the Sub-Recipient will impose such contract sanctions as it or the Federal Agency 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 Sub-Recipient or Federal Agency 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 Sub-recipient to enter into any litigation to protect the interests of the Sub-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 added in deeds affecting 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 United States Federal Agency as authorized by law and upon the condition that the Wahpeton Park Board will accept title to the lands and maintain the project constructed thereon in accordance with any United States Codes and Regulations, and the policies and procedures prescribed by Federal Agencies, in accordance and in compliance with all requirements imposed by Federal Agencies, pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Statute 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the Wahpeton Park Board all the right, title and interest of the Federal Agency 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 Wahpeton Park Board 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 Wahpeton Park Board, its successors and assigns.

The Wahpeton Park Board, 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 be 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 Wahpeton Park Board 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, Non-Discrimination in Federally Assisted Programs of Federal Agencies, 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 Federal Agency 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 in order to make clear the purpose of Title VI.)

## Appendix C

### **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 Wahpeton Park Board, 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 property described in this (deed, license, lease, permit, etc.) for a purpose for which a Federal Agency activity, facility or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittees, 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 Wahpeton Park Board 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 (Title of Recipient) 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 (Title of Recipient) 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 Wahpeton Park Board, 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 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, (2) that in the construction of any improvement 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, otherwise be subjected to discrimination and (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 Wahpeton Park Board 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, (Title of Recipient) will there upon revert to and vest in and become the absolute property of (Title of Recipient) and its assigns. \*

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

## Appendix E

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

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 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 & 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 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 Federal Agency regulations;
- 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 non-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 (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (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 (20 U.S.C. 1681 et seq.).