

MAPLETON WATER DISTRICT

PO BOX 435, MAPLETON, OREGON, 97453

RESOLUTION NO. 2024-07

A RESOLUTION ADOPTING THE DOCUMENT “NON-DISCRIMINATION PROGRAM AND PLAN” BY THE MAPLETON WATER DISTRICT.

WHEREAS, the Mapleton Water District serves a diverse community of customers and residents; and,

WHEREAS, the District is a public entity with a duty to provide all members of the community with quality service and equal access to programs and other opportunities; and,

WHEREAS, policies and procedures are necessary to ensure the District adheres to its commitment to the public and compliance with various State and Federal laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLETON WATER DISTRICT BOARD OF COMMISSIONERS AS FOLLOWS:

Section 1. The document entitled “Non-Discrimination Program and Plan” is adopted by the Mapleton Water District.

Section 2. Members of the Board of Commissioners and staff shall be bound by the “Non-Discrimination Program and Plan” while conducting the business of the Mapleton Water District.

Approval of this resolution moved by _____. Seconded by _____.

Adopted by the Board of Commissioners of Mapleton Water District this 10th day of June, 2024 by the following vote:

Ayes _____ Nays _____

MAPLETON WATER DISTRICT

Vanessa West, Chair

Julie Doran-Lee, Secretary Pro Tempore



MAPLETON WATER DISTRICT

Nondiscrimination Program and Plan

Adopted by Resolution 2024-07 on June 10, 2024

Section 1: Introduction

Mapleton Water District (MWD) recognizes that to be successful and representative, civil society must be inclusive of all members of the community. Furthermore, as a public agency, the district needs to be responsive to the needs of the community and facilitate communications and participation by all community members in order to understand what their needs and preferences are. Any discriminatory actions by any party affiliated with MWD reflect upon the commitment of the district to the principles of inclusiveness and nondiscrimination. Mapleton Water District stands in opposition to discrimination in any form.

Section 2: Mapleton Water District Notice and Non-discrimination Statement

Mapleton Water District (MWD) is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program, activity, or service that it provides. MWD will not tolerate intimidation, threats, coercion, retaliation, or discrimination against any individual or group. MWD's Non-Discrimination Program and Plan establishes a framework for taking reasonable steps to ensure access to all services provided by MWD for all individuals and establishes procedures whereby MWD will receive and investigate allegations of discrimination.

In accordance with Federal civil rights laws, Mapleton Water District does not discriminate, and will not permit discrimination in its operations, against any party or person based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, sex, disability, age, genetic information, or in reprisal or retaliation for prior civil rights activity or anyone who takes action to oppose discrimination, files a complaint, or participates in the investigation of a complaint.

Section 3: Federal Nondiscrimination Laws

3.1 Overview

The primary federal nondiscrimination laws are:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin, in any program, service, or activity that receives federal assistance.
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973 (Section 504), which forbids discrimination on the basis of an individual's disability by all federal agencies and in all federally funded activities.
- The Age Discrimination Act of 1975, as amended, prohibits discrimination in federally supported activities on the basis of age.
- Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 *et seq.* (1972)), mandates compliance with 40 C.F.R. Parts 5 and 7 for any program or activity receiving financial assistance under the Clean Water Act

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance.

Specifically, Title VI assures 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 benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.”

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in any education or training program receiving federal financial assistance, with a limited number of defined exceptions.

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination on the basis of an individual's disability by all federal agencies and in all federally funded activities.

Age Discrimination Act of 1975, as amended, prohibits discrimination in federally supported activities on the basis of age.

These four federal nondiscrimination laws have been further broadened and supplemented by related statutes, regulations, and executive orders (EOs), including:

- Civil Rights Restoration Act of 1987 (aka Grove City Bill) specifies that entities receiving federal funds must comply with the civil rights legislation in all operations, not just the program or activity that received the funding
- 40 CFR Part 5-Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
- Section 13 of the Federal Water Pollution Control Act Amendments of 1972. 40 CFR Part 7- Nondiscrimination in Programs Receiving Federal Assistance from the EPA
- Executive Order (EO) 13166-Improving Access to Services for Persons with Limited English Proficiency (LEP) dated August 11, 2000
- U.S. Department of Health and Human Services “Revised Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons” dated 2004
- Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons (69 FR 35602, June 25, 2004)
- Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance) (71 FR 14207, March 21, 2006) EPA’s Grant General Terms and Conditions
- EPA’s Procedural Safeguards Checklists for Recipients-Federal Nondiscrimination Obligations and Best Practices revised January 2020

4. Definitions

4.1 Disability

- A. For the purposes of this Program and Plan, disability means, with respect to an individual:
1. a physical or mental impairment that substantially limits one or more of the person's major life activities;
 2. a history of such an impairment; or
 3. being regarded as having such an impairment.

The definition of “disability” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of Section 504. The question of whether an individual meets the definition of “disability” should not demand extensive analysis.

B. Qualified Individual with a Disability is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by MWD.

4.2 Limited English Proficiency

- A. Limited English Proficiency (LEP): Describes individuals who:
1. do not speak English as their primary language;
 2. and have a limited ability to read, write, speak, or understand English.

Individuals with LEP may be competent in English for certain types of communication (e.g., speaking or understanding), but have limited proficiency in English in other areas (e.g., reading or writing). LEP designations are also context-specific; an individual may possess sufficient English language skills to function in one setting (e.g., conversing in English with coworkers), but these skills may be insufficient in other settings (e.g. addressing court proceedings). An individual who is D/HOH may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.

Section 5: MWD’s Nondiscrimination Program

5.1 Overview

In order to provide services that are responsive to the needs and priorities of MWD’s population, it is essential to have a process in place that effectively engages the public, integrates their feedback, and results in decisions that are protective of human health and the environment. The goal of the MWD Nondiscrimination Program is to ensure all people have a meaningful role in public processes associated with the delivery of MWD services.

MWD’s Nondiscrimination Program includes methods of administration and analysis that support equity in delivery of MWD services and assures the prompt and fair resolution of complaints which allege violation of federal non-discrimination laws.

Based in part on federal guidance, the components of the MWD Nondiscrimination Program include:

- A notice and statement of nondiscrimination under the federal nondiscrimination laws
- Complaint procedures for complaints filed under the federal nondiscrimination laws
- Identification of an MWD Nondiscrimination Program Coordinator and his/her role
- An assessment of MWD’s obligation to provide access to limited English proficient (LEP) and disabled persons
- Public participation procedures

MWD's nondiscrimination program and complaint procedures, including all materials, both in print and digital format, will be reviewed on annual basis to ensure individuals can access prompt and fair resolution of discrimination complaints.

5.2 Posting Notice and Statement of Nondiscrimination

MWD's Notice and Statement of Nondiscrimination is prominently posted in MWD's administrative office and on the MWD website at [mapletonwd.org \(https://www.mapletonwd.org/non-discrimination-statement-and-notice\)](https://www.mapletonwd.org/non-discrimination-statement-and-notice). The notice describes the procedures to file a complaint and how to contact MWD's Nondiscrimination Program Coordinator for assistance.

5.3 Nondiscrimination Program Coordinator

The MWD board will appoint a Nondiscrimination Program Coordinator by resolution, and the name and contact information for the appointee shall be kept up to date and recorded in this Program Plan. As of April 1, 2024, the Mapleton Water District Nondiscrimination Program Coordinator is:

Jordan Walker

Phone: 541-268-4348

Email: jwalker@mapletonwd.org

The nondiscrimination coordinator will:

- Act as the point of contact to report discriminatory actions or file a complaint
- Ensure MWD's compliance with federal nondiscrimination laws
- Ensure information regarding MWD's Nondiscrimination Program is internally and externally available
- Maintain public notice of, and procedures for, receipt and processing of complaints
- Track and review complaints received
- Train or obtain training for MWD staff on MWD's Nondiscrimination Program and procedures as well as the nature of MWD's obligation to comply with federal non-discrimination laws
- Provide written updates to complainants on the progress of investigations
- Annually review the efficacy of MWD's Nondiscrimination Program

5.4 Complaint Procedures

MWD's Complaint Procedures are posted on MWD's website at <https://www.mapletonwd.org/filing-a-discrimination-complaint> and explain the process by which any person may file a complaint, the process by which complaints will be investigated, and that complainants will be informed in writing of the progress and disposition of their complaint, unless notification is requested in additional formats by the complainant.

If someone believes they have suffered from discrimination in delivery of MWD services or programs, they may contact MWD's Nondiscrimination Program Coordinator to seek informal resolution. If the matter cannot be resolved informally, a formal complaint may be filed.

5.4.1 Filing a Complaint

Within 180 days of the alleged discrimination or latest occurrence, complainants may submit a signed, written complaint to the Nondiscrimination Program Coordinator. Complaints must include the complainant's name, the nature of the complaint, the date of the alleged discrimination, requested action, and contact information.

Complaints may be filed by any person who believes she or he has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any MWD service, program, or activity, and believes the discrimination is based upon their membership in a protected class.

Complaint forms in English are posted on MWD website. Contact the Nondiscrimination Coordinator for forms in alternative formats and languages.

5.4.2 Processing a Complaint

MWD will promptly and impartially investigate all complaints of discrimination. MWD's goal is to address complaints within 60 days of receipt, though the time to carefully investigate complaints may be longer depending on the nature of the complaint and complexity of the issue. When assessing complaints, the preponderance of evidence standard will be applied during the analysis.

Preliminary Inquiry: The Nondiscrimination Program Coordinator will review the complaint and will notify the complainant in writing that a preliminary inquiry is underway to determine the need for further investigation. If additional information is requested and not received, the case may be closed. The case may also be closed if the complainant no longer wishes to pursue their case.

If the preliminary inquiry indicates further investigation is not warranted, the complainant will be notified in writing of the reasons why and factors considered. If the preliminary inquiry indicates that further investigation is warranted, the complainant will be notified in writing that an investigation will be initiated.

Further Investigation: If a complaint is referred for further investigation after the preliminary inquiry, the Nondiscrimination Program Coordinator will contact the complainant to schedule an interview within seven days of the referral for further investigation. The preponderance of evidence standard will be applied to all complaint investigations. The results of the investigation will be provided to the MWD Administrative Committee Chair and presented to the Board.

The complainant will be notified promptly in writing of the results of the investigation and what actions were taken in the process of the investigation, the response initiated based on the findings, and a timeline to request review of the determination with the Board of Commissioners.

Complaint Records: Records and investigative files will be kept for a minimum of three years.

A complaint log will be kept containing the name and address of the complainant, nature of the complaint, date of submission, and results of investigations.

If the complaint falls outside the jurisdiction of MWD, the complainant will be notified of the name and contact information for the appropriate agency with jurisdiction, if known.

5.5 Assessment of MWD's Obligation to Provide Access to Limited English Proficient (LEP) and Disabled Persons

Individuals who do not speak English as their primary language or possess a limited ability to read, write, speak, or understand English can be limited English proficient (LEP) and may need language assistance with respect to services provided by MWD.

Disabled persons have a physical impairment (hearing, mobility, vision) or mental impairment that substantially limits one or more major life activities including walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself. Any disability that impacts an individual’s ability to effectively access services should be accorded reasonable accommodation to facilitate the full participation of the citizenry in the programs and services provided by MWD.

While determining precisely what steps are reasonable to ensure access for LEP and disabled persons is fact-dependent, development of a public participation plan begins with developing an understanding of the frequency and distribution of LEP and disabled populations throughout MWD service area.

5.5.1 Mapleton Census Zip Code Tabulation Area Demographics

Data presented is drawn from the latest available American Community Survey (ACS) census data and is generally presented for the entire Mapleton zip code tabulation area. In some cases, estimates of service area specific data were calculated using the entire zip code tabulation area data set as the basis.

| Category | Total | Percent |
|--|--------------|----------------|
| Population Data¹ | | |
| Population in Census Tract | 845 | |
| Number of Households | 376 | |
| Number of Service Connections | 244 | |
| Disability Data² | | |
| Disabled Population | 257 | 30.4 |
| Hearing difficulty | 112 | 13.3 |
| Vision Difficulty | 35 | 4.1 |
| Cognitive Difficulty | 110 | 13.5 |
| Ambulatory Difficulty | 174 | 21.4 |
| Age Data³ | | |
| Population 62 years and over | 408 | 48.3 |
| Population 65 years and over | 311 | 36.8 |
| Population 75 years and over | 143 | 16.9 |
| Language Data⁴ | | |
| Spanish | 5 | 0.6 |
| Other Indo-European | 5 | 0.6 |
| Asian/Pacific Islander | 15 | 1.8 |
| Other | 0 | 0 |
| Population Speaking English Less than very well | 5 | 0.6 |
| Limited English-Speaking Households ⁵ | 17 | 0 |

¹Population Data from Table DP05 Households Data from Table S1101

²Disability Characteristics from Table S1810

³Age and sex data from Table S0101

⁴Language Data from Table S1601

⁵Limited English-Speaking Households Data from Table S1602

5.5.2 Limited English Proficient (LEP) Persons

Federal guidance generally describes how recipients of federal assistance determine the extent of their obligation to provide LEP services. Four factors should be considered:

1. Demography

The number or proportion of LEP persons eligible to be served or likely to be encountered by the program.

- Of 376 households, 3.1% speak a language other than English within the home.
- Of the 20 households that speak a language other than English within the home, an estimated 5 (.6%) speak English less than very well.
- An estimated 17 households within the Mapleton zip code tabulation area have LEP persons, however statistically, the percentage of households estimated to be LEP is 0%.

2. Frequency: How frequently do LEP persons eligible to be served or likely to be served come in contact with MWD programs:

- There is currently no specific data on this factor.
- MWD provides water service to roughly 65% of the households in the Mapleton zip code tabulation area, therefore it is *estimated* that there may be 11 Limited English-Speaking Households in the MWD Customer base.
- MWD will record interactions with LEP persons or households, and the information collected during the 2024-25 fiscal year will be used to establish a baseline for frequency of contacts.

3. Importance: The nature and importance of the program, activity, or service provided by the program to people's lives:

- Delivery of safe, reliable drinking water is essential to protecting public health.

4. Resources: The prioritization of resources required by MWD to address LEP and disability needs:

- MWD has assembled resources to provide LEP services as identified in the Public Participation Procedures below.
- Data indicates LEP needs are minimal within the MWD service area. Initiating direct contact with known LEP households to assess individual needs is a viable approach for MWD.
- Data indicates that within the MWD area, resources to address disability are more prevalent than need for resources to address LEP.

5.5.3 Disabled Persons

30.4% of MWD customers are disabled in some manner, which includes individuals that may suffer from more than one disabling condition. 17.4% suffer from vision or hearing disabilities that could impact their ability to access information disseminated by MWD.

5.5.4 Age

Nearly half of the Mapleton area residents are over the age of 62. Of those over 62, 16.9% are over the age of 75. It follows that many citizens in these age demographics are also represented in the disabled statistics for visual, hearing, or mobility impairment.

Section 6: Public Participation

6.1 Public Participation Procedures

Public notice and participation are an important element of MWD activities.

In order for public involvement to be meaningful, all members of the community need access to information, meetings, workshops, and other events convened by MWD. The district strives to provide meaningful public involvement in all of its activities by considering accessibility and accommodations as a factor in all interactions with the public.

When designing and implementing MWD's public participation activities, the agency weighs a variety of factors such as the known or anticipated level of interest and potential community impact of MWD's decisions. Some other factors that may be considered include:

- Community demographics and history
- Past and present community concerns
- Need for language assistance services for LEP persons
- Availability of media sources
- Need for and location of public meetings
- Location of the information repository
- Identification of MWD's expert(s) and their contact information

6.2 Public Participation Required by MWD's Rules

Under Board Policy and state laws, public notice and opportunity for public comment is required for any gathering of the board that qualifies as a public meeting. A sample of items the board may consider in public meetings includes:

- Holding any meeting where a quorum of the board is present and/or deliberations towards a decision may occur
- Conducting Budget Hearings
- Adoption of ordinance(s)
- Granting variance(s) from established board policies
- Approval of major contracts

Notice of public meetings will be posted no later than 5 days prior to any regular or special meeting, workshop or public assemblies convened by MWD. This is the minimum notice the district will provide for any public meeting, workshop, or other assembly of the public convened by MWD, with the exception of emergency meetings permitted under state law.

MWD complies with all state laws requiring public notice for board action that are more expansive than the base line established in board policy.

Opportunity for public comment is provided at all public meetings convened by MWD. To provide the most access for comment, community members may appear in person, may submit written comment either by mail or email, or may call the office to leave a verbal comment, all of which will be included in the public record of the meeting.

6.3 Public Participation: LEP and Disabled Persons

In addition to those public involvement requirements described in rule, MWD engages in efforts to ensure access to all people and provides accommodation to the best of their abilities to facilitate participation by LEP and disabled persons. MWD will not charge any individual or group requiring accommodation for LEP or disability for the cost of providing reasonable accommodation.

MWD has enacted the following practices in furtherance of providing public participation opportunities to all community members, including LEP and disabled persons:

- All agendas and public meeting notices contain contact information for the MWD Nondiscrimination Program Coordinator.
- All agendas and public meeting notices contain a notice that requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting the nondiscrimination coordinator.
- Board meetings will be recorded, with recordings made available to the public within a reasonable time subsequent to conclusion of the meeting.
- All meetings or other assemblies convened by MWD will be held in facilities that comply with accessibility standards for persons with disabilities.
- MWD has assembled a list of vendors available to provide language services necessary for the achievement of the LEP plan.
- MWD has identified vendors to provide interpretation and translation services on an as needed basis.
- As of April 1, 2024, MWD employs at least one party with limited Spanish language abilities.
- All written, electronic, or multimedia material intended for distribution to the public, and that is developed, used, or distributed by the MWD, will contain a statement indicating the information can be translated for individuals with LEP or made available in alternate formats upon request, in a timely manner.
- MWD will conduct annual reviews to ensure that appropriate training is provided for staff to assure individuals with LEP or disability receive appropriate accommodation.
- MWD will notify the public in our literature, postings (social media), and on the MWD website that language services are available at no cost to the requester.
- The MWD website is Section 508 compliant.
- Notice on the website that should anyone find information or functionality on the site which is inaccessible or a violation of Section 504 of the Rehabilitation Act and/or the Americans with Disabilities Act (ADA) they may file a complaint following the MWD discrimination complaint process.
- A repository for significant publicly accessible documents is available through the website. Documents normally found there include items such as:
 - Meeting notices and agendas
 - Minutes

- Board meeting information packets
- Proposed and adopted policies, regulations, and ordinances
- Significant adopted contracts

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In accordance with Federal civil rights laws, Mapleton Water District does not discriminate against any party or person based on race, color, religion, Sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, age, genetic information, or reprisal or retaliation for prior civil rights activity or anyone who takes action to oppose discrimination, files a complaint, or participates in the investigation of a complaint. The primary federal laws guiding MWD's nondiscrimination policy include:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, 40 C.F.R. Part 7. Title VI, prohibits discrimination based on race, color, or national origin, including limited English proficiency.
- Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 *et seq.*, 40 C.F.R. Part 5. Title IX, prohibits discrimination on the basis of sex.
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, 40 C.F.R. Part 7, prohibits discrimination on the basis of disability.
- Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 *et seq.*, 40 C.F.R. Part 7, Subpart F, prohibits discrimination based on age.
- Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 *et seq.* (1972)), mandates compliance with 40 C.F.R. Parts 5 and 7 for any program or activity receiving financial assistance under the Clean Water Act

To File a Complaint

To file a complaint of discrimination, complete the Mapleton Water District Discrimination Complaint Form, found online at:

(<https://www.mapletonwd.org/non-discrimination-statement-and-notice>), or available at the district administrative office, or write a letter addressed to Mapleton Water District and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 541-268-4348. Submit your completed form or letter to the district by:

(1) Mail: Mapleton Water District
PO Box 435
Mapleton, OR 97453

(2) Email: jwalker@mapletonwd.org

3) In person at the administrative office during posted office hours:

88151 Riverview Ave.
Mapleton, Oregon

Accessibility

Persons with disabilities who require alternative means of communication (e.g. Braille, large print, audiotope, American Sign Language, etc.) or with limited English proficiency who seek information from or about Mapleton Water District or its programs, should contact the nondiscrimination coordinator of the district at 541-268-4348 or at jwalker@mapletonwd.org.

Nondiscrimination Assistance

For questions about the Mapleton Water District nondiscrimination program or assistance with the complaint process, contact the Nondiscrimination coordinator, Jordan Walker, at 541-268-4348 or by email at jwalker@mapletonwd.org.

This institution is an equal opportunity provider