

Resolution # 11-14
ORDER NO. _____

**AN ORDER OF MADISON COUNTY ADOPTING A TITLE VI IMPLEMENTATION
PLAN FOR THE LPA**

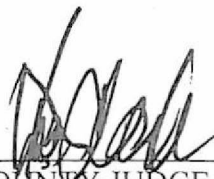
WHEREAS, Madison County has been awarded a Community Development Block Grant Program by the Commonwealth of Kentucky, for community project activities in the County; and

WHEREAS, as the recipient of Community Development Block Grant funds, the County is required to comply with Title VI of the Civil Rights Act of 1964; and,

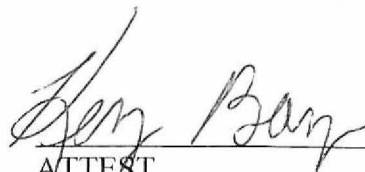
NOW, THEREFORE, BE IT ORDERED by Madison County, that:

1. Madison County's Title VI Implementation Plan is attached hereto and is hereby approved.
2. This Implementation Plan shall be effective immediately upon passage by the County.

ADOPTED THIS 9th DAY OF August 2011.



COUNTY JUDGE EXECUTIVE



ATTEST

TITLE VI
IMPLEMENTATION PLAN

Madison County

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I. GLOSSARY OF COMMON TERMS

“Beneficiary or recipient” means the individual or organization for whom federal funds are intended.

“Implementation plan” means the Title VI implementation plan developed and maintained by Madison County to ensure compliance with 42 U. S. C. § 2000d et. seq. and KRS 344.015.

“Title VI Compliance Officer” means a County employee designated by the Responsible Official to coordinate all Title VI activities of Madison County.

“Responsible Official” means the person identified in Section IV, *infra*.

II. OVERVIEW

As an administrator of federal grant monies, Madison County is subject to Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d).

Madison County has adopted a plan to improve access to services for persons with Limited English Proficiency, as required by Executive Order 13166. The provisions of the County’s LEP plan are incorporated in this plan as though set forth fully herein.

III. SCOPE OF TITLE VI APPLICABILITY TO PROGRAMS AND ACTIVITIES

Madison County affords all individuals the opportunity to benefit from programs administered by the County.

A. Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d) provides:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

B. 34 C. F. R. § 100.1, 100.2, and 100.3 implement the provisions of the federal statute.

C. KRS 344.015 § 1(2) states:

Each state agency shall:

(a) Develop a Title VI implementation plan by January 1, 1995. If required by Title VI or regulations promulgated thereunder, the implementation plan shall:

1. Be developed with the participation of protected beneficiaries; and
2. Include Title VI implementation plans of any sub-recipients of federal funds through the state agency;

(b) Submit a copy of the implementation plan to the Auditor of Public Accounts and the Human Rights Commission; and

- (c) Submit annual Title VI compliance reports and any implementation plan updates to the Auditor of Public Accounts and the Human Rights Commission by July 1, 1995, and each July 1 thereafter.

The federal statute codified as 42 U. S. C. § 2000d and state statute KRS 344.015 provide the authority for the development of this plan and describe the extent of the authority.

Title VI applies to discriminatory acts based on race, color, or national origin and specifically prohibits the exclusion of individuals or groups from participation in, or enjoying the benefits of, federal programs. Title VI does not provide relief for discrimination based on age, sex, disability, geographic location, or wealth.

IV. RESPONSIBLE OFFICIAL

Kent Clark, County Judge Executive, has overall responsibility for implementation, compliance and reporting with respect to Title VI. Inquiries related to these activities should be directed to:

Kent Clark
Madison County Courthouse
101 West Main Street
Richmond, KY 40475
(859) 624-4700

V. STATEMENT OF ASSURANCES

Madison County is in compliance with all provisions of Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d).

- A. The county has agreed to adopt the Kentucky Department for Local Government's Title VI plan.

VI. PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI

- A. U.S. Housing and Urban Development's Community Development Block Grant (CDBG) program. Funds are designated for the following program areas:

- Housing
- Community Projects
- Public Services
- Public Facilities
- Economic Development
- Community Emergency Relief Fund

The U.S. Department of Housing and Urban Development (HUD) funded Community Development Block Grant (CDBG) program for DLG to provide assistance to communities for use in revitalizing neighborhoods, expanding affordable housing and economic opportunities, providing infrastructure and/or improving community facilities and services.

Potential Beneficiaries: All cities and counties are eligible to apply for the funds with the exception of Ashland, Bowling Green, Covington, Elizabethtown, Henderson, Hopkinsville, Lexington-Fayette County, Louisville/Jefferson County Metro Government, and Owensboro. These entitlement communities receive CDBG funds directly from HUD.

- B. The Delta Regional Authority (DRA) is a federal-state economic development program restricted to a 21-county area of western Kentucky.

Delta Regional Authority funds are used to help economically-distressed communities leverage other federal, state and local dollars for community development projects that focus on infrastructure development, business development/entrepreneurship and job training services.

Potential Beneficiaries: Cities, counties, special districts and non-profit entities are eligible. No maximum project amount; no specific match required but priority is given to projects that leverage other funding sources.

- C. The Land and Water Conservation Fund (LWCF) provides federal grant funds to protect important natural areas, to acquire land for outdoor recreation and to develop or renovate public outdoor recreation facilities such as campgrounds, picnic areas, sports & playfields, swimming facilities, boating facilities, fishing facilities, trails, natural areas and passive parks.

Potential Beneficiaries: Cities and counties, state and federal agencies are eligible to apply for funding. The maximum grant amount is \$75,000. The minimum amount is \$5,000. It is a 50% matching reimbursement program.

- D. The Recreational Trails Program provides grant funds to develop and renovate recreational trails for both motorized and non-motorized use. It does not fund equipment such as mowers and gators.

Potential Beneficiaries: Eligible applicants are city and county governments, state and federal agencies, and non-profit organizations.

- E. The ARC is a federal-state economic development program. To assist in the economic development of Appalachia through a diversity of projects in the areas of public infrastructure (water, sewer, solid waste, housing, and telecommunications), human resource development (education/workforce development, affordable/accessible healthcare, and leadership development) and business/entrepreneurial development.

Potential Beneficiaries Local governments, special districts, and non-profit entities that include Kentucky's 51 most eastern and south-central Counties are eligible to apply for the grant dollars. Thirty-two "distressed" counties also have access to a separate restricted allocation of funds.

- F. The National Forest Receipts program provides "pass-through" funds to counties. The State Local Finance Officer receives notice of wire transfer from the US Department of Agriculture Forest Service for funds to be distributed annually to various counties.

Potential Beneficiaries: Counties.

- G. The Flood Control Receipts program provides “pass-through” funds to counties. The State Local Finance Officer receives a check annually from the US Army Corps of Engineers. The check is deposited with the KY State Treasurer, authorization for payment to Counties is processed and checks are then prepared to send this money to the Counties in accordance with the statement from the federal government which was enclosed with the check.

Potential Beneficiaries: Counties.

- H. The Kentucky Infrastructure Authority administers two federal grant programs from the Environmental Protection Agency:
1. Capitalization Grants for Clean Water State Revolving Funds provides assistance for: (1) construction of publicly owned wastewater treatment works; and (2) nonpoint source management activities. Funds are loaned to local governmental entities.
 2. Capitalization Grants for Drinking Water State Revolving Funds provides assistance for infrastructure improvement projects that are needed to achieve or maintain compliance with Safe Drinking Water Act requirements, protect public health, and assist systems with economic need. Funds are loaned to local governmental entities.

VII. COMPLAINT PROCEDURES

A. COMPLAINT PROCEDURES

1. How a complaint shall be filed

Complaints in relation to alleged discrimination under Title VI of the Civil Rights Act of 1964 may be filed using the forms attached in the Appendix. If an individual refuses to submit a written complaint, the compliance officer shall record the information orally from the individual and shall provide a copy to the individual with a request that the information be confirmed by the complainant.

A complaint may be filed by anyone who believes that the County has discriminated against a participant, beneficiary, or a class of beneficiaries on the basis of race, color, or national origin.

Complaints must be filed within one hundred eighty (180) days of the activity which prompts the filing of the complaint.

2. Where to file a complaint

Complaints in relation to alleged discrimination under Title VI of the Civil Rights Act of 1964 may be filed with the County’s Title VI responsible official/compliance officer.

3. Time frame within which the complaint shall be processed by the agency; and

Upon receipt of a written complaint, the compliance officer shall review the complaint and shall file, within seven (7) days, a concise statement with the Responsible Official

regarding the nature of the complaint and the steps to be taken to investigate or resolve the complaint

4. Withdrawal of a complaint;

A complainant may withdraw a complaint at any time before final action by filing with the compliance officer a written statement of his or her desire to withdraw the complaint.

B. INVESTIGATIONS, REPORT OF FINDINGS, HEARINGS AND APPEALS.

1. Investigations

Upon receipt of the complaint by an individual or at the time the compliance officer becomes independently aware of actions which may constitute a violation of Title VI, the compliance officer shall take necessary action within thirty (30) days to investigate and recommend specific actions to resolve the complaint. A report shall be filed by the compliance officer with the Responsible Official within that period.

2. Report of Findings

The complainant shall be notified in writing of the results of the investigation and any actions taken.

Madison County shall attempt to maintain the confidentiality of the complaint and the name of the complainant.

The complainant shall be notified in writing, within 30 days of the resolution of a complaint, by the Responsible Official or the Title VI compliance officer of the resolution of a complaint. A statement of corrective action shall include specific statements of actions to be taken or prohibited actions and shall include a timetable for implementation.

3. Hearings and Appeals

A complainant may file a written appeal from the Responsible Official's resolution of the complaint within 30 days of the receipt of the written notice of resolution. Appeals shall be directed to the County Judge Executive of Madison County and shall be set forth in writing. The complainant shall be notified of the final resolution of the complaint within 60 days of the County Judge Executive's receipt of the appeal.

A complainant filing a written appeal may request an in-person hearing before the County Judge Executive of Madison County. Such request shall be set forth in writing and shall be submitted contemporaneously with the written appeal. The complainant shall be notified of the date, time and place of the hearing within 15 days of the County's receipt of the request.

VIII. COMPLIANCE

A. The County shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance. The County shall endeavor to monitor and review the Title VI plan and its efforts to adhere to that plan, and to forward any Title VI complaints filed to the Department for Local Government (DLG).

B. Upon a finding by DLG of noncompliance, DLG shall take the following actions with regard to:

1. Processing

The compliance officer shall immediately notify the Responsible Official in writing of the violations held to constitute noncompliance with Title VI and of the steps necessary to correct these violations.

2. Reporting

The compliance officer shall notify the sub-recipient or employee found to be in noncompliance, in writing within 30 days of the compliance officer's report of noncompliance, of the violations and corrective measures necessary to remedy the violations.

3. Resolution

DLG shall attempt to secure voluntary compliance with Title VI. In the event that efforts to secure voluntary compliance are not secured within a reasonable period of time, the compliance officer will notify the Responsible Official, in writing, of the recommended corrective action.

4. Enforcement of corrective actions

The Responsible Official shall implement corrective actions within thirty (30) days of receipt and acceptance of the notification of recommended corrective action.

Employees or grant sub-recipients who refuse to voluntarily comply with Title VI or to take corrective actions required by DLG shall face disciplinary action, or in the case of grant sub-recipients, may face termination or suspension of the grant.

5. Monitoring of programs

DLG shall undertake to periodically monitor all programs funded through federal assistance for those sub-recipients who have been found by DLG to be in non-compliance with Title VI. For a period of three years following a finding of non-compliance, those sub-recipients shall be required to submit an annual report detailing the steps taken by the sub-recipient to ensure compliance with Title VI.

IX. TRAINING

The Title VI implementation plan will be disseminated to all County employees along with complaint procedures.

The County may periodically hold Title VI training seminars for its employees, particularly for those individuals responsible for monitoring Title VI compliance. All new employees shall receive a copy of the County's Title VI plan as part of the orientation process.

X. GOALS AND EVALUATION PROCEDURES

The County endeavors to reevaluate its Title VI goals on an annual basis, as part of the process of reviewing the agency's Title VI plan. The plan shall, each year, set forth the County's current goals and the process for evaluating and revising those goals and the agency's progress towards those goals.

A. Goals

1. Report compliance activities in a timely manner.
2. Respond to and investigate all complaints within the timeframe and in accordance with the procedures outlined in Section VII.
3. Obtain information from employees to determine if the plan is adequate to address their needs and the requirements of Title VI.

B. Evaluation of Goals

1. The Advisory Committee shall, at each meeting, review the agency's goals and its progress towards these goals, and evaluate the effectiveness of the plan's provisions as they relate to these goals.
2. The Advisory Committee shall, at each meeting, establish a timeline for achievement of goals, and implement a process for monitoring the progress towards these goals.
3. The Advisory Committee shall, at each meeting, promulgate a written report of the agency's progress towards the identified goals.
4. The Advisory Committee shall, at each meeting, discuss and evaluate whether any corrective procedures are necessary to bring the County closer to its goals

XI. PUBLIC NOTIFICATION

Two groups of people will receive notification of the County's Title VI plan, complaint forms, nondiscrimination policy, and programs and services: 1) County employees who will receive copies of the implementation plan and the complaint procedures; and 2) members of the general public who visit or request information via phone, fax, or email.

The contact person responsible for distributing these materials is the County's compliance officer.

XII. RECORDKEEPING AND REPORTING

A. Complaints

1. The compliance officer will maintain a log of all complaints filed with the County.
2. The compliance officer will maintain copies of complaint forms and will ensure that they are available for use.

B. Reporting

1. Changes in the Title VI implementation plan will be provided to employees as changes are made.
2. Changes in the Title VI implementation plan will be forwarded to the Department for Local Government as changes are made.

- C. The changes made in sections VIII and IX of this plan are incorporated herein as part of the County's recordkeeping and reporting procedures.

XIII. MINORITY REPRESENTATION

A. Minority representation on Boards/Committees

BOARD/COMMITTEE	MEMBERS	MINORITY REPS	%

B. Ensuring minority participation:

The County continues to attempt to identify and employ qualified minority applicants. Where minority representation in particular areas of the agency is low, the County endeavors to fill vacant positions with qualified minorities. Whenever a planning or advisory body, such as a board or committee is an integral part of the County's programs, the County shall take such steps as are necessary to ensure that minorities are notified of the existence of such bodies and are provided equal opportunity to participate as members. Where members of a board or committee are appointed by the County and where minorities comprise at least 5% of the affected area or the surrounding community, the facility or agency must appoint a minority representative to serve on the board or committee.

The County has also created a Title VI advisory committee to review and make recommendations regarding this implementation plan and to identify areas where improvement is needed. The advisory committee is composed of six (6) people, including one (1) minority as defined by Title VI. The advisory committee shall meet at least once each year.

- C. The summary of race and national origins for Madison County includes the following employees:

RACE/NATIONAL ORIGIN	NUMBER	Percentage
White Females		
White Males		
Black Females		
Black Males		
Hispanic Females		
Hispanic Males		
American Indian Females		
American Indian Males		
Other Females		
Other Males		
Total		

XV. APPENDICES

**MADISON COUNTY
101 WEST MAIN STREET
RICHMOND, KENTUCKY 40475
Telephone: (859) 624-4700
Fax: (859) 624-9140**

**Complaint Under Title VI
The Civil Rights Act of 1964**

To Title VI Coordinator:

I, _____, hereby file an official complaint against
_____ located at

Name of Persons or Agency

Date of alleged discrimination: _____.

Complainant's address: _____

Complainant's telephone number: _____.

Basis of complaint (use back of sheet if necessary):

Signed: _____

Date: _____

**MADISON COUNTY
101 WEST MAIN STREET
RICHMOND, KENTUCKY 40475
Telephone: (859) 624-4700
Fax: (859) 624-9140**

Report of Investigation

I, _____, representing Madison County, have investigated the complaint filed on _____, 20__ by _____ alleging that discrimination occurred which was in violation of the provisions of Title VI of the Federal Civil Rights Act.

The results of the investigation were as follows:

- _____ A. The agency or person was found to be in violation of Title VI.
- _____ B. The agency or person was not found to be in violation of Title VI.
- _____ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

Withdrawal of Complaint (if applicable) _____

If the agency or person was found to be in violation of Title VI, a brief description of the remedial action taken to assure future compliance follows:

Signed: _____

Date: _____