



THE REGULAR MONTHLY MEETING OF THE BOARD OF COMMISSIONERS OF THE PARK DISTRICT OF THE CITY OF FARGO WILL BE HELD ON **TUESDAY, SEPTEMBER 5, 2023 AT 5:30 P.M.** IN THE BOARD ROOM OF THE PARK DISTRICT OFFICES AT 701 MAIN AVENUE, FARGO, WITH PRESIDENT JOE DEUTSCH, PRESIDING. **Please note:** This is an in-person event and streamed virtual. Members of the public and media can view the live meeting at [www.fargoparks.com/news/park-board-meeting-september-agenda-2023](http://www.fargoparks.com/news/park-board-meeting-september-agenda-2023)

## **6:00 p.m. BUDGET HEARING**

- A. Call to Order
- B. Approve Order of Agenda

**Consent Agenda** - approve the following:

- a. Minutes - August 8, 2023
- b. August Bills

### **Regular Agenda**

1. Recognition of Audience/Public Comments
2. Director's Report
3. Board to consider for approval updated Valley Senior Services Transit Title VI Plan; Paul Grindeland and Cindy Girdner, presenters.
4. Board to discuss timeline and establish next steps for the Executive Director position; Commissioner Joe Deutsch, presenter.
5. Adjourn

*Individuals who wish to attend Park Board meetings but need special arrangements or would like to address the Board, please contact the Fargo Park District office at 499-6060 by noon on the Monday before the Board Meeting.*

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS  
OF THE FARGO PARK DISTRICT OF AUGUST 8, 2023**

The regular monthly meeting of the Board of Commissioners of the Park District of the City of Fargo was held on Tuesday, August 8, 2023, at 5:30 p.m. at the Fargo Park District office at 701 Main Avenue, Fargo, North Dakota and via Restream. Present at the meeting were Commissioners Dawn Morgan, Aaron Hill, Joe Deutsch, Jerry Rostad and Vicki Dawson. Also present were: Dave Bietz, Susan Faus, Carolyn Boutain, Broc Lietz, and Jeffrey Gunkelman.

**Approval of Agenda**

Commissioner Aaron Hill moved and Commissioner Jerry Rostad seconded a motion to approve the agenda. Upon call of the roll, the motion passed unanimously.

**Approval of Consent Agenda**

Commissioner Jerry Rostad moved and Commissioner Vicki Dawson seconded a motion to approve the following actions on the consent agenda:

- (a) The minutes from June 30, 2023, July 5, 2023, and July 11, 2023 meetings;
- (b) The Julye 2023 bills;
- (c) 2024 recommended fees for the Fargo Parks Sports Complex;
- (d) Approval and award to Zamboni Company for Electric Ice Resurfacer for the Fargo Sports Complex in the amount of \$163,469.55.
- (e) Approval and award of bid to Trenchers Plus, Inc. for Brush Chipper 2023 or Current Model Year in the amount of \$63,415.00
- (f) Reject all bids for Drop Side Truck Dump Body 2023 or Current Model Year; and
- (g) Permission to apply for the Garrison Diversion Conservancy District Recreation Grant.

Upon call of the roll, the motion passed unanimously.

**Director's Report**

Dave Beitz and Susan Faus presented on this matter and provided an informational update to the Board on the respective departments. No action was taken on this matter.

**Homeward Animal Shelter**

Tasha Haug and Michael Gjesdahl presented to the Board on Homeward Animal Shelter and its association with the Park District.

**Approval of Design and Cost for North Concourse Extension at Fargo Parks Sports Complex**

Dave Bietz presented on this matter. It was noted that when pricing came back favorably for the construction of Phase 2 for the Fargo Parks Sports Complex, staff looked into adding back features into the complex that were removed for budgetary concerns. It was noted that final cost estimates came in at \$2,818,724,00 for the north concourse extension.

Commissioner Dawson noted that this extension will serve the hockey rinks well and the cost will only go up if the Park District does not add the extension now. Commissioner Rostad noted that this extension was part of the original plans and was only removed because of the uncertainty of the pricing when Phase 2 was bid. Commissioner Deutsch noted that the extension is a pivotal piece to the Park District. Commissioner Hill noted that it would be difficult to construction this extension at a later time. Commissioner Morgan noted that the pricing is a nice surprise and it will be great to wrap up the project.

Commissioner Jerry Rostad moved and Commissioner Vicki Dawson seconded the motion to approve PR2.07 Concourse Extension for Northside Concourse at the Fargo Park Sports Complex as presented. Upon call of the roll, the motion passed unanimously.

### **Approval of Additional Park District Properties Included in the Wildlife Management Program**

Tony Schmitt and Odin Helgerson presented on this matter. It was noted that the Sandhills Archery Club administers the Urban Archery Hunting Program in cooperation with the Park District and City of Fargo. It was noted that Sandhills Archery Club is requesting additional areas to be included in the Wildlife Management Program: (1) Funfar Park; (2) Edgewood Golf Course; (3) Four Parcels approximately 10 acres in total north of Country Road 20; and (4) Trefoil Park.

Commissioner Hill and Commissioner Rostad stated that they were in agreement with expanding the program but don't want to expand the program too much. Commissioner Dawson had concerns with Trefoil Park because the park is very active. Commissioner Dawson also expressed concerns with the proposed area at Funfar Park because a walking trail crossed through the proposed area.

Commissioner Morgan moved to approve the adding of (1) Funfar Park; (2) Edgewood Golf Course; (3) Four Parcels approximately 10 acres in total north of Country Road 20; and (4) Trefoil Park as requested as additional park properties to the Wildlife Management Program. The motion died for lack of a second.

Commissioner Aaron Hill moved and Commissioner Dawn Morgan seconded the motion to the adding of (1) Edgewood Golf Course as presented; (2) Four parcels approximately 10 acres in total north of Country Road 20 as presented; and (3) Funfar Park as amended to the Wildlife Management Program. Upon call of the roll, the motion passed unanimously.

### **Discussion of Broadway Square Agreement**

Dave Bietz and Kevin Boe presented on this matter. Mike Almendinger on behalf of Kilbourne Group also presented on this matter. Dave Bietz noted that the staff had discussed three possible options for the Park District and its management of Broadway Square: (1) continue with the current agreement for a period of one year; (2) modify the agreement; or (3) terminate the agreement. Kevin Boe noted that regardless of the action taken, the Park District would continue to maintain the ice rink for the winter season. Kevin Boe noted that the Park District is looking into ways to save on expenses at Broadway Square. Mike Almendinger noted that several Park District lead events have been successful additions the city of Fargo.

Commissioner Morgan noted that she would like to see the agreement continue for another year. Commissioner Deutsch noted that a major burden is being placed on the Park District in running Broadway Square. Commissioner Rostad noted that this is a complex situation because the Park District assumes all

the risk, the cost exceed initial expectations and he would like to see the expenses incurred by the Park District to be limited. Commissioner Dawson noted that the Park District wants to be part of Broadway Square but that the parties need to revise the terms of their agreement. Commissioner Hill noted that he would like to see the parties continue to revise the terms and reach a new agreement.

Commissioner Jerry Rostad moved and Commissioner Aaron Hill seconded the motion terminate the Block 9 Plaza Management Agreement effective March 31, 2023, and to direct staff to work toward a new agreement with the respective parties. Upon call of the roll, the motion passed unanimously.

### **Approval of the 2022 Audit**

Broc Lietz presented on this matter. It was noted that Brian Stavenger for Eide Bailly presented the 2022 Audit at the July 12 budget meeting. It was noted that the Park District received a “clean” audit opinion.

Commissioner Vicki Dawson moved and Commissioner Aaron Hill seconded the motion to approve the 2022 Audit as presented. Upon call of the roll, the motion passed unanimously.

### **Approval of the Resolution Providing for the Competitive Sale of \$34,000,000.00 General Obligation Bonds, Series 2023A**

Broc Lietz presented on this matter. It was noted that the Board approved the initial resolution providing for the issuance of this bond at the August 2, 2022 board meeting. It was noted that the if the Board approves this resolution staff will work with the financial advisor to market these bonds for sale, receive and review the bids, and bring the bids to the Board meeting for consideration. It was noted that the Park District can apply for up to \$2,800,000.00 in loans with the Bank of North Dakota at a 2% interest rate and the Park District will move forward with such application.

Commissioner Vicki Dawson moved and Commissioner Aaron Hill seconded the motion to approve the resolution providing for competitive sale of \$34,000,000.00 general obligation bonds, as presented. Upon call of the roll, the motion passed unanimously.

### **Receipt of 2024 Preliminary Budget**

Broc Lietz presented on this matter. It was noted that some of the highlights of the preliminary budget include:

1. Mill Levy Valuation for the Park District increased by 12% based on preliminary reports from the city of Fargo;
2. State aid was budgeted as flat compared to 2023;
3. Charges for Services Revenue have been increased to reflect price points that were reviewed at previous budget meetings;
4. Full time salaries expenses are budgeted for a 5% increase;
5. Health insurance expenses are budgeted for 20% increase compared to 2023;
6. The transfers out are related to the Long-Range Capital Planning needs for future projects; and
7. The 2024 preliminary budget represents a mill reduction of 1.3 mills.

Commissioner Aaron Hill moved and Commissioner Jerry Rostad seconded the motion to the 2024 preliminary budget as presented. Upon call of the roll, the motion passed unanimously.

At the conclusion of the above agenda items, a motion to adjourn was made and seconded, and upon unanimous consent the meeting adjourned at approximately 7:40 p.m.

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Jeff Gunkelman, Kennelly Business Law, Clerk



## MEMORANDUM

DATE: August 30, 2023

TO: Fargo Park Board Commissioners

FROM: Paul Grindeland – VSS Director  
Cindy Girdner – VSS Transit Manager

RE: Agenda Item No. 3 – Board to consider for approval updated Valley Senior Services Transit Title VI Plan

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At the September 5<sup>th</sup> Park Board meeting, I will present an updated Valley Senior Services (VSS) Title VI Plan for transit for board approval. The North Dakota Department of Transportation requires Valley Senior Services to update this Title VI Plan every three years; our last update was in March of 2020.

The VSS Title VI Plan for transit also includes Public Participation and Limited English Proficiency plans.

A copy of this plan is attached for your review.

We look forward to answering any questions you may have about the updated Title VI Plan and VSS transit services.

Thank you.

**Sample Motion:** I make a motion to approve updated Valley Senior Services Transit Title VI Plan, as presented.

# TITLE VI PLAN

## Valley Senior Services

Title VI prohibits discrimination in all Federal Transit Administration (FTA) services, programs, or benefits on the basis of Race, Color, or National Origin.

### **Title VI Program**

FTA Circular 4702.1B, Chapter III for FTA Subrecipient:

Title VI Requirements & Guidelines for FTA Recipients at

<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>

The Federal Transit Administration Title VI Circular 4702.1B provides guidance to grantees on how to comply with Title VI regulations. The circular provides specific compliance information for each type of grantee and provides comprehensive appendices including additional guidance and examples to ensure recipients understand the requirements.

By filling out the required fields you are stating that your board of directors, appropriate government entity, or officials responsible for policy decisions and/or approval of board meeting minutes understand the required FTA Circular 4702.1B, Chapter III regulations and agree to adopt all Title VI Program guidelines:

Date: 8/28/2023

Title VI Contact Name: Transit Manager

Title VI Contact Phone: 701-293-1440

Title VI Contact Email: [info@valleyseniors.org](mailto:info@valleyseniors.org)

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Authorized Signature

Date of Approval

## 1. TITLE VI AND NON-DISCRIMIINATION POLICY STATEMENT

Valley Senior Services has developed a Title VI and Non-discrimination Policy Statement *using the template found on the NDDOT Transit Operator portal for subrecipient use at <http://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>*

It is policy of Valley Senior Services (VSS) to take reasonable steps to provide meaningful access to all individuals in any encounters with our transit services regardless of their race, color or national origin or limited ability to speak, write or understand English. This policy is to ensure that language will not prevent staff from communicating effectively with LEP persons to ensure safe and orderly operations. Limited English proficiency will not prevent persons from accessing programs and services or information; understanding rules, participating in proceedings; or programs and meetings. Any individuals requiring a special accommodation to allow access or participation at meeting or events is asked to notify the LEP/ADA Coordinator of their needs at least three days prior to the event by calling Valley Senior Services at 701-293-1440 or email [cgirdner@fargoparks.com](mailto:cgirdner@fargoparks.com).

**The signed VSS Non-Discrimination Statement will be posted at:**

- VSS Transit Storage Facility/Dispatch offices – 1522 7<sup>th</sup> Ave No. Fargo, ND and
- Valley Senior Services main office located at 2801 32<sup>nd</sup> Ave So. Fargo, ND.
- See attachment

**The Title VI Plaque will be placed in all of our revenue transit vehicles.**

- See attachment

### **VITAL DOCUMENT – TRANSLATE if significant LEP population.**

In addition to the policy statement, an abbreviated "Statement of Non-discrimination" has been created using the template found on the NDDOT Transit Operator Portal for subrecipient use at the link posted above and is displayed in all transit vehicles.

## 2. COMPLAINT PROCEDURES/FORMS

Valley Senior Services shall develop complaint procedures and instructions specific to their transit agency. *"If information is needed in another language, then contact 701-293-1440"*— should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold.



## **Title VI Complaint Procedure**

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Valley Senior Services may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form.

Valley Senior Services investigates complaints received no more than 180 days after the alleged incident. The Valley Senior Services will process complaints that are complete. Once the complaint is received, the Valley Senior Services will review it to determine if our office has jurisdiction.

The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office. Valley Senior Services has 30 days to investigate the complaint. If more information is needed to resolve the case, the Valley Senior Services may contact the complainant.

The complainant has 30 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 30 business days, Valley Senior Services can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF).

A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.

An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

### **COMPLAINT FORM:**

Valley Senior Services has developed a Complaint Form and instructions specific to their transit agency by using the template found in **BlackCat Global Resources** or on the NDDOT Transit Operator Portal at <http://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>. **VITAL DOCUMENT – TRANSLATE if significant LEP population.**

### **COMPLAINT LOG:**

Valley Senior Services has adopted NDDOT's Transit Title VI – List of Investigations, Lawsuits, and Complaints, SFN 60805 found in **BlackCat Global Resources** or on the NDDOT Transit Operators Portal at: <http://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>

The completed form has been attached as part of the plan and will be submitted to NDDOT each year upon request.

### **3. TITLE VI NOTICE TO THE PUBLIC (GENERAL REQUIREMENT)**

A Title VI Notice to the Public must be displayed to inform a recipient's customers of their rights under Title VI. At a minimum, recipients must post the notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Many agencies display their Title VI Notices in transit facilities (e.g., headquarters, transit shelters and stations, etc.), and on transit vehicles (e.g., buses, rail cars, etc.). **The Title VI Notice is a vital document.** If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the Notice should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, this statement in the Notice— "If information is needed in another language, then contact (701)-293-1440."— should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold. See Title VI Non-Discrimination Statement Plaque in **BlackCat Global Resources** Template or in the: <https://www.dot.nd.gov/divisions/localgov/docs/TitleVINon-DiscriminationStatementPlaqueTemplate5-2016.docx>

## STATEMENT OF NON-DISCRIMINATION

Under Title VI of the Civil Rights Act of 1964, and its related statutes and regulations, no person or groups of persons shall 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 under any and all programs or activities funded in whole or in part with Federal funds. In addition to Title VI, there are other non-discrimination statutes which include sex, age, and disability. These requirements define an over-arching Title VI/Non-discrimination and ADA Program.

Contact the Project Director at 701-\_\_\_\_\_ to request additional information on our nondiscrimination obligations or to file a complaint. Persons with limited English proficiency may receive language assistance free of charge upon request.

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**This Transportation service is  
Open to the PUBLIC**

#### 4. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BOARDS:

Valley Senior Services- The Fargo Park District has an elected board.

Valley Senior Services has updated their transit related planning board, advisory council, or committee information in the BlackCat System

#### 5. MONITORING SUBRECIPIENT: In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

a. To ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities:

1. Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity

and the number of fixed route vehicles it operates in peak service if a transit provider.

2. Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
  3. At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of FTA service is provided on an equitable basis. Subrecipients that are fixed route transit providers are responsible for reporting as outlined in Chapter IV of this Circular.
- b. When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a primary recipient, the subrecipient/direct recipient reports directly to FTA and the primary recipient/designated recipient is not responsible for monitoring compliance of that subrecipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the primary recipient/designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.

## **6. TITLE VI EQUITY ANALYSIS:**

We have none.

- a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
- b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.

- c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

## **7. PUBLIC PARTICIPATION PLAN:**

Tri-annually, each subrecipient is required to submit the following as part of their Title VI Plan. For immediate reference please review page(s) 25-26 of FTA C 4702.1B. Additional information can be found on page(s) 20-31 of FTA C 4703.1.

Title VI Public Participation, as required by USDOT Federal Transit Administration, describes the proactive strategies, procedures, and desired outcomes for the subrecipient's public participation activities.

Federal and State government mandate public involvement because it helps to guide department decisions in providing public transportation services. Public involvement also benefits Valley Senior Services and the public by allowing for the development of services that meet the needs of area citizens/customers. The Federal government mandates public involvement prior to raising fares, implementing major reductions in service, or applying for grants/loans to finance transportation improvement projects.

- b. Public Participation/Engagement-Subrecipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

### **1. Public Meetings**

There are several public meetings that take place throughout our region each year that involve Valley Senior Services transportation services. All these meetings are open to the public and are publicized in local newspapers and /or newsletters prior to the meeting. We do not currently employ different meeting sizes and formats to accommodate minority, disabled and LEP individuals but all are invited, and we will accommodate any population as necessary.

Fargo Park Board- meets monthly in Fargo ND.

Traill County Senior Citizens Grantee Board Inc.-meets four times per year at various locations in Traill County, ND.

Steele County Council- meets six times a year at various locations in Steele County, ND.

Southeast Senior Services Board-meets quarterly starting in March each year in Richland, ND.

Ransom County Council- meets quarterly at various locations in Ransom County, ND.

Sargent County Council-meets every other month at various locations in Sargent County, ND.

## 2. Coordination

Because Valley Senior Services also provides Nutrition and Resource services to seniors in our region, our program is regularly working with other agencies such as: Local food pantries, medical facilities, social services, educational institutions, and other organizations. These agencies provide a medium to educate and solicit feedback on current transit services. In the past three years Valley Senior Services has contacted all County Social Services Departments in our service area to inform them about our services. In addition, staff attend local service provider meetings to educate other agencies about services.

Valley Senior Services currently works with the Metro Interpreter Resource Center in securing translators for the LEP clients.

- c. As per requirements of [49 U.S.C. Sections 5307(b)] and [5307(c)(I)] Valley Senior Services will develop and/or consider a process to study public comment before raising a fare or carrying out a major reduction in transportation services.

## d. Public Outreach Plan

- 1. How do you advertise? We advertise in the local newspapers in the county area. We also will put information in our newsletter that clients receive monthly.

To help Valley Senior Services engage underserved populations we will contact local medical facilities, community action agencies and local social services offices and offer the staff information and brochures about our transit services.

Since our service area is very rural Valley Senior Services will utilize three different mediums to reach low -income, minority and LEP populations with information about our transit services:

- First, we will contact the County Social Services office in the counties we serve and make the staff at these offices aware of our services by providing to them our transit brochure and other agency information.
- Second, Valley Senior Services will continue to advertise in public transit services in local newspapers through our region on a monthly basis.
- Third where possible we will promote our transit services on the local access television channels in our service area.

#### d. Type of Public Involvement

Going forward in the next year and at least on a yearly basis, Valley Senior Services will contact the following types of public organizations in our rural service area and provide them with our public transportation information. We feel this outreach effort will be the best way to reach the LEP, minority, low income, and underserved populations within our service area:

- Potential and current riders
- Non-riders
- Medical facilities/long term care centers
- Social Service Agencies
- Veterans

Valley Senior Services has adopted NDDOT Sign-In-Sheet form SFN: 59531 for use at public meetings. The form can be found on the NDDOT website at <https://www.dot.nd.gov/divisions/civilrights/titlevi.htm> under Title VI Forms.

Valley Senior Services has adopted NDDOT Title VI Public Participation Survey form SFN: 60149 as a mechanism for tracking information. This form can be found on the NDDOT website on the <https://www.dot.nd.gov/divisions/civilrights/titlevi.htm> under Title VI Forms.

### **8. LIMITED ENGLISH PROFICIENCY (LEP) PLAN:**

Subrecipients are required to submit a Limited English Proficiency (LEP) Plan as part of their Title VI Program in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C.

2000d, et seq, and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. For immediate reference please review FTA C 4702.1B, Chapter III-9.

Valley Senior Services has developed a Limited English Proficiency (LEP) Plan using the template found on the NDDOT Transit Operator Portal for subrecipient use at <http://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>.

NDDOT will assist subrecipient by providing demographic data. The demographic data by county will be placed in the **BlackCat System under Global Resources**. This information will be updated by NDDOT as needed.



# **Limited English Proficiency Plan**

**Valley Senior Services  
August 28, 2023**

**Transit Manager  
2801 32<sup>nd</sup> Ave S  
PO Box 2217  
Fargo, ND 58108  
(701)293-1440**

## INTRODUCTION

This **Limited English Proficiency Plan (LEP)** has been prepared to address the Valley Senior Services 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 Valley Senior Services departments and subrecipients receiving federal grant funds.

### Plan Summary

Valley Senior Services 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, Valley Senior Services 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 Valley Senior Services.
2. The frequency with which LEP persons come in contact with Valley Senior Services.
3. The nature and importance of services provided by the Valley Senior Services to the LEP population.
4. The interpretation services available to Valley Senior Services 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

1. **The number or proportion of LEP persons in the service area who may be served or are likely to require Valley Senior Services.**

Valley Senior Services staff reviewed the LEP Demographics Survey 5 Year Estimate and determined that 13,351 persons in Valley Senior Services service area or .07% of the population speak a language other than English. Of those 13,351 persons 4,984 or 37% have limited English proficiency; that is, they speak English "not well" or "not at all", this is only a .02% of the overall population in the service area. In Valley Senior Services

area, of those persons with limited English proficiency, 521 speak Spanish, 79 speak French, 21 speak French Creole, 9 speak Italian, 49 speak Portuguese, 192 speak German, 59 speak Scandinavian, 7 speak Greek, 115 speak Russian, 45 speak Polish, 367 speak Serbo-Croatian, 184 speak Slavic, 35 speak Persian, 3 speak Gujarati, 57 speak Hindi, 14 speak Urdu, 549 speak Indic, 18 speak Indo-European, 471 speak Chinese, 10 speak Japanese, 27 speak Korean, 380 speak Vietnamese, 197 speak Asian, 77 speak Tagalog, 3 speak Pacific Island, 8 speak Native North American, 320 speak Arabic, 1098 speak African, 69 speak other and unspecified languages.

**2. The frequency with which LEP persons come in contact with Valley Senior Service.** Valley Senior Serves staff reviewed the frequency with which the board/council, office staff and bus/van drivers have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, Valley Senior Services has had (3) requests for interpreters and (0) requests for translated program documents. The board/council, office staff and bus/van drivers have had very little contact with LEP persons.

**3. The nature and importance of services provided by Valley Senior Services to the LEP population.**

There is no large geographic concentration of any type of LEP individuals in the service area for Valley Senior Services. The overwhelming majority of the population, 93%, speak only English. As a result, there are few social, service, professional and leadership organizations within Valley Senior Services service area that focus on outreach to LEP individuals. Valley Senior Services board/council, office staff and bus/van drivers are most likely to encounter LEP individuals through bus/van rides, office visits, phone conversations, and attendance at Board/Council meetings.

**4. The resources available to the Valley Senior Services and overall costs to provide LEP assistance.**

Valley Senior Services reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise. Our staff has worked with a local translation service and with the children and grandchildren of the clients for translation service. Other language translation if needed would be provided through a telephone interpreter line for which Valley Senior Services 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 Valley Senior 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 Valley Senior Services 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.

- All Valley Senior Services staff will be provided with (“I Speak” cards, Google Translate, or method used) to assist in identifying the language interpretation needed if the occasion arises.
- All Valley Senior Services staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When Valley Senior Services sponsors an informational meeting or event, an advanced public notice of the event should be published including special needs related to offering a translator (LEP) or interpreter (sign language for hearing impaired individuals). Additionally, a staff person may greet participants 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 in Valley Senior Services of LEP individuals, that is, persons who speak English “not well” or “not at all”, it will strive to offer the following measures:

1. Valley Senior Services 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:
  - Volunteer interpreters for the Spanish language are available and will be provided within a reasonable time period.
  - Google Translate on tablets or cell phones.
  - Language interpretation will be accessed for all other languages through a telephone interpretation service.

**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 the “I Speak” cards, Google Translate, Language Line or Telephone Translators.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

**All contractors or subcontractors performing work for Valley Senior Services will be required to follow the Title VI/LEP guidelines.**

**TRANSLATION OF DOCUMENTS**

Valley Senior Services 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.

Valley Senior Services has developed a Public Participation Plan and has an outreach procedure in place, as of 2020. Translation resources have been identified and are limited in this

region. However, when and if the need arises for LEP outreach, Valley Senior Services 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.

## **MONITORING**

**Monitoring and Updating the LEP Plan** – Valley Senior Services 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 Valley Senior Services 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 Valley Senior Services financial resources are sufficient to fund language assistance resources needed.
- Determine whether Valley Senior Services fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

## **DISSEMINATION OF THE Valley Senior Services LEP PLAN**

- Post signs at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language services.
- State on agendas and public notices in the language that LEP persons would understand that documents are available in that language upon request at 701-293-1440.

**VALLEY SENIOR SERVICES  
TITLE VI AND NON-DISCRIMINATION POLICY STATEMENT**

The **VALLEY SENIOR SERVICES**, hereinafter referred to as the “**TRANSIT AGENCY**” is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and statutes. The **TRANSIT AGENCY** assures that no person or groups(s) of persons 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 and all programs, services, or activities administered by the **TRANSIT AGENCY**, regardless of whether those programs and activities are federally funded or not.

The **TRANSIT AGENCY** also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the **TRANSIT AGENCY** will provide meaningful access to services for persons with Limited English Proficiency for language assistance free of charge to the person upon request.

In the event the **TRANSIT AGENCY** distributes federal-aid funds to a subrecipient, the **TRANSIT AGENCY** will include Title VI language in all written agreements and will monitor for compliance.

The **TRANSIT AGENCY**'s Title VI Coordinator - Transit Manager **701 356-1420; 2801 32<sup>nd</sup> Ave, PO Box 2217, Fargo, ND 58108; info@valleyseniors.org** is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

8/2023

## **STATEMENT OF NON-DISCRIMINATION**

Under Title VI of the Civil Rights Act of 1964, and its related statutes and regulations, no person or groups of persons shall 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 under any and all programs or activities funded in whole or in part with Federal funds. In addition to Title VI, there are other non-discrimination statutes which include sex, age, and disability. These requirements define an over-arching Title VI/Non-discrimination and ADA Program.

Contact the Transit Manager at 701-356-1421 to request additional information on our nondiscrimination obligations or to file a complaint. Persons with limited English proficiency may receive language assistance free of charge upon request.

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**This Transportation service is  
Open to the PUBLIC**

## **STATEMENT OF NON-DISCRIMINATION**

Under Title VI of the Civil Rights Act of 1964, and its related statutes and regulations, no person or groups of persons shall 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 under any and all programs or activities funded in whole or in part with Federal funds. In addition to Title VI, there are other non-discrimination statutes which include sex, age, and disability. These requirements define an over-arching Title VI/Non-discrimination and ADA Program.

Contact the Transit Manager at 701 356-1421 to request additional information on our nondiscrimination obligations or to file a complaint. Persons with limited English proficiency may receive language assistance free of charge upon request.

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# Valley Senior Services

## TRANSIT TITLE VI COMPLAINT FORM

### PART I - COMPLAINANT INFORMATION (Print all items legibly.)

Name		Telephone
Street Address/P.O. Box		Email Address
City	State	Zip Code

### PART II - CAUSE OF DISCRIMINATION BASED ON [Check all appropriate box(es).]

Race     Color     National Origin

### PART III - THE PARTICULARS ARE: (Include names, dates, places, and incidents involved in the complaint.) [If additional space is needed, attach extra sheet(s).]


### PART IV - REMEDY SOUGHT [State the specific remedy sought to resolve the issues(s).]


### PART V - VERIFICATION

Complainant's Signature \_\_\_\_\_ Date \_\_\_\_\_



## Instructions

### GENERAL

1. Under Title VI of the Civil Rights Act of 1964 and the related statutes and regulations, no person or groups(s) of persons 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 and all programs, services, or activities administered by Valley Senior Services. Any person or groups(s) of persons who feel they have been discriminated against may file a complaint.
2. Instructions provided within this form are not meant to be all inclusive. Complainants are responsible for all procedural requirements.
3. Complainants **must** include all required information and **must** meet all timeframes as defined in the Valley Senior Services Title VI Complaint Procedure.
4. Legible copies of all available pertinent documentation should be attached to this form.
5. All inquiries should be directed to Transit Manager, Valley Senior Services, 2801 32<sup>nd</sup> Ave So. PO Box 2217 Fargo, ND 58018, 701 356-1421.

### PART I

Complete all information in this section.

### PART II

Check all boxes that apply indicating the basis for the complaint. The discrimination **must** be based on at least one of the listed categories.

### PART III

State the specific complaint in a manner that clearly identifies the issues upon which the complaint is based.

### PART IV

State the minimum remedy acceptable for resolution of this complaint.

### PART V

Sign and date this section to verify the information contained in Parts I through IV.

**Other agencies you may file a complaint with can be found on APPENDIX A.**

# Valley Senior Services Transit Complaint/Title VI Complaint Log

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Person filing complaint

Complaint

Date complaint submitted

Title VI or Non Title VI

Action Taken to Resolve Complaint

Date complaint was resolved

Resolution reviewed by

## ***Metro Senior Ride Service***

***Please call by 4:00 p.m. for return ride***

***Fare for 1-way ride - \$3.00***

***Fare for one-way ride to a VSS meal site—\$1.00***

***Punch cards are available from our drivers***



**Valley  
Senior Services**  
*helping seniors maintain independence*



### **STATEMENT OF NON-DISCRIMINATION**

Under Title VI of the Civil Rights Act of 1964, and its related statutes and regulations, no person or groups of persons shall 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 under any and all programs or activities funded in whole or in part with Federal Funds.

Contact the Transportation Manager - 701 293-1440, 2801 32<sup>nd</sup> Ave So, PO Box 2217, Fargo ND 58108; [valleyseniorservices@valleyseniors.org](mailto:valleyseniorservices@valleyseniors.org) to request additional information on our non-discrimination obligations or to file a complaint.

### **REASONABLE MODIFICATION**

Valley Senior Services will consider every request for reasonable modification from individuals with disabilities. Language assistance for persons with limited English proficiency (LEP) is available free of charge. To request a reasonable modification or language assistance contact our office at 701 293-1440 , on our website at [valleyseniorservices.org](http://valleyseniorservices.org) or in writing at 2801 32nd Ave So. PO Box 2217 Fargo, ND 58108.



## MEMORANDUM

DATE: August 30, 2023

TO: Fargo Park Board Commissioners

FROM: Joe Deutsch, Park Board President

RE: Agenda Item No. 4 – Board to discuss timeline and establish next steps for Executive Director position

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### **Background Information**

At the Special Board meeting on June 30<sup>th</sup>, 2023, the Fargo Park Board Commissioners appointed Deputy Director of Administration, Susan Faus and Deputy Director of Operations, Dave Bietz Co-Directors following the termination of the Executive Director.

Park Board Commissioners will discuss a timeline and establish next steps for deciding how to proceed with the Executive Director position.

Please let me know prior to the meeting if you have any questions.

Thank you.