SOMERSET, KENTUCKY

TITLE VI IMPLEMENTATION PLAN

OVERVIEW

Somerset City Council is a governmental agency that serves Somerset, Kentucky. The functions of the Somerset City Council revolve around its basic responsibilities to act as the chief legislative body as authorized by the Kentucky Legislature and service agency to perform City governmental services to Somerset, Kentucky, residents.

Title VI of the Civil rights Act of 1964 and its implementing regulations require all agencies receiving federal money to develop and implement plans to ensure that no one receiving benefits under a federally funded program is discriminated against on the basis of race, color, or national origin. Senate Bill 248.KRS Chapter 344.015, passed by the Kentucky General Assembly requires state agencies to develop a Title VI implementation plan with participation by protected beneficiaries as may be required by such law or regulations. The Department for Local Government, an independent agency of the Commonwealth attached to the Office of the Governor, requires Somerset, Kentucky, to develop and implement a plan to ensure that Title VI of the Civil Rights Act of 1964 be upheld. In addition, the Governor's Office for Local Development, in keeping with the state and federal regulations regarding Title VI recommends that each subrecipient of federal funds have a policy of nondiscrimination that meets the requirements set by the dispenser of funds, in this case the Somerset City Council.

MISSION STATEMENT

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs which receive federal funds from discriminating against participants or clients on the basis of race, color or national origin. The intent of the law is to insure that all persons, regardless of their race, color or national origin, are allowed to participate in these federally funded programs. To insure the Department for Local Government and its subrecipients meet their compliance responsibility, the following procedures have been established to provide for monitoring of Title VI compliance activities and complain processing in all programs, directly or indirectly responsible to the Department for Local Government, all of which receive Federal/State funding in whole or part.

SCOPE

Somerset, Kentucky, reaffirms its policies to afford all individuals the opportunity to participate in federal financially assisted programs and adopt the following provision:

> "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."

The overall responsibility for complying with the provisions of Title VI is vested in the Mayor of Somerset, Kentucky, who is accountable for the administration of the department and its divisions. The Mayor shall assign an agency Coordinator, who will be responsible for administering the compliance procedure and Title VI complaint processing for recipients and subrecipients of the program.

Title VI prohibits the following actions for recipients of federal assistance. Recipients of federal assistance (either directly or through contractual means), on the grounds of race, color, or national origin, shall not:

1. Deny a person the opportunity to participate as a member of planning or advisory body that is an integral part of the program.

2. Provide a service or benefit to an individual that is inferior (either in quantity or quality) to that provided to others in the program.

3. Provide an individual with a service or benefit in a manner different from others under the program.

4. Address an individual in a manner that denotes inferiority because of race, color, or national origin.

5. Subject an individual to segregation in any manner related to the receipt or services or benefits under the program.

6. Subject an individual to separate treatment in any manner related to receiving services or benefits under the program.

7. Restrict an individual in any way in the receipt of any advantage or privilege enjoyed by others under the program.

8. Require different standards or conditions as prerequisite for accepting an individual into a program.

9. Deny an individual any service or benefit provided under the program.

10. Use criteria or methods of administration which (a) have the effect of subjecting individuals to discrimination or (b) operate to defeat or substantially impair the accomplishment of the objectives of the program.

11. Permit discriminatory activity in a facility built in whole or in part with federal funds.

12. Fail to provide service or information in a language other than English when significant numbers of potential or actual beneficiaries are of limited English

speaking ability.

13. Fail to advise the population eligible to be served or benefitted by the program or the existence of the program.

14. Subject an individual to discriminatory employment practices under any federally funded program whose object is to provide employment.

15. Locate a facility in any way which would limit or impede access to a federally funded service or benefit.

RESPONSIBLE OFFICIAL

The Mayor shall assign an Agency Coordinator, who will be responsible for administering the compliance procedure and Title VI complaint processing for recipients and subrecipients of the program. The Agency Coordinator will be responsible for the day-to-day management of the civil rights compliance efforts of the City.

The Agency Coordinator for Somerset is Alan Keck, Mayor. He can be reached at 306 E Mt Vernon Street, Somerset, Kentucky 42501 or by phone at (606)679-6366.

STATEMENT OF ASSURANCES

Financial assistance is conditioned on the applicant providing assurances that the program or facility to be benefitted shall be pirated without discrimination. Although the particular form of assurance shall need to be specified by each department, in substance, the assurance is a contractual obligation through with the recipient promises to comply with Title VI regulations and will take immediate and continuing steps to effectuate this compliance. The assurance obligates the recipient for the period during which federal money is granted. In the case of real or personal property, the assurance obligates not only the recipient, but also any subsequent transferee for the period during which possession or ownership is retained, or during which the property is used for a purpose for which the property has been given. The assurance further acknowledges that the federal financial assistance is granted in reliance on the representations and agreements made in the assurance, and that the government has the right to seek its judicial enforcement.

Assurances shall be a part of all contracts extending federal financial assistance from Somerset on through to the Somerset subrecipients.

COMPLAINT PROCESS

Acceptance of Complaints of Discrimination

A. Any person alleging discrimination based on race, color, or national origin has a right to file a complaint within 180 days of the alleged discrimination. At the complainant's discretion, the complaint can be filed with the federal department, the state recipient, or the agency providing the service. It is not necessary to know the identity of the complainant, so long as the information is sufficient to determine the identity of the recipient and indicates the possibility of a violation.

B. All complaints, written or verbal, shall be accepted. In the event a complaint sets forth the allegations verbally and refuses to reduce such allegations to writing, the person to whom the complaint is made shall reduce the elements of the complaint to writing.

C. Complaints, whether written or later reduced to writing by a staff person, should contain the following information:

1. Name, address, and telephone number of the complainant.

2. The location and name of the entity delivering the service.

3. The nature of the incident that led the complainant to feel discrimination was a factor.

4. The basis of the complaint, i.e. race, color, or national origin.

5. Names, addresses and phone numbers of people who may have knowledge of the event.

6. The date or dates on which the alleged discriminatory event or events occurred.

D. Complaints.

1. Complaints shall be handled within 90 days of their receipt.

2. A letter shall be sent acknowledging receipt of the complaint.

3. A preliminary inquiry shall be conducted by the Somerset City Council on all complaints to substantiate or refute the allegations.

4. If the allegations are not substantiated, a letter shall be sent to the complainant that contains a description of the allegations investigated, the scope of the investigation, the facts learned and a closing statement summarizing the basis on which the determination was made.

5. A complaint log shall be kept for records and submission to the proper federal authorities.

COMPLIANCE/NONCOMPLIANCE

A. The authority for Somerset, Kentucky to assure compliance of Title VI of the Civil Rights Act of 1964 and KRS Chapter 344.015 requires subrecipients to complete an annual self survey of local programs and facilities. The self survey will be submitted to the City coordinator by March 1st of each year.

B. Each contract for covered services shall contain Title VI assurances. Execution of the contract shall affirm the subrecipient's Title VI compliance. The contract monitoring instrument utilized by each department/agency will include Title VI oversight. Any title VI deficiencies noted from the self survey or during the monitoring process shall be addressed promptly by the department/agency which shall offer technical assistance to the subrecipient.

C. Routine Compliance Reviews. The City may conduct routine compliance reviews. The selection of a particular recipient for a routine review shall be based on, but not limited to, such factors as:

1. A periodic assessment of compliance;
2. An increase in complaints;
3. Community patterns of discrimination;
4. Failure of recipient to file compliance reports or reports showing patterns of discrimination;
5. Recipient receiving federal money under other programs and found to be in non-compliance by other agencies;
6. Racial staffing patterns that may present a problem; and/or
7. Previously unreviewed recipients.

D. Resolution of Noncompliance.

The Civil Rights Act of 1964 and regulations required that efforts be made to the fullest extent practicable to obtain voluntary compliance before there can be a refusal, suspension, or termination of federal financial assistance. However, attempts to gain compliance shall not be unduly protracted.

Probable noncompliance results when any civil rights compliance reviewer, federal or state, finds that any civil rights law or regulation is not being adhered to.

1. Procedures for Achieving Voluntary Compliance.

a. In cases where a compliant investigation or compliance review results in findings on noncompliance, Somerset, Kentucky, shall notify the recipient through certified mail of the apparent noncompliance. The notice shall clearly identify the conditions of noncompliance and offer a reasonable time to willingly comply.

b. Somerset, Kentucky, shall record the date the recipient received notice, and shall note and record the last day afforded the recipient for voluntary compliance before initiating an administrative process to terminate assistance.

c. The recipient may request a meeting for the purpose of discussing the problem areas or requirement for compliance. The principal investigator shall be involved in the discussion process.

d. The Mayor designee shall approve the recipient's voluntary compliance plans, methods, procedures, and proposed actions if such approval shall result in compliance with the act. Such a plan shall be reduced to writing. Failure of voluntary efforts shall result in termination or suspension of assistance.

2. Termination or Suspension of Assistance.

Any action to terminate or suspend assistance shall be limited to a particular recipient against who finding on noncompliance has been made and shall be limited in its effect to the particular program, or part hereof, in which noncompliance has been found.

General conditions for termination or suspension of assistance shall not become effective until the following conditions have been met:

a. Somerset, Kentucky, has advised the recipient of its failure to comply and it has been determined that compliance cannot be secured through voluntary means.

b. There is a documented finding that after opportunity for a hearing, the recipient has failed to comply with the requirements of Title VI and applicable state and federal regulations.

c. Approval has been given by the Mayor of Somerset, Kentucky.

GOALS AND EVALUATION PROCEDURES

For the purpose of monitoring compliance activities, Somerset, Kentucky, will include Title VI compliance audits into its established audit schedule, which includes all subrecipients being audited on an annual basis. The Department for Local Government will review the audits and all filed complaints during the period. Any recipient or subrecipient not found in compliance with the implementation plan will be notified and rescheduled for an additional audit before year's end.

PUBLIC NOTIFICATION

Somerset, Kentucky, and its secondary recipients shall inform the public, particularly those eligible for programs, about all available services and also about their rights under Title VI.

Somerset, Kentucky, and its secondary recipients shall:

A. Take positive and specific action to advise minorities of program availability by using such means of communication as newspaper articles, radio, and television announcements. Also, distribute letters, leaflets, brochures, and bulletins to referral sources and relevant service area minority organizations.

B. Display nondiscrimination posters.

C. Inform eligible persons of new programs or changes in existing programs pertaining to eligibility benefits and services, including the location of local facilities or service delivery points and hours of service, by mailing information to minority and grass roots organizations in the area affected.

D. Include civil rights requirements in all guidelines. Make guidelines available to the public.

E. Provide access to Title VI information to beneficiaries, potential beneficiaries, and applicants, including procedures for filing complaints, program information, and rights of beneficiaries and applicants as reflected in legislation, program regulation, directives, materials, pamphlets, etc.

F. Include in any published program information and statement that the program is available to all without regard to race, color, or national origin. This statement shall be in bold type and in a prominent location.

G. All materials shall list the designated office or person(s) for distribution.

RECORD KEEPING AND REPORTING

Accurate data collection and reporting is vital in determining whether agencies are complying with Title VI.

A. Data Collection and Reporting Requirements. Somerset, Kentucky, may provide for and maintain a system to collect, analyze, and report the eligible population and participation data by race for each program on an annual basis, and define parity of program in advance of the program year. The analysis shall be used to determine how effectively programs are reaching eligible groups; assist in the selection of locations for compliance reviews; identify areas for additional outreach efforts; and provide status reports to measure progress of program delivery. The system shall also provide report data on compliance reviews conducted. All data shall be based on reviewable records.

B. Determining the Eligible Population. The population eligible to participate in a program shall be identified by racial/ethnic category for each service delivery point. The information can

be derived from standard statistical sources such as the federal census, census of agriculture, population and housing, records from other agencies (both state and federal) and such documented estimates which give a valid indication of potential beneficiaries. Eligible population data should be established for a base year and updated annually or when source documents are updated.

C. Collecting and Reporting Participation Data. Systems for collecting and reporting racial/ethnic data should be established immediately and maintained.

D. Program Targets. Program targets for the delivery of program benefits to minority groups should be developed and incorporated into planning procedures.

MINORITY REPRESENTATION PLANNING BOARD AND/OR ADVISORY BODY

Whenever a planning or advisory body, such as a board or a committee is an integral part of the recipients program, the city 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 a member.

Where members of the board or committee are appointed by the City and where minorities reside in the surrounding community, the facility or agency must appoint a minority representative to serve on the board of committee.

ADOPTED THIS 25TH DAY OF JULY, 2022.

ATTEST:

CITY CLERK
Title

SIGNATURE:

Alan Keck, Mayor