

RESOLUTION

A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY TO ADOPT A TITLE VI POLICY AND TITLE VI PLAN

WHEREAS, DeKalb County, Georgia is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives; and

WHEREAS, Title VI of the 1964 Civil Rights Act provides that no person 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 receiving federal financial assistance; and

WHEREAS, The Federal-Aid Highway Transportation Act of 1973 added sex to the list of prohibitive factors and related authorities have broadened the grounds to include age, low income and disability; and

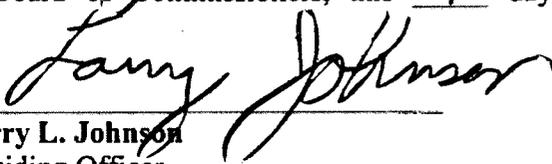
WHEREAS, although not required by Title VI of the 1964 Civil Rights Act or any related authorities, DeKalb County desires to ensure that no person shall on the grounds of sexual orientation or gender identity be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of DeKalb County's programs or activities.

WHEREAS, it has long been the policy of DeKalb County to ensure equal treatment and equal opportunity for all citizens in its programs and activities; and

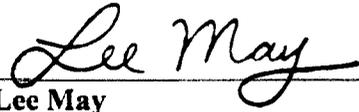
NOW THEREFORE, BE IT RESOLVED, that the Governing Authority of DeKalb County hereby adopts Exhibit "A," the attached Title VI Policy, and Exhibit "B," the attached Title VI Plan, as DeKalb County's official Title VI Policy and Plan.

[continued on following page]

ADOPTED by the DeKalb County Board of Commissioners, this 19 day of ¹⁵
July, 2016.

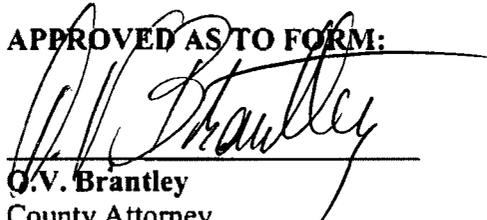

Larry L. Johnson
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this 21 day of
July, 2016.


Lee May
Interim Chief Executive Officer
DeKalb County, Georgia

ATTEST:

Barbara H. Sanders, CCC
Clerk
Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

O.V. Brantley
County Attorney
DeKalb County, Georgia

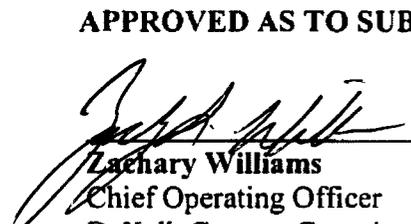
APPROVED AS TO SUBSTANCE:

Zachary Williams
Chief Operating Officer
DeKalb County, Georgia

EXHIBIT A

DeKalb County, Georgia's Title VI Policy Statement

DeKalb County, Georgia is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. DeKalb County assures that no person shall on the grounds of race, color, sex, or national origin, as provided by Title VI of the Civil Rights Act of 1964, the Federal-Aid Highway Transportation Act of 1973, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. DeKalb County further assures that no person shall on the grounds of age, low income or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Although not required by Title VI or any related authorities, DeKalb County also assures that no person shall on the grounds of sexual orientation or gender identity be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

DeKalb County assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In addition, DeKalb County will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency (LEP).

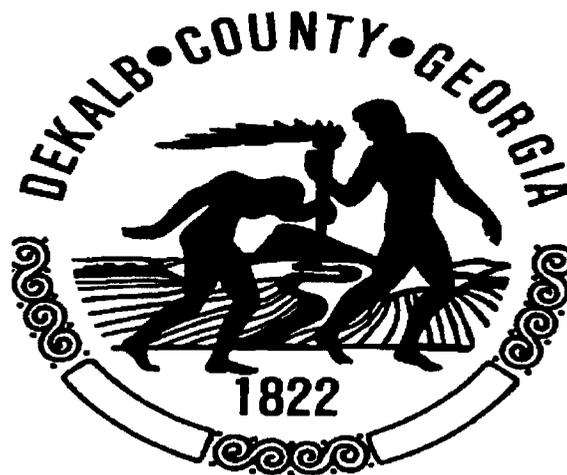
DeKalb County will include Title VI language in all written agreements that distribute federal aid funds and will monitor for compliance.

DeKalb County's Executive Assistant or his/her designee is responsible for ensuring compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

EXHIBIT B

DEKALB COUNTY GOVERNMENT

2016 Title VI Program Plan



Lee May, Interim Chief Executive Officer

Larry L. Johnson, Presiding Officer, Board of Commissioners

Nancy Jester, Commissioner

Sharon Barnes Sutton, Commissioner

Mereda Davis Johnson, Commissioner

Kathie Gannon, Commissioner

Jeff Rader, Commissioner

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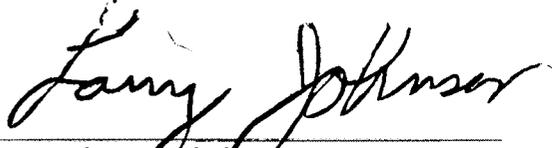
TITLE VI POLICY STATEMENT

DeKalb County, Georgia is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. DeKalb County assures that no person shall on the grounds of race, color, sex, or national origin, as provided by Title VI of the Civil Rights Act of 1964, the Federal-Aid Highway Transportation Act of 1973, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. DeKalb County further assures that no person shall on the grounds of age, low income or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Although not required by Title VI or any related authorities, DeKalb County also assures that no person shall on the grounds of sexual orientation or gender identity be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

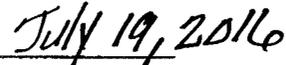
DeKalb County assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In addition, DeKalb County will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency (LEP).

DeKalb County will include Title VI language in all written agreements that distribute federal aid funds and will monitor for compliance.

DeKalb County's Executive Assistant or his/her designee is responsible for ensuring compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.



Larry Johnson, Chairman
DeKalb County Board of Commissioners



Date

I. INTRODUCTION

The provisions presented under this Title VI Plan shall apply to all recipients of federal assistance with and through DeKalb County Government.

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

“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 subjected to discrimination under any program or activity receiving federal assistance under this title or carried out under this title.”

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

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

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

Although not required by Title VI or any related authorities, DeKalb County also assures that no person shall on the grounds of sexual orientation or gender identity be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

In compliance with Title VI, DeKalb County Government shall consistently endeavor to prevent discriminatory practices in its programs, policies and activities. Proactive measures shall be undertaken on a continuum to achieve meaningful public participation and to ensure that treatment, services, contracting opportunities, training opportunities, investigation of complaints, fund allocations, and project prioritization are accorded without regard to race, color, national origin, sex, age, disability, sexual orientation or gender identity. The County expects every

June 28, 2016

manager, supervisor, employee, and sub-recipient of Federal-aid funds administered by DeKalb County Government to be aware of and routinely apply Title VI in performing assigned duties.

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II. AUTHORITIES

- **Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000** provides in section 601 that: “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity receiving federal financial assistance (implementation through 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability. The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100- 259 [S. 557] March 22, 1988).
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601**, provides for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.
- **Section 162(a) of the Federal-aid Highway Act of 1973, (Section 324, Title 23 U.S.C.)**, provides that 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**, specifies that no qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity that receives or benefits from federal financial assistance.
- **The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101**, provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.
- **The Civil Rights Restoration Act of 1987, P.L. 100-209**, clarifies the original intent of Congress in implementing the Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. This Act reiterates the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not)
- **The Americans with Disabilities Act of 1990, P.L. 101-336**, provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local

government.” The legislative intent is to provide enforceable standards to address discrimination against people with disabilities.

- **USDOT ORDER 1050.2** – Provides standard Title VI assurances.
- **Executive Order 12898** (issued February 11, 1994) – Addresses Environmental Justice in Minority Populations and Low Income Populations.
- **Executive Order 13166** (August 16, 2000), which requires Federal agencies and their recipients to improve access to federally-sponsored programs for persons with limited English proficiency.
- **28 CFR Part 50.3**, which codifies DOJ’s Guidelines for the enforcement of Title VI, Civil Rights Act of 1964.
- **23 CFR Part 200** – includes FHWA’s Title VI Program Implementation and Review Procedures.

III. DEFINITIONS

[As used in Title 23 of the Code of Federal Regulations (CFR), 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, programs, policies, or activities of DeKalb County Government

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 County Government are met through a full opportunity to be involved and to express needs and goals.

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

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

Discrimination - an 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 DeKalb County Government.

Low-Income – Refers to a person whose median household income is at, or below the U.S. Department of Health and Human Services poverty guidelines. (<http://aspe.os.dhhs.gov/pverty/poverty.htm>)

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

Minority – A person who is:

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

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

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

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

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

Program Area Officials - the officials in the 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 - The 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 U.S. Secretary of Transportation, as set forth in 49 CFR 21.17(g)(3), or the Federal Highway Administrator to whom the Secretary has delegated authority in specific cases.

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

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

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

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

IV. ORGANIZATION, STAFFING & RESPONSIBILITIES

A. TITLE VI ORGANIZATION AND STAFFING

The CEO of DeKalb County shall be responsible for ensuring the implementation of the County's Title VI program. The Executive Assistant shall be responsible for the overall management of the Title VI program. The day-to-day administration of the program lies with the Title VI Coordinator under the direct supervision of the Executive Assistant. The Executive Assistant may designate Title VI Specialists to assist the Title VI Coordinator.

B. TITLE VI COORDINATOR RESPONSIBILITIES

As authorized by the Executive Assistant, Title VI Coordinator responsibilities shall fall within one of two categories: specific or general and the following lists capture key responsibilities that shall be executed by the Title VI Coordinator/Specialists:

General areas of responsibility shall include:

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

Specific Activities:

- Participate in all transportation decision making;
- Take part in identifying Title VI impacts with major program area officials/personnel;
- Participate in identifying mitigation measures for minorities and low income persons, and when possible, determine the effectiveness of such measures;
- Participate in obtaining public involvement, especially in minority and low income areas;
- Attend statewide/regional planning and project meetings/hearings involving Title VI issues or where Title VI impacts have been identified;

- Accompany program area officials/personnel on selected right-of-way activities to compare treatment received by minorities and non-minorities;
- Review all contracting procedures to ensure nondiscrimination;
- Review prequalification/bonding requirements and contractor selection procedures to determine uniformity in their application to minority and non-minority contractors;
- Assist major program area officials/personnel and sub-recipients in communicating contract opportunities to minority/women-owned contractors and subcontractors; and
- Review selection procedures for principal researchers and staff to determine minority participation; assist in identifying minority institutions of higher education interested in conducting research

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

- I. **Program Administration.** Administer the Title VI program and coordinate implementation of the plan with Title VI liaisons and key County Government personnel. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the Executive Assistant.
- II. **Complaints.** Review and process the disposition Title VI complaints that are received by DeKalb County Government following the procedural guidelines (see Appendix 2 – Complaint Procedures). Ensure every effort is made to resolve complaints informally; identifying, investigating and eliminating discrimination when found to exist.
- III. **Data Collection.** Statistical data on race, color, national origin and sex of participants in, and beneficiaries of DeKalb County Government programs, e.g., relocates, impacted citizens, and affected communities, will be gathered and maintained for the department. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.
- IV. **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.
- V. **Training Programs.** Conduct or facilitate training programs on Title VI issues and regulations for DeKalb County Government employees and facilitate Title VI training for appropriate contractors, and sub-recipients. A summary of training conducted will be reported in the annual update.

- VI. **Title VI Plan Update.** Review and update DeKalb County Government'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. Present updated plan to the Executive Assistant for approval; submit amended Plan to the Georgia Department of Transportation each year.
- VII. **Annual Accomplishment Report.** Prepare an annual report of Title VI accomplishments and changes to the program in the preceding federal fiscal year; identify goals and objectives for the upcoming year, as required; and submit to the Georgia Department of Transportation each year.
- VIII. **Public Dissemination.** Work with staff to develop and disseminate Title VI program information to staff, recipients, sub-recipients, including contractors, sub-contractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the agency's Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English. Title VI information posters shall be prominently and publicly displayed in the DeKalb County Government facility and on our website. The name of the Title VI Coordinator shall be available on the website, at www.dekalbcountyga.gov. Additional information relating to nondiscrimination obligation can be obtained from the Title VI Coordinator.

Title VI information shall be disseminated to DeKalb County Government employees annually via the Employee Handbook and Intranet webpage. This will remind employees of the DeKalb County Government policy statement and of their Title VI responsibilities in their daily work and duties.

During New Employee Orientation, new employees shall be informed of the provisions of Title VI and DeKalb County Government's expectations that employees shall perform their duties accordingly.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt.

- IX. **Maintain Legislative and Procedural Information.** Federal laws, rules and regulations, County Government guidelines, the current DeKalb County Government Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of Title VI Program of DeKalb County Government will be maintained and updated by the Title VI Coordinator. Information will be made available to the public as requested or required.

- X. **Reviews.** Conduct annual Title VI reviews of special emphasis program areas (i.e., highway location, design and relocation and persons seeking contracts with the County) 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, all within a period not to exceed 90 days.

ADDENDUM 1

Title VI Assurances of and for DeKalb County Government

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

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

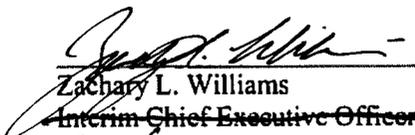
1. That the Recipient agrees that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the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

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

3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program, as are found by the Georgia Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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



 Zachary L. Williams
 Interim Chief Executive Officer
 COO/EA

8-15-16

 Date

Attachments: Appendices A, B and C.

APPENDIX A

The text below, in its entirety, is in all contracts entered into by DeKalb County Government. All of the text except the final section, entitled "Incorporation of Provisions," should be included in any contract entered into by any DeKalb County Government contractor.

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

1. Compliance with Regulations

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

2. Nondiscrimination

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

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

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

4. Information and Reports

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

5. Sanctions for Noncompliance

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, DeKalb County Government or the Georgia Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

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

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

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

APPENDIX B

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

Granting Clause

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

Habendum Clause

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

The State of Georgia, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land for itself, its successors and assigns, that (1) no person shall, on the grounds of race, color, sex, disability, national origin, age, or religion, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed*, (2) that the state of Georgia shall use the lands, and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in, and become the absolute property of, DeKalb County and its assigns as such interest existed prior to this instruction.¹

¹ Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of Civil Rights Act of 1964

APPENDIX C

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

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

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

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

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

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

*[Include in deeds subject to a reverter clause]

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

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

ADDENDUM 2

Nondiscrimination Complaint Procedures for Federally Assisted Programs or Activities

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components], Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by DeKalb County Government 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 include punitive damages or compensatory remuneration for the complainant.

However, every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. During initial interviews with the complainant and the respondent information regarding specifically requested relief and settlement opportunities will be discussed and noted.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to Discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with DeKalb County Government'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 and must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s) or his representative.
 - b. Include complainant's name, address and telephone number, date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct). Should a third party write and sign the complaint on behalf of complainant, include that person's name, address, telephone number and his/her relationship to complainant. If complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the Title VI Coordinator will assist the complainant in converting the verbal allegations to writing.
 - c. Provide the name of the alleged discriminatory institution, official, job title and a description of the issues, including names of witnesses or anyone who can clarify the circumstances surrounding your complaint.
 - d. Complaints received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established.

- e. Allegations received by telephone will be reduced to writing and provided to the complainant for additional information and/or revision. A Title VI complaint form will subsequently be forwarded to the complainant for him/her to complete, sign, and return to the Title VI Coordinator for processing.
2. Within five (5) days of receipt of the complaint, the Title VI Coordinator will mail an acknowledgement letter to complainant and forward a copy of the letter and the complaint to the Georgia Department of Transportation. A determination of DeKalb County Government's jurisdiction, need for additional information, as well as the investigative merit of the complaint will be made by the Georgia Department of Transportation. The Georgia Department of Transportation shall assign a control number and adjudicate the case upon receipt of the completed investigative file. Complaints processed by DeKalb County Government are bound by the time frames outlined in 23 CFR 200.9(b)(3).
3. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
4. The complaint will be logged in and shall identify its basis and alleged harm along with the race, color, national origin, and gender of the complainant.
5. In cases where DeKalb County Government assumes the investigation of the complaint, the Title VI Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to submit his/her response to the allegations to the Title VI Coordinator.
6. Within 60 calendar days of the acceptance of the complaint, the Title VI Investigator will prepare an investigative report inclusive of a narrative description of the incident, all evidentiary support documentation from each party, identification of persons interviewed, findings, and recommendations for disposition for review by the Executive Assistant before submitting the file to the Georgia Department of Transportation.
7. Once review by the Executive Assistant is complete, the file will be submitted to the Georgia Department of Transportation for adjudication. The Georgia Department of Transportation will apprise all parties involved of its record of decision and appeal rights.
8. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal DeKalb County Government's opinion to the Georgia Department of Transportation, United States Department of Transportation (USDOT) or U.S. Department of Justice. Appeals must be filed within 180 days after DeKalb County Government's final resolution. Unless new facts not previously considered come to light, reconsideration of DeKalb County Government's opinion will not be available.

DeKalb County Government

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.”

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know. Complete and return this form to: Nichole Simms, Title VI Coordinator, DeKalb County Government, 1300 Commerce Drive Decatur, GA 30030.

1. Complainant's Name _____

2. Address _____

3. City, State and Zip Code _____

4. Telephone Number (home) _____ (business) _____

5. Person discriminated against (if someone other than the complainant)

Name _____

Address _____

City, State and Zip Code _____

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:

a. Race/Color _____

b. National Origin _____

c. Other _____

7. What date did the alleged discrimination take place? _____

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

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

If yes, check all that apply:

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

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

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number _____

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

Complainant's Signature

Date

ADDENDUM 3

Notice to Public

Title VI Notice to the Public

DeKalb County Government hereby gives public notice that it is the policy of the County to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations, in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of or be otherwise subjected to discrimination under any of our programs or activities. Although not required by Title VI or any related authorities, DeKalb County also assures that no person shall on the grounds of sexual orientation or gender identity be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

Any person who believes that he or she been subjected to unlawful discriminatory practices under Title VI has a right to file a formal complaint. The complaint must be filed in writing or in person with DeKalb County Government, Title VI Coordinator, within one hundred-eighty (180) days from the date of the alleged discriminatory act or upon notice of the discriminatory act.

ADDENDUM 4

DEKALB COUNTY GOVERNMENT

Title VI Compliance Questionnaire for Local Agencies

Local Agency: _____

Date: _____

Name/Title: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of your administrative staff by race, color, national origin, sex, and their positions.

2. How many federally funded projects have you managed during the last two years? Dollar amount?

3. Have you designated an EEO Officer or Title VI Coordinator? Provide name and time in the position.

4. Do you have a Title VI Policy, Assurances and Plan in place? Provide proof of public dissemination of your Title VI policy.

B. Complaint Procedure

1. Do you have a Title VI complaint procedure for external discrimination complaints? If so, please provide a copy. To what extent is the community aware of it?

2. Have you received any Title VI related complaints during the past two years? If so, how many? What were the outcomes? Where there any Title VI complaint lodged by beneficiaries or participants? If so, explain the issues involved.

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

C. Training

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

II. Planning Activities

A. Public Involvement

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?
2. Were accessible location, adequate time, and translation services considered or provided during the coordination of hearings?
3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, and sex (by visual identification)?
4. Have planning manuals, directives, guidelines, and policies been reviewed for Title VI compliance purposes?

III. Consultant Contracts Activities

1. Are Title VI assurances and provisions included on consultant contracts?
2. Are DBE goals being included and met for consultant contracts? If not, what provisions have been taken to meet them?
3. Have directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?

IV. Design/Environmental Activities

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

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

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

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

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

V. Right of Way Activities

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

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

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

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

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

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

VI. Construction and Maintenance Activities

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

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

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

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

DEKALB COUNTY GOVERNMENT

Title VI Self-Survey: _____
YEAR

Survey Date: _____

Name of Program/Grant: _____

Summary of Complaints:

Number of complaints for the past year: _____

Number of complaints voluntarily resolved: _____

Number of complaints currently unresolved: _____

Attach a summary of any type of complaint and provide:

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

Distribution of Title VI Information:

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

Yes _____ No _____

Do new employees receive this information via employee orientation?

Yes _____ No _____

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

Yes _____ No _____

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

Yes _____ No _____

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

Identify any problems encountered with Title VI compliance.

Signature: _____

Title: _____

Date: _____