

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR CURRY COUNTY, OREGON**

**In the Matter of Adopting a Title VI)
Plan and a Limited English)
Proficiency Plan for Curry County)**

ORDER 20811

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and,

WHEREAS, any entity receiving federal dollars, either directly from the federal government or through the State of Oregon, must not discriminate based on race, color, or national origin; and,

WHEREAS, since the County receives federal grant funding, directly or indirectly, it is required to have a Title VI Plan, and a Limited English Proficiency (LEP) Plan, to implement Federal Title VI non-discrimination requirements; and,

WHEREAS, regardless of the requirement to have a Title VI Plan, and a LEP Plan, Curry County believes good governance does not discriminate, and non-discrimination plans are necessary, regardless of funding; and,

WHEREAS, Curry County has prepared and supports the Title VI Plan, which includes the LEP Plan, as shown on Exhibit A, attached.

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDERS Curry County adopt the Title VI Plan/LEP Plan as shown in Exhibit A attached hereto.

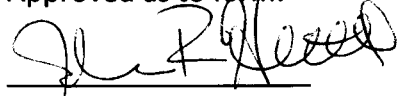
Dated this 19 day of February, 2020.

CURRY COUNTY BOARD OF COMMISSIONERS



Christopher Paasch, Chair

Approved as to form:



John R. Hutt
Legal Counsel



Absent At Signing
Court Boice, Vice Chair



Sue Gold, Commissioner

Board Order EXHIBIT A



CURRY COUNTY

Title VI Plan/

LEP Plan

Adopted by Board Order on February 19, 2020

Table of Contents

INTRODUCTION..... 3

TITLE VI NOTICE3

TITLE VI COMPLAINT PROCEDURES 3

**RECORD OF TITLE VI OR OTHER CIVIL RIGHTS INVESTIGATIONS,
COMPLAINTS OR LAWSUITS 6**

BOARD COMPOSITION..... 6

LIMITED ENGLISH PROFICIENCY (LEP) PLAN..... 6

ANALYSIS OF FACTORS7

IMPLEMENTATION PLAN 7

NOTIFYING BENEFICIARIES OF RIGHTS UNDER TITLE VI.....8

ANALYSIS OF CONSTRUCTION PROJECTS 9

INCLUSIVE PUBLIC PARTICIPATION..... 9

TITLE VI COMPLAINT FORM12

NOTIFICATION OF COMPLIANCE WITH TITLE VI.....14

INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in programs and activities receiving Federal financial assistance.

Curry County, Oregon is committed to ensuring that no person is excluded from participation in, or denied the benefits of its programs and services on the basis of race, color, sex, or national origin, as protected by Title VI, 42 U.S. Code § 2000d.

TITLE VI NOTICE CURRY COUNTY

Curry County operates its programs and services without regard to race, color or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Curry County.

For more information on the County's civil rights program, and the obligations and procedures to file a complaint, contact 541.247.3296, email: BOC_Office@co.curry.or.us, or visit our administrative office (the Board of Commissioners Office) at 94235 Moore Street, Ste. 122, Gold Beach, OR 97444. For more information, visit www.co.curry.or.us.

A complainant may also file a complaint directly with the federal or state government. For transportation complaints, the Federal Transit Administration Office can be reached at: Office of Civil Rights, Attn: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington DC, 20590, phone 888.446.4511, TTY 800.877.8339, or, with the ODOT Office of Civil Rights-MS 23, 3930 Fairview Industrial Drive SE, Salem, OR 97302, phone 855.540.6655, TTY Line 711; e-mail ODOT.TITLEVI@odot.state.or.us.

<h2 style="margin: 0;">TITLE VI COMPLAINT PROCEDURES</h2>
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In order to comply with Title VI, 42 U.S. Code § 2000d, and other federal guidelines such as 49 CFR Section 21.9(b), Curry County has developed procedures for investigating and tracking Title VI complaints filed against them. These procedures are available to members of the public upon request. Complainants, or their representative, may file a written complaint with the County Board of Commissioners Office at any time within one hundred and eighty (180) days from the date of the alleged discriminatory act. The County has ten (10) days to acknowledge the receipt of the complaint and a total of sixty (60) days to investigate the complaint. Once a determination is made, the County will notify the complainant in writing. The complainant will then have thirty (30) days to appeal the decision.

If you believe you have been subjected to discrimination under Title VI, you may file a complaint.

How to file a Title VI Complaint

You may file a signed, written complaint up to one hundred and eighty (180) days from the date of alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- Name, address, phone number and relationship of Representative to Complainant, if applicable
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant

A form is available at www.co.curry.or.us, under 'Key Links', which may be completed for this purpose. (Attachment A)

The complaint may also be filed in writing with the County at the following address:

Curry County Board of Commissioners
94235 Moore Street, Ste. 122
Gold Beach, OR 97444
BOC_Office@co.curry.or.us
By phone: 541.247.3296
By fax: 541.247.2718

NOTE: Curry County encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Board of Commissioners Office as soon as possible, but no later than 180 days from the alleged date of discrimination.

What happens to your complaint after it is submitted to the County?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by the County will be directly addressed. The County Director of Operations, or designee, will investigate the complaint and make a decision regarding the allegation. Formal investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. The customer will be notified of a resolution.

The County shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, the County shall make every effort to address all complaints in an expeditious and thorough manner.

In instances where additional information is needed for investigation of the complaint, the County Director of Operations, or designee, will contact the complainant in writing (which may include electronic transmission, such as e-mail). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information within seven (7) calendar days may result in the administrative closure of the complaint.

How will you be notified of the outcome of your complaint?

The County will send a final written response to the complainant which will be either a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states there was not a Title VI violation and the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident and explains whether any disciplinary action, additional training of staff, or other action will occur. An appeal of the closure letter or LOF must be made within thirty (30) days of the notification.

How can I file a complaint with the federal government?

A complaint may also be filed directly with the federal office providing federal funding to the County. For example, a complainant can reach the Federal Transit Administration (FTA) at:

Federal Transit Administration Office of Civil Rights
1200 New Jersey Ave., SE
Washington, DC 20590
www.fta.dot.gov/contract_us.html
Voice: 1.888.446.4511
TTY: 1.800.877.8339
VCO: 1.877.877.6280

Recording Title VI Investigations, Complaints and Lawsuits

In order to comply with Title VI, 42 U.S. Code § 2000d, or 49 CFR Section 21.9(b), the County prepares and maintains a list of any active investigations conducted by entities (other than the FTA), lawsuits, or complaints naming the County that allege discrimination on the basis of race, color, or national origin. This list includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint. The County Director of Operations maintains these files until closed. The Director of Operations will also maintain a log of all complaints received. Records will be stored according to state and federal record retention requirements. Tracked information will be reported to the appropriate state agency as well (for example, for transportation related complaints, the Oregon Department of Transportation as the grantor of the funds).

Additional Information Upon Request

For federal agencies, at the discretion of the agency, such as the FTA, additional information may be requested, in writing, from the County in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements.

RECORD OF TITLE VI OR OTHER CIVIL RIGHTS INVESTIGATIONS, COMPLAINTS OR LAWSUITS

As of the adoption of this plan, there have been no Title VI investigations, complaints or lawsuits.

BOARD COMPOSITION

The County is overseen by an elected Board of Commissioners. The table below depicts Board membership as of February 2020.

The County will make efforts to encourage minority participation on the Board and on its appointed boards and committees. These efforts are made by distributing information about the opportunities for participation at public meetings and on social media forums. The County will utilize local groups, when available, in order to focus on areas in which participation is distributed.

	Caucasian	Hispanic or Latino (of any race)	Black or African American	Asian	Native Hawaiian	American Indian or Alaskan Native	Two or more races	Other
Curry County 2010 Census)	92.1%	7.3%	.6%	.9%	.2%	2.6%	3.8%	-
Curry County Board	100%	-	-	-	-	-	-	-

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

The County is committed to breaking down language barriers by implementing consistent standards of language assistance across its service area.

The United States is home to millions of national origin minority individuals with Limited English Proficiency (LEP). That is, their primary language is not English and they cannot speak, read, write or understand the English language at a level that permits them to interact effectively with recipients of federal financial assistance.

Because of language differences and the inability to effectively speak or understand English, persons with LEP may be subject to exclusion from programs or activities, experience delays or denials of services. These individuals may be entitled to language assistance with respect to a particular type of service. The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to establish solutions to address the needs of this growing population of individuals, for whom English is not their primary language.

ANALYSIS OF FACTORS

Factor No. 1: The number or proportion of LEP persons in the service area.

The County is largely English speaking. The vast majority of the population with which we interact is proficient in English. According to the 2013 American Community Survey, 85% of Oregon's population age five and up speaks English only. In Curry County, that number is greater at 95.4%; 4.6% of the population age five and up speak a language other than English at home.

Factor No. 2. The frequency with which LEP individuals come into contact with the service.

Contacts with the County are typically made at the County Jail, County Courthouse, or the County Annex and through our website, www.co.curry.or.us. We have limited contacts that require services for translation services, but they are usually requested in court proceedings. For translation services, the County uses technology (Verizon), a contractor, or could partner with one of the three school districts in the County when necessary. The County website is not currently optimized for online translation for all languages, but when funds are available to update the website, translation options will be a feature added to the website.

Factor No. 3: The nature and importance of service provided by the County.

Curry County provides important mobility management and transportation coordination services to the public through a contract with Curry Public Transit, who runs the public transportation program.

Factor No. 4. The resources available to the recipient of the federal funds to assure meaningful access to the service by LEP persons.

The County uses technology or a contractor for its current translation needs, but could partner with one of their three school districts to provide translation services as necessary. The County's current in-house language capabilities are English, but using technology can accommodate any language.

IMPLEMENTATION PLAN

Curry County will review its Implementation Plan annually, including any contacts with LEP persons, to determine the frequency of contacts, the language used, and how the contacts were handled.

The County identifies LEP persons in the service area through telephone and personal contact. The County currently provides some translation services and would partner with one of their school districts if needed. Bus schedules for Curry Public Transit are available at www.currypublictransit.org. Their homepage contains Title VI language. Their website is not optimized for online translation for all languages (due to limited need).

County employees will ensure that there are no barriers to service or accommodation that would prevent usage or access to County services. Employees will notify the County Director of Operations in writing of the circumstances surrounding any reported allegations of discrimination no later than the next business day.

The County will provide language service by notifying LEP persons of services available free of charge. Notification to LEP persons include: (1) Posting notice of the LEP Plan and notification in languages LEP persons would understand that persons requiring language assistance or special accommodations will be provided interpretation or translation services free of charge with reasonable advance notice to the County; and (2) County staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year to identify modifications to this plan to improve outreach and services to persons with limited English proficiency. County staff will be provided training on the requirements for providing meaningful access to services for LEP individuals.

NOTIFYING BENEFICIARIES OF THEIR RIGHTS UNDER TITLE VI

Upon adoption of this plan the County website will include our Title VI Compliance Statement and Complaint Form. The County's Title VI Compliance Statement and

Complaint Form are also posted at the County Courthouse (located at the corner of Ellensburg Avenue and Moore Street, Gold Beach) and at the County Annex (94235 Moore Street, Gold Beach). Individuals who believe they have been discriminated against may request a Complaint Form from the County Board of Commissioners Office.

ANALYSIS OF CONSTRUCTION PROJECTS

Over the last five years the County has had some construction projects requiring an environmental assessment (EA) or environmental impact statement (EIS). Those projects were conducted in compliance with procurement and hiring practices and did not discriminate based on race, color or national origin, and no requests were made for translation services during those projects.

INCLUSIVE PUBLIC PARTICIPATION

Curry County prepares several plans and soon will be engaging in a transportation planning process. Efforts are made to annually look at those plans and update them on an as needed basis. Public participation in the public planning process, specifically in the transportation planning process, allows for the opportunity to voice concerns, offer suggestions and make recommendations regarding issues and specific projects. It's designed to inform and educate the public about the technical facets of planning. Public participation affords planning professionals, such as transportation professionals, and decision-makers, the opportunity to see other sides of an issue (highway, street or rail crossing projects, for example) that may be missed when considering a project from a technical view point. Meaningful dialogue among technical professionals, local decision-makers, and general stakeholders (e.g. the public) generated through public participation is vital to achieving consensus, which is desired before moving a transportation project or program forward. Additional benefits of public participation include:

- Developing a sense of community and ownership;
- Identifying issues and concerns that matter most to the citizens;
- Fostering trust in the decision-making process and with decision-makers;
- Ensuring accountability;
- Encouraging cooperation and compromise; and
- Preventing and/or mitigating future conflict.

- Transparency in the planning process.

Outgoing Outreach

Ongoing outreach efforts are made throughout the year to provide the public and interested parties with opportunities to review and provide comment on plans and other matters of public interest. Ongoing measures to involve the general public and interested parties throughout the county's planning processes include:

- Posting meeting agendas and minutes on the County website: www.co.curry.or.us;
- Posting documents on the website and making printed copies available to the public;
- Providing an explanation of specific issues on the website;
- Inviting the public to submit electronic, written or verbal comments on plans;
- Employing visualization techniques to describe County plans and programs (e.g. maps, graphs, photos, presentations, drawings);
- Allowing for public comment at public meetings, in particular at Board meetings; and
- Developing outreach to existing groups related to the various plans, such as transportation related updates to groups with an interest in transportation planning matters.

Environmental Justice Considerations and Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-1) states 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." Title VI bars intentional discrimination as well as disparate impact discrimination (i.e., a neutral policy or practice that has a disparate impact on protected groups).

The federal Executive Orders pertaining to Environmental Justice (EJ) further amplify Title VI by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

To insure full compliance with Title VI and the EJ Order, Curry County will develop a strategy for engaging minority and low-income populations in various decision making policies, such as transportation decision making, including:

- Using data developed by ODOT, identify areas with high concentrations of low-income and minority populations (required) and other populations as directed by the Board;
- Identify specific actions to engage low-income and minority populations in the planning process;
- Consult with and respond to organizations representing low-income and minority populations;
- Continually evaluate the need for language translated documents based on changing demographics;
- Routinely evaluate the public participation process to evaluate options for better reaching the identified populations;
- Utilize media (such as print, television, radio, etc.) targeted to low-income or minority populations; and
- Review process to request additional information and process to file complaints regarding discrimination.

ATTACHMENT A

TITLE VI COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If you answered "no", please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year):				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				

Section IV:			
Have you previously filed a Title VI complaint with this agency?	Yes		No
Section V:			
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:			
<input type="checkbox"/> Federal Agency: _____			
<input type="checkbox"/> Federal Court: _____			
<input type="checkbox"/> State Agency: _____			
<input type="checkbox"/> State Court: _____			
<input type="checkbox"/> Local Agency: _____			
Please provide information about a contact person at the agency/court where the complaint was filed.			
Name:		Agency:	
Title:		Telephone:	
Address:			
Section VI:			
Name of agency complaint is against:			
Contact person:			
Title:			
Telephone number:			

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

Signature and date required below:

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Curry County Board of Commissioners Office
 Director of Operations
 94235 Moore Street, Ste. 122
 Gold Beach, OR 97444

NOTIFICATION OF COMPLIANCE WITH TITLE VI

In order to comply with 42 U.S. Code § 2000d and 49 CFR Section 21.9 (d) the County has posted information for the public regarding the Title VI obligations and protections against discrimination afforded to the public by Title VI on the County's website. The County has also posted the following notice of compliance with Title VI, which is visible to the public at the County Courthouse and County Annex and directs the public to the County website and to the appropriate phone number to inquire for more information. This information is also available upon request.



Notification of Compliance with Title VI

Curry County operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes they have been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Curry County.

Information on the County's civil rights program, and the obligations and procedures to file a complaint, can be found on the County website at www.co.curry.or.us, under 'Key Links'. The County website is not optimized for online translation for all languages, but it is optimized for font size. This information is also available upon request, please inquire at the Board of Commissioners Office or contact the Director of Operations at 541.247.3296.

A complainant may also file a complaint directly with the federal agency providing federal funding to the County. For transportation funding/complaints, contact the Federal Transit Administration Office of Civil Rights, Attn: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.