

Cherokee County, GA

Title VI Plan

FHWA

Cherokee County



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I. Title VI Policy Statement

Cherokee County Government is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. Cherokee County Government 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. Cherokee County Government 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, Cherokee County Government will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

When Cherokee County Government distributes federal aid funds, Cherokee County Government will include Title VI language in all written agreements and will monitor for compliance.

Cherokee County Government's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21. Cherokee County Area Transportation (CATS) maintains a separate Title IV Plan.

II. Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

Specifically, Title VI provides 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" (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI. Title VI covers all of the operations of covered entities without regard to whether specific portions of the covered program or activity are federally funded. The term "program or activity" means all of the operations of a department, agency, special purpose district, or government; or the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government.

Cherokee County Government is committed to ensuring that no person is excluded from participation in, or denied the benefits of its programs and services on the basis of race, color, or national origin whether federally-funded or not.

This plan serves as a guide to Cherokee County Government in its administration and management of Title VI related activities.

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

It is the policy of Cherokee County Government to ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in all programs and activities. The Title VI Coordinator develops and oversees Cherokee County's Title VI plan and program compliance with the plan, which is effective upon review and approval by the Federal Highway Administration (FHWA).

Title VI Coordinator Contact information:

Cherokee County Board of Commissioners Title VI Coordinator
1130 Bluffs Parkway
Canton, GA 30114
TitleVI@cherokeega.com

III. Authorities/Definitions

Title VI of the 1964 Civil Rights Act Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency) , or sex, 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, 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).

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 (Section 6101-6107, Title 42 U.S.C.) 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 Provides clarification of the original intent of Congress in 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)

Americans With Disabilities Act of 1990 PL 101-336 No qualified individual with a disability shall, by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

USDOT Order 1050.2 Standard Title VI Assurances .

Executive Order 12898 (issued February 11, 1994) addresses Environmental Justice regarding minority and low-income populations.

Executive Order 13166 (issued August 16, 2000) improves access to services for persons with limited English proficiency .

28 CFR 50.3 Guidelines for the enforcement of Title VI, Civil Rights Act of 1964.

Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

[As used in Title 23 of the Code of Federal Regulations, Highways, Part 200.5]

“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 Cherokee County Government 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 the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

"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 Cherokee County Government.

"Low-Income" is a person whose median household income is at, or below the Department of Health and Human Services poverty guidelines. (<https://aspe.hhs.gov/poverty-guidelines>)

“Low -Income Population” is 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 Cherokee County Government program, policy, or activity.

“Minority” is a person who is:

- a) Black - a person having origins in any of the black racial groups of Africa;
- b) Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c) 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
- d) 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” is 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 Cherokee County Government program, policy or activity.

“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.

“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 that:

- a) Is predominately borne by a minority population and/or a low-income population, or
- b) Will be suffered by the minority population and/or low-income population and is shown to be 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 " is 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" is 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. Organization, Staffing & Responsibilities

The Cherokee County Board of Commissioners (CCBOC) is responsible for ensuring the implementation of the County's Title VI programs. The County Manager, on behalf of the Board of Commissioners, is responsible for the overall management of the Title VI programs. The day-to-day administration of the program lies with the Title VI Coordinator.

Organizational Chart on next page.

V. Description of Responsibilities

As authorized by the County Manager, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring the County's compliance with Title VI requirements as follows:

1. **Program Administration** Administer the Title VI program and coordinate implementation of the plan. 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 County Manager.
2. **Complaints** Review and process the disposition Title VI complaints that are received by the County following the procedural guidelines (see VIII Title VI - Complaint Procedures). Ensure every effort is made to resolve complaints informally; identifying, investigating and eliminating discrimination when found to exist.
3. **Data Collection** Collaborates with County departments to ensure statistical data on race, color, national origin and sex of participants in, and beneficiaries of County programs, e.g., relocates, impacted citizens, and affected communities, will be gathered and maintained for the County. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.
4. **Environmental Impact Statements** Review Environmental Impact Statements/Assessments (EIS/EA) for Title VI and Environmental Justice compliance. Ensure that available census data and statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocates, impacted citizens, and affected communities is included as a part of all EIS/EA for projects receiving Federal Highway Administration or other Federal assistance.
5. **Training Programs** Conduct or facilitate training programs on Title VI issues and regulations for County employees as needed.
6. **Title VI Plan Update** Review and update the County's 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.
7. **Public Dissemination** Work with agency 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 public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and informational brochures.

8. **Announcements** 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.
9. **Maintain Legislative and Procedural Information** Federal and State laws, rules and regulations, GDOT guidelines, the current County Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the County's 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.
10. **Reviews** Conduct annual Title VI reviews to determine the effectiveness of program activities at all levels. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

VI. Title VI Assurance

The Cherokee County Board of Commissioners (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance, 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 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 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.
3. 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.
4. 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.
5. 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.
6. 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.



 Chairman
 Cherokee County Board of Commissioners

3/7/23

 Date

VII. Title VI Notice to the Public

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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" (42 U.S.C. Section 2000d).

The Cherokee County Government is committed to ensuring that no person is excluded from participation in, or denied the benefits of its programs and services based on race, color, or national origin. If you feel, you are being denied participation in or being denied benefits provided by Cherokee County Government, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability. You may contact our office at:

Title VI Coordinator
Cherokee County Government
1130 Bluffs Parkway
Canton, GA 30114
TitleVI@cherokeega.com

For more information, visit our website at www.cherokeega.com

VIII. Title VI Complaint Procedure

How to file a Title VI Complaint The complainant may file a signed, written complaint up to one hundred eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant.

The Title VI Complaint Form (see Appendix A) may be used to submit the complaint information. The complaint may be filed in writing with Cherokee County Government at the following address:

Title VI Coordinator
Cherokee County Government
1130 Bluffs Parkway
Canton, GA 30114

NOTE: Cherokee County Government encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.

Complaints may also be submitted via email at TitleVI@cherokeega.com

What happens to the complaint after it is submitted?

All complaints alleging discrimination based on race, color or national origin in a service or benefit will be directly addressed by Cherokee County Government. Cherokee County Government shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, Cherokee County Government shall make every effort to address all complaints in an expeditious and thorough manner.

A letter of acknowledging receipt of complaint will be mailed within thirty (30) days. Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

How will the complainant be notified of the outcome of the complaint?

The Cherokee County Government Title VI Coordinator will send a final written response letter to the complainant. If the letter notifies complainant that the complaint is not substantiated, the complainant is also advised of his or her right to appeal within seven calendar days of receipt of the final written decision from Cherokee County Government. For transportation related complaints, the complainant may also file a complaint externally with the U.S. Department of Transportation and/or the FHWA.

Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

Appendix "A"

Title VI 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." If you feel you have been discriminated against in transit services, please provide the following information to assist us in processing your complaint. Completed Complaint Forms may be submitted via email to TitleVI@cherokeega.com, or:

Title VI Coordinator
Cherokee County Government
1130 Bluffs Parkway
Canton, GA 30114

Please print clearly:

Your Name	Phone Number (circle HOME or CELL)
Address	City, State & Zip Code
Person Discriminated Against (if other than complainant)	Address

Please indicate why you believe this discrimination occurred:

Race or Color National Origin Other

What was the date of the alleged discrimination? _____

Where did the alleged discrimination take place? _____

Please describe the circumstances as you saw it:

Please list any and all witnesses' names and phone numbers:

What type of corrective action would you like to see taken?

Please attach any documents you have which support the allegation, then date and sign this form for submission.

Signature

Printed Name

Date