



**The Unified Government of  
Athens-Clarke County, Georgia  
TITLE VI PROGRAM PLAN**

Federal Assistance Programs and Activities

# **The Unified Government of Athens-Clarke County Title VI Plan**

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## **Section I: Policy Statement and Authorities**

### **A. Policy Statement**

The Unified Government of Athens-Clarke County (ACCGov) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. ACCGov assures that no person shall on the grounds of race, color, 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. ACCGov further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities whether or not those programs and activities are federally funded. In addition, ACCGov will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

When ACCGov enters into a contract with another entity utilizing federal aid funds, ACCGov will include Title VI language in all written agreements and will monitor for compliance.

ACCGov's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other ACCGov responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

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Kelly Girtz, Mayor  
The Unified Government of Athens-Clarke County

## **B. Authorities**

### **Title VI of the Civil Rights Act of 1964**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), 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 (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

### **The Civil Rights Restoration Act of 1987**

Broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

### **Federal Aid Highway Act of 1973**

No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

### **Age Discrimination Act of 1975**

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

### **Americans with Disabilities Act of 1990 (ADA & ADAAA)**

No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

### **Section 504 of the Rehabilitation Act of 1973**

No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

### **Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency**

## Section II: Organization and Plan Administration

### A. Organization

The Unified Government of Athens-Clarke County (ACCGov) is a unified city/county government located in the northeast section of the state of Georgia and is approximately sixty (60) miles northeast of Atlanta, Georgia. In 1990, the citizens of the City of Athens and Clarke County voted to unify their governments. In doing so, Athens-Clarke County became the second consolidated government in Georgia and the 28<sup>th</sup> in the nation. Athens-Clarke County is the most urbanized area in the region, and as such, can be considered the center of employment, culture, education, and business activity. ACCGov serves an area population of approximately 128,711 with annual growth projected at 0.92% per year and provides a multitude of local, state, and federally funded services, which includes, but is not limited to public safety, utilities, courts, corrections, tax, transportation, and transit services.

ACCGov's organization is shown in Appendix A ("Organizational Chart"), attached hereto and incorporated herein by reference. The ACCGov Human Resources Director, on behalf of the ACCGov Mayor and Commission, is responsible for the overall management of the Title VI programs. The day-to-day administration of the program lies with the Title VI Coordinator.

### B. Plan Administration

The ACCGov Human Resources Director shall serve as the Plan Administrator (the "Administrator") and shall implement the Plan and ensure compliance with provision of ACCGov's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. Grants compliance and Title VI coordination shall be performed under the authority of the Administrator.

The ACCGov Safety & Risk Administrator shall act as the Plan Coordinator (the "Coordinator") and administer the Plan. The Coordinator reports directly to the Administrator. The Coordinator's duties and responsibilities are as follows:

1. **Program Administration** – Administer the Title VI program and coordinate implementation of the plan. 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 Administrator.
2. **Title VI Plan Update** – Review and update the Title VI Plan as needed or required for approval by the Administrator.
3. **Data Collection** – Ensure that statistical information is gathered and maintained on race, color, national origin and sex of participants in and beneficiaries of programs funded through federal funding sources (e.g., relocates, impacted citizens, and affected

communities). Review the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.

4. **Public Dissemination** – Work with ACCGov staff to develop and disseminate Title VI program information to staff, recipients, sub-recipients, including contractors, sub-contractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the ACCGov’s Title VI Policy Statement in newspaper(s) having a general circulation, and informational procurements. 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.
5. **Environmental Impact Statements** – As required, work with the ACCGov department staff to ensure that available census data are included as part of all Environmental Impact Statements/Assessments (EIS/EIA) for projects receiving Federal Highway Administration or other federal assistance.
6. **Elimination of Discrimination** – Establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination discovered in any of ACCGov’s processes.
7. **Complaints** – Review written Title VI complaints that may be received by ACCGov following the procedural guidelines in Section VIII (“Complaint Procedures”). Ensure every effort is made to resolve informally at the local or regional level.
8. **Training Programs** – Work with internal and external agencies to conduct training programs on Title VI issues and regulations for ACCGov employees.
9. **Legislative and Procedural Information** – Maintain and update the Plan and Annual Accomplishment and Goal Report as necessary to comply with federal laws, rules and regulations, GDOT guidelines, Department of Treasury guidelines, and other resource information pertaining to implementation and administration of Title VI. Make information available to other ACCGov departments or the public as requested or required.
10. **Annual Accomplishment and Goal Report** – If any complaints are received, prepare a Title VI Annual Accomplishment and Goal Report for the preceding fiscal year. Identify accomplishments from the preceding fiscal year and goals and objectives for the upcoming year, as required, and submit by June 30 of each year.

### **Section III: Subcontracts and Vendors**

All subcontractors, subaward recipients, subrecipients, and vendors who receive payments from ACCGov where funding originates from any federal assistance are subject to the provisions of the Title VI of the Civil Rights Act of 1964 as amended.

Written contracts will contain non-discrimination language, as relevant and appropriate, either directly or through the bid specification package, which becomes an associated component of the contract.

## **Section IV: ACCGov Title VI Activities Related to Transportation**

### **A. Planning**

1. Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when requesting public involvement or attendance at public information meetings.
2. Obtain demographic data at community meetings and public hearings pertaining to the transportation design project. Coordinate the gathering of information using the voluntary Title VI Public Involvement Questionnaire provided in Appendix B.
3. Conduct public meetings in a variety of community buildings throughout Athens-Clarke County to ensure access to public meetings, including those along transit routes; ensure translation services are available if anticipated; and ensure public meetings are held in predominately minority communities when transportation projects will specifically impact those communities.

### **B. Research**

1. Prioritize research projects based upon ACCGov needs and available funding.
2. Gather and maintain necessary data and documentation required for completion of ACCGov's Title VI Update Annual Report.
3. Select capable institution to perform research sufficient for ACCGov to make an informed decision about the transportation problem. Ensure the diversification in the selection of the institution.
4. Ensure that all research contracts include the requirements in Exhibit 2 of the Title VI Assurances.

### **C. Pre-Construction Environmental**

1. Recommend consultant firms for final selection, negotiation and award; administer awarded consultant contracts.
2. Request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to ACCGov projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or SEPA documents for ACCGov projects. Ensure consultant

selection is consistent with ACCGov vendor policies and adheres to GDOT regulations.

3. Comply with ACCGov's Minority Business Enterprise (MBE) statement when selecting consultants and contractors; include Title VI assurances and provision language in all federally funded consultant contracts and periodically review to ensure compliance with current laws and regulations. Provide a copy of the award letter to the Coordinator for use in preparing the Annual Accomplishment and Goal Report.
4. Ensure ACCGov's responsibility for transportation Capital Improvement Program (CIP) and environmental permitting for projects. Perform studies to assess various environmental factors as they relate to the implementation of ACCGov's transportation projects, including evaluating demographic data.
5. Adhere to the National Environmental Policy Act (NEPA), as required, depending on the scope, complexity, and impacts of the project.
6. Complete NEPA Categorical Exclusion and NEPA Environmental Assessment as required. Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements (EIS) or Assessments (EIA) and provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator, including updated summary lists as applicable. Provide at least two weeks for the Coordinator to review and comment. Ensure there are no violations of the federal Civil Rights Act, as amended, as a result of ACCGov's federal aid projects.
7. Ensure dissemination of information and foster participation from affected populations. Place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominately minority communities. Ensure the public has information pertaining to their rights to call or write ACCGov to view plans and discuss environmental problems.
8. Obtain demographic data at community meetings and public hearings pertaining to the transportation design project. Coordinate with GDOT to generate a map of the federal-aid transportation projects and include demographic data of the neighborhoods affected by the projects.
9. Assist in incorporating environmental considerations and regulatory requirements into projects.

10. Provide technical expertise for project analysis and utilize environmental policies, procedures, manuals and training.
11. Study and evaluate all necessary environmental aspects of proposed projects, including social and economic aspects.

**D. Right-of-Way**

1. Manage and coordinate the appraisal and acquisition of real property and relocation assistance services for public works projects. Include appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management.
2. Ensure equal opportunity in all aspects of procuring real estate services contracting and appraisal agreements and adhere to ACCGov vendor procurement policies in the acquisition of contracted services.
3. Utilize current GDOT directories for a list of certified fee appraisers when seeking services, maintain data on awards to minority and female appraisers, and provide data to the Coordinator.
4. Follow the guidelines and applicable laws and regulations, including Title VI and Section 504 for property acquisition.
5. Ensure affected property owners, tenants, and others involved in right-of-way acquisition are apprised of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by GDOT.
6. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
7. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
8. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
9. Maintain statistical data including race, color, national origin, and sex on all relocates affected by federally funded projects.

## **E. Construction**

1. Administer all new construction contracts. Administer and supervise transportation construction projects.
2. Review all federally funded projects for application of the DBE statement. As appropriate, include DBE provisions in those projects with the designated statement. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the Agency's Title VI Policy Statement and Assurances.
3. Award construction contracts on the basis of most qualified, lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
4. Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
5. Monitor all construction to ensure nondiscrimination throughout all operations.
6. Coordinate the gathering of construction information regarding DBE participation for the Annual Title VI Report and provide this information to the Coordinator.

## **Section V: Sub-Recipient Review and Remedial Action Procedures**

### **A. Title VI Review of Sub-recipients of Federal Aid Highway Funds**

The Coordinator and ACCGov staff will assist GDOT to periodically conduct Title VI compliance reviews. The Coordinator and ACCGov staff will review select sub-recipients of federal aid highway or other federal funds to ensure adherence to Title VI requirements. ACCGov will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

### **B. Post-Grant Reviews**

The Coordinator and ACCGov staff will conduct periodic post grant reviews of select sub-recipients of federal highway funds or other federal funds, for roads, sidewalks, bridges, construction, etc. to ensure adherence to Title VI requirements. The Coordinator and ACCGov staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

### **C. Remedial Action**

When irregularities occur in the administration of federal-aid highway programs at either ACCGov or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. ACCGov will seek the cooperation of the consultant, contractor and other sub-recipient in correcting deficiencies found during periodic reviews. ACCGov will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient. When conducting Title VI compliance reviews, ACCGov will document and provide to GDOT any recommended remedial action agreed upon by ACCGov and the sub-recipient within a period not to exceed forty-five (45) calendar days.

Sub-recipients placed in a deficiency status will be given a reasonable time, but not to exceed ninety (90) days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, ACCGov will submit to GDOT copies of the case files and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within one hundred eighty (180) days of the initial review to ascertain if the sub-recipient has complied with the Title VI requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, ACCGOV and GDOT may, with FHWA's concurrence, initiate sanctions pursuant to 49 CFR 21, including but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies; and/or
2. Cancellation, termination, or suspension of the contract in whole or in part.

## **Section VI: ACCGov Title VI Activities Related to Transit**

Transit Department receives federal funds from the Federal Transit Administration (FTA) via the Georgia Department of Transportation (GDOT) Office of Intermodal Programs. Both FTA and GDOT Title VI guidelines for the Transit Department meet or exceed the requirements found within this document. The Transit Department complies with all Federal statutes and regulations, follows applicable Federal directives, and complies with the certifications and assurances as required by the Federal Transit Administration (FTA) in FTA Circular FTA C 4702.1B and 49 CFR part 21, and by the Georgia Department of Transportation (GDOT) Office of Intermodal Programs guidelines, in regard to the Title VI programs.

The Transit Department has a stand-alone Title VI plan that has been approved by GDOT. See Addendum D.

## **Section VII: ACCGov Title VI Activities Related to Housing and Community Development**

ACCGov Housing and Community Development Department (HCD) receives federal funds from the U.S. Department of Housing and Urban Development (HUD). HCD Title VI guidelines for the Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME), and Supportive Housing Program (SHP) meet or exceed the ACCGov requirements found within this document. The ACCGov HCD Department complies with all Federal statutes and regulations, follows applicable Federal directives and Executive Orders, and complies with the certifications and assurances as required by HUD regulations for CDBG at 24 CFR 570, for HOME at 24 CFR 92.504, and for SHP at 24 CFR, Part 583 in regard to the Title VI programs.

## **Section VIII: Complaint Procedures**

### **A. Overview**

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, and Civil Rights Restoration Act of 1987 relating to any program or activity administered by ACCGov, as well as by sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

### **B. Right to File Formal Complaints**

The 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. Every effort will be made to resolve complaints informally at the ACCGov and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator/the Title VI Coordinator may be utilized for resolution.

### **C. Procedures**

1. Any individual, group of individuals, or entity that believes it has been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written formal complaint with ACCGov's Title VI Coordinator using ACCGov's Title VI Complaint Form found in Appendix C. The formal complaint must be filed in writing or in person by the complainant and/or his/her/their representative no later than 180 calendar days after the alleged discrimination occurred or after the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s).
  - b. Include the date of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues, including but not limited to names and job titles of those individuals perceived as parties in the complained-of incident.
  - d. Generally, the Title VI Coordinator will acknowledge receipt of a complaint within 10 days of it being submitted and inform the complainant of action taken or any possible action to process the complaint; provided that the complaint must first provide the identity(ies) of the complainant(s) and affirm its intent to proceed with the complaint.

- e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her/them to complete, sign, and return to the Title VI Coordinator for processing.

Failure of the complainant to respond to requests for information may result in dismissal of the complaint.

2. Upon receiving the written complaint, ACCGov will determine its jurisdiction, acceptability of the complaint, need for additional information, and the investigative merit of the complaint. In some situations, ACCGov may request GDOT's Office of Equal Employment Opportunity, or other relevant authoritative agency, to conduct the investigation. In the event GDOT handles the investigation, GDOT will follow its adopted procedures for investigating discrimination complaints, per its current Title VI Plan.
3. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.
4. If the complaint is against a sub-recipient, consultant, or contractor, under contract with ACCGov, the appropriate sub-recipient, consultant, or contractor shall be notified of the complaint within fifteen (15) calendar days of ACCGov receiving the complaint.
5. Once ACCGov decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged in the Title VI Coordinator's records along with the basis for the allegation identified and the race, color, national origin, handicap/disability, age and sex of the complainant.
6. In cases where ACCGov assumes investigation of the complaint, the Title VI Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the Title VI Coordinator with his/her/their response to the allegations.
7. Within sixty (60) calendar days of acceptance of the complaint, the Title VI Coordinator (or GDOT investigator) will prepare a written investigative report. The

interrogations should be conducted in accordance with established practices administered by the Department of Justice. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

8. The investigative report will be reviewed by ACCGov Attorney's office (the "Attorney"). The Attorney may discuss the report and its recommendations with the Title VI Coordinator and other staff as appropriate. The report will be modified as needed and made final for its release to the complainant and respondent.
9. Once the investigative report becomes final, briefings will be scheduled with the complainant and respondent within fifteen (15) calendar days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
10. A copy of the investigative report and a copy of the complaint will be forwarded to the Georgia Department of Transportation Office of Equal Employment Opportunity, or other relevant and appropriate oversight entity, within sixty (60) calendar days of the completion of the briefings.
11. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminator practice(s), he/she/they shall be advised of his/her/their rights to appeal ACCGov's decision to GDOT, the United States Department of Transportation (USDOT), U.S. Department of Justice (USDOJ), or other entity as appropriate. The complainant has one hundred eighty (180) calendar days after ACCGov's briefing to appeal. Unless new facts not previously considered come to light, reconsideration of ACCGov's opinion will not be available.
12. A Complaints Log shall be maintained annually by ACCGov. The Complaints Log will contain the following information for each complaint filed:
  - The name and address of the person filing the complaint
  - The date of the complaint
  - The basis of the complaint
  - The disposition of the complaint
13. ACCGov departments will not be allowed to investigate a formal complaint against itself.

## Section IX: Title VI Investigations, Complaints, and Lawsuits

In accordance with 49 CFR 21.9(b), the Unified Government of Athens-Clarke County (ACCGov) must record and report any investigations, complaints, or lawsuits involving allegations of discrimination. The records of these events shall include the date the investigation, lawsuit, or complaint was filed; a summary of the allegations; the status of the investigation, lawsuit, or complaint; and actions taken by the Unified Government of Athens-Clarke County in response; and final findings related to the investigation, lawsuit, or complaint. The records for the previous three (3) years shall be included in the Title VI Plan when it is submitted to GDOT or other funding agency.

ACCGov has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years. A summary of these incidents is recorded in Table 1.

**Table 1: Summary of Investigations, Lawsuits, and Complaints**

	<b>Date (MM/DD/YYYY)</b>	<b>Summary (include basis of complaint: race, color, or national origin)</b>	<b>Status</b>	<b>Action(s) Taken</b>
<b>Complaints</b>				
1.				
2.				
3.				
<b>Investigations</b>				
1.				
2.				
<b>Lawsuits</b>				
1.				
2.				

## **Section X: Education and Training**

In keeping with the ACCGov Policy of Nondiscrimination, procedures will be established or followed for ACCGov employees to have equal access to applicable educational and training opportunities. The Title VI Coordinator will work with ACCGov staff to maintain program administration documentation and data necessary for preparation of the Annual Accomplishment and Goal Report. ACCGov staff will routinely supply the necessary data to the Title VI Coordinator.

### **1. National Highway Institute (NHI) Education**

The Title VI Coordinator will establish policy for the selection of participants interested in taking part in the National Highway Institute Training workshops to ensure that no one is denied participation or subjected to discrimination on the basis of race, color, sex, or national origin. A report will be completed and forwarded to the Title VI Coordinator upon completion of each educational seminar or course throughout the course of the year, which shall include the name of each participant, his/her/their title, department, sex and ethnicity for use in completing the annual Title VI accomplishment report.

### **2. Title VI Training**

The Coordinator may organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors. GDOT's Office of Equal Employment Opportunity may be asked to provide applicable training.

### **3. Selection of Instructors**

The Coordinator will ensure ACCGov policy is followed in the selection of instructors for ACCGov training courses/workshops, and ensure equal opportunity in the selection process for all training contracts. If an outside training contract is needed, ACCGov will provide accessibility to Minority/Women/Disadvantaged Business Enterprise consulting and training firms to compete for training contracts, in accordance with the Disadvantaged Business Enterprise (DBE) statement.

## **Exhibit 1: Title VI Notice to the Public**

U.S. Department of Justice regulations, 28 Code of Federal Regulations, Section 42.405, Public Dissemination of Title VI Information, require recipients of Federal financial assistance to publish or broadcast information in news media. Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. The following is the public notice used by ACCGov:

The Unified Government of Athens-Clarke County, Georgia (ACCGov) hereby gives public notice that it is the policy of ACCGov to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs or activities.

Any person who believes he/she has been subjected to unlawful discriminatory practice under Title VI has a right to file a formal complaint. The formal complaint must be filed in writing or in person with the ACCGov Title VI Coordinator within one hundred-eighty (180) days from the date of the alleged discriminatory act or upon notice of the discriminatory act. Title VI Discrimination Compliant Forms may be obtained by going to the ACCGov's website or by calling the ACCGov Title VI Coordinator at (706) 613-3090.

## **Exhibit 2: Title VI Assurances**

### **A. Title VI Assurances for the Unified Government of Athens-Clarke County**

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

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its federal aid highway program.

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

“The Unified Government of Athens-Clarke County, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d-42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract

entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not discriminate against bidders on the grounds of race, color, sex, or national origin in consideration for an award.”

3. The Recipient shall insert the clauses of Section B of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Section C of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient received 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 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, or under, such property.
7. That the Recipient shall include the appropriate clauses set forth in Section D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest thereon 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 by the Secretary of Transportation, or the official to whom is delegated specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other

participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

---

(Date)

---

(Recipient)

By: \_\_\_\_\_  
(Signature of Authorized Official)

## **B. Title VI Assurances for Consultants, Contractors, Subcontractors, Suppliers and Manufacturers**

The text below, in its entirety, shall be incorporated in all contracts entered into by ACCGov related to transportation projects utilizing Federal funding sources. All of the text, except the final section, entitled “Incorporation of Provisions,” should be included in any contract entered into by any ACCGov contractor related to transportation projects.

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 part of this contract.

### **2. Nondiscrimination**

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

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

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

### **4. Information and Reports**

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by ACCGov or the Georgia Department of Transportation (GDOT) 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 ACCGov, GDOT, 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, ACCGov and GDOT shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

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

#### 6. Incorporation of Provisions

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

The Contractor shall take such action with respect to any subcontractor or procurement as ACCGov, GDOT, or the Federal Highway Administration may direct as a means of enforcing such provision, 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 ACCGov to enter into such litigation to protect the interests of ACCGov and, in addition, the Contractor may request GDOT to enter into such litigation to protect the interest of the State and/or the United States to enter into such litigation to protect the interest of the United States.

## **C. Granting and Habendum Clauses**

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.

### **1. Granting Clause**

NOW, THEREFORE, the Unified Government of Athens-Clarke County is authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, and 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 ACCGov all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

### **2. Habendum Clause**

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

The Unified Government of Athens-Clarke County, 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 Unified Government of Athens-Clarke County 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 absolute property of, the Department of Transportation and its assigns as such interest existed prior to this instruction.<sup>1</sup>

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

#### **D. Lease/Deed Provisions**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by ACCGov pursuant to the provisions of Assurance 6:

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

That in the event of breach of any of the above nondiscrimination covenants, the Unified Government of Athens-Clarke County shall have the right to terminate this (DEED/LEASE/PERMIT), and to reenter and repossess said land and the facilities thereon, and hold the same as if said (DEED/LEASE/PERMIT) had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by ACCGov pursuant to the provisions of Assurance 6:

The (PURCHASER/LESSEE/PERMITTEE), for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant, and agree as a covenant running with the land, that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (PURCHASER/LESSEE/PERMITTEE) shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code

of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

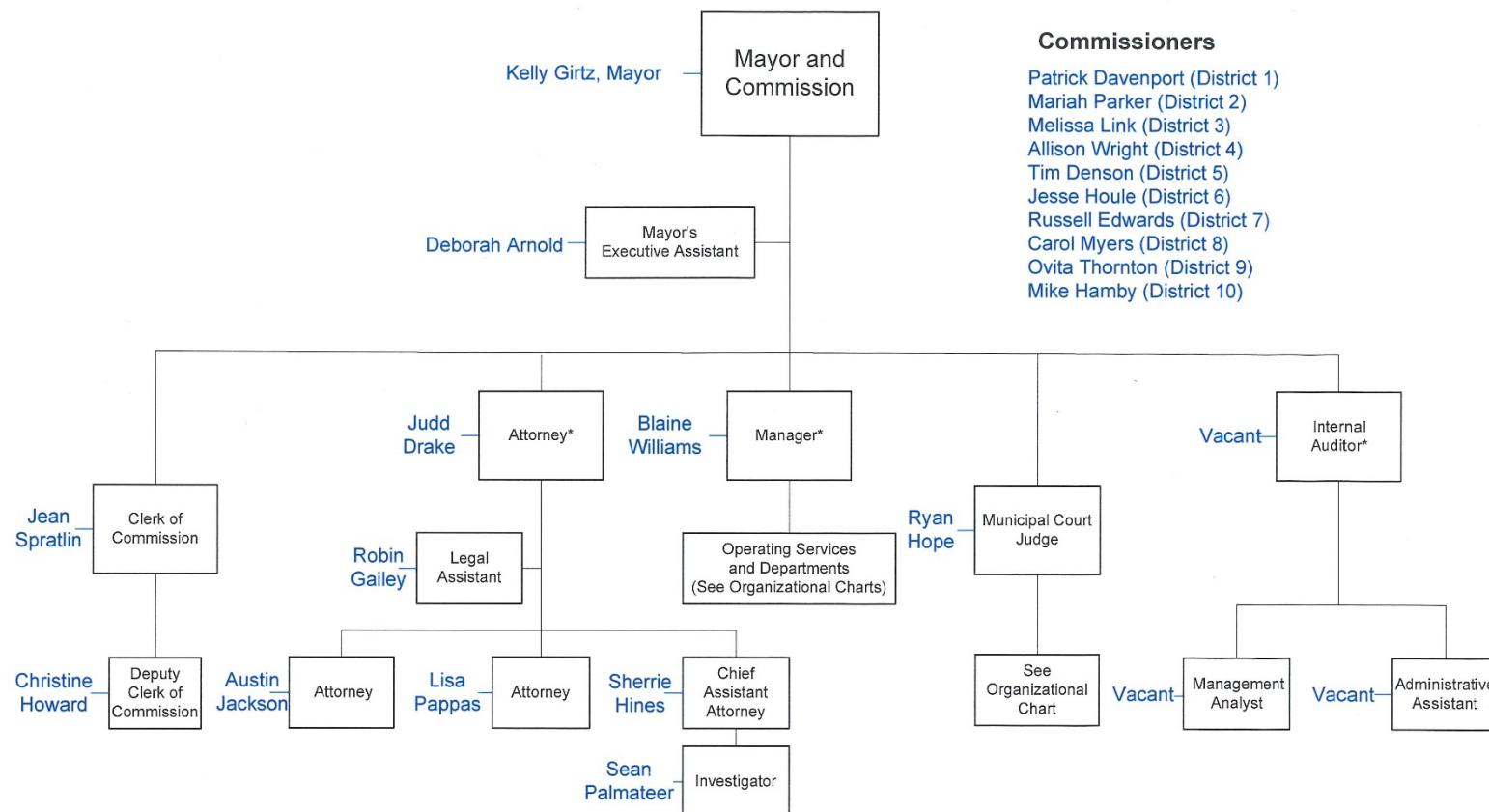
That in the event of breach of any of the above nondiscrimination covenants, the Unified Government of Athens-Clarke County shall have the right to terminate the [LICENSE/LEASE/PERMIT] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [LICENSE/LEASE/ PERMIT] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, the Unified Government of Athens-Clarke County shall have the right to reenter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Unified Government of Athens-Clarke County and its assigns.

## **Appendix A: Organizational Chart**

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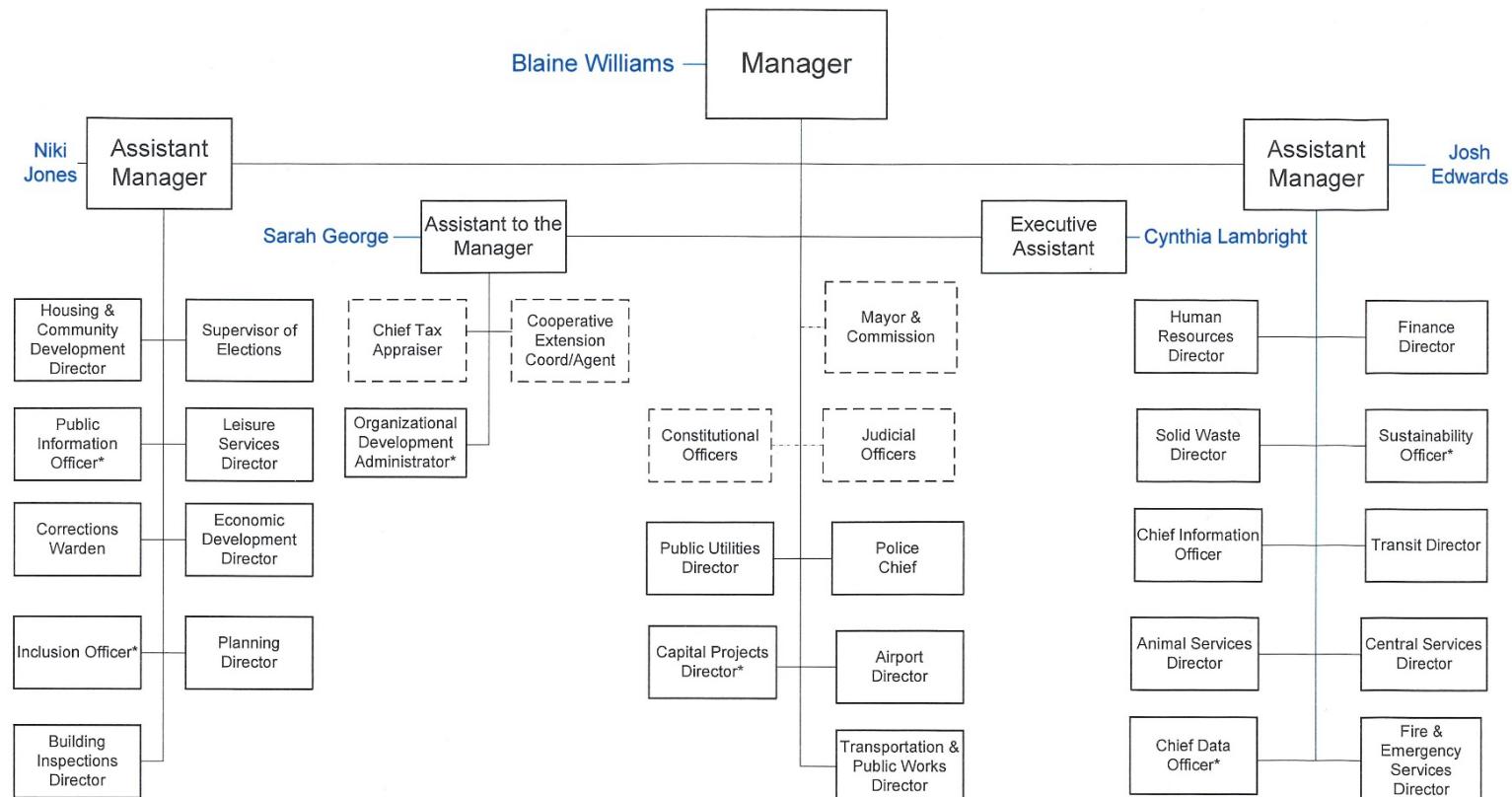
## Mayor and Commission



\*Charter Officers

*Kelly Girtz* *4/26/2022*  
Kelly Girtz, Mayor Date

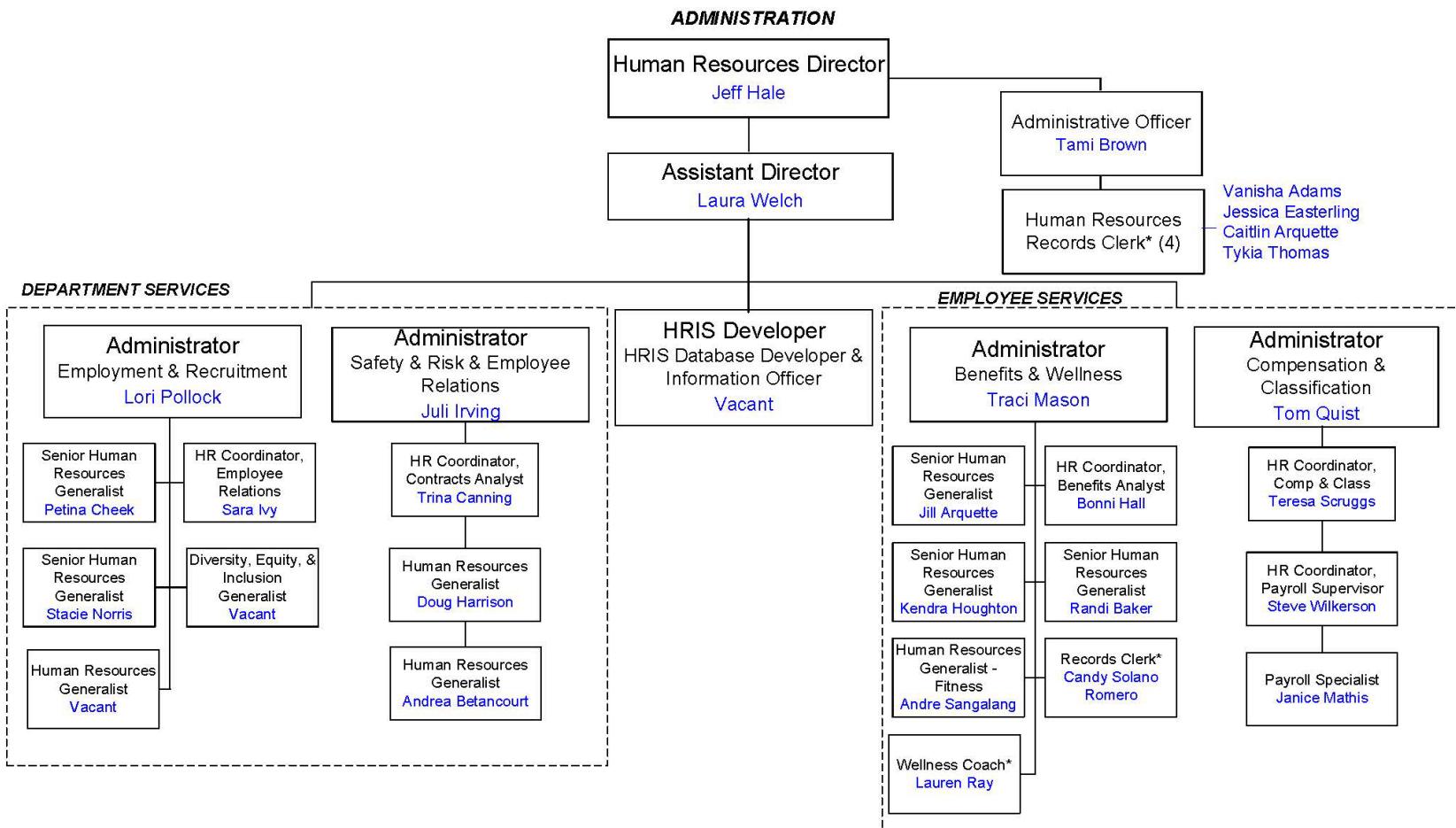
## Manager's Office



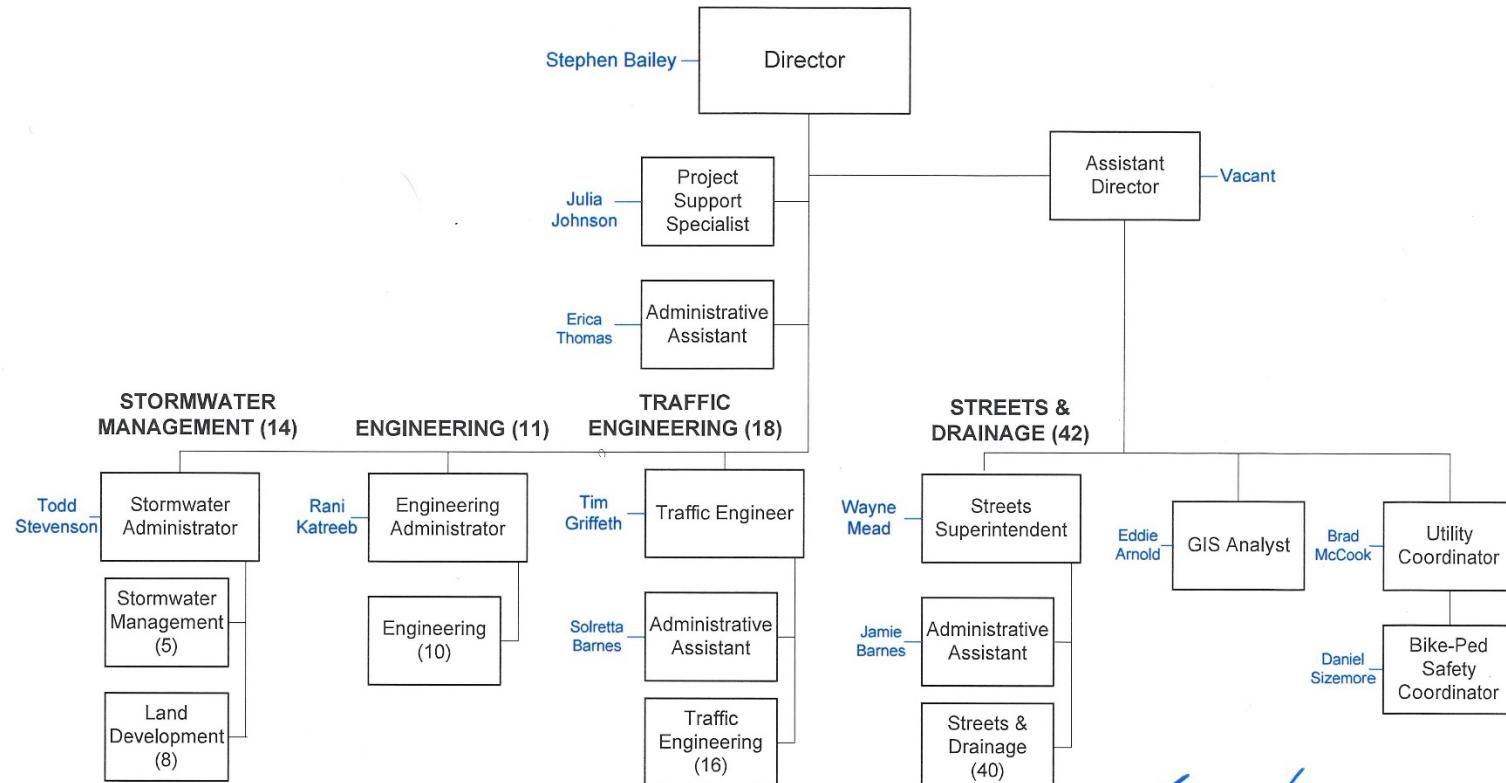
\* Sections of Managers Office  
----- Appointed by others

  
 Blaine Williams  
 Unified Government of  
 Athens-Clarke County Manager  
 4/26/22 Date

# Human Resources Department



# Transportation and Public Works Department



*Stephen Bailey*

Stephen Bailey  
Director

11/29/21  
Date

Total Authorized Positions: 92 Full-time  
Part-time Without Benefits: 3

*Elaine Williams*  
Elaine Williams  
Unified Government of  
Athens-Clarke County Manager

Date

## Appendix B: Title VI Public Involvement Questionnaire

Title VI of the Civil Rights Act of 1964 requires ACCGov to be sure that everyone in the affected project areas has a chance to be heard and to respond to programs and activities that may affect their community.

To help with that, we ask that you voluntarily provide us information about your race, ethnicity, gender, and/or disability. **You are not required to disclose the information requested in order to participate in this meeting. The completion of this questionnaire is strictly voluntary, and completion is not required by law.**

For further information regarding this process, please contact Juli Irving, Human Resources Department, Safety & Risk Administrator / Title VI Coordinator, Human Resources Department, 375 Satula Avenue, Athens, Georgia 30601, phone 706-613-3090, or by email at [Juliana.Irving@accgov.com](mailto:Juliana.Irving@accgov.com).

Please respond to the following questions:

Project Name	Date
Location of Public Meeting	
Name (Optional) (Please print)	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
General Ethnic Identification Categories (Check as many as apply)	
<input type="checkbox"/> African American <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander	
<input type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic <input type="checkbox"/> Other _____	
Race and/or Color	National Origin
Any Disability? Circle: Yes No Please explain:	

After you have completed this form, please place it inside the designated box on the registration table.

**Thank you for your participation!**

## **Appendix C: Title VI Complaint Form**

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Note: The following information is necessary to assist the Unified Government of Athens-Clarke County (ACCGov) in processing your complaint. Should you require any assistance in completing this form, please contact the Title VI Coordinator. Complete and return this form to Juli Irving, Safety & Risk Administrator/Title VI Coordinator, Human Resources Department, 375 Satula Avenue, Athens, Georgia 30601, phone 706-613-3090, or by email at [Juliana.Irving@accgov.com](mailto:Juliana.Irving@accgov.com).

1. Complainant's Name \_\_\_\_\_
2. Address \_\_\_\_\_
3. City, State and Zip Code \_\_\_\_\_
4. Telephone Number (home) \_\_\_\_\_ (business) \_\_\_\_\_
5. Person discriminated against (if someone other than the complainant)

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:
  - a. Race/Color \_\_\_\_\_
  - b. National Origin \_\_\_\_\_
  - c. Other \_\_\_\_\_
7. What date did the alleged discrimination take place? \_\_\_\_\_
8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.  
\_\_\_\_\_  
\_\_\_\_\_

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

If yes, check all that apply:

Federal agency       Federal court       State agency  
 State court       Local agency

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

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_

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

---

**Complainant's Signature**

---

Date

## **Appendix D: Minority Business Enterprise Statement**

### **The Unified Government of Athens-Clarke County Minority Business Enterprise Statement**

**June 30, 2015**

The MBE Policy statement has remained as current practice and is listed on all bid documents, which says....

*"It is the policy of the Athens-Clarke County government that no person or business shall be excluded from participation, denied the benefits of, or otherwise discriminated against in relation to the award and performance of any contract or subcontract on the grounds of race, color, creed, national origin, age, or sex. This policy will be incorporated in all bid announcements and contract requirements."*

## **Appendix E: Equal Employer Opportunity Policy Statement**

### **The Unified Government of Athens-Clarke County**

### **Equal Employer Opportunity Policy Statement**

**August 29, 2019**

The EEO Policy statement has remained as current practice and is listed on [www.accgov.com](http://www.accgov.com), which says....

#### **Equal Employment / Diversified Workforce Statement**

*It is the policy of the Athens-Clarke County Unified Government (ACC) to provide equal opportunity to any applicant or employee in all aspects of the personnel system and employment process. Employment with ACC is based upon personal capabilities and qualifications without regard to race, color, sex, sexual orientation, gender identity, religion, national origin, citizenship, age, disability, or pregnancy. Exceptions may be made where a specific age, sex, or physical requirement constitutes a bona fide occupational qualification necessary to proper and efficient administration.*

*The personnel system shall at all times be conducted in accordance with the guidelines of the U.S. Civil Service Commission and the regulatory provisions of the Civil Rights Acts. It is the intention of ACC to fully comply with all applicable federal laws. As such, the government will not discriminate against qualified individuals on the basis of a disability in consideration of any terms and conditions of employment or in admission and access to programs, services, and activities. In achieving compliance, the government may provide reasonable accommodations to enable an otherwise qualified employee to perform the essential requirements of his or her job.*

*It is also the policy of ACC to provide a diversity program in order to create and maintain a positive environment where the differences of all ACC employees are recognized, understood, and valued. Through this process, ACC employees may fully participate in achieving their full potential to maximize their contribution to ACC and the community.*

*For more information on our policy, contact us at 706-613-3090.*

## **Appendix F: Limited English Proficiency (LEP) Plan**

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language. This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that: “Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

The Unified Government of Athens-Clarke County’s Limited English Proficiency (LEP) Plan<sup>2</sup> is a distinct from the Title VI plan and has been provided.

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<sup>2</sup> ACCGov anticipates updating the LEP plan between 2022-2023.