

Agenda Item

- ☐ Work Session
☐ Special Called Meeting
☒ Regular Business Meeting

Meeting Date: October 9, 2017
Subject: Title VI Plan for Engineering Department
Department: Engineering
In Budget Amount: Operating- _____ Capital- _____
Expenditure Line Item # _____
Not in Budget Amount: _____
Funding Source: N/A

Date needed: October 9, 2017



Whitfield County Board of Commissioners
301 W. Crawford Street
Dalton, Georgia 30720
Phone: 706-275-7507
Fax: 706-275-7540

History/Facts/Issues: This is your opportunity to explain the who, what, when, where, and why.

As discussed in the Sept. 25 Work Session, the Federal Highway Administration (FHWA) and GDOT require the County to adopt a Title VI Plan for the Engineering Department in order for us to locally administer projects with State or Federal funding. Title VI has existed in the Federal code since 1964, and protects citizens from discrimination based on their race, color, or national origin.

Suggested Motion:

Adopt the Title VI Plan

Request Made By: Kent Benson

County Administrator's
Recommended Action:

Clerk Use ONLY

Motion/Second:	Approved:	Date:
<u>J/C</u>	<u>4-0</u>	<u>10/9/2017</u>

Whitfield County

Board of Commissioners

Nondiscrimination / Title VI Program

Adopted: 10/9/2017

Prepared By
Whitfield County Board of Commissioners

In Cooperation with the
Georgia Department of Transportation
Federal Highway Administration
Federal Transit Administration



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In accordance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination laws, public participation is solicited without regard to religion, age, race, color, national origin, sex, disability, familial, or income status.

PO Box 248 ~ Dalton, Georgia 30722-0248 ~ Phone (706) 275-7500 ~ Fax (706) 275-7401
JCarlo@WhitfieldCountyGA.com ~ www.whitfieldcountyga.com

Title VI Policy Statement

The Georgia Department of Transportation (GDOT) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. GDOT assures that no person shall on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. GDOT further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In addition, GDOT will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

As provided under Section 162a of the Federal-Aid Highway Act of 1973 (section 324, title 23 U.S.C.), GDOT shall not discriminate on the ground of sex and GDOT shall submit a certification to the FHWA indicating that the requirements of section 162a of the Federal-Aid Highway Act of 1973 have been added to its assurances.

When GDOT distributes federal aid funds to sub-recipients, sub-recipients will include Title VI language in all written agreements and will monitor for compliance.

GDOT's Equal Employment Opportunity Division (EEO) is responsible for initiating and monitoring Title VI activities, preparing required reports and other GDOT responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.


R. Lynnette Laughter, Chair

10/9/2017
Date

GDOT Title VI Assurances

The Whitfield County Board of Commissioners (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with Federal Aid Highway and in adapted form in all proposals for negotiated agreements:

“The Georgia Department of Transportation in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix A in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

10/9/2017
Date

Whitfield County
City/County (Recipient)

R. Lynette Laughter
R. Lynette Laughter, Chair, Whitfield County Board of Commissioners

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I. Introduction & Description of Services

The Whitfield County Board of Commissioners submits this Title VI Plan in compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and the guidelines of FTA Circular 4702.1B, published October 1, 2012, and all other nondiscrimination regulations.

The provisions presented under this Title VI Plan shall apply to all recipients of federal assistance with and through the Georgia Department of Transportation (GDOT).

As a recipient of federal financial assistance, Whitfield County Board of Commissioners shall comply with nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 which provides that:

“No person in the United States shall, on the grounds of race, color, national origin, age, sex, disability, or financial status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried out under this title.”

The Federal-Aid Highway Transportation Act of 1973 added sex discrimination to the list of prohibitions and disability was added through Section 504 of the Rehabilitation Act in 1973. Under the Age Discrimination Act of 1975, age was subsequently added.

Clarification of the original congressional intent of Title VI was subsequently provided under the Civil Rights Restoration Act of 1987. Section 606 of the aforementioned act expanded the scope, applicability and coverage of Title VI and the nondiscrimination statutes by redefining the terms “programs or activities” to include all programs or activities of federal-aid recipients, sub-recipients, and contractors, whether or not such programs and activities are federally-assisted.

In pursuance of the nondiscriminatory tenets identified under Title VI, Executive Order 12898 was signed into law in 1994. Federal agencies are required to identify and address Environmental Justice precepts meaning the effects of its programs, policies, and activities on “minority and low-income populations.” In 2000, Executive Order 13166 which addresses Limited English Proficiency (LEP) was signed into law requiring federal agencies to assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of federal financial assistance.

In compliance with Title VI, Whitfield County Board of Commissioners shall consistently endeavor to prevent discriminatory practices in its programs, policies and activities. Proactive measures shall be undertaken on a continuum to achieve meaningful public participation and to ensure that treatment, services, contracting opportunities, training opportunities, investigation of complaints, fund allocations and project prioritization are accorded without regard to race, color, national origin, sex, age or disability. The program areas of Construction, Transportation Services Procurement, Training and Development, Environmental Services, Planning, Roadway Design & Design Policy and Support, Bridge Design and Right of Way engage in significant public contact activities and the department has mandated that each office shall observe Title VI

requirements routinely while executing business on behalf of Whitfield County Board of Commissioners.

Thus, the Whitfield County Board of Commissioners shall ensure that its activities or programs will not treat any part of the community any differently than another. The Whitfield County Board of Commissioners expects every manager, supervisor, employee, and sub-recipient of Federal-aid funds administered by the Department to be aware of and routinely apply Title VI of the Civil Rights Act of 1964 in performing assigned duties.

The Federal Highway Administration (FHWA) requires recipients of Federal-Aid Highway funds to prepare a plan clarifying roles, responsibilities, and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

The Human Resources (HR) Director has free and open access to the Chairman on civil rights matters and remains responsible for ensuring that all matters relating to nondiscrimination are administered effectively. Such matters include events occurring within Whitfield County Board of Commissioners and those pertaining to Whitfield County Board of Commissioners' relationship with sub-recipients, contractors, and consultant firms.

Whitfield County Board of Commissioners' policy shall ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in its programs and activities. The Human Resources Department shall develop, oversees and enforce Whitfield County Board of Commissioners' Title VI plan and program compliance which shall become effective upon review and approval by the Federal Highway Administration (FHWA).

The Whitfield County Board of Commissioners is a sub-recipient of FTA and FHWA funds and provides service in Whitfield County. A description of the current Whitfield County Board of Commissioners system is included in Appendix D.

Title VI / Nondiscrimination Coordinator:

Jackie Carlo – Human Resources Director
Whitfield County Board of Commissioners
(706) 275-7512
301 West Crawford Street, Dalton, Georgia 30720

Alternate Title VI / Nondiscrimination Contact:

Blanca Cardona – Whitfield County Clerk
Whitfield County Board of Commissioners
(706) 275-7507
301 West Crawford Street, Dalton, Georgia 30720

The Whitfield County Board of Commissioners must designate a coordinator for Title VI issues and complaints within the organization. The coordinator is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Coordinator fall within one of two categories, which include:

General areas of responsibility shall include:

- Coordinate Title VI program development with the major program area;
- Provide technical assistance, guidance, and advice on the Whitfield County Board of Commissioners' Title VI Program;
- Conduct Title VI review of Whitfield County Board of Commissioners and its sub-recipients major program areas and activities;
- Review findings of program area reviews to ensure determinations of discrimination or nondiscrimination are sufficiently supported;
- Participate in the development and dissemination of Title VI information to the public (in languages other than English where necessary);
- Develop and implement procedures for the prompt processing of Title VI discrimination complaints;
- Conduct/coordinate Title VI training;
- Establish procedures to resolve determinations of noncompliance;
- Update Title VI Implementation Plan; and
- Establish procedures for processing Title VI reviews.

Specific Activities:

- Participate in all transportation decision making;
- Take part in identifying Title VI impacts with major program area officials/personnel;
- Participate in identifying mitigation measures for minorities and low income persons, and when possible determine the effectiveness of such measures;
- Participate in obtaining public involvement, especially in minority and low income areas;
- Attend statewide/regional planning and project meetings/hearings involving Title VI issues or where Title VI impacts have been identified;
- Accompany program area officials/personnel on selected right-of-way activities to compare treatment received by minorities and non-minorities;
- Review all contracting procedures to ensure nondiscrimination;
- Review prequalification/bonding requirements and contractor selection procedures to determine uniformity in their application to minority and non-minority contractors;
- Assist major program area officials/personnel and sub-recipients in communicating contract opportunities to minority/women-owned contractors and subcontractors; and
- Review selection procedures for principal researchers and staff to determine minority participation; assist in identifying minority institutions of higher education interested in conducting research

In executing general responsibilities and specific activities, the Title VI Coordinator shall implement the following procedures to proactively preclude any practices in violation of FHWA's, FTA's, and Whitfield County Board of Commissioners' Title VI Program, its regulations and directives from occurring:

- **Program Administration.** Administer the Title VI program and coordinate implementation of the plan with Title VI liaisons and key Whitfield County Board of Commissioners personnel. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the Chairman.

- **Complaints.** Review and process the disposition Title VI complaints that are received by Whitfield County Board of Commissioners following the procedural guidelines. Ensure every effort is made to resolve complaints informally; identifying, investigating and eliminating discrimination when found to exist.
- **Data Collection.** Statistical data on race, color, national origin and sex of participants in, and beneficiaries of Whitfield County Board of Commissioners programs, e.g., relocatees, impacted citizens, and affected communities, will be gathered and maintained for the department. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.
- **Training Programs.** Conduct or facilitate training programs on Title VI issues and regulations for Whitfield County Board of Commissioners employees and facilitate Title VI training for appropriate contractors, and sub-recipients. A summary of training conducted will be reported in the annual update.
- **Title VI Plan Update.** Review and update the Whitfield County Board of Commissioners' Title VI Plan reporting on any accomplishments and changes to the program occurring during the preceding year, and goals and objectives for the upcoming year. Present updated plan to the Board of Commissioners for approval; submit amended Plan to Federal Highway Administration (FHWA) in November of each year.
- **Public Dissemination.** Work with staff to develop and disseminate Title VI program information to staff, recipients, sub-recipients, including contractors, sub-contractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the agency's Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.
- **Maintain Legislative and Procedural Information.** Federal laws, rules and regulations, Whitfield County Board of Commissioners guidelines, the current Whitfield County Board of Commissioners Title VI Plan, and other resource information pertaining to the implementation and administration of Whitfield County Board of Commissioners' Title VI program will be maintained and updated by the Title VI Coordinator. Information will be made available to the public as requested or required. Provide technical assistance to sub-recipients in the development of their Title VI Plan and assurances.
- **Reviews.** Conduct annual Title VI reviews of special emphasis program areas Construction, Contracts Administration, Consultant Design and Program Delivery, Strategic Development, Environment/Location, Planning, and Right of Way to determine the effectiveness of program activities at all levels. Perform pre-grant and post-grant approval reviews of local programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the state. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

A. Title VI Liaisons

The Whitfield County Board of Commissioners, in furtherance of its Title VI Program, shall implement and execute nondiscrimination laws, regulations and authorities related to the Federal-aid highway process. To increase awareness of Whitfield County Board of Commissioners' commitment to its Title VI Program, the interdisciplinary team, which is comprised of a departmental liaison from each program meets monthly. The Title VI Coordinator will officiate. The special emphasis program areas within GDOT are as follows:

- Office of County Engineer

Each Title VI Liaison shall submit a Title VI Annual Accomplishment and Upcoming Goal Report Annually. Liaisons shall be responsible for ensuring compliance through program monitoring, reporting, and education within their respective program area. However, all employees including administrators, Title VI liaisons and the Title VI Coordinator shall work collectively to maintain a heightened level of Title VI responsibilities, requirements and compliance standards.

Interdisciplinary team discussions shall be informal and intended to reinforce compliance standards. Areas currently undergoing refinement include:

- Develop public outreach practices to achieve optimal participation from those most directly impacted and increase effective LEP resources;
- Standardize compliance reviews by requiring monitoring at regular intervals;
- Whitfield County Board of Commissioners' Title VI website i.e. uploading pertinent public and local government information/forms;
- Updating LAP and Title VI training presentations

a. Office of County Engineer

The Office of County Engineer is responsible for developing long-range and short-range transportation plans to provide efficient transportation services for the State of Georgia. A comprehensive transportation planning process is used, which entails the monitoring and collection of varied data pertaining to transportation issues. The Office of County Engineer coordinates with the planning area; seeks public involvement; provides technical support when needed; forecasts population and transportation trends that provide the basis for addressing current issues and explores future needs and options that could benefit the region. It also serves as a center for the collection, analysis, and dissemination of information vital to residents and governments in the state. Whitfield County Board of Commissioners' metropolitan planning process shall encourage a cooperative, continuous framework for making transportation investment decision throughout the Metropolitan Area.

The Office of County Engineer shall:

1. Mitigate for adverse impacts resulting from its project plans and programs by utilizing resources that will encourage effective public involvement/participating in the planning process by transportation stakeholders, ranging from freight community to environmental groups to the general public;

2. Provide opportunity for active involvement of Indian tribal government in statewide and metropolitan transportation planning and programming.
3. Be proactive and seriously consider input from minority groups/persons;
4. Will not implement projects that are inconsistent with nondiscrimination requirements which potentially could occur because the major area of impact by plans and programs is through the decision process which selects one or more planned improvements over other options,
5. During the planning process, collect and analyze data that reflects the metropolitan area and appropriately address:
 - Community boundaries.
 - Racial and ethnic makeup
 - Income levels, property taxes, etc.
 - Community services, schools, hospitals, shopping areas
6. Ensure a balanced view of the Social, Economic and Environmental effects and impacts identified and described by each project, program or activity by utilizing a systematic interdisciplinary approach which increases the likelihood that the overall decision-making process is sensitive to and addresses community impacts.
7. Make every effort to ensure minority and women-owned businesses have opportunities to bid on and undertake contracting opportunities for planning studies, corridor studies, or other work shall be provided to minorities and women.

Those changes reflected in the implementing rules 23 Code of Federal Regulations (CFR) 450, Subpart B, covering statewide planning and Subpart C, covering metropolitan planning shall be observed. Additionally, 23 CFR 500 requiring Management and Monitoring Systems and 40 CFR 51 and 93, dealing with air quality conformity will be strictly construed.

Title VI Liaison's Responsibilities

The Engineering Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the office's planning process. In addition, the Liaison will:

- Ensure all aspects of the planning and programming process operation comply with Title VI.
- Assist the Title VI Coordinator in gathering and organizing the Planning portion of the Annual Title VI Update Report.
- Review the Planning work program and other directives to ensure compliance with Title VI program requirements.
- Ensure equal opportunities for participation on any Citizens Advisory Committee (CAC) by reviewing information pertaining to their selection criteria

for CAC members and obtaining information on membership makeup (race, gender, and position within the organization) for evaluation.

- Assist Title VI Coordinator with visits to CAC meetings as well as public meetings when offered in predominantly ethnic minority communities to verify the level of participation of Title VI protected group members. Collect data on gender, race, limited English proficient persons and national origin of public forum attendees.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
- Develop a process for assessing the distributional effects of transportation investments in the region as part of actions on plan and programming documents.
- Continue to ensure participation by staff in roundtable meetings in predominantly minority communities to help guarantee all social, economic, and ethnic interest groups in the region are represented in the planning process.
- Prepare materials for distribution to local organizations/groups announcing the opportunity to provide comments.
- Disseminate information to the public on the processes used and findings of the analysis, in accordance with all agency public involvement procedures. This includes dissemination to groups representing minority media and ethnic/gender related organization, and the use of public comment periods and public hearings, interpreters, and materials in other languages, as needed.

B. First Time Applicant Requirements

The Whitfield County Board of Commissioners is not a first time applicant for FTA/FHWA/GDOT funding. The following is a summary of the Whitfield County Board of commissioners' current and pending federal and state funding.

Current and Pending GDOT Funding

1. Carbondale Business Park Local Access Road (GA-17104-201b-11), \$1,000,000.00, Current

During the previous three years, GDOT did not complete a Title VI compliance review of the Whitfield County Board of Commissioners. The Whitfield County Board of Commissioners have not been found to be in noncompliance with any civil rights requirements.

C. Title VI Plan Concurrence and Adoption

This Title VI plan received by GDOT concurrence on **TBD**. The Plan was approved and adopted by the Whitfield County Board of Commissioners during a regular business meeting held on **TBD**. The meeting minutes and GDOT Concurrence Letter are located in Appendix E.

Annual Certifications and Assurances

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances. Primary recipients will collect Title VI assurances from sub-recipients prior to passing through FTA/FHWA funds.

Whitfield County Board of Commissioners will remain in compliance with this requirement by annual submission of certifications and assurances as required by GDOT and other primary recipients.

II. Authorities

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000 provides in section 601 that: “No person in the United States shall, on the grounds of race, color, national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (implementation through 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability. The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100- 259 [S. 557] March 22, 1988).

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, provides for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.

Section 162(a) of the Federal-aid Highway Act of 1973, (Section 324, Title 23 U.S.C.) No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Section 504 of the Rehabilitation Act of 1973 No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101, provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Civil Rights Restoration Act of 1987, P.L. 100-209—clarifies the original Congressional intent of Congress in implementing the Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not)

The Americans with Disabilities Act of 1990, P.L. 101-336, provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government.” The legislative intent is to provide enforceable standards to address discrimination against people with disabilities.

USDOT ORDER 1050.2 – Standard Title VI Assurances

Executive Order 12898 (issued February 11, 1994) – Addresses Environmental Justice in Minority Populations and Low Income Populations.

Executive Order 13166 (August 16, 2000) – requires Federal agencies and their recipients to improve access to federally sponsored programs for persons with limited English proficiency.

28 CFR Part 50.3 – DOJ’s Guidelines for the enforcement of Title VI, Civil Rights Act of 1964

23 CFR Part 200 – FHWA’s Title VI Program Implementation and Review Procedures

III. Definitions

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death
- Air, noise, and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or a community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of persons, businesses, farms, or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of GDOT programs, policies, or activities

Affirmative Action - A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

Beneficiary - Any person or group of persons (other than States) entitled to receive benefits directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc.

Citizen Participation - An open process in which the rights of the community to be informed, to provide comments to the government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

Compliance - A satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

Deficiency Status - the interim period during which the recipient state has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

Discrimination - that act or action whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under title 23 U.S.C.

Facility - includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction.

Federal Assistance includes: Grants and loans of Federal funds; the grant or donation of Federal property and interests in property, the detail of Federal personnel, the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of

the public interest to be served by such sale or lease to the recipient and Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency – Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the GDOT.

Low-Income – Refers to a person whose median household income is at, or below the Department of Health and Human Services poverty guidelines.

(<http://aspe.os.dhhs.gov/pverty/poverty.htm>)

Low-Income Population - Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed GDOT program, policy, or activity.

Minority – A person who is:

- Black – a person having origins in any of the black racial groups of Africa;
- Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- Asian American – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- American Indian and Alaskan Native – a person having origins in any of the original people of North American and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population - Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed GDOT program, policy or activity.

Noncompliance - A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort implementing all of the Title VI requirements.

Persons - Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used where appropriate, on either a national or a regional basis.

Program - Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipients.

Program Area Officials - Are the officials in FHWA who are responsible for carrying out technical program responsibilities.

Recipient - Means any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient (sub-recipient), for any program. Recipient includes any successor, assignee, or transferee thereof.

State Highway Agency - That department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term State would be considered equivalent to State highway agency if the context so implies.

Secretary - The secretary of Transportation as set forth in 49 CFR 21.17(g) (3) or the Federal Highway Administrator to whom the Secretary has delegated authority in specific cases.

Significant Adverse Effects on Minority and Low-Income Populations - An adverse effect which:

- Is predominately borne by a minority population and/or a low-income population, or;
- Will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

Sub-recipient - An agency such as a council of governments, regional planning agency, educational institution, for example, that receives Federal Highway Administration (FHWA) funds through the State DOTs and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

Title VI Program - The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal related statutes to the extent that they prohibit discrimination on the grounds of race, color, national origin, sex, disability or age in programs receiving Federal financial assistance.

IV. Title VI Notice to the Public

A. Notice to the Public

U.S. Department of Justice regulations, 28 Code of Federal Regulations, Section 42.405, Public Dissemination of Title VI Information, require recipients of Federal financial assistance to publish or broadcast program information in the news media.

Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. Following is the public notice used by the Georgia Department of Transportation. Recipients must notify the public of its rights under Title VI and include the notice and where it is posted in the Title Plan. The notice must include:

- A statement that the agency operates programs without regard to race, color and national origin.
- A description of the procedures members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations.
- A description of the procedure members of the public should follow in order to file a discrimination complaint against the grantee.

A sample of the notice is included in Appendix F of this Plan. The sample notice should be translated into other languages, as necessary.

B. Notice Posting Locations

The Notice to the Public will be posted at several locations to apprise the public of the Whitfield County Board of Commissioners' obligations under Title VI and to inform them of the protections afforded them under Title VI. At a minimum, the notice will be posted in public areas of the Whitfield County Board of Commissioners' office, including, the reception desk and meeting rooms, and on the Whitfield County Board of Commissioners' website at <http://www.whitfieldcountyga.com/hr/hr.htm>.

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V. Title VI Procedures and Compliance

A. Complaint Procedure

Any person who believes he or she has been discriminated against on the basis of race, age, sex, disability, color, or national origin by the Whitfield County Board of Commissioners may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form (refer to Appendix G). The Whitfield County Board of Commissioners investigates complaints received no more than 180 days after the alleged incident. The Whitfield County Board of Commissioners will process complaints that are complete.

Once the complaint is received, the Whitfield County Board of Commissioners will review it to determine if our office has jurisdiction. The complaint will receive an acknowledgement letter informing him/her whether the complaint will be investigated by our office.

The Whitfield County Board of Commissioners has ninety (90) days to investigate the complaint. If more information is needed to resolve the case, the Whitfield County Board of Commissioners may contact the complainant. The complainant has ten (10) 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 ten (10) business days, the Whitfield County Board of Commissioners can administratively close the case.

After the investigator reviews the complainant, he/she 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. A 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, he/she has seven (7) days to do so from the time he/she receives the closure letter or the LOF.

The complaint procedure will be made available to the public on the Whitfield County Board of Commissioners' website (<http://www.whitfieldcountyga.com/hr/hr.htm>).

B. Complaint Form

A copy of the complaint form is provided in Appendix G and on the Whitfield County Board of Commissioners' website (<http://www.whitfieldcountyga.com/hr/hr.htm>).

C. Record Retention and Reporting Policy

FTA requires that all direct and primary recipients (GDOT) document their compliance by submitting a Title VI Plan to their FTA regional civil rights officer once every three (3) years. The Whitfield County Board of Commissioners will submit Title VI Plans to GDOT for concurrence on an annual basis or any time a major change in the Plan occurs.

Compliance records and all Title VI related documents will be retained for a minimum of three (3) years and reported to the primary recipient annually.

D. **Sub-recipient Assistance and Monitoring**

The Whitfield County Board of Commissioners does not have any sub-recipients to provide monitoring and assistance. As a sub-recipient to GDOT, the Whitfield County Board of Commissioners utilizes the sub-recipient assistance and monitoring provided by GDOT, as needed. In the future, if the Whitfield County Board of Commissioners has sub-recipients, it will provide assistance and monitoring as required by FTA Circular 4702.1B.

E. **Sub-recipients and Subcontractors**

The Whitfield County Board of Commissioners is responsible for ensuring that subcontractors (TPOs) are in compliance with Title VI requirements. Sub recipients may not discriminate in the selection and retention of any subcontractors. Subcontractors also may not discriminate in the selection and retention of any subcontractors. The Whitfield County Board of Commissioners, subcontractors, and/or TPOs may not discriminate in their employment practices in connection with federally assisted projects. Subcontractors and TPOs are not required to prepare or submit a Title VI Plan. However, the following nondiscrimination clauses will be inserted into every contract with contractors and subcontractors subject to Title VI regulations.

Nondiscrimination Clauses

During the performance of a contract, the contractor, for itself, its assignees and successors in interest must agree to the following clauses:

1. **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
2. **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the subcontractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.

4. **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Georgia Department of Transportation and/or the Federal Transit Administration*, to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Georgia Department of Transportation*, and/or the *Federal Transit Administration*, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Whitfield County Board of Commissioners shall impose contract sanctions as appropriate, including, but not limited to:
 - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the Whitfield County Board of Commissioners, Georgia Department of Transportation, and/or the Federal Transit Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

Disadvantaged Business Enterprise (DBE) Policy

As a condition of your agreement with GDOT, the Whitfield County Board of Commissioners and its contractors and subcontractors agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26, as amended, have the opportunity to participate in the performance of contracts. The Whitfield County Board of Commissioners and its contractor and subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of any contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of GDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of the contract or such other remedy as the recipient deems appropriate.

E-Verify

As a condition of your agreement with GDOT, vendors and contractors of The Whitfield County Board of Commissioners shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the vendor or contractor while contracted with The Whitfield County Board of Commissioners. Additionally, vendors and contractors shall expressly require any subcontractors performing work or providing services pursuant to work for The Whitfield County Board of Commissioners shall likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor while working for The Whitfield County Board of Commissioners.

VI. Title VI Investigations, Complaints, and Lawsuits

In accordance with 49 CFR 21.9(b) and other nondiscrimination regulations, the Whitfield County Board of Commissioners must record and report any investigations, complaints, or lawsuits involving allegations of discrimination. The records of these events shall include the date the investigation, lawsuit, or complaint was filed; a summary of the allegations; the status of the investigation, lawsuit, or complaint; and actions taken by the Whitfield County Board of Commissioners in response; and final findings related to the investigation, lawsuit, or complaint. The records for the previous three (3) years shall be included in the Title VI Plan when it is submitted to GDOT.

The Whitfield County Board of Commissioners has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, age, sex, disability, color, or national origin over the past three (3) years.

VII. Public Participation Plan

The Public Participation Plan (PPP) for the Whitfield County Board of Commissioners was developed to ensure all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for the Whitfield County Board of Commissioners. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about the Whitfield County Board of Commissioners services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. The PPP is included as Appendix H to this Title VI Plan.

Current Outreach Efforts

The Whitfield County Board of Commissioners is required to submit a summary of outreach efforts made over the past three (3) years. The following is a list and short description of the Whitfield County Board of Commissioners' recent, current, and planned outreach activities. All Public Service Announcements, informing the public of upcoming events or plans within the Whitfield County Board of Commissioners, can be found on the organization's web page, <http://www.whitfieldcountyga.com>.

1. **Public Hearings** – The Whitfield County Board of Commissioners shall hold regular business meetings on the second Monday of each month at 6:00 P.M. at the commissioners' meeting room located in Whitfield County Administrative Building #2, in Dalton, Georgia. The Whitfield County Board of Commissioners shall additionally hold regular business meetings jointly with the Dalton-Whitfield County Joint Planning Commission on the fourth Monday of each month at 7:00 P.M. at the commissioners' meeting room located in Whitfield County Administrative Building #2. The Whitfield County Board of Commissioners shall hold work sessions at such times and places as shall be determined necessary by the chairman of the board or the county administrator. All meeting and work sessions shall be advertised public meetings in accordance with the Georgia Open Meetings Act. Members of the public may request particular subjects be placed on the agenda. Although members of the public are encouraged to request that a

particular subject be placed on the agenda of a board meeting, the Whitfield County Board of Commissioners acknowledges that spontaneous questions and comments may arise from the public during the course of a meeting. Accordingly, the public shall be allowed to address the board on any topic discussed.

2. **Meeting Agendas** – The Whitfield County Board of Commissioners distributes copies of all agendas to the public before final approval. These documents are placed in the main office lobby, for public review and comment.

VIII. Language Assistance Plan

Whitfield County Board of Commissioners operates a Board of Commissioners within Whitfield County. The Language Assistance Plan (LAP) has been prepared to address Whitfield County Board of Commissioners' responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In Whitfield County Board of Commissioners service area there are 14,689 residents or 15.6% who describe themselves as not able to communicate in English very well (Source: US Census). Whitfield County Board of Commissioners is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. Whitfield County Board of Commissioners has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP. The LAP is included in this Title VI Plan as Appendix I.

IX. Appendices

Appendix A	Contract Clauses
Appendix B	Transfer Deed Clauses
Appendix C	Deed, License, Lease, and Permit Clauses
Appendix D	Current System Description
Appendix E	Title VI Plan Adoption Meeting Minutes and GDOT Concurrence Letter
Appendix F	Title VI Notice to the Public
Appendix G	Title VI Complaint Form
Appendix H	Public Participation Plan
Appendix I	Language Assistance Plan
Appendix J	Operating Area Language Data
Appendix K	Demographic Maps
Appendix L	Questionnaires

Appendix A

Contract Clauses

The text below, in its entirety, is in all contracts entered into by GDOT. All of the text including the final section, entitled “Incorporation of Provisions,” should be included in any contract entered into by any GDOT contractor.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “Contractor”), agree as follows:

1. Compliance with Regulations

The Contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. Information and Reports

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the (*Recipient*) or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the (*Recipient*), or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, the Whitfield County Board of Commissioners shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontractor or procurement as the Whitfield County Board of Commissioners or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Whitfield County Board of Commissioners enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix B

Transfer Deed Clauses

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

Granting Clause

NOW, THEREFORE, the Georgia Department of Transportation (GDOT)—as authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with and in compliance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation; and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d-4)—does hereby remise, release, quitclaim, and convey unto the state of Georgia all the right, title, and interest of the GDOT in and to said land described in Exhibit A attached hereto and made a part thereof.

Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto the state of Georgia, 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 the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of Georgia, its successors, and assigns.

The state of Georgia, 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 shall, on the grounds of race, color, sex, disability, national origin, age, or religion, 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*, (2) that the state of Georgia shall use the lands, and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in, and become the absolute property of, GDOT and its assigns as such interest existed prior to this instruction.

Appendix C

Deed, License, Lease, and Permit Clauses

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by GDOT pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a GDOT program or activity is extended, or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by GDOT pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant, and agree as a covenant running with the land, that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

*[Include in deeds subject to a reverter clause]

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the STATE and its assigns.

Appendix D

Current System Description

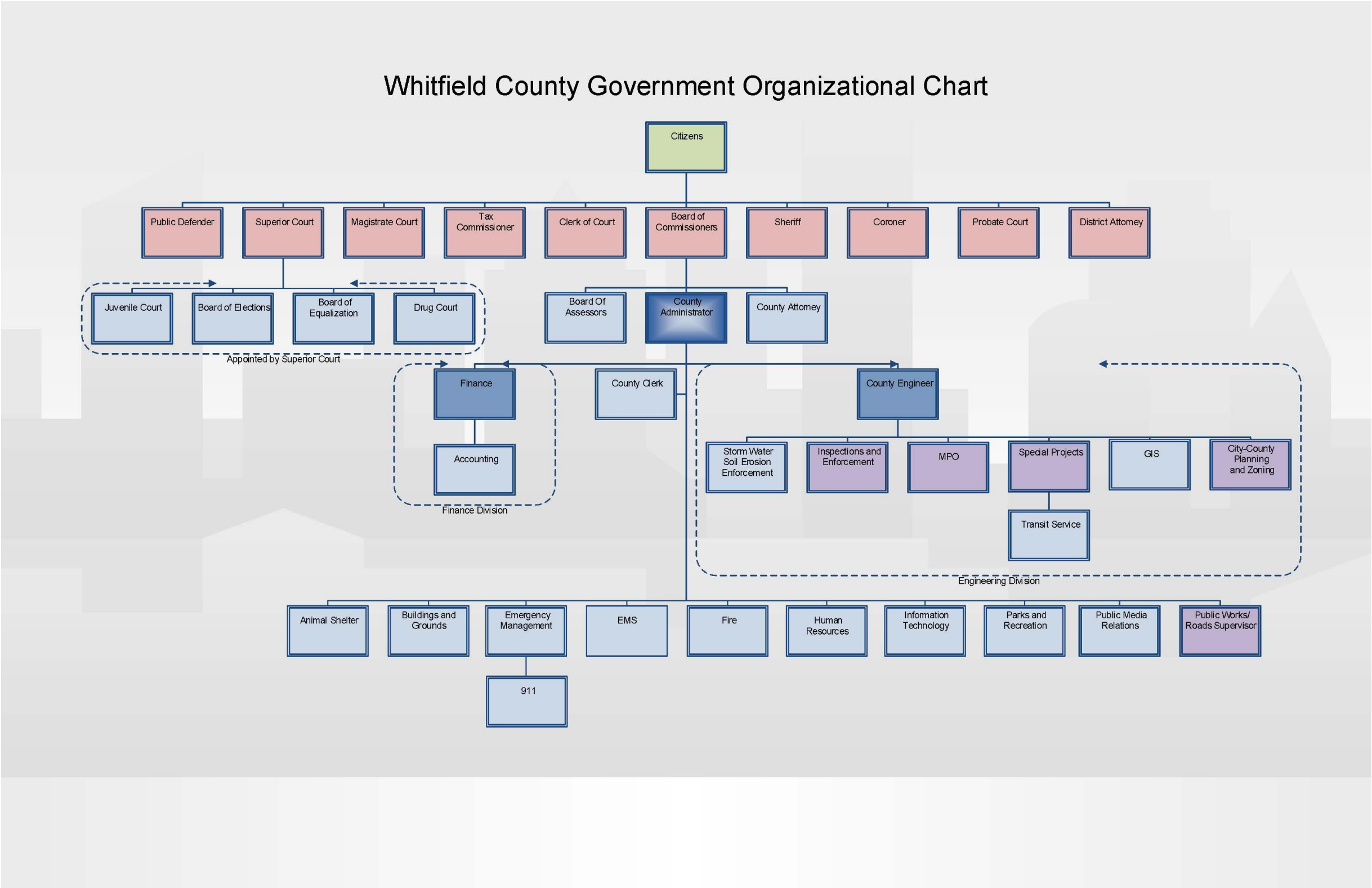
Current System Description

1. Overview

The Whitfield County Board of Commissioners' current and long-term focus as a local governing body is on maintaining the best-coordinated system possible, for Whitfield County. Our goal is to create a coordinated system with the objective of providing reliable, timely, and efficient services to Whitfield County residents.

2. Organizational Structure

The Whitfield County Board of Commissioners’ organizational structure is as follows:



Training and Management

The Whitfield County Board of Commissioners is committed to remaining up to date on all Title VI regulations and ensuring the organization remains compliant. The Title VI / Nondiscrimination Coordinator will attend Civil Rights training annually to ensure compliance is maintained.

Appendix E
Title VI Plan Adoption Meeting Minutes and GDOT
Concurrence Letter

TBD

Appendix F
Title VI Notice to the Public

Notifying the Public of Rights Under Title VI

The Whitfield County Board of Commissioners

- Whitfield County Board of Commissioners hereby gives public notice that it is the policy of the Board of Commissioners to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of or be otherwise subjected to discrimination under any of our programs or activities.
- Any person who believes they have been subjected to unlawful discriminatory practice under Title VI has a right to file a formal complaint. The complaint must be filed in writing or in person with Whitfield County Board of Commissioners, Title VI Coordinator, within one hundred-eighty (180) days from: the date of the alleged discriminatory act or upon notice of the discriminatory act. Title VI Discrimination Complaint Forms may be obtained from the Human Resources Department by calling (706) 275-7500. For more information on the Whitfield County Board of Commissioners' civil rights program, contact Jackie Carlo, ((706) 275-7512); email jcarlo@whitfieldcountyga.com; visit our administrative office at 301 West Crawford Street, Dalton, Georgia 30720; or visit <http://www.whitfieldcountyga.com/hr/hr.htm>.
- If information is needed in another language, contact Jackie Carlo at (706) 275-7512.
- You may also file your complaint directly with the FTA, FHWA, or the US Department of Justice at:

Federal Transit Administration
Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave., SE
Washington, DC 20590
Or (202) 366-0693 or Fax: (202) 366-1599 or TTY: (202) 366-5751

United States Department of Justice
Civil Rights Division
(202) 514-4609
Telephone Device for the Deaf (TTY) (202) 514-0716

Appendix G
Title VI Complaint Form

The Whitfield County Board of Commissioners

Title VI / Discrimination Complaint Form

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know. Complete and return this form to Human Resources Department: Jackie Carlo, Human Resources Director, Whitfield County Board of Commissioners, 301 West Crawford Street, Dalton, Georgia 30720.

1. Complainant's Name _____
2. Address _____
3. City, State and Zip Code _____
4. Telephone Number (home) _____ (business) _____
5. Person discriminated against (if someone other than the complainant)
Name _____
Address _____
City, State and Zip Code _____
6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:
a. Race/Color _____
b. National Origin _____
c. Other _____
7. What date did the alleged discrimination take place? _____

8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

9. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? _____ Yes _____ No

If yes, check all that apply:

_____ Federal agency _____ Federal court _____ State agency _____ State court
_____ Local agency

10. Please provide information about a contact person at the agency/court where the complaint was filed.

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number _____

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

Complainant's Signature

Date

La Junta de Comisionados del Condado de Whitfield

Titulo VI: Formulario de Queja

Appendix H

Public Participation Plan (PPP)

Introduction

The Public Participation Plan (PPP) for Whitfield County Board of Commissioners was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for Whitfield County Board of Commissioners. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about Whitfield County Board of Commissioners services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. Whitfield County Board of Commissioners also recognizes the importance of many types of stakeholders in the decision-making process, including other units of government, metropolitan area agencies, and community based organizations, major employers, and the general public, including low-income, minority, LEP, and other traditionally underserved communities.

Public Participation Goals

The main goal of the PPP is to offer meaningful opportunities for all interested segments of the public, including, but not limited to, low-income, minority and LEP groups, to comment, about Whitfield County Board of Commissioners and its operations. The goals for this PPP include:

- **Inclusion and Diversity:** Whitfield County Board of Commissioners will proactively reach out and engage low-income, minority, and LEP populations for the Whitfield County Board of Commissioners service area so these groups will have an opportunity to participate.
- **Accessibility:** All legal requirements for accessibility will be met. Efforts will be made to enhance the accessibility of the public's participation – physically, geographically, temporally, linguistically and culturally.
- **Clarity and Relevance:** Issues will be framed in public meetings in such a way that the significance and potential effect of proposed decisions is understood by participants. Proposed adjustments to fares or services will be described in language that is clear and easy to understand.
- **Responsive:** Whitfield County Board of Commissioners will strive to respond to and incorporate, when possible, appropriate public comments into transportation decisions.
- **Tailored:** Public participation methods will be tailored to match local and cultural preferences as much as possible.
- **Flexible:** The public participation process will accommodate participation in a variety of ways and will be adjusted over time as needed.

Public Participation Methods

The methods of public participation included in this PPP were developed based upon best practices in conjunction with the needs and capabilities of Whitfield County Board of Commissioners. Whitfield County Board of Commissioners intends to achieve meaningful public participation by a variety of methods with respect to service and any changes to service.

Whitfield County Board of Commissioners will conduct community meetings and listening sessions as appropriate with employers, community based organizations, and advisory committees to gather public input and distribute information about service quality, proposed changes or new service options.

The public will be invited to provide feedback on the Whitfield County Board of Commissioners website (<http://www.whitfieldcountyga.com/hr/hr.htm>) and all feedback on the site will be recorded and passed on to Whitfield County Board of Commissioners' management. The public will also be able to call the Whitfield County Board of Commissioners office at 706-275-7500 during its hours of operation. Feedback collected over the phone will be recorded and passed on to the Board of Commissioners' management group. The comments recorded as a part of these participation methods will be responded to as appropriate.

Meeting formats will be tailored to help achieve specific public participation goals that vary by project or the nature of the proposed adjustment of service. Some meetings will be designed to share information and answer questions. Some will be designed to engage the public in providing input, establishing priorities, and helping to achieve consensus on a specific recommendation. Others will be conducted to solicit and consider public comments before implementing proposed adjustments to services. In each case, an agenda for the meetings will be created that work to achieve the stated goals and is relevant to the subject and not overwhelming for the public.

For all public meetings, the venue will be a facility that is accessible for persons with disabilities and, preferably, is served by public transit. If a series of meetings are scheduled on a topic, different meeting locations may be used, since no one location is usually convenient to all participants.

For community meetings and other important information, Whitfield County Board of Commissioners will use a variety of means to make citizens aware, including some or all of the following methods:

- Posters or flyers in offices
- Posting information on website
- Press releases and briefings to media outlets
- Multilingual flyer distribution to community based organizations, particularly those that target LEP population
- Communications to relevant elected officials
- Other methods required by local or state laws or agreements

All information and materials communicating proposed and actual service adjustments will be provided in English and any other language that meets the "safe harbor" criteria.

Public Hearing

The Whitfield County Board of Commissioners shall hold regular business meetings on the second Monday of each month at 6:00 P.M. at the commissioners' meeting room located in Whitfield County Administrative Building #2, in Dalton, Georgia. The Whitfield County Board of Commissioners shall additionally hold regular business meetings jointly with the Dalton-Whitfield County Joint Planning Commission on the fourth Monday of each month at 7:00 P.M. at the commissioners' meeting room located in Whitfield County Administrative Building #2. The Whitfield County Board of Commissioners shall hold work sessions at such times and places as shall be determined necessary by the chairman of the board or the county administrator. All meeting and work sessions shall be advertised public meetings in accordance with the Georgia Open Meetings Act. Members of the public may request particular subjects be placed on the agenda. Although members of the public are encouraged to request that a particular subject be placed on the agenda of a board meeting, the Whitfield County Board of Commissioners acknowledges that spontaneous questions and comments may arise from the public during the course of a meeting. Accordingly, the public shall be allowed to address the board on any topic discussed.

Appendix I

Language Assistance Plan (LAP)

I. Introduction

The Whitfield County Board of Commissioners operates a governing body within the Whitfield County area. The Language Assistance Plan (LAP) has been prepared to address Whitfield County Board of Commissioners' responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In the Whitfield County Board of Commissioners service area, there are 14,689 residents or 15.6% who describe themselves as not able to communicate in English "very well" (Source: US Census). The Whitfield County Board of Commissioners is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. The Whitfield County Board of Commissioners has utilized the U.S. Department of Transportation (USDOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP.

The U.S. Department of Transportation Handbook, titled "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers, (April 13, 2007) " (hereinafter "Handbook"), states that Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, age, sex, disability, 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 that receives Federal financial assistance (Handbook, page 5). The Handbook further adds that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination (Handbook, page 5).

Executive Order 13166 of August 16, 2000 states that recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons (Handbook, page 6). Additionally, recipients should use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP (Handbook, page 6).

This plan will demonstrate the efforts that the Whitfield County Board of Commissioners undertakes to make its service accessible to all persons without regard to their ability to communicate in English. The plan addresses how services will be provided through general guidelines and procedures including the following:

- Identification: Identifying LEP populations in service areas
- Notification: Providing notice to LEP individuals about their right to language services
- Interpretation: Offering timely interpretation to LEP individuals upon request
- Translation: Providing timely translation of important documents
- Staffing: Identifying Whitfield County Board of Commissioners to assist LEP customers
- Training: Providing training on LAP to responsible employees.

II. Four Factor Analysis

The analysis provided in this report has been developed to identify LEP population that may use Whitfield County Board of Commissioners services and identify needs for language assistance. This analysis is based on the “Four Factor Analysis” presented in the Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, dated April 13, 2007, which considers the following factors:

1. The number and proportion of LEP persons in the service area who may be served or are likely to encounter a Whitfield County Board of Commissioners program, activity or service.
2. The frequency with which LEP persons come in contact with Whitfield County Board of Commissioners’ programs, activities or services.
3. The nature and importance of programs, activities or services provided by the Whitfield County Board of Commissioners to the LEP population.
4. The resources available to Whitfield County Board of Commissioners and overall costs to provide LEP assistance

a. Factor 1: The Number and Proportion of LEP Persons Serviced or Encountered in the Eligible Service Population

Of the 102,599 residents in the Whitfield County Board of Commissioners service area 14,689 residents describe themselves as speaking English less than “very well”. People of hispanic descent are the primary LEP persons likely to utilize Whitfield County Board of Commissioners services.

Appendix J contains a table which lists the languages spoken at home by the ability to speak English for the population within Whitfield County.

b. Factor 2: The Frequency with which LEP Individuals Come into Contact with Your Programs, Activities, and Services

The Federal guidance for this factor recommends that agencies should assess the frequency with which they have contact with LEP individuals from different language groups. The more frequent the contact with a particular LEP language group, the more likely enhanced services will be needed.

The Whitfield County Board of Commissioners has assessed the frequency with which LEP individuals come in contact with the system. The methods utilized for this assessment include analysis of Census data, examining phone inquiries, requests for translated documents, and staff survey. As discussed above, Census data indicates that the Spanish speaking population is the most prominent in the serviced area. Over the past six years, the Whitfield County Board of Commissioners has had zero requests for translated documents.

c. Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Recipient to People’s Lives

Public transportation and regional transportation planning is vital to many people’s lives. According to the Department of Transportation’s *Policy Guidance Concerning Recipient’s Responsibilities to LEP Persons*, providing public transportation or planning access to LEP persons is crucial.

d. Element 4: Providing Note to LEP Persons

The Whitfield County Board of Commissioners will make Title VI / Nondiscriminatory information available in English and Spanish on the organization's website. Key documents are written in English and Spanish. Notices are also posted in the Whitfield County Board of Commissioners office lobby. Additionally, 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.

e. Element 5: Monitoring and Updating the Plan

The plan will be reviewed and updated on an ongoing basis. Updates will consider 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 Whitfield County Board of Commissioners' financial resources are sufficient to fund language assistance resources needed

The Whitfield County Board of Commissioners understands the value that its service plays in the lives of individuals and the importance of any measures undertaken to make the use of system easier. The Whitfield County Board of Commissioners is open to suggestions from all sources, including customers, staff, other agencies with similar experiences with LEP communities, and the general public, regarding additional methods to improve their accessibility to LEP communities.

III. Safe Harbor Provision

DOT has adopted the Department of Justice's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP population. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

The Whitfield County Board of Commissioners service area does have LEP populations which qualify for the Safe Harbor Provision. The Spanish LEP population is 15%.

The Safe Harbor Provision applies to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. The Whitfield County Board of Commissioners may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures.

Appendix J

Operating Area Language Data

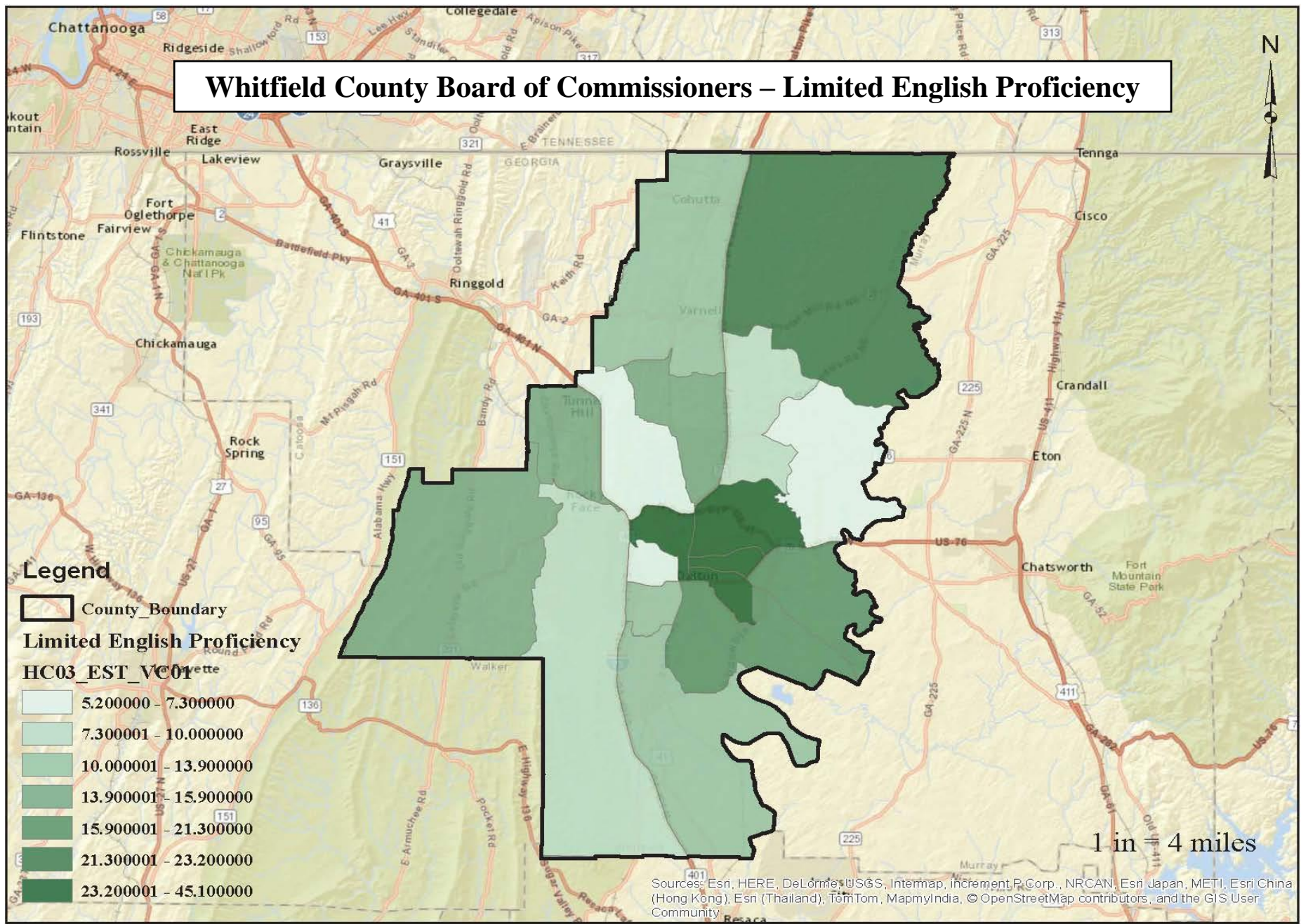
	Whitfield County, Georgia	
	Estimate	Margin of Error
Total:	94,012	+/-85
Speak only English	65,834	+/-782
Spanish or Spanish Creole:	26,489	+/-681
Speak English "very well"	11,857	+/-974
Speak English less than "very well"	14,632	+/-931
French (incl. Patois, Cajun):	127	+/-133
Speak English "very well"	78	+/-70
Speak English less than "very well"	49	+/-75
French Creole:	4	+/-35
Speak English "very well"	4	+/-35
Speak English less than "very well"	0	+/-31
Italian:	23	+/-29
Speak English "very well"	14	+/-24
Speak English less than "very well"	9	+/-15
Portuguese or Portuguese Creole:	49	+/-67
Speak English "very well"	24	+/-36
Speak English less than "very well"	25	+/-37
German:	25	+/-20
Speak English "very well"	25	+/-20
Speak English less than "very well"	0	+/-31
Yiddish:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Other West Germanic languages:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Scandinavian languages:	20	+/-25
Speak English "very well"	20	+/-25
Speak English less than "very well"	0	+/-31
Greek:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Russian:	82	+/-129
Speak English "very well"	0	+/-31
Speak English less than "very well"	82	+/-129
Polish:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Serbo-Croatian:	44	+/-64
Speak English "very well"	34	+/-61
Speak English less than "very well"	10	+/-17
Other Slavic languages:	12	+/-16
Speak English "very well"	12	+/-16
Speak English less than "very well"	0	+/-31
Armenian:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Persian:	20	+/-33
Speak English "very well"	0	+/-31

Speak English less than "very well"	20	+/-33
Gujarati:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Hindi:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Urdu:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Other Indic languages:	75	+/-117
Speak English "very well"	51	+/-79
Speak English less than "very well"	24	+/-40
Other Indo-European languages:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Chinese:	74	+/-102
Speak English "very well"	10	+/-16
Speak English less than "very well"	64	+/-100
Japanese:	32	+/-55
Speak English "very well"	29	+/-54
Speak English less than "very well"	3	+/-4
Korean:	68	+/-66
Speak English "very well"	51	+/-58
Speak English less than "very well"	17	+/-28
Mon-Khmer, Cambodian:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Hmong:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Thai:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Laotian:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Vietnamese:	334	+/-390
Speak English "very well"	204	+/-251
Speak English less than "very well"	130	+/-142
Other Asian languages:	206	+/-288
Speak English "very well"	206	+/-288
Speak English less than "very well"	0	+/-31
Tagalog:	21	+/-32
Speak English "very well"	21	+/-32
Speak English less than "very well"	0	+/-31
Other Pacific Island languages:	15	+/-37
Speak English "very well"	0	+/-31
Speak English less than "very well"	15	+/-37
Navajo:	0	+/-31
Speak English "very well"	0	+/-31

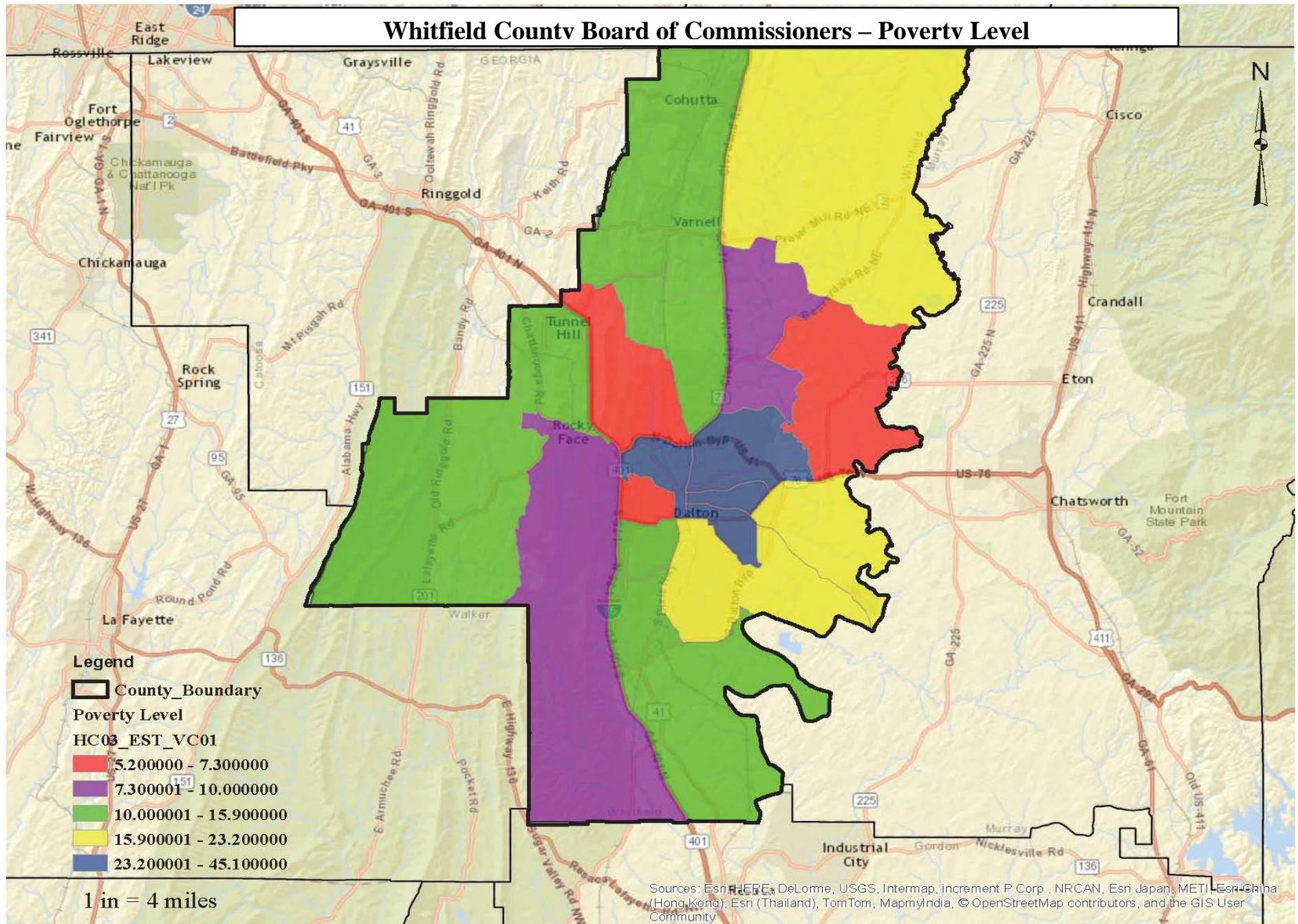
Speak English less than "very well"	0	+/-31
Other Native North American languages:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Hungarian:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
Arabic:	324	+/-211
Speak English "very well"	270	+/-177
Speak English less than "very well"	54	+/-47
Hebrew:	0	+/-31
Speak English "very well"	0	+/-31
Speak English less than "very well"	0	+/-31
African languages:	81	+/-57
Speak English "very well"	81	+/-57
Speak English less than "very well"	0	+/-31
Other and unspecified languages:	53	+/-82
Speak English "very well"	53	+/-82
Speak English less than "very well"	0	+/-31

Appendix K

Demographic Maps



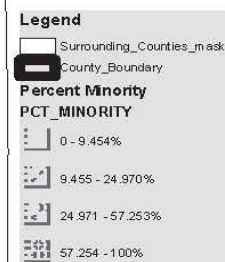
Whitfield County Board of Commissioners – Poverty Level



Whitfield County Board of Commissioners – Percent Minority



1 in = 5 miles



Appendix L

Questionnaires



Whitfield County Board of Commissioners

Title VI Compliance Questionnaire for Local Agencies

Local Agency: _____

Date: _____

Name/Title: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of your administrative staff by race, color, national origin, sex, and their positions.
2. How many federally funded projects have you managed during the last two years? Dollar amount?
3. Have you designated an EEO Officer or Title VI Coordinator? Provide name and time in the position.
4. Do you have a Title VI Policy, Assurances and Plan in place? Provide proof of public dissemination of your Title VI policy.

B. Complaint Procedure

1. Do you have a Title VI complaint procedure for external discrimination complaints? If so, please provide a copy. To what extent is the community aware of it?
2. Have you received any Title VI related complaints during the past two years? If so, how many? What were the outcomes? Where there any Title VI complaint lodged by beneficiaries or participants? If so, explain the issues involved.

3. Do you have a Title VI Notice to Public? If so, please provide copy.

C. Training

1. Has your staff received any training (formal or informal) regarding Title VI?

2. Are you considering scheduling Title VI training sometime soon? If so, when and who will present it?

II. Planning Activities

A. Public Involvement

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?

2. Were accessible location, adequate time, and translation services considered or provided during the coordination of hearings?

3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, and sex (by visual identification)?

4. Have planning manuals, directives, guidelines, and policies been reviewed for Title VI compliance purposes?

III. Consultant Contracts Activities

1. Are Title VI assurances and provisions included on consultant contracts?

2. Are DBE goals being included and met for consultant contracts? If not, what provisions have been taken to meet them?

3. Have directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?

IV. Design/Environmental Activities

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?

2. Are accessibility of locations, adequate time, and translation services considered during the coordination of hearings? Was any other effort made to promote maximum attendance by those affected by the project, including member of minority communities?

3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, sex, (by visual identification)?

4. Have location and design manuals, directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?

5. Is statistical data being collected on race, color, national origin, and sex on communities affected by a construction project?

V. Right of Way Activities

1. Are DBE goals for real estate appraisers being met? If not, what provisions have been taken to help reach these goals?

2. Is Title VI language being incorporated in all acquisition, negotiation, property management communications, and contracts?

3. Are Title VI language and assurance statements being included in all surveys for property owners and tenants after the conclusion of all business?

4. Are all values and communications associated with appraisals conducted in an equitable fashion?

5. Do deeds, permits, and leases contain Title VI compliance clauses?

6. Is statistical data being gathered on race, color, national origin, and sex for all relocatees?

VI. Construction and Maintenance Activities

1. Are contractor selection procedures been reviewed to determine uniformity in their application to minority and nonminority contractors?

2. Are minority contractors and subcontractors being informed about contracting opportunities with your organization?

3. Are construction rules and regulations being applied in an equitable fashion? Have you received any complaints within the last two years?

4. Are Title VI assurances being included in all contracts, subcontracts, and material supply agreements?



Whitfield County Board of Commissioners

Title VI Compliance Questionnaire for Planning Organizations

MPO/RDC: _____

Date: _____

Name/Title: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of the administrative staff by position, race, color, gender, and national origin. Include organizational chart.
2. Provide makeup of the planning organization's Board of Directors by race, color, gender or national origin. Identify the voting members.
3. Describe the various programs administered by the planning organization and their funding sources.
4. Does the planning organization have an Affirmative Action Plan with respect to employment?

B. Complaint Procedure

1. Do you have a Title VI complaint procedure? To what extent is the community made aware of it?
2. Have you received any Title VI related complaints during the past two years? How many? Outcome? Any Title VI complaint lodged by beneficiaries or participants? Explain issues involved.
3. Provide copy of your complaint procedure and proof of public dissemination of Title VI policy.

C. Training

1. Has your staff received any training (formal or informal) regarding Title VI of the Civil Rights Act of 1964?
2. Are you considering scheduling Title VI training sometime soon? If so, when and who will present it?

II. Planning Process

A. Public Involvement

1. To what extent citizen participation has been provided in the transportation planning process? Any policy in that regard? Explain.
2. Citizen Advisory Committees: How are the members selected? For how long? What is their make up in terms of race, color, national origin, sex, and position?
3. Are organizations representing minorities/disadvantaged individuals made aware of planning processes and offered the opportunity to provide input? How?
4. How are the needs of the minorities/disadvantaged persons addressed during the planning process?
5. What statistics are kept on beneficiaries of services or programs by race, religion, color, and sex?

B. Hearings

1. What statistics are kept on public hearings participation by race, religion, color, national origin, and sex (by visual identification)?
2. Are minority group concerns addressed in a timely manner? Explain process.
3. Are public meeting announcements made available in languages other than English, according to the affected minority population(s)?

4. Are accessible location (geographically and structurally), appropriate time, and translation services being planned/provided during public hearings?

C. Procurement of Contracts

1. How are the Request for Proposals (RFP) solicited? What are the requirements for submitting RFPs?

2. What kind of participation do DBE firms have in the RFP process? Are there goals or are goals included? Do you meet them?

3. Do you keep record of DBE firms during the RFP process? Provide list.

4. How does the planning organization promote the participation of qualified minority/women consultants?

5. How does the planning organization monitor consultant's adherence with Title VI requirements?

6. Provide the number, dollar value(s), and type of contract(s) used by the planning organization during the last two fiscal years. Identify contractors by race, color, national origin, and sex.

7. How many federally funded projects did you manage during the last fiscal year? Provide dollar amount for each one of them. How much of that money went to consultant contracts? DBEs?

D. Environmental Impact

1. Are minority members of the community invited to participate in public hearings pertaining to environmental issues? Are you keeping statistics on public hearing participation by race, color, national origin, and sex? Please present proof.

2. Do you have procedures for the identification of environmental impacts? How do you approach environmental issues in minority/ disadvantaged communities? Explain.

3. Are those environmental issues discussed with the affected community during public hearings? Have special provisions such as language interpreters been provided during public meetings?

4. Are these efforts documented? If so, please provide documentation.

5. Could you list the major transportation projects planned or executed during the last two years where social, environmental, economic, or demographic adverse impacts were identified? To what extent did Title VI issues appear as a consequence of a project? Describe.



Whitfield County Board of Commissioners

Title VI Self-Survey: _____ YEAR

Survey Date: _____

Name of Program/Grant: _____

Summary of Complaints:

Number of complaints for the past year: _____

Number of complaints voluntarily resolved: _____

Number of complaints currently unresolved: _____

Attach a summary of any type of complaint and provide:

- Name of complainant
- Race
- Charge
- Findings
- Corrective Action
- Identify any policy/procedure changes required as a result of the complaint
- Provide the date history (date complaint received through resolution)

Distribution of Title VI Information:

Are new employees made aware of Title VI responsibilities pertaining to their specific duties?

Yes _____ No _____

Do new employees receive this information via employee orientation?

Yes _____ No _____

Is Title VI information provided to all employees and program applicants?

Yes _____ No _____

Is Title VI information prominently displayed in the organization and on any program materials distributed?

Yes _____

No _____

Identify any improvements you plan to implement before the next self-survey to better support Title VI communication to employees and program applicants.

Identify any problems encountered with Title VI compliance.

Signature: _____

Title: _____

Date: _____

Return to: Whitfield County Board of Commissioners
Human Resources Department
301 West Crawford Street
Dalton, GA 30720
PHONE: (706) 275-7500
FAX: (706) 876-1621
ATTENTION: Jackie Carlo