

TITLE VI

IMPLEMENTATION PLAN

Department for Local Government

June 26, 2012

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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 DLG to ensure compliance with 42 U. S. C. § 2000d et. seq. and KRS 344.015.

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

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

II. OVERVIEW

The Department for Local Government (DLG) provides financial help to local governments in the way of grant and loan assistance, and advises local governments in matters of budget, personnel and other items relevant to those entities. As an administrator of federal grant monies, DLG is subject to Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d). Further, DLG has the duty to ensure that all entities receiving federal funds through grant programs administered by DLG are in compliance with Title VI.

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

The Kentucky Infrastructure Authority (KIA), which also provides some federal funds to local government entities, is administratively attached to DLG, and hereby adopts DLG’s Title VI plan in its entirety. All references to “DLG” in this plan shall be interpreted to include KIA and its staff.

III. SCOPE OF TITLE VI APPLICABILITY TO PROGRAMS AND ACTIVITIES

The Department for Local Government affords all individuals the opportunity to benefit from programs administered by DLG

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

Andrew Hartley, Staff Attorney, has overall responsibility for implementation, compliance and reporting with respect to Title VI. Inquiries related to these activities should be directed to:

Andrew S. Hartley
Staff Attorney
Department for Local Government
1024 Capitol Center Drive, Suite 340
Frankfort, Kentucky 40601
(502) 573-2382
andrew.hartley@ky.gov

V. STATEMENT OF ASSURANCES

The Department for Local Government and its Staff, sub-recipients of federal funds under grants administered by DLG and all other parties involved with such grants are in compliance with all provisions of Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d).

A. Each sub-recipient of federal funds under grants administered by DLG shall have agreed in writing to adopt DLG’s Title VI plan, or

B. If the sub recipient's Title VI plan differs from DLG’s plan, the sub-recipient’s Title VI plan shall be available for review from the Responsible Official.

VI. PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI

a. List of Federal Programs:

DLG		
CDBG	Federal Block Grant (HUD)	DLG administers grants to recipients
NSP	Federal Grant (HUD)	DLG administers grants to recipients
DRA	Federal/State Grant	DLG administers grants to recipients
LWCF	Federal Grant (DOI)	DLG administers grants to recipients
RTP	Federal Grant (FHWA)	DLG administers grants to recipients
ARC	Federal Grant	DLG administers grants to recipients
NFR	Federal Grant	Pass through
FC Receipt	Federal Grant	Pass through
EDA	Federal Grant (EDA)	DLG administers grants to recipients
KIA		
Fund A	Federal Grant	KIA administers grants to recipients
Fund A2	Federal Grant (ARRA)	KIA administers grants to recipients
Fund F	Federal Grant	KIA administers grants to recipients
Fund F2	Federal Grant (ARRA)	KIA administers grants to recipients

b. Description of Federal Programs: In addition to the information below, more detailed descriptions of grant programs, including eligibility requirements and applications forms are available through DLG’s website: www.dlg.ky.gov.

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
- Disaster Relief

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 Neighborhood Stabilization Program (NSP) was established for the purpose of stabilizing communities that have suffered from foreclosures and abandonment. Through the purchase and redevelopment of foreclosed and abandoned homes and residential properties, the goal of the program is being realized. NSP1, a term that references the NSP funds authorized under Division B, Title III of the Housing and Economic Recovery Act (HERA) of 2008, provides grants to all states and selected local governments on a formula basis. NSP1 Funds were awarded to 21 subrecipients from across the Commonwealth of Kentucky. They include nonprofit organizations and units of local government. All funding is to be spent on housing related activities to revitalize neighborhoods with high foreclosure rates. Kentucky received an additional round of funding in 2011 from NSP3 funds.

Potential Beneficiaries: Nonprofit groups and units of local government.

C. 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.

D. 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.

E. 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.

F. The ARC is a federal-state economic development program which assists 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.

G. 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.

H. 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.

I. EDA Grant: This grant is funded by the Economic Development Administration with a match requirement from the State's Local Matching fund for Flood Control. The grant funds will be used to assist in the development of the Long Term Recovery Council (LTRC), Develop Long Term Recovery Plan, and to enhance the Commonwealth's Hazard and Mitigation Planning System (CHAMPS) and create comprehensive support materials and outreach to promote LTRC sustainability, local long term recovery awareness and information management and viability.

DLG is working jointly with the Kentucky Division of Emergency Management and the University of Louisville, Center for Hazard Research to implement this program.

Potential Beneficiaries; Commonwealth of Kentucky

J. The Kentucky Infrastructure Authority administers the following federal grant and loan programs:

Program: Federally Assisted Wastewater Revolving Loan Program

The Kentucky Infrastructure Authority's ("KIA") Federally Assisted Wastewater Revolving Loan Program also known as the State Revolving Fund ("Fund A") was established in FY88. KIA received Federal Capitalization Grants with state matching monies and leverage bond proceeds. KIA provides construction and administrative costs in Fund A low interest wastewater type loans. These borrowers may include city and county governments, sanitation districts and water/sewer commissions.

Program: Federally Assisted Wastewater Revolving Loan Program
(American Recovery and Reinvestment Act 2009)

The Kentucky Infrastructure Authority's ("KIA") Federally Assisted Wastewater Revolving Loan Program (ARRA 2009) also known as the ARRA State Revolving Fund ("Fund A2") was established in FY09.

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009. This package was designed to create and maintain 3 to 4 million jobs, jumpstart the economy and provide funding for carefully targeted priority investments with accountability measures built in. The Act provided \$4 billion in CWSRF funding nationwide and \$49,878,100 to Kentucky. Because of the urgency for results, funding priority was given to wastewater projects that were ready to proceed to construction by June 17, 2009. Any remaining funding not committed by June 17, 2009 gave funding priority to wastewater projects based on readiness to proceed, with consideration given to job creation, economic hardship and environmental benefits. All projects had a signed construction contract or a construction start date prior to February 16, 2010.

A one-time Capitalization Grant was received in April 2009 with no state matching money requirement. KIA provides construction and administrative costs for Fund A2 low interest wastewater type loans. These borrowers were allowed 52.1% principal forgiveness. These borrowers included city, state and county governments, sanitation districts and water/sewer commissions.

Program: Federally Assisted Drinking Water Revolving Loan Program

KIA's Federally Assisted Drinking Water Revolving Loan Program also known as the State Revolving Fund ("Fund F"), was established in FY97. KIA received Federal Capitalization Grants with state matching monies and leverage bond proceeds. Borrowers may include city and county governments, sanitation districts and water/sewer commissions, but must be public water system providers. KIA has provides construction and administrative costs for Fund F low interest drinking water type loans. KIA has also provided set-aside funds to 15 area development districts/rural water associations for eligible costs related to the administration of Safe Drinking Water Act initiatives.

Program: Federally Assisted Drinking Water Revolving Loan Program
(American Recovery and Reinvestment Act 2009)

The Kentucky Infrastructure Authority's ("KIA") Federally Assisted Drinking Water Revolving Loan Program (ARRA 2009) also known as the ARRA State Revolving Fund ("Fund F2") was established in FY09.

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009. This package was designed to create and maintain 3 to 4 million jobs, jumpstart the economy and provide funding for carefully targeted priority investments with accountability measures built in. The Act provided \$2 billion in DWSRF funding nationwide and \$20,450,000 to Kentucky. Because of the urgency for results, funding priority was given to drinking water projects that were ready to proceed to construction by June 17, 2009. Any remaining funding not committed by June 17, 2009 gave funding priority to drinking water projects based on readiness to proceed, with consideration given to job creation, economic hardship and environmental benefits. All projects had a signed construction contract or a construction start date prior to February 16, 2010.

KIA received a one-time Capitalization Grant with no state matching money requirement. KIA provides construction and administrative costs for Fund F2 low interest wastewater type loans. These borrowers were allowed 54.1% principal forgiveness. These borrowers included city, state and county governments, sanitation

districts and water/sewer commissions, but all borrowers had to be public water system providers.

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 DLG 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 DLG's Title VI compliance officer, Mike Hale.

Mike Hale, Title VI Compliance Officer
Department for Local Government
1024 Capital Center Dr., Suite 340
Frankfort, KY 40601

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.

DLG 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 Deputy Commissioner of the Department for Local Government and shall be set forth in writing. The complainant shall be notified of the final resolution of the complaint within 60 days of the Deputy Commissioner's receipt of the appeal.

A complainant filing a written appeal may request an in-person hearing before the Deputy Commissioner of the Department for Local Government. 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 DLG's receipt of the request.

VIII. COMPLIANCE

A. DLG shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance.

As part of DLG's process of monitoring local government entities for compliance with their contractual obligations under grant agreements, DLG endeavors to monitor and review each entity's Title VI plan and their efforts to adhere to that plan or DLG's plan, and to review any Title VI complaints filed with the entity.

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 DLG employees along with complaint procedures. Sub-recipients of grants will be notified of the Title VI implementation plan and complaint procedures at the time of any grant award.

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

X. GOALS AND EVALUATION PROCEDURES

DLG 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 DLG'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 DLG closer to its goals

XI. PUBLIC NOTIFICATION

Three groups of people will receive notification of DLG's Title VI plan, complaint forms, nondiscrimination policy, and programs and services: 1) DLG employees who will receive copies of the implementation plan and the complaint procedures; 2) federal grants applicants and sub-recipients of federal grants who will be notified of Title VI requirements at the time of application and at the time of any grant award; and 3) members of the general public who visit DLG's website or request information via phone, fax, or email.

DLG's Title VI Plan and LEP Policy are available for download on DLG's website, www.dlg.ky.gov. Title VI application forms and checklists for sub-recipients are also available on the website. DLG distributes information regarding Title VI requirements to applicants and subrecipients in its published Kentucky CDBG Handbook, which is also available for download at www.dlg.ky.gov and distributed at various training events.

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

XII. RECORDKEEPING AND REPORTING

A. Complaints

1. The compliance officer will maintain a log of all complaints filed with DLG.
2. Grant personnel will certify annually that all sub-recipients have been notified of the Title VI implementation plan and complaint procedures.
3. The compliance officer will maintain copies of standardized complaint forms and will ensure that they are available to the public for use. Forms will be available on DLG's website. The compliance officer shall maintain data sheets, including, the complaint log and performance reports, and copies of all complaint forms filed. The compliance officer shall maintain such records for five years following the final resolution of a complaint.

B. Reporting

1. Changes in the Title VI implementation plan will be provided to employees and sub-recipients as changes are made.
2. Changes in the Title VI implementation plan will be forwarded to the State Auditor as changes are made.
3. Sections VIII and IX of this plan are incorporated herein as part of DLG's recordkeeping and reporting procedures.
4. No changes were made to sections VIII or IX in the current update.

D. Participation data:

Because DLG acts as an administrator or a pass-through source for sub-recipients of federal funds, the agency is unable to provide data showing the extent to which members of protected parties are participating in the Title VI programs and activities.

DLG endeavors, through project monitoring and education, to ensure that each sub-recipient of federal funds is in full compliance with Title VI, and that each such entity ensures equal participation in programs funded by federal monies to protected parties. Grant personnel will maintain records of all sub-recipients in order that DLG can determine if eligible parties are participating in the grants.

XIII. MINORITY REPRESENTATION

A. Minority representation on Boards/Committees

BOARD/COMMITTEE	MEMBERS	MINORITY REPS	PERCENTAGE
Kentucky Infrastructure Authority (KIA)*	11	0	0%
Appalachian Regional Commission**	14	1	7%
Delta Regional Authority	9	1	11%
Community Development Block Grant Review Committee	4	0	0%
Recreational Trails Review Committee	12	0	0%
Land and Water Conservation Fund Board	15	0	0%
Title VI Advisory Board	5	1	20%
*Membership is governed by statute. ** Appointed by Governor			

B. Ensuring minority participation:

DLG continues to attempt to identify and employ qualified minority applicants. Where minority representation in particular areas of the agency is low, DLG 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 DLG's programs, DLG 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 DLG 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.

DLG 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 currently composed of five (5) 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 DLG includes the following employees:

RACE/NATIONAL ORIGIN	NUMBER	Percentage
White Females	43	53.75%
White Males	30	37.5%
Black Females	1	1.25%
Black Males	3	3.75%
Hispanic Females	0	0
Hispanic Males	0	0
American Indian Females	0	0
American Indian Males	0	0
Other Females	0	0
Other Males	0	0
Total	80	100%

XIV. APPENDICES

Appendix 1

**COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR LOCAL GOVERNMENT
1024 CAPITAL CENTER DRIVE, SUITE 340
FRANKFORT, KENTUCKY 40601
Telephone: (502) 573-2382
Fax: (502) 573-2939**

**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: _____

**COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR LOCAL GOVERNMENT
1024 CAPITAL CENTER DRIVE, SUTIE 340
FRANKFORT, KENTUCKY 40601
Telephone: (502) 573-2382
Fax: (502) 573-2939**

Report of Investigation

I, _____, representing the Department for Local Government,
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: _____