

**CITY OF NORTH AUGUSTA**

**TITLE VI**

**NON-DISCRIMINATION PLAN**



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## INTRODUCTION

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that individuals who a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964.

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is "disparate impact." Disparate impact discrimination occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of North Augusta's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects,

and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of North Augusta shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of North Augusta, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

The City has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not.

## OBJECTIVES

The primary goals and objectives of the City of North Augusta's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by City programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of North Augusta programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in City services, programs or activities.

## 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 community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services  
Adverse employment effects
- Displacement of person's 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 the City programs, policies and activities

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 wherein an applicant, recipient, or sub-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.

Contract - a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and obligating the buyer to pay for them. Throughout this document, a lease is considered a contract.

Contractor - any person, corporation, partnership, organization, or incorporated association that participates, through a contract or subcontract, in any program or activity covered by this plan, including lessees.

Designee - individuals assigned to work with the Title VI Coordinator regarding designated program areas.

Discrimination - Involves any act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, religion, sex, national origin, age, or disability, has been otherwise subjected to unequal treatment under any program or activity receiving federal financial assistance.

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, 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 any 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 City.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <https://aspe.hhs.gov/poverty-guidelines>).

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 City program, policy or activity.

Minority- A person who is:

- a. African American - 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 people 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 America 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 City program, policy or activity.

Non Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the

following designation 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 sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Plan – The City of North Augusta’s description of its Title VI Program developed to comply with Title VI of the Civil Rights Act of 1964.

Program – includes any highway, project, or activity that provides services, financial aid, or other benefits to individuals, including 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 recipient.

Recipient - 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, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations - An adverse effect that:

- a. is predominantly 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 non-minority population and/or non-low income population.

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

Title VI Coordinator - the person responsible for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Title VI Program - the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. When appropriate, the phrase “Title VI requirements” also refers to the civil rights provisions of other federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex, age, disability, or national origin in programs receiving federal financial assistance of the type subject to Title VI itself.



## PROGRAM ADMINISTRATION

### Organization and Staffing

The City Administrator is responsible for the implementation of the City of North Augusta's Title VI Plan. In order to ensure uniform implementation of the plan across all Departments and Programs, the City has established a Title VI Committee consisting of a Title VI Coordinator and other Title VI "Designees". The Title VI Coordinator, on behalf of the City Administrator, shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances. The Title VI Coordinator may assign other personnel as Designee with responsibilities in designated program areas. The Director of each Department of the City shall serve as that Department's Title VI Designee and shall ensure that all Federally-assisted programs are administered in compliance with all requirements imposed by, or pursuant to, civil rights acts and regulations. Departmental Grant Administrators (if other than those individuals specified above) shall also serve on the Title VI Committee for the duration of the grant program which they are administering. The City's Organizational Chart showing the Title VI Coordinator is provided in **Appendix C**.

### Title VI Coordinator Responsibilities

The Coordinator is charged with the responsibility for implementing, monitoring and ensuring the City's compliance with Title VI Regulations. Title VI responsibilities are as follows:

1. In coordination with the City's Title VI Committee, prepare an annual report of City Title VI accomplishments and upcoming goals including an annual update to the Title VI Program Plan that reflects organizational, policy and implementation changes.
2. Conduct Title VI compliance reviews of department program area activities, consultations, contractors, suppliers, planning agencies, and other sub-recipients of federal financial assistance.
3. Collect statistical data (race, color, national origin, sex disability, and age) on the City's relevant boards, commissions, and committees, and participants in and beneficiaries of the City's programs, activities, and services.
4. Review pre-grant and post-grant awards for compliance with Title VI requirements.
5. Coordinate the development and implementation of a training program and conduct training programs on Title VI and other related statutes for City employees and recipients of federal grant funds.
6. Process and maintain log of Title VI complaints.
7. Ensure that Title VI requirements are included in policy directives and that the procedures

used have built-in safeguards to prevent discrimination.

8. Assist program personnel to correct Title VI problems or discriminatory practices or policies found when conducting self-monitoring and compliance review activities.
9. Manage the City's Limited English Proficiency (LEP) Program ensuring that City information and services are accessible to customers. Develop Title VI information for public dissemination, where appropriate, in languages other than English.

### **Data Collection/Reporting/Analysis**

Statistical data on race, color, national origin and sex of participants in, and beneficiaries of federally funded programs, (e.g., impacted citizens and affected communities), will be gathered and maintained by the Coordinator and Department Grant Administrators. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration relative to:

1. The manner in which services are or will be provided by the program in question, and a determination of whether any persons are or will be denied services on the basis of prohibited discrimination;
2. The population eligible to be served by race, color and national origin;
3. Covered employment, including the use or planned use of bilingual public-contact employees where necessary to permit effective participation by LEP persons;
4. The location of existing or proposed facilities connected with the program, and information adequate for determining whether the location will result in discrimination on a prohibited basis;
5. The present or proposed membership, by race, color and national origin, in any planning or advisory body which is an integral part of the program;
6. Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin.

### **Training**

The Coordinator will seek all opportunities to participate in education and training. Title VI training will be made available to Title VI Committee members, employees, contractors, sub-recipients, and program planning area liaisons. The training will provide comprehensive information on Title VI provisions, application to program operations, identification of Title VI issues, resolution of complaints, as well as any updates and changes. A summary of the training conducted will be reported in the annual report.

## **Discrimination Complaint Procedures**

### Introduction

These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program and/or activity administered by North Augusta or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. North Augusta will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will include requests for information regarding specific relief and settlement options.

### Filing

Any person who believes that he, she, or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complain to North Augusta's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The Title VI Complaint Form may be found in **Appendix D** or on the City's website at [www.northaugusta.net](http://www.northaugusta.net). The complaint must meet the following requirements:

- Complaints must be in writing and signed by the complainant(s).
- Complaints must include the name, address, and telephone number of each complainant.
- Complaints must include the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct).
- Complaints must present a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against.
- The allegation(s) must involve a covered basis such as race, color, gender, age, income, disability, or national origin.

### Receipt and Acceptance

Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction and any need for additional information. The complaint will be forwarded to the City's Title VI Committee for a determination of acceptability. The Title VI Coordinator will notify the complainant, in

writing, within ten (10) business days of receipt of the complaint.

North Augusta will assume responsibility for investigating complaints against any of its sub-recipients. Complaints in which North Augusta is named as the Respondent shall be forwarded to the appropriate Federal agency for proper disposition, in accordance with their procedures.

### Dismissal

A complaint may be recommended for dismissal for the following reasons:

1. The complainant requests withdrawal of the complaint.
2. The complainant fails to respond to three requests for additional information needed to process the complaint.
3. The complainant cannot be located after reasonable attempts.

### Investigation of Complaints

In cases where North Augusta assumes responsibility for investigation, the City will provide the respondent with the opportunity to respond to the allegations in writing. The City's Title VI Committee will be responsible for investigating and evaluating the complaint, developing an investigative plan, conducting interviews, collecting and analyzing evidence, and preparing an investigative report.

The Committee's final investigative report will be submitted to the City Administrator within 60 days of completion of the investigation. The City Administrator will issue a final agency decision and provide written notification of the decision to the complainant and respondent.

If a Title VI violation is found to exist, remedial steps as appropriate and necessary will be taken immediately. The Complainant will also receive a copy of the final report together with any remedial steps.

### Appeals

If the City Administrator concludes that the respondent is in compliance with laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, file an action in the appropriate U.S. District Court.

Complaints shall be submitted to:

City of North Augusta

Attention: Title VI Coordinator

PO Box 6400

OR

100 Georgia Avenue

North Augusta, SC 29861-6400

North Augusta, SC 29841

803-441-4202

[title6@northaugusta.net](mailto:title6@northaugusta.net)

## **Public Dissemination**

The goal of the City's communications and public participation program is to ensure early and continuous public notification about, and participation in, major actions and decisions by North Augusta. In seeking public comment and review, the City shall make a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes.

The Coordinator will ensure that Title VI Program information is disseminated to City employees, sub-recipients, contractors, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts (see *Standard USDOT Title VI Assurances* in **Appendix B**), and publishing the Title VI Policy Statement and announcements of hearings and meetings in newspapers having a general circulation and at locations in the vicinity of proposed projects.

The City's Title VI Policy Statement, Title VI Plan, Complaint Procedures, Complaint Form, and Limited English Proficiency Plan (LEP) are available on the City's website [www.northaugusta.net](http://www.northaugusta.net), at the City Administrator's office, and can be mailed out upon request.

## **Limited English Proficiency (LEP)**

On August 11, 2000, President William J. Clinton signed an executive order, [Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency](#), to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only are all federal agencies required to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus

property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of North Augusta is a recipient of federal funds.

For more information regarding the City's policies on LEP, a copy of the LEP plan can be found in **Appendix E** and on its website at [www.northaugusta.net](http://www.northaugusta.net) or a copy can be requested from:

City of North Augusta  
Attn: Title VI Coordinator  
PO Box 6400 OR 100 Georgia Avenue  
North Augusta, SC 29841-6400 North Augusta, SC 29841  
Phone: 803-441-4202  
[title6@northaugusta.net](mailto:title6@northaugusta.net)

## Environmental Justice

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving federal funds. This obligation will be met by the City in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups *are* present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minority and/or low income population groups:

**STEP ONE:** Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population and/or low income population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations,

proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and off-setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority, or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social, economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.



**Remedial Action**

The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

**Annual Report**

An annual report will be submitted to the City Administrator by the Coordinator. The summary will overview Title VI accomplishments achieved during the year, include the Title VI complaint log, and will also include goals and objectives for the upcoming year where applicable. The Coordinator will meet with the Title VI Planning Committee to review the annual report.

## APPENDIX A

### CITY OF NORTH AUGUSTA NON-DISCRIMINATION POLICY STATEMENT

It is the policy of the City of North Augusta to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental justice) and 13166 (Limited English proficiency). The City of North Augusta does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination on the basis of race, color, national origin, sex, age, disability or income.

All Federally-assisted programs will be administered in a manner to guarantee the City of North Augusta, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants in Federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and Department of Transportation regulations. The City of North Augusta is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) Part 200 and 49 Code of Federal Regulation Part 21.

\*Those requiring information in alternative formats or in a language subject to North Augusta's Limited English Proficiency (LEP) Plan should contact the Title VI Coordinator.

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City Administrator

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Date

## APPENDIX B

### U.S.D.O.T. TITLE VI ASSURANCES

The City of North Augusta (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 (DOT) through the **Federal Highway Administration (FHWA)** or the **Federal Transit Administration (FTA)**, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964, (§42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (*Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964),

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations", respectively.

#### General Assurances

In accordance with the Act, Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that

"no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from the Department of Transportation, including the **Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA)**.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

#### Specific Assurances

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

1. That the Recipient agrees that each "program" and each "facility" as defined in

§§21.23(b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and, the Regulations.

2. That the Recipient will insert the following notification in all solicitations for bids, Request for Proposals for work, or material subject to the Acts and the Regulations made in connection with all programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The City of North Augusta, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C §§2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon, or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance shall extend to the rights to space on, over or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, or similar instruments entered into by the Recipient with other parties:
  - (a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - (b) for the construction or use of, or access to, space on, over or under real property acquired, or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein

or structures or improvements thereon, in which 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 Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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 any program or activity and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

City of North Augusta

By: \_\_\_\_\_  
B. Todd Glover, City Administrator

Dated: \_\_\_\_\_

## APPENDIX A

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

- (1) Compliance with Regulations:** The contractor (Hereinafter includes consultants) will comply with the Acts and the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21. This includes FHWA or FTA specific program requirement.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. This includes FHWA or FTA specific program requirements.
- (4) Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the **CITY OF NORTH AUGUSTA (CITY), the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** to be pertinent to ascertain compliance with such Acts, Regulations, instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the City of North Augusta, FHWA or the FTA, as appropriate, and will 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 Non-discrimination provisions of this contract, the **CITY OF NORTH AUGUSTA** will impose such contract sanctions as it or **the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** 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 will include the provisions of paragraphs one (1) through six (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontractor procurement as the **CITY OF NORTH AUGUSTA, the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with, litigation with a subcontractor, or supplier because of such direction, the contractor may request the **CITY OF NORTH AUGUSTA** to enter into any litigation to protect the interests of the City. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

**NOW, THEREFORE**, the U.S. Department of Transportation as authorized by law and upon the condition that the **CITY OF NORTH AUGUSTA** will accept Title to the lands and maintain the project constructed thereon, in accordance with the appropriate legislative authority, the Regulations for the Administration of its programs and activities, and the policies and procedures prescribed by **the FEDERAL HIGHWAY ADMINISTRATION or the FEDERAL TRANSIT ADMINISTRATION** of the U.S. Department of Transportation in accordance with and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the SCDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto **CITY OF NORTH AUGUSTA** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **CITY OF NORTH AUGUSTA**, its successors and assigns.

The **CITY OF NORTH AUGUSTA**, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]\* (2) that the **CITY OF NORTH AUGUSTA** will 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 in federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and



facilities on said land, and the above described land and facilities will thereon revert to and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **CITY OF NORTH AUGUSTA** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all other requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of a breach of any of the above Non-discrimination covenants, **CITY OF NORTH AUGUSTA** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, **CITY OF NORTH AUGUSTA** will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of **CITY OF NORTH AUGUSTA** and its assigns.\*

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **CITY OF NORTH AUGUSTA** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that:
- (1) no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,
  - (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination, and
  - (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **CITY OF NORTH AUGUSTA** will have the right to terminate the (license, permit, etc., as appropriate) and enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **CITY OF NORTH AUGUSTA** will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of **CITY OF NORTH AUGUSTA** and its assigns.\*

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI.

## APPENDIX E

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

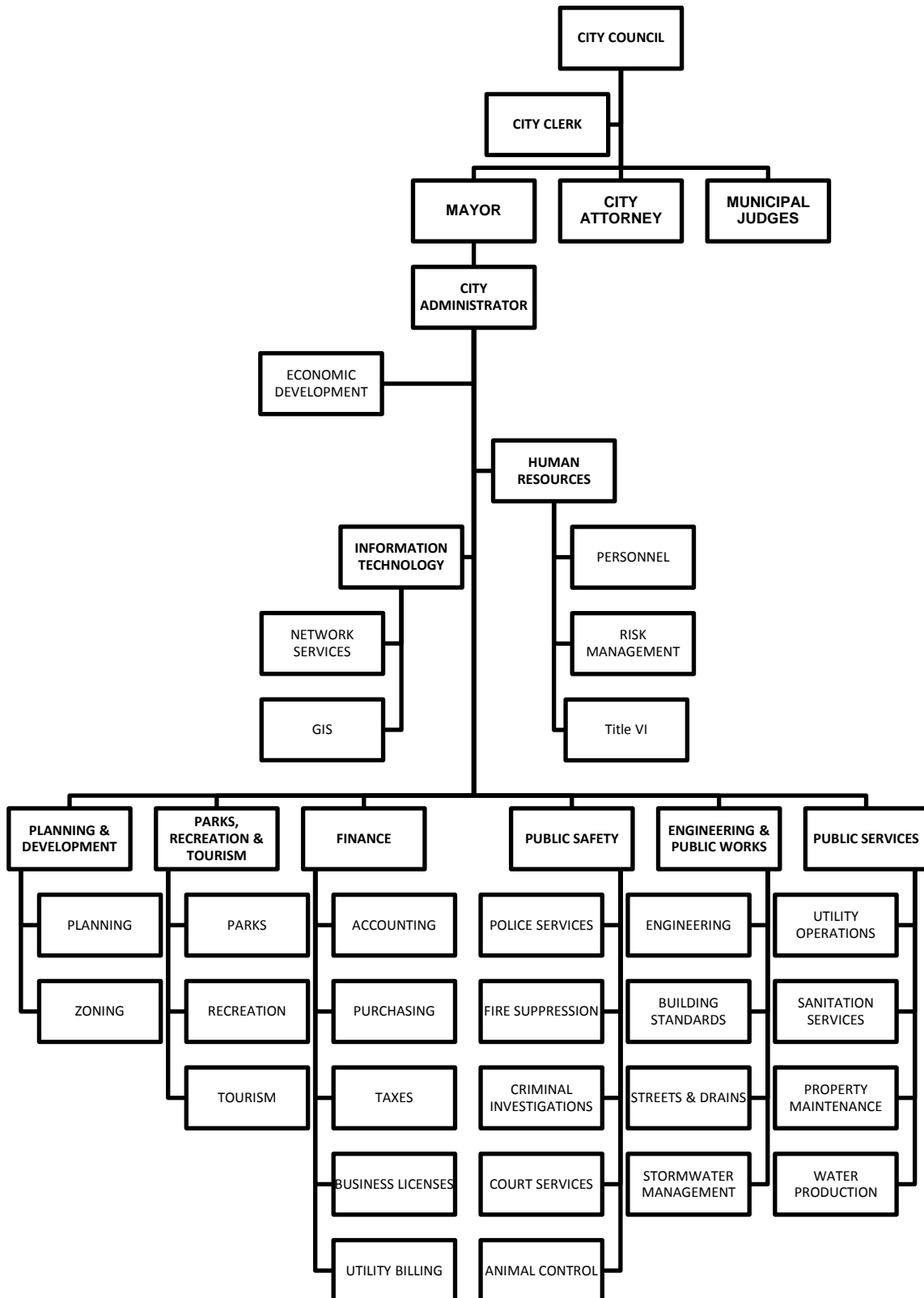
### **Pertinent Non-Discrimination Authorities:**

- Title VI of the 1964 Civil Rights Act (42 U.S.C. 2§000 *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601) Prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- The Federal-aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (42 U.S.C. §47123), as amended, (prohibits discrimination on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (P.L. 100-209), (Broadened, the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendment of 1972, as amended, which prohibits discrimination on the basis of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

# APPENDIX C

## ORGANIZATION CHART



## APPENDIX D

### CITY OF NORTH AUGUSTA TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance."

This form may be used to file a complaint with the City of North Augusta based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.

*If you need assistance completing this form due to a physical impairment, please contact the Title VI Coordinator at (803) 441-4202 or via e-mail at [title6@northaugusta.net](mailto:title6@northaugusta.net).*

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

Name of agency and department or program that discriminated:

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Date(s) of alleged discrimination:

Date discrimination began: \_\_\_\_\_ Last or most recent date: \_\_\_\_\_

**ALLEGED DISCRIMINATION:**

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

- |  |                                     |
|--|-------------------------------------|
| <input type="checkbox"/> Race            | <input type="checkbox"/> Income     |
| <input type="checkbox"/> Color           | <input type="checkbox"/> Age        |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Sex             |                                     |

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please return completed form to:

City of North Augusta  
Attn: Title VI Coordinator  
PO Box 6400 OR 100 Georgia Avenue  
North Augusta, SC 29841-6400 North Augusta, SC 29841  
Phone: 803-441-4202  
Email: [title6@northaugusta.net](mailto:title6@northaugusta.net)

**Note:** *The City of North Augusta prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*



APPENDIX E

**CITY OF NORTH AUGUSTA**

**LIMITED ENGLISH PROFICIENCY (LEP) PLAN**



100 Georgia Avenue  
P.O. Box 6400  
North Augusta, SC 29861-6400  
Phone: 803-441-4202  
Website: [www.northaugusta.net](http://www.northaugusta.net)

Title VI Coordinator  
Phone: 803-441-4202  
Email: [title6@northaugusta.net](mailto:title6@northaugusta.net)

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## INTRODUCTION

This *Limited English Proficiency Plan* is a resource tool that will serve as a guide in addressing responsibilities, as a recipient of federal financial assistance, concerning the needs of individuals with limited English language skills. This plan was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color, or national origin under any federally-assisted program or activity because they face challenges communicating in English.

## BASIS OF AUTHORITY

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>1</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>2</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The USDOT issued policy guidance, "*DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries*" to clarify the responsibilities of recipients of

federal financial assistance and to ensure compliance with LEP regulations. These regulations impact state agencies, including the South Carolina Department of Transportation (SCDOT), private and non-profit entities, and other sub-recipients of DOT-assisted funding.

The City of North Augusta is a sub-recipient of USDOT and other federal agency funding.

### PLAN SUMMARY

The City of North Augusta has developed this *Limited English Proficiency Plan* to help identify reasonable steps to provide language assistance for persons seeking meaningful access to City services as required by Executive Order 13166.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, the approach for training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing this plan, the City undertook the U.S. Department of Transportation four-factor LEP analysis. The USDOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of North Augusta and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of USDOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

## THE FOUR-FACTOR ANALYSIS

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of North Augusta services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

### **Factor 1: The Proportion, Numbers and Distribution of LEP Persons**

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: “very well,” “well,” “not well,” and “not at all.” For our planning purposes, we are considering people that speak English less than “very well” as Limited English Proficient persons.

As seen in Table 1, the U.S. Census Bureau data<sup>5</sup> for the City of North Augusta shows that 1,346 (6.5%) of individuals in the City speak a language other than English; of those individuals, 660 (3.2%) have identified themselves as speaking English less than “very well”. Of those individuals, there are 480 (2.3%) people in the Spanish language group, 98 (0.5%) individuals in the Indo-European languages group, 64 (0.3%) residents in the Asian and Pacific Islander languages group, and 18 (.1%) people in the “Other” language group.

Table 1. Language Spoken at Home

Subject	Estimated Total	
	Persons	Percent
Population 5 years and over	20,696	100.0
English only	19,350	93.5
Language other than English	1346	6.5
Speak English less than “very well”	660	3.2
Spanish	973	4.7
Speak English less than “very well”	480	2.3
Other Indo-European languages	244	1.2
Speak English less than “very well”	98	0.5
Asian and Pacific Island languages	94	0.5
Speak English less than “very well”	64	0.3
Other languages	35	0.2
Speak English less than “very well”	18	0.1

### **Factor 2: Frequency of Contact with LEP Individuals**

Given the number of LEP individuals as displayed in Table 1 (above) the probability of City employees to encounter an LEP individual is relatively low. The City has offices accessible to

the public and therefore accessible to LEP individuals and it has staff that work in the field that could encounter LEP individuals. Additionally, regular City Council meetings are held at least twice per month on Mondays starting at 7:00 PM local time as posted in advertisements, which would potentially bring LEP individuals to these meetings.

The City has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions. Contact with LEP individuals can be described as infrequent at best. All requests have been "Spanish translation" requests and have been handled by an individual on the City's staff.

### **Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP**

The City of North Augusta serves individuals throughout the City in a variety of ways including managing roads, storm drainage, water supply, wastewater collection, solid waste collection, public safety, recreation, and other services to residents and non-residents alike. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. The City of North Augusta will continue to ensure accessibility to all of its programs, services, and activities.

### **Factor 4: The Resources Available to the City of North Augusta and Overall Cost**

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

"A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. "

Based on this guidance, the City has reviewed its resources and deemed that given the number of LEP individuals in the City, upon request it will translate its vital documents into the language requested to ensure accessibility.

Although there will not be a fixed amount allocated from the City's annual budget for the translation of documents, the cost associated with the necessary translation of document in order to comply with LEP requirements will be allocated on an as-needed basis. At present, cost has not been a deterrent or imposition to the City's ability to provide LEP services to its residents.

## LANGUAGE ASSISTANCE MEASURES

Title VI designees will be responsible for ensuring that their program area or staff are familiar with these measures.

### **A. Type of Language Services Available**

The type of language services available by the City include:

1. With advance notice of 48 hours, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
2. Bilingual staffing as reflected on the "Fluent Bi-Lingual Employee" list.
3. Translation services under contract with professional translators/interpreters, as needed.
4. Use of "I Speak" language identification cards or poster. These cards can be downloaded at <http://www.justice.gov/crt/lep/resources/ISpeakCards2004.pdf>.

### **B. How Recipients Can Obtain Services**

All requests for language services should be made through the appropriate Department or Program Title VI Designee, who will make appropriate arrangements. If the Title VI Designee is unavailable, then contact should be made with the Title VI Coordinator. When utilizing City employees, consideration will be given in regards to the individual's workload, availability, and supervisor's consent. Employees who provide language services do so strictly on a voluntary basis and receive no remuneration.

### **C. How to Respond to LEP Callers**

City personnel, including those who regularly take calls from the general public, who receive calls from LEP individuals, will forward the call to the appropriate Title VI Designee. The Title VI Designee will record the date and time of the call, name of caller, language (if it can be determined), nature of call, and disposition. If the Title VI Designee is unavailable, the call will be forwarded to the Title VI Coordinator in the Office of Human Resources. The Title VI Designee will provide a copy of the assistance provided during the submission of annual reporting.

### **D. How to Respond to Written Communications from LEP Persons**

City personnel who receive written communications from LEP individuals will contact a Title VI Designee who in turn will record the date of receipt, name of LEP individual, language (if it can be determined), nature of the correspondence, and disposition. The correspondence will then be forwarded to the appropriate office and if unknown, it will be forwarded to the Title VI Coordinator.

**E. How to Respond to In-Person Contact with LEP Individuals**

City personnel, who have in-person contact with LEP individuals will, in keeping with the Department's position on customer service, address the issues and/or concerns raised. These persons will record the date of receipt, name of LEP individual, language (if it can be determined through familiarity with the language, use of "I Speak" cards, etc.), nature of the correspondence, and disposition of the encounter and forward the information to the appropriate Title VI designee. In cases where language barriers cannot be overcome, personnel will contact the Title VI Coordinator.

**F. How to Ensure Competency of Interpreter and Translation Services**

The City will ensure, to the greatest extent possible, the competency of interpreter and translation services. Applicable procurement procedures will be observed when selecting consultants for service. Employees who serve as interpreters and/or translators will be required to complete the "City of North Augusta's Interpreter's Code of Professional Conduct Form" and attest:

1. Their ability to communicate or translate information accurately in both English and the other language;
2. That they will not deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translating;
3. That they do not have a conflict of interest on the issues they would be providing services.

**G. Staff Training**

The City of North Augusta staff that has Title VI responsibilities will continue to attend Title VI seminars and workshops on an annual basis. Also, the City will seek the assistance of SCDOT in training Title VI Designees and sub-recipients. All persons will be provided a copy of the LEP Plan and educated on procedures. Suggested training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- What language assistance services the City of North Augusta offers?
- Use of LEP "I Speak Cards";
- How to use the interpretation and translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint.



## **H. Outreach Techniques**

Currently, the City of North Augusta does not have a formal practice of outreach techniques because of the small LEP population and resources available. However, the following are a few options that the City will incorporate when and/or if the need arises for LEP outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available”.

## **I. Monitoring and Updating the LEP Plan**

This plan is designed to be flexible and is one that can be easily updated. Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in North Augusta?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified North Augusta programs? Are there other programs that should be Included?
- Have the City’s available resources, such as technology, staff, and financial costs changed?
- Has the City fulfilled the goals of the LEP Plan?; and
- Were any complaints received?

## **J. Dissemination of the Limited English Proficiency Plan**

The LEP Plan will be shared with Title VI Designees and senior management. Also, the City of North Augusta will include the LEP plan on its website, [www.northaugusta.net](http://www.northaugusta.net), together with its Title IV Policy and Complaint Procedures.

Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

City of North Augusta  
Title VI Coordinator  
100 Georgia Avenue  
P.O. Box 6400  
North Augusta, SC 29861-6400  
Phone: 803-441-4202  
Email: [title6@northaugusta.net](mailto:title6@northaugusta.net)

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<sup>1</sup>The executive order verbatim can be found online at <https://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf>

<sup>2</sup>Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

<sup>3</sup>The USDOT has also posted an abbreviated version of this guidance on their website at <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>

<sup>4</sup>Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

<sup>5</sup>U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates. Viewed June 15, 2016. <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>