



TITLE VI PLAN

Updated May 2016

**Lexington County Administration Building
212 South Lake Drive
Lexington, SC 29072**

www.lex-co.sc.gov

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Title VI – Nondiscrimination in Federally Assisted Programs
Civil Rights Act of 1964
42 USC 2000(d)2000(d)(1)

General

This title declares it to be the policy of the United States that discrimination on the grounds of race, color or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy. This title is not intended to apply to foreign assistance programs.

Section 601 – states the general principle that no person in the United States shall be excluded from participation in or otherwise discriminated against on the grounds of race, color, or national origin under any program or activity receiving federal financial assistance.

Section 602 – directs each federal agency administering a program of federal financial assistance by way of grant, contract, or loan to take action pursuant to rule, regulation, or order of general applicability to effectuate the principle of section 601 in a manner consistent with the achievement of the objectives of the statute authorizing the assistance. In seeking the effect compliance with its requirements imposed under this section, an agency is authorized to terminate or to refuse to grant or to continue assistance under a program to any recipient as to whom there has been an express finding pursuant to hearing of a failure to comply with the requirements under that program, and it may also employ any other means authorized by law. However, each agency is directed first to seek compliance with its requirements by voluntary means.

Section 603 – provides that any agency action taken pursuant to section 602 shall be subject to such judicial review as would be available for similar actions by that agency on other grounds. Where the agency action consists of terminating or refusing to grant or to continue financial assistance because of a finding of a failure of the recipient to comply with the agency’s judicial review under existing law, judicial review shall nevertheless be available to any person aggrieved as provided in section 10 of the Administrative Procedure Act (5USC 1009). The section also states explicitly that in the latter situation such agency action shall not be deemed committed to unreviewable agency discretion within the meaning of section 10. The purpose of this provision is to obviate the possible argument that although section 603 provides for review in accordance with section 10, section 10 itself has an exception for action “committed to agency discretion,” which might otherwise be carried over into section 603. It is not the purpose of this provision of section 603, however, otherwise to alter the scope of judicial review as presently provided in section 10(e) of the Administrative Procedure Act.

Introduction

Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Specifically, Title VI provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under and program or activity receiving federal financial assistance.

Lexington County is the recipient of federal funding through numerous programs and departments. The following is a non-exhaustive list of the granting federal department and program:

1. U.S. Department of Housing and Urban Development
 - a. Community Development Block Grant (CDBG) Program
 - b. HOME Investment Partnerships Program (HOME)
2. U.S. Department of Justice
 - a. State Criminal Alien Assistance Program
 - b. Bulletproof Vest Partnership Program
 - c. Edward Byrne Memorial Justice Assistance Grant (JAG) Program
 - d. Equitable Sharing Program
 - e. Violence Against Women Formula Grants
 - f. Paul Coverdell Forensic Sciences Improvement Grant Program
3. U.S. Department of Transportation
 - a. Airport Improvement Program
 - b. State and Community Highway Safety Program
 - c. Alcohol Impaired Driving Countermeasures Incentive Grants
 - d. DUI Prosecution Program
 - e. Highway Safety Enhanced DUI Enforcement
4. U.S. Department of Homeland Security
 - a. Homeland Security Grant Program
 - b. Supplemental Homeland Security Grant Program
 - c. Citizens Corps Grant Program
 - d. SHSP Explosive Ordinance Disposal Enhancement Program
 - e. Incident Management Team Grant Program
 - f. Emergency Management Performance Grant Program
 - g. FEMA Grant Program
5. U.S. Department of Health and Human Services
 - a. Child Support Enforcement Grant
 - b. Title IV-D Child Support Grant Program
 - c. Process Server Grant Program
6. U.S. Environmental Protection Agency
 - a. Non-point Source Implementation Grant Program – Stormwater Improvement
7. U.S. Department of Energy
 - a. Energy Efficiency and Conservation Block Grant Program

As a recipient of federal grant funding, Lexington County is subject to the requirements of Title VI and the information reporting requirements established by the federal government to evaluate the level of compliance concerning the provision of programs and services.

Title VI Plan Policy Statement

The County of Lexington assures that no person shall, on the grounds of race, color, sex, age, disability, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L.100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The County of Lexington further assures that every effort will be made to ensure nondiscrimination in all of its programs or activities, whether these programs and activities are federally funded or not.

In the event that the County of Lexington contracts to distribute federal aid funds to another entity, Title VI language will be included in all written agreements and the recipient will be monitored for compliance.

The Title VI Coordinator designated in the Plan is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

Joe G. Mergo, III, County Administrator

Date

Authorities

Title VI Civil Rights Act of the 1964 provides that no person in the United States shall, on the grounds of race, color, national origin, income, gender, age, or disability, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [2.557] March 22, 1988).

Environmental Justice (EJ) (Executive Order 12898) addresses disproportionate adverse environmental, social and economic impacts that may exist in communities, specifically minority and low-income populations.

Limited English Proficiency (LEP) (Executive Order 13166) addresses access to services for persons whose primary language is not English and who have a limited ability to read, write, speak or understand English.

Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities and transportation.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 324) prohibits discrimination based on handicap/disability.

Organization and Staffing – General

The County Administrator is responsible for ensuring the implementation of the County’s Title VI Plan. The Title VI Coordinator, on behalf of the County Administrator, is responsible for the overall management of the Title VI programs, and serves as the ADA Coordinator, DBE Liaison Officer, and LEP Coordinator. The day-to-day administration of the plan lies with the Title VI Coordinator (hereafter referred to as “Coordinator”) under the direct supervision of the Director of Community Development for the County of Lexington.

Program Administration – General

As Title VI Liaison Officer, the Coordinator shall be responsible for coordinating the overall administration of the Title VI program, plan, and assurances. The Coordinator serves under direct supervision of the Director of Community Development and the County Administrator, and is responsible for the program’s day-to-day administration.

A. Complaints

If any individual believes that she or 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, disability or age, they may exercise their right to file a complaint with the County of Lexington. Every effort will be made to resolve complaints informally. Refer to Appendix G for the procedures on how to file a complaint.

B. Data Collection

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

C. Title VI Program Reviews

The County’s Title VI Program reviews will be performed by the Coordinator to assess the office’s administrative procedures, staffing, and resources available for Title VI compliance. This is in addition to the day-to-day monitoring by the grant administrator of each program. The Coordinator will coordinate efforts to ensure equal participation in all programs and activities at all levels. The Coordinator will conduct reviews of contractors, subcontractors, consultants, suppliers and all other subrecipients of County’s federal funds to ensure compliance with Title VI provisions.

D. Operational Guidelines/Program Directives

All operational guidelines to contractors, subrecipients, and program planning areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.

E. Training Program

Title VI training will be made available at least annually to employees, contractors, subrecipients, and program planning area liaisons. The training will provide comprehensive information on Title VI provisions, application to program operations, and identification of Title VI issues and resolution of complaints. A summary of the training conducted will be reported in the annual report.

F. Annual Reports

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

G. Title VI Plan Update

The Title VI Plan will be updated as needed.

H. Public Dissemination

The Coordinator will ensure that Title VI Program information is disseminated to County employees, subrecipients, contractors, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts, and publishing the Title VI Policy Statement in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings.

The Title VI Plan will be available on the County's website, at the County's Community Development office, and can be mailed out upon request.

I. Post grant Reviews

The Title VI Coordinator will meet with grant administrators to review the grant awards and ensure compliance with Title VI requirements following notices of grant awards.

J. Elimination of Discrimination

The County will implement procedures to identify and eliminate discrimination when found to exist, related to Minority/Women Disadvantage Business Enterprises (DBE) contractors, and public involvement. Moreover, the Title VI Grant Manager/Coordinator will work closely with Department of Public Works staff to ensure that information flows to communities affected by roadway projects etc.

K. Remedial Action

The County will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. Should irregularities occur in the administration of the program's operation, corrective action will be taken to resolve Title VI issues, and such actions will be reduced to

writing in the form of a remedial action agreed upon to be necessary, all within a period not to exceed 90 days.

- 1) Subrecipients placed in a deficiency status will be given a reasonable time, (not to exceed 90 days after receipt of the deficiency letter), to voluntarily correct deficiencies.
- 2) The County will seek the cooperation of the subrecipient in correcting deficiencies found during the review. The County will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily.
- 3) A follow-up review will be conducted within 180 days of the initial review to ensure that the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.
- 4) When a subrecipient fails or refuses to voluntarily comply with requirements within the timeframe allotted, the County will submit to the appropriate local, state, and/or federal office copies of the case file and a recommendation.

Title VI Coordinator Responsibilities

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

1. In coordination with the County's Title VI Committee, prepare an annual report of County Title VI accomplishments and upcoming goals including an annual update to the Title VI Program Plan that reflects organizational, policy and implementation changes.
2. Conduct Title VI compliance reviews of department program area activities and cities, counties, consultations, contractors, suppliers, planning agencies, and other subrecipients of federal financial assistance.
3. Collect statistical data (race, color, national origin, sex disability, and age) on the County's relevant boards, commissions, and committees, and participants in and beneficiaries of the County's programs, activities, and services.
4. Review pre-grant and post-grant awards for compliance with Title VI requirements.
5. Coordinate the development and implementation of a training program and conduct training programs on Title VI and other related statutes for County employees and recipients of federal grant funds.
6. Process Title VI complaints.
7. Ensure that Title VI requirements are included in policy directives and that the procedures used have built-in safeguards to prevent discrimination.
8. Assist program personnel to correct Title VI problems or discriminatory practices or policies found when conducting self monitoring and compliance review activities.

9. Manage the County's Limited English Proficiency (LEP) Program ensuring that County information and services are accessible to customers. Develop Title VI information for public dissemination, where appropriate, in languages other than English.
10. Where appropriate, refer Title VI discrimination complaints to the Civil Rights Office, the Office of Equal Opportunity, and/or the Discrimination Complain Investigation Unit (DCIU).

Title VI Responsibilities for the County's Program Areas

Education and Training

The Coordinator will seek all opportunities to participate in education and training outside of the Community Development office. All Title VI conferences, seminars, trainings and classes presented by all available sources will be considered for staff attendance.

The Coordinator will be responsible to inform all staff members and consultants of all federal Title VI policies including any changes and updates. The Coordinator will also be responsible to inform all staff members and consultants of the County's Title VI Plan, including our DBE Policy and Program, LEP Plan, Environmental Justice Policy, and ADA Policy, as well as any updates and changes.

Education and Training may also consist of the Community Development office hosting training seminars related to all Title VI issues and inviting all interested and pertaining parties to attend.

The Coordinator will be briefed when training courses or workshops becomes available for County employees.

Public Participation

The goal of the County's communications and public participation program is to ensure early and continuous public notification about, and participation in, major actions and decisions by Lexington County. In seeking public comment and review, the County makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes. The County advertises its public meetings calendar on its website at www.lex-co.sc.gov.

Environmental Justice

The concept of environmental justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies, or activities on the minority and low-income population groups. When Lexington County adopts new planning documents, or substantively amends existing documents, the County may be required to comply with federal environmental justice requirements. When this occurs, a systematic process is used to study and evaluate all necessary environmental aspects of the proposed action(s). Depending on the scope, complexity, and impacts of the project, the County's Title VI Coordinator oversees the process, and ensures all federal and state requirements are met, and that the public has been invited to participate.

Contract Procedures

Appropriate Title VI text will be included in all County Request for Proposals (RFP) and contracts.

Disadvantaged Business Enterprise (DBE) Program

Where appropriate, the County will include DBE text in its RFPs and contracts. Lexington County utilizes SCDOT's certified DBEs when awarding the County's C-Fund allocation for County projects.

Consultant Reviews

The County is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the County's consultant contracts process. All consultants will be made aware that as subrecipients of federal funds they are required to adhere to our County's Title VI Plan, DBE Policy and Procedures, and LEP Plan. To ensure their compliance, the County will issue an Annual Title VI Review for Subrecipients and Consultants once a year to all firms who have been awarded County contracts within that year.

In conducting reviews of subrecipients, if a subrecipient is found to not be in compliance with our Title VI policies, the Coordinator will work with the subrecipient to resolve the identified issues. Lexington County will seek the cooperation of the subrecipient in correcting deficiencies, and will provide the technical assistance and guidance needed for the subrecipient to comply voluntarily.

If a consultant is found to not be in compliance, a follow-up review will be conducted within 180 days of the initial review to ensure the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If subrecipients refuse to comply then the County will determine further action to be taken.

A copy of the **Annual Title VI Review for Subrecipients and Consultants** can be found at the end of this document.

Questions

For any questions regarding the Lexington County Title VI Plan or any related policies and procedures please contact Lexington County's Title VI Coordinator at 803-785-8121 or visit our website at www.lex-co.sc.gov.

**LEXINGTON COUNTY
SOUTH CAROLINA**

Title VI Assurances

The County of Lexington (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by, Subsection 21. 7 (a) (I) of the Regulations.

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

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

Lexington County in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252,42 USC 2000d-d4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders and proposers that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids, proposals or statements of qualification in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

3. That the Recipient shall insert the necessary clauses of this Assurance in every contract subject to the Act and the Regulations.

4. 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.
5. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
6. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

Joe G. Mergo, III
Administrator
County of Lexington, South Carolina

Date

Title VI Public Notice

The paragraph below is to be inserted in all significant publications that are distributed to the public for the Lexington County. The text will remain permanently on the county's website, www.lex-co.sc.gov, and available to all employees. The version below is the preferred text, but where space is limited or in publications where cost is an issue an abbreviated version can be used in its place.

Title VI Notice: Lexington County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes, executive orders, and regulations in all programs and activities. The County operates without regard to race, color, national origin, income, gender, age, and disability. Any person who believes him/herself or any specific class of persons, to be subjected to discrimination prohibited by Title VI may by him/herself or by representative file a written complaint with the County of Lexington, Title VI Coordinator. A complaint must be filed no later than 180 days after the date of the alleged discrimination.

The following shortened version of the above paragraph can be used in publications where space or cost is an issue as in classified newspaper announcements.

Title VI Notice: Lexington County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form, see www.lex-co.sc.gov or call our Title VI Coordinator at 803-785-8121.

Public Meeting Notices

The paragraph below is to be inserted in all notices and agendas for public meetings. The version below is the preferred text, but where space is limited or in publications where cost is an issue an abbreviated version can be used in its place.

County meetings are conducted in accessible locations and materials can be provided in accessible formats and in languages other than English. If you would like accessibility or language accommodation, please contact the Title VI Coordinator at Lexington County at 803-785-8121 or CDcustomerservice@lex-co.com. If you wish to attend a County function and require special accommodations, please give Lexington County one week's notice in advance.

If special accommodations are needed to participate in this public meeting, contact the Lexington County (insert department) at (803) 785-8121 or CDcustomerservice@lex-co.com at least two business days prior to the scheduled meeting date.

County of Lexington
Limited English Proficiency Plan



May 2016

Limited English Proficiency Policy

The County follows Executive Order 13166 in identifying and engaging Limited English Proficiency (LEP) populations to ensure their involvement and knowledge of transportation planning and projects in and around their communities. A LEP person is defined as one who does not speak English as his or her primary language and has a limited ability to read, write, or understand English.

Lexington County's policy for engaging individuals with Limited English Proficiency is to provide translation services to individuals who request them, if reasonable accommodations can be made. In addition, the County proactively identifies communities with high concentrations of LEP persons and employs tactics and strategies to effectively engage them in the planning process. The County trains staff to recognize individuals in community meetings and forums who may show difficulty or inability to read or write English, and to assist them accordingly.

Executive Order 13166

Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments such as the MPO, private and non-profit entities, and subrecipients.

Plan Summary

This Limited English Proficiency Plan has been developed to help identify reasonable steps to provide language assistance for persons seeking services provided by the County of Lexington as required by Executive Order 13166. In this plan, we discuss ways to identify persons who need language assistance, language assistance measures, staff training, and updates to the plan.

When it comes to identifying and assessing the frequency and resources required to meet the needs of our residents with Limited English Proficiency, the County of Lexington employs the use of the four-factor analysis which includes:

Four-Factor Analysis

1. The number and proportion of LEP persons residing within the County.

The County of Lexington's population estimates from the 2010 American Community Survey 5-Year Estimates (2010-2014) provided by the U.S. Census Bureau estimate total population at 270,263 and those five (5) years and older at

253,069. Of those five years and older, 7.2% speak a language other than English at home, with only 3.1% speaking English less than “very well”. Of those speaking English less than well, the breakdown of languages are as follows:

Language	Population estimate	Speak English less than “very well” estimate
Spanish or Spanish Creole	4.8%	50%
Other Indo-European	1.5%	23.1%
Asian and Pacific Island	0.9%	37.0%
Other Languages	0.1%	32.0%

Given this information, the County recognizes that relatively small portions of its population are LEP speakers. Language assistance is available upon request.

2. The frequency with which LEP persons come into contact with County services and programs.

The County of Lexington has not received any requests for translation or interpretation of its programs, services or activities into Spanish or any other language.

3. The nature and importance of the program, activity, or service provided by the County of Lexington.

The County believes all citizens should be able to access its nondiscrimination and public involvement policy. Title VI posters in English and Spanish have been distributed to all departments and our public involvement policy is available on our County website and by request.

4. The resources available and cost of LEP services.

To date, the utilization of bi-lingual employees has successfully provided assistance where staff has identified a need. Costs of translators and/or interpreters are built into some departmental budgets if the need for extensive language services develops.

How Lexington County Identifies LEP Persons Who May Need Assistance

- Examine requests for language assistance from past meetings and events to anticipate the potential need for assistance at upcoming meetings.
- A staff member will be placed at the entrance to public meetings to greet and briefly engage with attendees during sign-in to informally gauge each attendee’s ability to write, speak and understand English.
- Staff will be trained to identify non-verbal clues that a person may have Limited English Proficiency, such as reluctance to fill out surveys or sign-in at public meetings.

- Examine Census Bureau population numbers of those who report a primary language other than English and compare that to Census block data and map communities accordingly to determine high concentrations of LEP populations.
- Maintain a stream of communication with LEP community leaders, as well as seek to establish new relationships.

Implementing Language Assistance Measures

- Based on Census Bureau data, Lexington County will evaluate all documents, and translate those deemed most widely accessed, into any language other than English that is spoken by more than 5% of the population or by more than 1,000 people per neighborhood.
- The County will continue to search out venues that have been found to be frequented by LEP individuals and make information available at these locations in the most appropriate format and language.
- Lexington County takes a proactive approach in identifying LEP communities and will continue to host meetings in close proximity to these communities to distribute all necessary translated materials and documents.
- Lexington County remains committed to providing oral and written translation services upon request. Lexington County will maintain an active list of interpreters and translators to accommodate LEP individuals.
- All projects falling within a County LEP area are reviewed on a case by case basis. If the nature and importance of the program, activity, and service is deemed significant then the County and all entities conducting business on our behalf will follow these same LEP guidelines.

Staff Training

All Lexington County staff will be provided with the LEP plan and will be educated on procedures and services available. All training topics are listed below:

- Understanding the Title VI LEP responsibilities
- What language assistance services Lexington County offers
- How to identify LEP individuals in public meetings
- How to access an interpreter
- Documentation of language assistance requests
- How to handle a complaint

Monitoring and Updating the LEP Plan

This plan is dynamic and may be updated as more effective means of communication are developed. At a minimum, Lexington County follows the Title VI Program update schedule for the LEP plan. The County will update its LEP Plan as new Census data becomes available.

Dissemination of the County's Limited English Proficiency Plan

The County will post the LEP Plan on its website at www.lex-co.sc.gov.

Any person, including social service, non-profit, law enforcement agencies and other community members with internet access will be able to access the plan. For those without personal internet service, all county libraries offer free internet access. A hard copy of the LEP Plan will be provided to any person or agency upon request. Persons with Limited English Proficiency may also obtain translations of this plan upon request.

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

Requesting Translation Services

Any individuals who wish to request oral or written translation services can do so through the County's website at www.lex-co.sc.gov or by contacting Lexington County's Title VI Coordinator:

Community Development
Attn: Title VI Coordinator
212 South Lake Drive, Ste 401
Lexington, SC 29072
803-785-8121
CDcustomerservice@lex-co.com

Americans with Disability Act (ADA) Notices

ADA Policy

Title II of the Americans with Disabilities Act of 1990 prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. In accordance with these requirements the County will not discriminate against qualified individuals with disabilities on the basis of disability in services, programs or activities.

Lexington County's Commitment

- Lexington County will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to attend all County public meetings.
- Lexington County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in County public meetings.
- Lexington County will post the following notice at the bottom of all County meeting notices:

If special accommodations are needed to participate in this public meeting, please contact the Lexington County Community Development at (803) 785-8121 or CDCustomerService@lex-co.com at least two business days prior to the scheduled meeting date.

- Community Development is housed at the Lexington County Administration Building located at 212 South Lake Drive, Lexington, South Carolina, 29072. The Administration building is handicapped accessible.
- Lexington County will include language in all of our contracts to ensure nondiscrimination of all persons with disability.

The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Lexington County will strive to provide its services, programs and activities in the most accessible manner feasible.

Notification that a County meeting is not accessible to persons with disabilities should be directed to:

County of Lexington Community Development
Attention: Title VI Coordinator
212 South Lake Drive, Suite 401, Lexington, SC 29072
Phone: 803-785-8121 Fax: 803-785-8188

Environmental Justice

Environmental Justice Policy

It is the policy of the County to ensure that all of its programs, policies, and other activities do not have disproportionate adverse effects on minority and low-income populations. The County identifies minority communities through the use of Census data. Lexington County maps Census data to more accurately locate concentrations of target populations.

Executive Order 12898

The County of Lexington follows Executive Order (EO) 12898 which outlines;

Each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health, environmental, economic and social effects of its programs, policies, and activities on minority and low income populations, particularly when such analysis is required by NEPA. The EO emphasizes the importance of NEPA's public participation process, directing that each Federal agency shall provide opportunities for community input in the NEPA process. Agencies are further directed to identify potential effects and mitigation measures in consultation with affected communities.

The EO requires agencies to work to ensure effective public participation and access to information. Thus within its NEPA process and through other appropriate mechanisms, each federal agency should translate crucial public documents, notices and hearings, relating to human health or the environment for limited English speaking populations when it is practical and appropriate.¹

Goals and Objectives

Lexington County is committed to the following goals and objectives for achieving environmental justice:

- Protect environmental quality and human health in all conditions
- Avoid disproportionate adverse impacts on minority and low income populations
- Enhance the public involvement process and strengthen relationships with community organizations
- Provide minority and low income populations with the opportunity to learn more about the transportation planning process
- Improve the quality of transportation in their lives
- Make sure all projects go through an Environmental and Title VI checklist to insure environmental issues are considered and appropriate actions are followed

¹ Taken directly from <http://www.fema.gov/plan/ehp/ehplaws/ejeo.shtm>

- Promote and protect community members' rights to participate meaningfully in decisions that may affect them
- Make the process of filing environmental justice complaints easy through readily available forms on the County website and in the Community Development office, and by designating an identified Lexington County staff member as the Title VI Coordinator that citizens can easily speak with.

Filing and Environmental Justice Complaint

Any individual or community that wishes to file an environmental justice complaint or discuss concerns may contact:

County of Lexington
Community Development
Attention: Title VI Coordinator
212 South Lake Drive, Suite 401
Lexington, SC 29072
Phone: 803-785-8121
Fax: 803-785-8188

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 Lexington County or its subrecipients, 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. Lexington 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, she, or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complain to Lexington County's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became know 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 name, address, and telephone number of each complainant.
- Complaints must include the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct).
- Complaints must present a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against.

Receipt and Acceptance

Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction and any need for additional information. The complaint will be forwarded to the County's Title VI Planning Committee for a determination of acceptability. The Title VI Coordinator will notify the complainant, in writing, within ten (10) business days of receipt of the complaint.

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 occurrences or when the alleged discrimination became know to the complainant.
- b. The allegation(s) must involve a covered basis such as race, color, gender, age, income, disability, or national origin.
- c. The allegation(s) must involve a program or activity that receives Federal financial assistance.

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

Dismissal

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

- a. The complainant requests withdrawal of the complaint.
- b. The complainant fails to respond to three requests for additional information needed to process the complaint.
- c. The complainant cannot be located after reasonable attempts.

Investigation of Complaints

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

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

Appeals

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

Please submit your complaint to:
County of Lexington
Community Development
Attention: Title VI Coordinator
212 South Lake Drive, Suite 401
Lexington, SC 29072
Phone: 803-785-8121
Fax: 803-785-8188



Appendix G

Lexington County Discrimination Complaint Form

Last Name	First Name	<input type="checkbox"/> Male <input type="checkbox"/> Female
Mailing Address	City/State	Zip
Home Telephone	Other Telephone	Email Address
Type of Discrimination <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Sex/Gender		
Race of Complainant <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Alaska Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____		
How were you discriminated against? Please explain your complaint as clearly as possible. Include how other persons were treated differently. Use additional sheet(s), if necessary. Attach supporting documents if available.		
Date and place of the alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date(s) of discrimination.		
The law prohibits intimidation or retaliation against anyone because they have either taken action, or participated in action, to secure rights protected by the laws. If you feel that 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.		

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

Name(s) of person(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.	_____	_____	_____

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

	<u>Action</u>	<u>Date</u>
<input type="checkbox"/>	_____	_____

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

Briefly explain what action you are seeking.

Complainant's Signature

Date

Mail Complaint Form To: Lexington County, Community Development Department
212 South Lake Drive, Lexington, SC 29072
Attention: Title VI Coordinator

For Official Use Only

Date Complaint Received _____ Referred to: _____ Date Referred: _____



Lexington County

As a subrecipient of federal funds you are aware that your agency is required to comply with all federal Regulations regarding Title VI laws. In accordance with Title VI of the Civil Rights Act of 1967 and 49 CFR 21, this is the **Annual Title VI Review for Subrecipients and Consultants** to be issued once a year to all agencies awarded contracts by the County within the past year. Please provide yes/no answers with a brief explanation.

Name of Subrecipient/Consultant: _____

Date of Contract Awarded: _____

Contract Number: _____

Questionnaire

I. Complaint Process

1. Has your firm made itself aware of all federal Title VI rules and regulations as it applies to all subrecipients of federal funds? This information is easily accessible to all consultants via the Community Development office and/or the County website.
2. Does your firm have a formal Title VI policy?
3. Does your firm have a formal Title VI complaint process? If so provide a brief explanation of that process.
4. Has your firm received any Title VI or Environmental Justice complaints within the last year? If so what were the issues involved and what were the outcomes?
5. Has your firm processed any Title VI lawsuits within the past year? If so what were the issues involved and what were the outcomes?
6. Has any member of your firm had any formal Title VI training sponsored by LaDOTD, FHWA, or any other agency in the past year? If so please explain.

II. Public Involvement – Meetings and Hearings

7. Does your firm hold public meetings in areas that are easily accessible to all members of the community and comply with the County’s **Americans with Disabilities Act (ADA) Plan**? If not, are there plans to do so in the future?
8. Has your firm made itself aware of County’s **Limited English Proficiency (LEP) Plan**? This information is easily accessible to all consultants via

the Community Development office and/or the County website.

9. Has your firm had any public request for translations services written or oral? If so what were the outcomes of this request?

III. Advertisements and Procurements of Contracts

10. Have any subcontracts been awarded within the past year that utilizes federal funds?
11. If subcontracts are awarded are all Title VI assurances and provisions included in advertisements and contracts?
12. Has your firm made itself aware of County's **DBE Policy and Program**? This information is easily accessible to all staff members via the Community Development office and/or the County website.
13. Is the awarding of any subcontracts non-discriminatory and does it comply with Lexington County's DBE Policy?

Certifying Officer

Date

Upon receiving this questionnaire you have 30 days to provide all necessary information and mail to:

Lexington County
212 South Lake Drive, Ste 401
Lexington, SC 29072
Or electronically to CDcustomerservice@lex-co.com