



FLORENCE COUNTY
TITLE VI IMPLEMENTATION PLAN
JANUARY 2019

K.G. RUSTY SMITH, COUNTY ADMINISTRATOR

ANITA D. TAYLOR, HUMAN RESOURCES DIRECTOR/TITLE VI COORDINATOR

SHAWN BRASHEAR, PLANNING & ZONING DIRECTOR/FLATS

KATHY N. NEPHEW, ADMINISTRATION COUNTY GRANTS MANAGER

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INTRODUCTION

This Title VI Implementation Plan is a part of the Florence County continual and ongoing effort to proactively meet and exceed the minimum compliance requirements established under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR`26, and the related anti-discrimination statutes and regulations. With this Implementation Plan and as a recipient of federal funds, Florence County seeks to provide continued transparency, clarity and technical guidance for internal and external constituents regarding its Title VI program.

FLORENCE COUNTY, SOUTH CAROLINA TITLE VI NON-DISCRIMINATION NOTICE

Florence County values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, Florence County conforms to Title VI and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from Florence County, South Carolina on the grounds of race, color, age sex, sexual orientation, gender identity, disability, national origin, religion, income status or limited English proficiency. In addition, Florence County will ensure, to the best of its ability, nondiscrimination in all of its programs, and activities, regardless of whether or not those programs and activities are federally funded.

It is the policy of Florence County to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C c 2000e; Age Discrimination Act of 1975, 42 U.S.. cc 6101-6107; Uniform Relocation Assistance and Real Acquisition Policies Act of 1970, 42 U.S.C cc4601-4655; 1973 Federal Highway Act, 23 U.S.C c 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat, 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. cc 701 *et seq*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. cc 12101 *et seq*; Title VIII of the Civil Rights Act 1968, 42 U.S.C. cc 8601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L., No. 100-259, 102 Stat. 28, 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/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No.93-112,87 Stat. 355, Florence County, South Carolina hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from federal financial assistance.

Florence County, South Carolina also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-

income populations. In addition, Florence County, South Carolina will take reasonable steps to provide meaningful access for persons with limited English proficiency (LEP). Florence County, South Carolina will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

Whenever Florence County, South Carolina distributes federal-aid funds to a second-tier sub-recipient, it will include Title VI language in all written agreements.

The following individual has been identified as Florence County, South Carolina's Title VI and ADA Coordinator and is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R s 200 and 49 C.F.R.

Anita Taylor
Title VI/ADA Program Coordinator
180 North Irby Street, MSC-S
Florence, South Carolina 29501
ataylor@florenceco.org



Florence County

County Complex

180 North Irby Street, MSC-G

Florence, South Carolina 29501

Tel: 843.665.3035 Fax: 843.665.3070

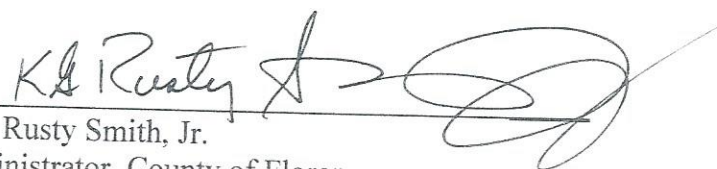
www.florenceco.org

The County of Florence Title VI Policy Statement

It is the policy of the County of Florence 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 County of Florence 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, or disability.

All Federally-assisted programs will be administered in a manner to guarantee that the County of Florence, other recipients, sub-recipients, contractors, subcontractors, transferees, and other participants in Federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and County of Florence regulations. The County of Florence Finance and Human Resource Departments are 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 the Limited English Proficiency (LEP) Plan, should contact the Title VI Coordinator.: Anita Taylor, Director, Florence County Human Resources Department.


K.G. Rusty Smith, Jr.
Administrator, County of Florence

1/24/19
Date

TITLE VI ASSURANCES & IMPLEMENTATION

Fully executed Assurances are included in ATTACHMENTS Section A and integrated into this document. The Title VI Implementation Plan has been adopted, implemented and is being adhered to by Florence County, South Carolina. Florence County, South Carolina has implemented this plan by authorization of the County Administrator this January, 2019.

Signed by: K&T Rusty A. [Signature] Date: 1/24/19

The individual above is a duly authorized representative of Florence County, South Carolina.

FLORENCE COUNTY DEPARTMENT LISTING

DEPARTMENT	DIRECTOR	TELEPHONE #
ADMINISTRATION	K.G. RUSTY SMITH, JR.	843-665-3035
ADMINISTRATIVE SERVICES	SUZANNE S. KING	843-665-3035
CORONER	KEITH VON LUTCKEN	843-665-3046
ECONOMIC DEVELOPMENT	JOE W. KING	843-676-8796
EMS	RYON WATKINS	843-665-3038
EMD/911	DUSTY OWENS	843-665-7255
ENVIRONMENTAL SERVICES	HERBIE CHRISTMAS	843-665-3053
FINANCE	KEVIN V. YOKIM	843-665-3013
HUMAN RESOURCES	ANITA TAYLOR	843-665-3054
LIBRARY SERVICES	P. ALAN SMITH	843-662-8424
MUSEUM	ANDREW STOUT	843-676-1210
PARKS & RECREATON	RONNIE PRIDGEN	843-667-0920
PLANNING & ZONING/FLATS	SHAWN BRASHEAR	843-676-2600
PROCUREMENT	PATRICK FLETCHER	843-665-3019
PUBLIC DEFENDER	SCOTT FLOYD	843-665-3055
PUBLIC WORKS	CARLIE GREGG	843-665-3050
SHERIFF	KENNEY BOONE	843-665-2121
SOLICITOR	ED CLEMENTS	843-665-3091
TAX ASSESOR	JAMIE FLOYD	843-665-3089
TREASURER	LAURIE CARPENTER	843-665-3041
VETERAN AFFAIRS	RANDY GODBOLD	843-665-3045
VOTERS REGISTRATION	DAVID K ALFORD	843-665-3094

DATA COLLECTION, ANALYSIS, REPORTING

The type of data collected is dependent on the program area's objective. Florence County, South Carolina collects various types of data to ensure compliance with Title VI. Some information is collected for a period of time with the objective of determining what data needs to be collected.

The following types of data are currently being collected by Florence County:

- Complaints received, logged, processed and investigated. Note: none at this time.
- Environmental Justice analysis and reports.
- Limited English Proficiency reports (are not required at this time).
- Title VI Training.
- Public Involvement Survey.
- Records of meeting minutes and discussions related to Title VI in all programs areas.
- Florence County, South Carolina collects data related to specific programs area being reviewed for disparate/disproportionate impacts or other evidence of evidence of potential discrimination or discriminatory outcomes.

COMPLAINTS OF DISCRIMINATION

HOW TO FILE A COMPLAINT?

A COMPLAINANT MUST FILE A COMPLAINT USING THE ON-LINE FORM AS PROVIDED. A SIGNED, ORIGINAL COPY MUST BE MAILED TO THE TITLE VI COORDINATOR TO OFFICIALLY BEGIN THE PROCESS. ANY PERSON WITH A DISABILITY MAY REQUEST ASSISTANCE WITH FILING A COMPLAINT, IF NEEDED.

DIRECT ALL COMPLAINTS OF DISCRIMINATION PURSUANT TO TITLE VI TO:

ANITA TAYLOR, TITLE VI COORDINATOR
FLORENCE COUNTY HUMAN RESOURCES
180 NORTH IRBY STREET, MSC-S
FLORENCE, SOUTH CAROLINA 29501

ataylor@florenceco.org

Ph: 843-665-3054

Fax: 843-676-8665

ELEMENTS OF A COMPLETE COMPLAINT

A COMPLAINT MUST BE BOTH WRITTEN AND SIGNED. THE COMPLAINT FORM IS PROVIDED ON THE HOMEPAGE OF THE COUNTY WEBSITE AT: www.florenceco.org UNDER TITLE VI PLAN.

ADDITIONALLY, A COMPLAINT MUST INCLUDE THE FOLLOWING INFORMATION:

- The full name and address of the complainant;
- The full name and address of the Respondent, the individual agency, department or program that allegedly discriminated against Complainant; and
- A description of the alleged discriminatory act(s) that violated Title VI (ex; an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age or disability) and the date of occurrence.

PROCESSING COMPLAINTS

THE TITLE VI COORDINATOR WILL PROCESS ALL COMPLAINTS AND IS RESPONSIBLE FOR:

- Review of the complaint upon receipt to ensure all required information has been provided, the complaint meets the filing deadline (which is 180 days from the date the alleged discriminatory act occurred,) and falls within the jurisdiction of the County.
- Investigation of the complaint. If the complaint is against the County then the Administrator or their designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the County Attorney.
- If the complaint warrants a full investigation, the Complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency.
- The party alleged to have acted in a discriminatory manner will also be notified by certified mail as of the complaint. The letter will include the investigator's name and will request that this party be available for an interview.
- Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator, Risk Management and the Administrator (or their designee).
- Once the County has investigated the report findings, the County will adopt a final resolution. At this time, all parties associated with the complaint will be properly notified.
- If the complainant is not satisfied with the results, she/he will be advised of the right to appeal the County's decision. Appeals must be filed within 180 days after the County's final resolution. Unless there are new facts, reconsideration of the County's determination will not be available.

ENVIRONMENTAL JUSTICE ANALYSIS & REPORTS

IN ACCORDANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, EACH FEDERAL AGENCY SHALL ENSURE THAT ALL FEDERAL PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE THAT EFFECT HUMAN HEALTH OR THE ENVIRONMENT DO NOT DIRECTLY, OR THROUGH OTHER ARRANGEMENT, USE CRITERIA, METHODS, OR PRACTICES THAT DISCRIMINATE ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN. PART OF TITLE VI READS, "NO PERSON IN THE UNITED STATES SHALL, ON GROUND OF RACE, COLOR, OR NATIONAL ORIGIN BE EXCLUDED FROM PARTICIPATION IN, BE DENIED BENEFITS OF, OR BE SUBJECT TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL FINACIAL ASSISTANCE."

THE THREE FUNDAMENTAL ENVIRONMENTAL JUSTICE PRINCIPLES ARE:

- TO AVOID, MINIMIZXE, OR MITIGATE DISPORPOTIONATELY HIGH AND ADVERSE HUMAN HEALTH AND ENVIRONMENTAL EFFECTS, INCLUDING SOCIAL AND ECONOMIC EFFECTS, ON MINORITY POPULATIONS AND LOW-INCOME POPULATIONS;
- TO ENSURE THE FULL AND FAIR PARTICIPATION BY ALL POTENTIALLY AFFECTED COMMUNITIES IN THE TRANSPORTATION DECISION MAKING PROCESS; AND
- TO PREVENT THE DENIAL OF, REDUCTION IN, OR SIGNIFICANT DELAY IN THE RECEIPT OF BENEFITS BY MINORITY POPULATIONS AND LOW-INCOME POPULATIONS.

FLORENCE COUNTY IS COMMITTED TO THESE THREE ENVIONMENTAL JUSTICE PRINCIPLES IN ALL WORK THE COUNTY PERFORMS.

LIMITED ENGLISH PROFICIENCY (LEP) POLICY

AS OF THE CREATION OF THE FLORENCE COUNTY TITLE VI IMPLEMENTATION PLAN, DATED JANUARY OF 2019; THE LEP POPULATION OF FLORENCE COUNTY IS LESS THAN 6%, FALLING UNDER THE REQUIREMENT UNDER EXECUTIVE ORDER 13166.

FLORENCE COUNTY DOES OFFER, UPON REQUEST, LEP ASSISTANCE FOR THE PUBLIC.

IF AND WHEN, THE PERCENTAGE OF THE POPULATION OF LEP CITIZENS IN FLORENCE COUNTY, SOUTH CAROLINA BECOMES GREATER THAN PRESENTED ABOVE; A FORMAL POLICY WILL BE CREATED.



Florence County's Commitment to Title VI Training

The County OF Florence will make a commitment to ensure on-going Title VI training is provided for the Title VI Designee and any staff members that have Title VI responsibilities.

Currently the County has two staff persons that have Certificates of Completion.



Date 1/24/19

K.G. Rusty Smith, Jr., County Administrator

PUBLIC INVOLVEMENT

FLORENCE COUNTY, SOUTH CAROLINA SHALL COLLECT AND ANALYZE STATISTICAL INFORMATION REGARDING DEMOGRAPHICS TO ASSIST IN MONITORING AND ENSURING NONDISCRIMINATION IN ALL OF ITS PROGRAMS AND ACTIVITIES.

FLORENCE COUNTY SHALL UTILIZE A VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY THAT WILL BE AVAILABLE AT PUBLIC HEARINGS AND MEETINGS. THE SURVEY WILL ALLOW RESPONDENTS TO REMAIN ANONYMOUS. THE SURVEY WILL ASK QUESTIONS REGARDING GENDER, ETHNICITY, RACE, AGE, INCOME AND IF THEY ARE DISABLED. AT THE BEGINNING OF THE PUBLIC HEARING OR MEETING THE FACILITATOR WILL MAKE AN ANNOUNCEMENT INFORMING ATTENDEES OF THE SURVEY AND ITS PURPOSE. A REQUEST WILL BE MADE FOR ATTENDEES TO COMPLETE THE VOLUNTARY SURVEY. COMPLETED SURVEYS WILL BE RETAINED BY THE COUNTY FOR A PERIOD OF THREE (3) YEARS.

THE TITLE VI COORDINATOR WILL COLLECT AND REPORT STATISICAL DATA FOR THE PAST THREE (3) YEARS AS IT RELATES TO THE NUMBER OF FEDERALLY FUNDED PROJECTS, COMPLAINTS FILED AND THE RESULTS OF THOSE COMPLAINTS, ANY REQUESTS FOR LANGUAGE SERVICES, DEMOGRAPHIC STATISTICS AND DEPARTMENT COMPLIANCE REVIEWS.

COMMUNITY INVOLVEMENT & OUTREACH

FLORENCE COUNTY, SOUTH CAROLINA IS COMMITTED TO ENSURING THAT COMMUNITY INVOLVEMENT AND OUTREACH IS DONE IN A RESPECTFUL AND APPROPRIATE MANNER THAT WILL ALLOW FOR DIVERSE INVOLVEMENT. PUBLIC MEETINGS, PROGRAMS AND ACTIVITIES WILL PROVIDE EQUITABLE OPPORTUNITIES FOR PARTICIPATION.

MEETINGS HELD BY FLORENCE COUNTY ARE OPEN TO THE PUBLIC. MEETING INFORMATION IS PUBLISHED IN THE LOCAL PAPER, POSTED ON THE COUNTY WEBSITE AT: www.florenceco.org AND NOTICES ARE POSTED IN THE PUBLIC SERVICE BUILDINGS.

Standard U.S. DOT Title VI Assurances

The **County of Florence** (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 (entitled *Non-discrimination in Federally-Assisted Programs of 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 Acts, the 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 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 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. The Recipient agrees that each "activity", "facility", or "program", 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, Requests 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 **County of Florence**, 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 or agreement 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 or real property or an interest in real property, the Assurance will 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, licenses, permits, 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:

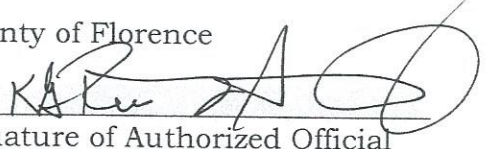
- (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will 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-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, subcontractors, 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.

County of Florence

by 
Signature of Authorized Official

Dated 1/24/19

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 County of Florence, 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 County of Florence, 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 County of Florence 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 County of Florence, 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 County of Florence to enter into any litigation to protect the interests of the County of Florence. 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 County of Florence 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 the County of Florence 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 County of Florence, its successors and assigns.

The County of Florence, 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 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 County of Florence 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 County of Florence 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, County of Florence 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, County of Florence 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 the County of Florence 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 County of Florence 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, County of Florence 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, County of Florence 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 County of Florence 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.*).

Florence County Title VI 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 Florence County 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. Florence County 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 or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, or national origin may file a written complaint to Anita Taylor, Florence County's Title VI Program 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 complaint must meet the following requirements:

- Complaints must be in writing and signed by the complainant(s).
- Complaints must include the date of the alleged act(s) of discrimination; either/or:
 - a) date when the complainant(s) became aware of the alleged discrimination;
 - b) date on which the conduct was discontinued; or
 - c) date of the latest instance of the conduct.
- Complaint 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.

Receipt and Acceptance

Upon receipt of the complaint, the Title VI Program Coordinator will determine its jurisdiction, and need for additional information. The complaint will be forwarded to the SCDOT (or the appropriate federal agency) for a determination of acceptability. The SCDOT (or the appropriate federal agency) will notify the complainant, in writing, within five (5) days of receipt of the complaint.

In order to be accepted, a complaint must meet the following criteria:

- a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- b. The allegation(s) must involve a covered basis such as race, color, or national origin.
- c. The allegation(s) must involve a program or activity that receives federal financial assistance.

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

Dismissal

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

- a. The complainant requests 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 to contact the complainant.

Investigation of Complaints

In cases where SCDOT assumes responsibility for investigation, SCDOT will provide the respondent with the opportunity to respond to the allegations in writing. The Secretary will designate an investigative team responsible for evaluating the complaint, developing an investigative plan, conducting interviews, collecting and analyzing evidence, and preparing an investigative report.

SCDOT's final investigative report will be submitted to the Federal Highway Administration (FHWA), or appropriate federal agency, within 90 days of receipt of the complaint. FHWA will issue a final agency decision (FAD) and provide written notification of the decision to the complainant and respondent.

Appeals

If FHWA 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.

FLORENCE COUNTY TITLE VI COMPLAINT FORM

SECTION I: PERSONAL INFORMATION

NAME: _____ ☐ MALE ☐ FEMALE

MAILING ADDRESS: _____

CITY/STATE: _____ ZIP: _____

TELEPHONE (MAIN): _____ (WORK): _____

ELECTRONIC MAIL ADDRESS: _____

SECTION II: TYPE OF DISCRIMINATION

☐ RACE ☐ COLOR ☐ NATIONAL ORIGIN

SECTION III: RACE OF COMPLAINANT

☐ Black ☐ White ☐ HISPANIC ☐ ASIAN ☐ OTHER

☐ AMERICAN INDIAN ☐ ALASKA NATIVE ☐ PACIFIC ISLANDER

SECTION IV: HOW WERE YOU DISCRIMINATED AGAINST?

Explain your complaint as clearly as possible. Include how other persons were treated differently. Use additional sheets, if necessary. Attach supporting documents, if available.

Date and place of the alleged discriminatory action/s. Please include the earliest date of the discrimination and the most recent date/s of discrimination.

The law prohibits intimidation against anyone because they have either taken action, or participated in action, to secure rights protected by the laws. If you feel you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Describe the action you took which you believe was the cause for the alleged retaliation. Attach additional sheets, if necessary.

Names of individual(s) responsible for the discriminatory action(s).

Name(s) of individual(s) who may be contacted for additional information to support or clarify your complaint. Attach additional sheets, if necessary.

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

What action/s have you or you representative done to attempt to resolve this complaint? Please include filing dates or other dates applicable.

<u>ACTION</u>	<u>DATE</u>
<input type="checkbox"/> Filed with the Federal Highway Administration	_____
<input type="checkbox"/> Filed with the U.S. Department of Transportation	_____
<input type="checkbox"/> Filed with the Federal Transit Administration	_____
<input type="checkbox"/> Filed with another Federal agency	_____
<input type="checkbox"/> Filed in Federal Court	_____
<input type="checkbox"/> Other action	_____

Please provide any additional information that you feel would be helpful in investigating this matter.

Briefly explain what action you are seeking.

Complainant's Signature

Date

Mail Complaint Form To:

ANITA TAYLOR, TITLE VI COORDINATOR
FLORENCE COUNTY HUMAN RESOURCES
180 NORTH IRBY STREET, MSC-S
FLORENCE, SOUTH CAROLINA 29501

