



SANDY SPRINGS

GEORGIA

TO: Mayor and City Council for the City of Sandy Springs, Georgia

FROM: John McDonough, City Manager

DATE: May 30, 2019, for submission onto the June 4, 2019 City Council meeting agenda

ITEM: Update of the Sandy Springs Title VI Plan

Recommendation:

The City Manager recommends that the City Council approve the attached resolution to update the City of Sandy Springs Title VI Plan.

Background:

Title VI of the Civil Rights Act of 1964 and other certain Federal nondiscrimination statutes, regulations and orders (collectively, the "Regulations") prohibit discrimination based on race, color and national origin in the provision of benefits and services in programs and activities receiving Federal funds. The intent of the Regulations is to eliminate barriers and conditions that prevent minority, low income, Limited English Proficiency, and other disadvantaged groups and persons from receiving access, participation and benefits from federally assisted programs, services and activities. The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs and activities" to include all programs and activities of Federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally funded or not.

The Federal Highway Administration requires that all direct and primary recipients of Federal funding (in this case, the State of Georgia) document their compliance with the U.S. Department of Transportation's Title VI regulations by submitting a Title VI program. To monitor such compliance of its sub-recipients, the Georgia Department of Transportation's program requires that sub-recipient local governments serving a population of 100,000 or more develop and approve a Title VI plan as provided by the Regulations (the "Title VI Plan"). A local government serving a population less than 100,000 may use an abbreviated Title VI plan, a Nondiscrimination Agreement. Because its population exceeds 100,000 people, the City has adopted a local Title VI Plan. The Title VI Plan is reviewed annually and updated as needed.

Discussion:

On June 19th of last year, the Mayor and Council approved the City's Title VI Plan. The Plan has been updated to reflect the designation of Kristin Byars Smith, Assistant to the City Manager, as the City's Title VI coordinator responsible for the overall management and implementation of the Title VI program, including its day-to-day administration.

Alternative:

Risk the City's eligibility for federal funding.

Attachment:

Resolution
City of Sandy Springs Title VI Program Plan

Title VI Policy Statement

The City of Sandy Springs (“Recipient”) assures that no person will on the grounds of race, color, national origin, sex, age or disability, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 and other federal nondiscrimination statutes, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The City Manager’s Office is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by Part 200 of Title 23 of the Code of Federal Regulations, 42 U.S.C. § 2000d *et seq.*, 49 C.F.R. Part 21 and 28 C.F.R. section 50.3.

John McDonough
City Manager, City of Sandy Springs

Date

CITY OF SANDY SPRINGS, GEORGIA

TITLE VI PLAN

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Introduction

In compliance with Title VI of the Civil Rights Act of 1964, the City of Sandy Springs (“City”) in implementing this plan will consistently strive to prevent discriminatory practices in its programs, policies and activities from occurring. Proactive measures will be undertaken on a continuum to achieve meaningful public participation and to ensure that treatment, services, contracting opportunities, training opportunities, investigation of complaints, fund allocations and project prioritization are accorded without regard to race, color, national origin, sex, age or disability.

Sandy Springs, Georgia is a diverse city with many races and languages. Outreach and education is the key to helping the citizens of Sandy Springs understand what Title VI is and how it can extinguish discrimination. To that end, the City will ensure that its activities, policies and programs will not treat any part of the community any differently than another.

This implementation plan identifies with specificity the City’s Title VI roles and responsibilities as it relates to core program areas, data collection practices, assurances, policies and procedures. Additionally, the City requires its managers, supervisors, employees, and sub-recipients of Federal-aid funds administered by the City to be aware of and routinely apply Title VI of the Civil Rights Act of 1964 in performing assigned duties.

Increased awareness is facilitated through the City’s Title VI Coordinator and the Title VI liaisons who actively participate in Federal Highway Administration and Georgia Department of Transportation training classes. The objective of this diverse team, who include representatives from the City’s Public Works Department, Community Development Department, and General Administration, is knowledgeable in the program areas of Planning, Right-of-Way, Construction, Environmental Justice, Limited English Proficiency programs, Procurement, and Training, and assists the City to maintain a proactive posture. By providing access to the requisite education needed, by developing and employing communication strategies and by engaging in continuous interaction to ensure nondiscrimination in all programs, policies and activities, the City will consistently remain compliant with Title VI of the Civil Rights Act of 1964 and all related statutes and regulations in its programs, policies and activities.

The City Manager’s Office will develop, oversee and enforce the City’s Title VI plan and program compliance which will become effective upon review and approval by the Georgia Department of Transportation.

I. DEFINITIONS & AUTHORITIES

[As used in Title 23 of the Code of Federal Regulations, Highways, Part 200.5, Federal Highway Administration Order 6640.23A and Executive Order 13166]

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

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

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

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

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

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

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

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

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

Federal Assistance includes: Grants and loans of Federal funds; the grant or donation of Federal property and interests in property, the detail of Federal personnel, the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient and Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

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

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

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

Minority— A person who is:

- 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 City program, policy or activity.

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

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

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

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

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

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

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

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

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

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

Title VI Program— The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations will 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.

II. ORGANIZATION, STAFFING & RESPONSIBILITIES

A. Title VI Organization and Staffing

The City Manager is responsible for ensuring the implementation of the City's Title VI program. The Title VI Coordinator, as designated by the City Manager, is responsible for the overall management and implementation of the Title VI program on behalf of the City Manager. This includes the day-to-day administration of the program.

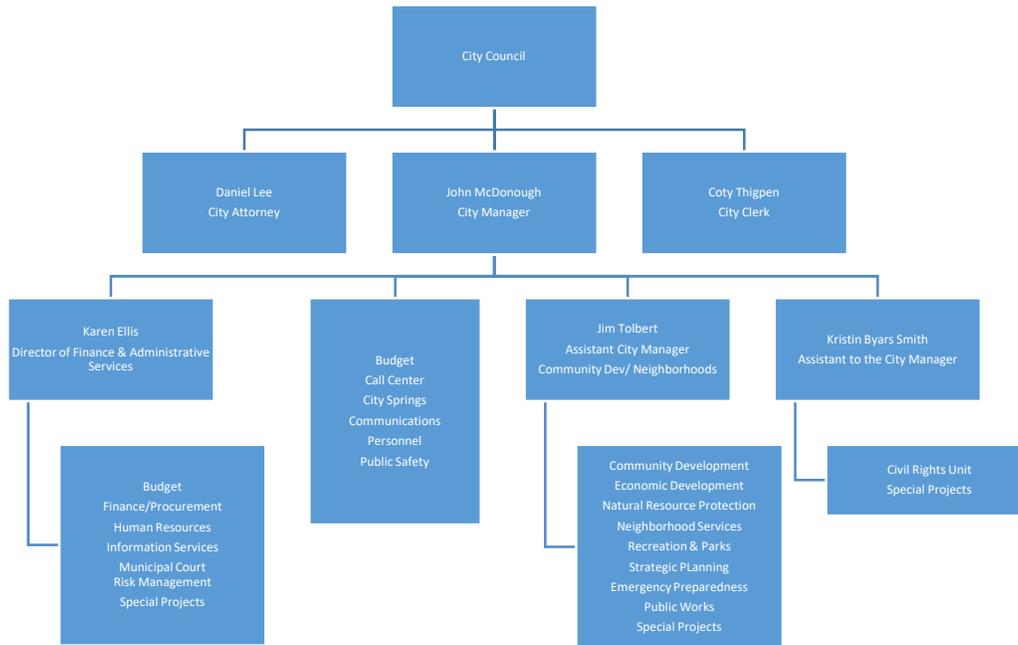
The Title VI Coordinator recognizes that each core program area has significant Title VI responsibilities. For that reason, an interdisciplinary team is assembled to coordinate responsibilities and create ongoing awareness of Title VI and what it requires the City to do. One person from each of the following core department areas will serve as a Title VI liaison:

- Public Works
- Community Development
- General Administration: Finance, Purchasing, Communications and City Attorney's Office

Title VI liaisons are responsible for ensuring compliance, program monitoring, disseminating Title VI concerns to the Title VI Specialist and addressing Title VI issues in their respective areas.

The Title VI Coordinator has free and open access to the City Manager on civil rights matters. The Title VI Coordinator remains responsible for ensuring that all matters relating to nondiscrimination are administered effectively and delegates specific and general Title VI responsibilities for execution. Additionally, the Title VI Coordinator communicates with the City Manager, the City Attorney's Office and other officials as appropriate to ensure compliance.

Sandy Springs Organizational Chart – Figure 1



**B.
Title
Coordinator Responsibilities**

VI

The Title VI Coordinator has specific and general Title VI responsibilities, which include the Title VI Program implementation, monitoring and ensuring that the City achieves and remains in compliance with Title VI regulations. Specific Title VI responsibilities are as follows:

General areas of responsibility shall include:

- Coordinate Title VI program development with the major program area;
- Provide technical assistance, guidance, and advice on the City's Title VI Program;
- Conduct Title VI review of the City'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 in observance of LEP guidelines);
- Develop and implement procedures for the prompt processing of Title VI discrimination complaints;
- Conduct/coordinate Title VI training;
- Establish procedures to resolve determinations of noncompliance;
- Update Title VI Implementation Plan; and
- Establish procedures for processing Title VI reviews.

Specific Activities:

- Participate in all transportation decision making;
- Take part in identifying Title VI impacts with major program area officials/personnel;
- Participate in identifying mitigation measures for minorities and low income persons, and when possible determine the effectiveness of such measures;
- Participate in obtaining public involvement, especially in minority and low income areas;

- Attend statewide/regional planning and project meetings/hearings involving Title VI issues or where Title VI impacts have been identified;
- Accompany program area officials/personnel on selected right-of-way activities to compare treatment received by minorities and non-minorities;
- Review all contracting procedures to ensure nondiscrimination;
- Review prequalification/bonding requirements and contractor selection procedures to determine uniformity in their application to minority and non-minority contractors;
- Assist major program area officials/personnel and sub-recipients in communicating contract opportunities to minority/women-owned contractors and subcontractors; and
- Review selection procedures for principal researchers and staff to determine minority participation; assist in identifying minority institutions of higher education interested in conducting research.

In executing general responsibilities and specific activities, the Title VI Coordinator will implement the following procedures to proactively preclude any practices in violation of the City's Title VI Program, its regulations and directives from occurring:

1. **Program Administration.** Administer the Title VI program and coordinate implementation of the plan with Title VI Liaisons and key City 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 City Manager.
2. **Complaints.** If any individual believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, sex, age or disability, s/he may exercise their right to file a complaint with the City of Sandy Springs. Every effort will be made to resolve complaints informally at the City, sub-recipient, and contractor's level (See Section IV – Complaint Procedures).
3. **Data Collection.** Statistical data on race, color, national origin, sex, age or disability of participants in, and beneficiaries of City programs, e.g., relocatees, impacted citizens, and affected communities, will be gathered and maintained by the Title VI Coordinator. Each Title VI special core program areas will maintain data to be incorporated in the Title VI Annual Update.

The Title VI Coordinator may research the most current information available from: Metropolitan Planning Organizations (MPO), Regional Development Commissions (RDC), GDOT's Planning and Environmental Services offices, the US Census Bureau, the Georgia Statistic System website, schools in the project area, and local municipality demographic websites to obtain statistical data on race, color, national origin, sex, age or disability of participants in and beneficiaries of City programs.

4. **Environmental Impact Statements.** Title VI Coordinator will review environmental impact statements/assessments (EIS/EA) for Title VI and Environmental Justice (EJ) compliance. The City will take reasonable steps to ensure that its proposed projects do not cause disproportionately high and adverse human health, environmental, social or economic impacts to low income population, minority populations and limited English proficient persons. National Environmental Policy Act (NEPA) files will be reviewed by Title VI Coordinator for all proposed City projects. The Title VI Coordinator will have direct access to environmental project reports via Environmental Services' work product database. The Title VI Coordinator will verify the information therein by conducting follow-up checks, i.e. researching US Census information, contacting schools in the project area, consulting the Georgia Statistic System website, checking local municipality demographic websites and reviewing the Planning Office's latest outreach report.
5. **Training Programs.** Access to Title VI training will be made available annually to contractors, sub-recipients, and City employees. Information presented during Title VI training will include: roles,

duties and responsibilities, core program area Title VI issues and suggested mitigation strategies, and complaint procedures. The Title VI Annual Update Report will identify all Title VI training attended during the report period.

6. **Title VI Plan Update.** An annual Title VI Plan Update, prepared by the Title VI Coordinator, will be submitted to the Georgia Department of Transportation as requested. The update will identify accomplishments and changes to the program occurring during the preceding fiscal year. The Update will also include goals and objectives for the upcoming year.
7. **Annual Reports.** An executive summary will be prepared by the Title VI Coordinator and will be submitted to the City Manager annually. The report will include Title VI accomplishments achieved by the Title VI Coordinator and each core program area during the fiscal year.
8. **Public Dissemination.** Work with staff to develop and disseminate Title VI program information to City staff, 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, displays at Public Information Open House proceedings 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.
9. **Maintain Legislative and Procedural Information.** Federal laws, rules and regulations, City guidelines, the current City Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of City's Title VI program will be maintained and updated by the Title VI Coordinator. Information will be made available to the public on the City's website (www.sandyspringsga.gov) or as requested or required.
10. **Pre-award and post-award approval reviews.** The City will conduct routine checks prior to releasing funds to ensure that sub-recipients have submitted assurances of Title VI compliance and to ensure that recipient does not operate in a discriminatory manner. Whether the pre-award review is a desk-audit review or an on-site review, or if a Title VI violation is discovered, every attempt to secure the prime contractor's voluntary compliance will be made by the Title VI Coordinator. Post award reviews of the prime contractor will be conducted periodically or as warranted to ensure that the recipient remains in compliance with Title VI.
11. **Elimination of Discrimination.** Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to requiring core program area employees to attend training offered by the Georgia Department of Transportation and/or the National Highway Institute, providing contract opportunities to Minority/Women/Disadvantaged Business Enterprises (DBE), and devising effective strategies for eliciting on-going public involvement.
12. **Remedial Action.** The City of Sandy Springs will proactively strive for Title VI compliance. Should Title VI deficiencies occur, steps necessary to ensure the City's and/or its sub-recipient's compliance will be taken. Corrective action will be taken to resolve Title VI issues arising during the administration of the federal-aid highway program. The City will document all sub-recipient compliance reviews. Should a sub-recipient fail to meet compliance guidelines established by FHWA, remedial action agreed upon by the City, GDOT and the FHWA will be reduced to writing in the form of a report which will be presented to the sub-recipient. Said report will indicate the nature of the Title VI violation, identify corrective measures that must be effectuated, and identify the period of time required to complete the corrective measures, which will not exceed 90 days.

The City will seek the cooperation of the sub-recipient in correcting deficiencies found during the review. The City will also provide technical assistance and guidance necessary to elicit the sub-recipient's voluntary compliance.

Should a sub-recipient refuse or fail to voluntarily comply with Title VI requirement within the timeframe allotted, the City will submit the case file to GDOT and FHWA recommending that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that the sub-recipient has complied with Title VI Program requirements in correcting deficiencies previously identified. Should the sub-recipient refuse to comply, the City may, with GDOT and FHWA concurrence, initiate sanctions per 49 CFR §21.13 (Procedure for effecting compliance).

13. **Annual Review of Title VI Program.** After completing the Title VI Program Annual Report, the Title VI Coordinator will assess the City's administrative procedures, staffing and resources available to maintain Title VI compliance. The City will utilize GDOT's Title VI Self-Survey to assist with its annual review (Section VI).

C. Title VI Liaison

In addition to the Title VI Coordinator, each of the core emphasis program areas listed below will appoint a Title VI Liaison. The liaison will be responsible for ensuring Title VI compliance, program monitoring, completing a program area Title VI update report, and addressing Title VI issues within their respective program areas. The Title VI Coordinator will meet twice a year with the Title VI liaisons to discuss issues regarding program implementation and compliance monitoring activities. The core program areas within the City of Sandy Springs are as follows:

- Public Works
- Community Development
- General Administration: Finance, Procurement, Communications and the City Attorney Office

The Title VI Liaisons and the Title VI Coordinator will work collaboratively to maintain Title VI responsibilities, requirements and compliance standards. Liaisons are responsible for ensuring compliance through program monitoring, reporting, and education within their respective program areas and district offices.

Annually, the Title VI Coordinator and the Title VI Liaisons will collectively produce a Title VI Annual Accomplishment and Upcoming Goal Report.

Sandy Springs Title VI Coordinator/Interdisciplinary Team Organization Chart- Figure 2



III. SPECIAL EMPHASIS PROGRAM

A. Transportation Planning

In matters involving Transportation Planning, the City will ensure that there is:

- Effective public participation;
- Input from impacted minority groups;
- Data collection is adequate; and
- Contracting opportunities for planning studies or other work have been made available to all eligible entities, without regard to race, color, national origin, sex, age or disability.

B. Right-of-Way

In matters involving Right-of-Way, the City will ensure that there is:

- Diversification in the use of appraisers;
- Every effort is made to negotiate for required property before filing condemnation; and
- Selection of replacement housing is fair, consistent and without discrimination.

C. Construction

In matters involving Construction, the City will ensure that:

- Appropriate contract provisions are incorporated in federal aid contracts;
- No barriers exist in pre-qualification approval of subcontractors, bonding and licensing requirements; and
- There is uniformity in the assessment of sanctions, liquidated damages, withholding payments, suspension, termination of contracts and decertification.

D. Environmental Justice

Executive Order 12898 was established to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects caused by our transportation programs, policies and activities on minority populations and low income persons. This requires full and fair participation by all potentially affected communities in the transportation decision making process. Encourages and maximizes public involvement;

- Assure that all transportation projects meet the needs of impacted LEP communities; and
- When there are adverse impacts identified, what are the steps taken by Environmental? How are discriminatory and disproportionate impacts addressed?

E. Limited English Proficiency

The City of Sandy Springs is committed to providing quality services to all citizens, including those who do not speak English as their primary language, and who have a limited ability to read, speak, write, or understand English. These individuals may be considered Limited English Proficient, or "LEP," and may be entitled to language assistance.

As a recipient of federal funding, the City of Sandy Springs will take reasonable steps to ensure meaningful access to its programs and activities by LEP persons. The U.S. Department of Transportation recommends analyzing the following four factors to determine the level and extent of language-assistance measures required within the grantee's area of responsibility:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient or agency, and costs.

The intent of this policy is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on the City or department. Specific steps to be taken, in terms of translation or language interpretation, will depend on the situation at the time, from coordination with LEP individuals and the organizations that serve them and from analysis of the City of Sandy Springs's existing resources and the costs of providing language assistance.

IV. COMPLAINT PROCEDURES

[As adopted on June 19, 2018 by the Sandy Springs City Council, last updated on June 4, 2019]

1. Introduction

1.1 Purpose

The purpose of Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination statutes is to prohibit discrimination on the basis of race, color, national origin, sex, age or disability in federally assisted programs. The intent of the law is to ensure that all persons, regardless of their race, color, national origin, sex, age or disability, are allowed to participate in these federally funded programs.

The City of Sandy Springs has established the following procedures to provide monitoring of Title VI compliance activities and complaint processing in all City programs that receive federal funding.

1.2 Policy

The City and its sub-recipients of federal funds will not:

1. Deny an individual service, or provide only inferior or discriminatory service, aid or benefits because of an individual's race, color, national origin, sex, age or disability;
2. Subject a person to segregation or treat a person differently in regards to eligibility for and participation in services because of race, color, national origin, sex, age or disability;
3. Restrict or discourage individuals in their enjoyment of facilities because of race, color, national origin, sex, age or disability;
4. Discriminate in any way against an individual in any program or activity that is conducted with federal funds.

The City will publicize its Title VI policy statement. The City will investigate Title VI complaints about City contractors. The City will refer any complaints that the City has violated Title VI to the applicable federal and/or state agency, such as the Federal Highway Administration and the Georgia Department of Transportation.

1.3 Coordinator

The City will appoint one or more Title VI Coordinators to implement and oversee its Title VI Policy and procedures.

2. Complaint Procedures

2.1. Required Time to File Complaint

To allow time to file first with the City and then externally with an appropriate outside agency or court, as the complainant chooses, any complaint to the City should be filed promptly and must be filed not later than one hundred eighty (180) calendar days after the alleged discrimination occurred. If the complainant is not satisfied with the findings or the proposed remedial action, the complainant may still file externally within any applicable statute of limitations.

If a complaint is filed within the City and is filed externally during the same time, the external complaint supersedes the internal complaint filing. Accordingly the City's complaint procedures will be suspended pending outcome of the external complaint.

2.2 Step 1- Informal Meeting with Department Head

The complainant and/or the complainant's representative are encouraged to initiate the process by meeting with the city department head of the service or facility where the alleged discrimination took place. The complainant should provide the basis of the complaint (race, color, national origin, sex, age or disability) and the nature of the incident that led the complainant to feel that discrimination was a factor.

The department head shall immediately notify the Title VI Coordinator. The department head shall, within ten (10) workdays after receiving the complaint, reach a decision and communicate the decision to the complainant and the Title VI Coordinator.

Upon receipt of a complaint, the Title VI Coordinator will determine jurisdiction. Complaints against the City involving federal funds will be forwarded to the appropriate State agency for proper disposition pursuant to its procedures.

2.3 Step 2- Formal complaint to Title VI Coordinator

If the complaint is not resolved at Step 1, or if the complaint is not first brought to the department head, a written complaint shall be filed with the City's Title VI Coordinator.

The complainant should submit his/her complaint to the City in writing with the following information:

1. Name, address and telephone number of the complainant;
2. The location and name of the city department delivering the service;
3. The nature of the incident that led to the complainant to feel that discrimination was a factor;
4. The basis of the complaint (race, color, national origin, sex, age or disability);
5. Names, addresses and phone numbers of people who may have knowledge of the event;
6. The date or dates on which the alleged discriminatory event or events occurred.

The Coordinator shall notify the department head of the formal complaint and initiate an investigation immediately. The department head shall provide assistance during this internal investigation as requested by the Coordinator.

The internal investigation shall be completed within twenty (20) workdays of receipt of the complaint, at which time the Coordinator will inform the complainant in writing of its disposition, including any findings of fact and any actions to be taken.

2.4 Disposition of Complaints

Sustained Complaints – If the complaint is substantiated, this policy and procedure prohibiting discrimination will be reviewed with the offender. Appropriate disciplinary action and/or training will be taken pursuant to the City's disciplinary procedures.

Unsustained Complaints – If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.

Unfounded Complaint – If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of "unfounded" shall be made.

Exonerated Complaints – If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of "exonerated" shall be made.

2.5 Review by Appeal

If the complainant is not satisfied with the resolution, an appeal process is available. An appeal request for review of a determination of unlawful denial of access or accommodation must be filed, in writing, within thirty (30) calendar days of the resolution of the complaint, with the Title VI Coordinator.

The written appeal must include the complainant's name, address, and telephone contact number. A statement of reason(s) why the complainant believes the denial of the complaint was inappropriate is recommended.

The Title VI Coordinator will set a mutually agreed-upon time and place for the review process with the complainant–appellant and/or representatives and the City Manager or designee within thirty (30) days of the request. The complainant–appellant may submit documents or other information to be included with the record and considered in the review process. A record of the review will be kept by the City.

A complainant's right to a prompt and equitable resolution of the complaint will not be impaired by the complainant's pursuit of other remedies. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.

2.6 Complaint Log

The Coordinator will maintain a Title VI complaint log to show identifying information type, and status of each complaint filed, including those filed under Step 1 of this procedure. When any investigation is concluded, the Coordinator will keep a copy of the report on permanent file.



TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act and subsequent federal nondiscrimination statutes requires that “No person in the United States shall, on the ground of race, color, national origin, sex, age or disability, 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 Ms. Kristin Byars Smith, City of Sandy Springs Title VI Coordinator, 1 Galambos Way, Sandy Springs, Georgia 30328.

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? _____

V. **GDOT Title VI Self-Survey**



GEORGIA DEPARTMENT OF TRANSPORTATION

Title VI Self-Survey: _____

YEAR

Survey Date: _____

Name of Program/Grant: _____

Summary of Complaints:

Number of complaints for the past year: _____

Number of complaints voluntarily resolved: _____

Number of complaints currently unresolved: _____

Attach a summary of any type of complaint and provide:

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

Distribution of Title VI Information:

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

Yes No

Do new employees receive this information via employee orientation?

Yes No

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

Yes No

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

Yes No

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

Identify any problems encountered with Title VI compliance.

Signature: _____

Title: _____

Date: _____

Return to: Georgia Department of Transportation
Equal Employment Opportunity Division
600 West Peachtree Street, NW, 7th Floor
Atlanta, Georgia 30334-1002
Attention: Environmental Justice Specialist

PHONE: (404) 631-1497 FAX: (404) 631-1943

VI. TITLE VI ASSURANCES AND APPENDICEES (DOT ORDER NO. 1050.2A)

City of Sandy Springs Title VI Assurances

The **City of Sandy Springs** (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 through the Federal Highway Administration, 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);
- 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);

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

General Assurances

In accordance with the Acts, Regulations, and other pertinent directives, circulars, policy, memoranda and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, age or disability 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.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discriminatory 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 hereby agrees with and gives the following specific assurances with respect to its federally assisted activities, programs and facilities:

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, shall be (with regard to an "activity") facilitated, or shall be (with regard to a "program") conducted, or shall be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to the Acts and Regulations.

2. The Recipient shall 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 its federally assisted activities, programs and facilities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The City of Sandy Springs, Georgia in accordance with Title VI of the Civil Rights Act of 1964 and (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it shall affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises shall be afforded full and fair opportunity to submit bids in response to this invitation and shall not be discriminated against on the grounds of race, color, national origin, sex, age or disability in consideration for an award.”

3. The Recipient shall insert the clauses of Appendix A and Appendix E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient shall 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, 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 shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient received Federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C and Appendix D 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 applicable activity, project or program; and
 - b. for the construction or use of, or access to space on, over, or under, real property acquired or improved under the applicable activity, project or program .
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program shall 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.

By signing this ASSURANCE, the City of Sandy Springs also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the U.S Department of Transportation and/or the Georgia Department of Transportation's access to records, accounts, documents, information, facilities and staff. The City of Sandy Springs further recognizes it must comply with any program or compliance reviews, and/or complaint investigations conducted by the U.S. Department of Transportation and/or the Georgia Department of Transportation. The City of Sandy Springs recognizes it must keep records, reports and submit the material for review upon request to the U.S. Department of Transportation and/or the Georgia Department of Transportation or its respective designee in a timely, complete and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The City of Sandy Springs, Georgia gives this ASSURANCE in consideration of and for obtaining any and all Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program. This ASSURANCE is binding on the City of Sandy Springs, Georgia, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

RECIPIENT: THE CITY OF SANDY SPRINGS, GEORGIA

John McDonough
City Manager, City of Sandy Springs

Date

Attachments: Appendices A, B, C, D & E.

APPENDIX A

The text below is included in its entirety in all contracts subject to the Act and Regulations that are entered into by Recipient and shall also be included in any contract entered into by any Recipient contractor.

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

1. Compliance with Regulations

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

2. Nondiscrimination

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age or disability 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, national origin, sex, age or disability.

4. Information and Reports

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

5. Sanctions for Noncompliance

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

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

6. Incorporation of Provisions

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

The Contractor shall take such action with respect to any subcontractor or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Recipient 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

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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 pursuant to the provisions of Assurance 4:

Granting Clause

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law, and upon the condition that the city of Sandy Springs, Georgia shall 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 city of Sandy Springs, Georgia all the right, title, and interest of the U.S. Department of Transportation 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 city of Sandy Springs, Georgia, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which shall 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 city of Sandy Springs, Georgia, its successors, and assigns.

The city of Sandy Springs, 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 city of Sandy Springs, 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, the City 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 purpose of Title VI of 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 shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Recipient pursuant to the provisions of Assurance 7(a).

A. The (grantee, lessee, permittee, etc. as appropriate), 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 [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, program or facility is extended, or for another purpose involving the provision of similar services or benefits, the (grantee, license, lease, permit, etc.) shall maintain and operate such facilities and services in compliance with all 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.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above non-discrimination covenants, the City of Sandy Springs, Georgia shall have the right to terminate the (lease, license, permit, etc.) and to enter, reenter and repossess said land and the facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of a breach of any of the above Non-discrimination covenants, the City of Sandy Springs, Georgia will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Sandy Springs 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 make clear the purpose of Title VI of 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 deeds, licenses, permits, or similar instruments/agreements entered into by the City of Sandy Springs, Georgia pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, 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 ground of race, color, national origin, sex, age or disability, 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 ground of race, color, national origin, sex, age or disability, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (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, the City of Sandy Springs, Georgia will have the right to terminate the (license, permit, etc., as appropriate) and to 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, the above described lands will there upon revert to and vest in and become the absolute property of the City of Sandy Springs, Georgia and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose 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 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); 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);
- 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, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 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 C.P.R. 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 discrimination against minority populations 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 with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

CITY OF SANDY SPRINGS TITLE VI PUBLIC NOTICE

THE CITY OF SANDY SPRINGS

YOUR RIGHTS UNDER

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The City of Sandy Springs hereby gives public notice of its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related statutes.

Title VI and related statutes prohibiting discrimination in federally-assisted programs require 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 program or activity receiving Federal assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice regarding the City of Sandy Springs' programs has a right to file a formal complaint with the City. Any such complaint must be in writing and submitted to the City's Title VI Coordinator within 180 days following the date of the alleged occurrence.

For more information regarding civil rights complaints, please contact:

Title VI Coordinator
City of Sandy Springs
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350
(770) 730-5600

SANDYSPRINGSGA.GOV/TITLEVI



RESOLUTION NO. 2019-06-XX

**STATE OF GEORGIA
CITY OF SANDY SPRINGS**

A RESOLUTION TO ADOPT AN UPDATE TO THE CITY OF SANDY SPRINGS TITLE VI PLAN

WHEREAS, Title VI of the Civil Rights Act of 1964 and other Federal Nondiscrimination statutes prohibit discrimination based on race, color and national origin in the provision of benefits and services in programs and activities receiving Federal funds; and

WHEREAS, these Federal regulations require the Georgia Department of Transportation (“GDOT”) to ensure that all local agencies receiving United States Department of Transportation funds administered by GDOT are in compliance with Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (“Acts”), and Executive Order 12250, Executive Order 12898, Executive Order 13166, 49 CFR Part 21, and 23 CFR Part 200 (“Regulations”); and

WHEREAS, the Federal Highway Administration (“FHWA”) requires each local government that receives Federal funds through GDOT to establish a Title VI program to prevent discrimination in the provision of benefits and services on federally funded transportation programs and activities; and

WHEREAS, a local government serving a population of 100,000 or more is also required to have a Title VI Plan as provided for in the Acts and Regulations in order to receive Federal funds; and

WHEREAS, a compliant Title VI Plan is a system of policies, procedures and assurances designed to monitor agency (and sub-recipient agency) compliance, address complaints, and eliminate discrimination when found to exist; and

WHEREAS, because its population has exceeded the threshold of 100,000, the City has developed, adopted and implemented a Title VI Plan to remain eligible for funding from the FHWA; and

WHEREAS, the Title VI Plan is reviewed annually and updated as needed; and

WHEREAS, the City desires to adopt the update to the Title VI Plan.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF SANDY SPRINGS, GEORGIA:

The Mayor and City Council hereby adopts the updated Title VI Plan dated June 4, 2019. The City Manager is hereby authorized to execute any documents in the furtherance of this Resolution, subject to approval by Legal and Finance.

RESOLVED this the 4th day of June, 2019.

Approved:

RESOLUTION NO. 2019-06-XX

Russell K. Paul, Mayor

Attest:

Coty Thigpen, City Clerk

(Seal)