



**CITY OF NORTH MYRTLE
BEACH**

TITLE VI PLAN

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Table of Contents

Non-Discrimination Policy Statement

- I. Introduction**
- II. Objectives**
- III. Definitions**
- IV. Dissemination of Non-Discrimination Policy**
- V. Title VI Reporting Relationships**
- VI. Title VI Responsibilities for the Liaisons**
- VII. Additional Specific Duties for Liaisons of Affected Departments**
- VIII. Data Collection/Reporting/Analysis**
- IX. Limited English Proficiency Plan**
- X. Americans With Disabilities Act**
- XI. Environmental Justice**
- XII. DBE Policy Statement**
- XIII. Remedial Action**
- XIV. Annual Report**

Appendixes

Complaint Procedures	A
Public Participation Plan.....	B
Standard U.S.D.O.T. Title VI Assurances.....	C
Organizational Chart.....	D
Limited English Proficiency (LEP) Plan.....	E



**CITY OF NORTH MYRTLE BEACH
NON-DISCRIMINATION POLICY STATEMENT**

It is the policy of the City of North Myrtle Beach to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental justice) and 13166 (Limited English proficiency). The City of North Myrtle Beach does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination on the basis of race, color, national origin, sex, age, disability or income. The City of North Myrtle Beach further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities.

All Federally-assisted programs will be administered in a manner to guarantee the City of North Myrtle Beach, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants in Federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and Department of Transportation regulations. The City of North Myrtle Beach Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) Part 200 and 49 Code of Federal Regulation Part 21.

In the event that the City of North Myrtle Beach distributes federal aid funds to another entity, the City of North Myrtle Beach will include Title VI language in all written agreements and will monitor for compliance.

*Those requiring information in alternative formats or in a language subject to City of North Myrtle Beach's Limited English Proficiency (LEP) Plan should contact the Title VI Coordinator.

City Manager

Date

Michael G. Mahaney

I. INTRODUCTION

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that individuals who 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.

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is "disparate impact." Disparate impact discrimination occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of North Myrtle Beach's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects,

and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of North Myrtle Beach shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of North Myrtle Beach, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

The City has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not.

II. OBJECTIVES

The primary goals and objectives of the City of North Myrtle Beach's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by City programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of North Myrtle Beach programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in City services, programs or activities.

III. DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person's businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities

Citizen Participation - an open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

Compliance - a satisfactory condition wherein an applicant, recipient, or sub-recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

Contract - a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and obligating the buyer to pay for them. Throughout this document, a lease is considered a contract.

Contractor - any person, corporation, partnership, organization, or incorporated association that participates, through a contract or subcontract, in any program or activity covered by this plan, including lessees.

DBE – Disadvantaged Business Enterprise

Designee - individuals assigned to work with the Title VI Coordinator regarding designated program areas.

Discrimination - Involves any act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, religion, sex, national origin, age, or disability, has been otherwise subjected to unequal treatment under any program or activity receiving federal financial assistance.

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <https://aspe.hhs.gov/poverty-guidelines>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority - A person who is:

- I. African American - A person having origins in any of the black racial groups of Africa;
- II. Hispanic- A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- III. Asian American - A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- IV. American Indian and Alaskan Native - A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

MBE- Minority Business Enterprise

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used: "White not of Hispanic origin", "Black not of Hispanic origin", "Hispanic", "Asian or Pacific Islander", "American Indian or Alaskan Native". Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Plan – The City of North Myrtle Beach's description of its Title VI Program developed to comply with Title VI of the Civil Rights Act of 1964.

Program – includes any highway, project, or activity that provides services, financial aid, or other benefits to individuals, including education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations - An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

Staff Liaison – A designated City employee from each participating department to assist Title VI Coordinator with plan implementation, monitoring and reporting.

Title VI Coordinator - the person responsible for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Title VI Program - the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. When appropriate, the phrase “Title VI requirements” also refers to the civil rights provisions of other federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex, age, disability, or national origin in programs receiving federal financial assistance of the type subject to Title VI itself.

WBE – Woman-Owned Business Enterprise

IV. DISSEMINATION OF NON-DISCRIMINATION POLICY

To assure that the widest possible circulation of the City of North Myrtle Beach's equal opportunity policy statement, the following actions will be taken:

1. The Non-Discrimination Policy Statement will be issued to all contract recipients, Department Heads, the Assistant City Manager and City Manager, contactors, and subcontractors.
2. The Non-Discrimination Policy Statement will be posted in strategic locations throughout City offices.
3. The Non-Discrimination Policy Statement will be displayed on City of North Myrtle Beach's website and intranet.
4. Training will be provided on an ongoing basis to educate and inform all affected staff that the implementation of the Non-Discrimination Policy Statement is their responsibility.

V. TITLE VI REPORTING RELATIONSHIPS

Refer to City of North Myrtle Beach Organization Chart Attached as Appendix F.

A. Organization and Staffing

The City Manager and the Assistant City Manager are responsible for ensuring the implementation of the City's Title VI program. The Title VI Coordinator will work with liaison staff members in each of the affected departments, including Planning and Building, Public Works, and the Purchasing Department and will act as the ADA Coordinator. The Coordinator and staff in these departments are responsible for the overall management of the Title VI program and the support of the City Manager and Assistant City Manager.

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, religion or gender, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity receiving federal financial assistance (23 CFR 200 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding to the recipients, subrecipients and contractors, whether such programs and activities are federal funded or not.

Environmental Justice Executive Order 12898 addresses disproportionate adverse environmental, social, and economic impacts that may occur in minority and low-income populations.

Limited English Proficiency Executive Order 13166 addresses access to services for persons whose primary language is not English and have a limited ability to read, write, speak or understand English.

Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008 prohibits discrimination and ensures equal opportunity for person with disabilities in employment, State and local government services, public accommodations, and transportation.

Disadvantaged Business Enterprise (DBE) Opportunities: In addition to other non-discrimination laws and regulations that must be adhered to, projects funded by CDBG, ESG, and HOME Program funds must comply with regulations contained in 24 CFR 85.36 (e)(2)(1) requiring that bid opportunities be provided to Minority, Women and Handicapped Business enterprises (MBE, WBE, HBE).

C. Title VI Coordinator Responsibilities

As authorized by the City Manager, the Title VI Coordinator is charged with the responsibility for implementing, monitoring and ensuring the City's compliance with Title VI Regulations. Title VI responsibilities are as follows:

1. Ensure that Title VI requirements are included in policy directives and that the procedures used have built-in safeguards to prevent discrimination.
2. Conduct Title VI compliance reviews of department program area activities, consultants, contractors, suppliers, planning agencies, and other sub-recipients of federal financial assistance.
3. Meet with Liaisons to determine the effectiveness of program area activities at all levels.
4. Process, review and investigate Title VI complaints received by the City of North Myrtle Beach. Every effort will be made to resolve program complaints informally at the City and contractor level.
5. Collect statistical data (race, color, national origin, sex disability, and age) on the City's relevant boards, commissions, and committees, and participants in and beneficiaries of the City's programs, activities, and services.

6. Review pre-grant and post-grant awards and approval procedures for City programs and applicants for compliance with Title VI requirements; i.e. highway or roadway location, design and relocations, and persons seeking to provide contract services for City projects.
7. Establish monitoring procedures for pre-grant and post-grant approval reviews of federally funded grant programs for compliance with Title VI requirements.
8. Conduct Title VI reviews and assist in the formation of department goals regularly.
9. Coordinate the development and implementation of a training program and conduct training programs on Title VI and other related statutes for affected City departments and management.
10. Work with Liaisons to evaluate programs and services to avoid, minimize and/or mitigate adverse health and environmental effects of actions, programs or services on minority populations and low-income populations.
11. Engage in efforts with Liaisons to ensure the full and fair participation by all potentially affected communities in the input process for projects, program and services.
12. Assist in the development of strategies to prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.
13. Process and maintain log of Title VI complaints received by the City of North Myrtle Beach, together with disposition information.
14. Assist program personnel to correct Title VI problems or discriminatory practices or policies found when conducting self-monitoring and compliance review activities.
15. Manage the City's Limited English Proficiency (LEP) Program ensuring that City information and services are accessible to customers. Develop Title VI information for public dissemination, where appropriate, in languages other than English.
16. Assist departments in communications with non-English speaking or low English proficiency individuals and communities by maintaining list of bilingual employees and ensuring that language translation services are available as may be necessary.
17. Oversee dissemination of Title VI program information to City employees, contractors, subcontractors, consultants, and sub-consultants as well as the general public. Public dissemination will include posting of public statements and inclusion of Title VI language in contracts. The Title VI Non-Discrimination Policy Statement will be published in newspapers having general circulation in the vicinity of proposed project and announcements of hearings and meetings.

18. In coordination with the City's Title VI Liaison Staff, prepare an annual report of City Title VI accomplishments and upcoming goals including an annual update to the Title VI Program Plan that reflects organizational, policy and implementation changes.
19. Identify and eliminate discrimination when found to exist. Work the City departments to establish procedures for resolving deficiencies. Deficiencies will be corrected with strategies such as utilization of disadvantaged business enterprises, public involvement and property acquisition.

VI. Title VI RESPONSIBILITIES FOR THE LIAISONS

All Liaison staff will work with Title VI Coordinator to accomplish Title VI goals and responsibilities, and generally will assist the Title VI Coordinator with implementation and monitoring of Title VI requirements for federally funded projects in which their department is involved.

The following Liaison responsibilities apply to Liaison staff in every department with regard to federally funded projects in the department:

A. Planning Process

1. Detail efforts taken to identify minority or low-income populations affected by federally funded project activities including rights of way, roads, bridges, etc.
2. Conduct meetings to provide information to local populations concerning proposed projects.
3. Attend public meetings to document and verify the level of participation of Title VI protected group members.
4. Monitor to ensure that follow-through occurs with respect to all efforts to include underserved populations.
5. Consult DBE firms to identify possible barriers to their contract participation and use information to attempt to eliminate such barriers.
6. Ensure that LEP (Limited English Proficiency) individuals who will be affected by contract awards or construction projects receive meaningful access into the public awareness/involvement process to allow them to participate.
7. Ensure that various social, economic and ethnic interest groups are represented in the planning, construction and/or bidding process by disseminating relevant information to minority media and/or ethnic gender related organizations or leaders and participating in roundtable meetings in predominantly minority communities.
8. Ensure that economic, social, topographical and environmental impacts of a

proposed project are key factors weighed in the location consideration and that special efforts are engaged in the area of Environmental Justice to inform members of minority or low income communities of public hearings or other public involvement activities.

9. Document contacts and encounters with LEP and DEBE persons.

B. Bidding Process

1. Identify any federally funded projects when presenting request for proposal through procurement.
2. Provide Title VI Coordinator with copies of any request for proposal concerning federally funded projects at same time proposal is submitted to Purchasing Department.
3. Ensure that policy and procedures for selection of proposals, negotiation and administration of contracts for federally funded projects comply with Title VI requirements.
4. Conduct pre-grant and post-grant approval reviews of federally funded grant programs for compliance with Title VI requirements.
5. Document all evidence to support conclusions concerning Environmental Justice issues.
6. Ensure that all bidders on federally funded projects, including contractors, vendors, suppliers, etc., who will utilize subcontractors, are required to state in their bids to City of North Myrtle Beach how enterprises owned by “minority, women, and person with a disability” (MBE, WBE, DBE) will be considered in the bid evaluation.

C. Contracts

1. Include Title VI language in contract award letters to encourage the utilization of DBE or SCDOT certified firms. Award of construction contracts shall be granted on the basis of the lowest responsive bidder meeting the established DBE goal through subcontracting or sufficient Good Faith Efforts.
2. Ensure that DOT Title VI Assurance language is included in all contracts, deeds, licenses, permits or other similar instruments for federally funded projects.
3. Ensure that consultants retained on federally funded projects are qualified and screened for Title VI compliance with regard to consultant firms that may relate to public works projects and/or 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 public works

projects.

4. Oversee prime contractors who are required to contact and solicit subcontract bids from eligible MBE, WBE or DBEs to substantiate that contact documentation is provided by prime contractors and local road agencies.
5. Provide supportive services to DBEs.
6. Review all projects for application of DBE goals.
7. Assist the Title VI Coordinator with monitoring DBE program requirements when applicable.

D. Property Acquisition Contracts

1. If property acquisition is part of the project considered by City of North Myrtle Beach, including but not limited to property appraisal, negotiation of terms and conditions for acquisition, and assistance in relocation of displaced individuals, businesses, farm operations, non-profit organizations and property management, efforts will be undertaken to take into account Title VI considerations, including:
 - a. Ensure equal opportunity for disadvantaged businesses to participate in personal services contracts, including appraisal, relocation and property management.
 - b. Apprise all affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.
 - c. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of appropriate clauses, including Title VI Assurances.
 - d. Monitor whether appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment of underserved populations.
 - e. Ensure that comparable replacement dwellings are available and assistance is given to all displaced persons and entitles through the property acquisition process.
 - f. Maintain separate documentation of Title VI property acquisition projects including efforts and initiatives for monitoring and compliance purposes.

E. Reporting

1. Assist the Title VI Coordinator in gathering and organizing information for update

reports.

2. Document encounters and contact with LEP persons.
3. Gather statistical data on DBE utilization.
4. Maintain statistical data including race, color, national origin and gender on all relocates affected by federally funded projects, and provide detailed demographic data annually to Title VI Coordinator.
5. Assist the Title VI Coordinator in gathering and maintaining necessary data and documentation required for completion of Title VI update reports.

F. General Duties

1. Conduct pre-grant and post-grant approval reviews of federally funded grant programs for compliance with Title VI requirements.
2. Report to the Program Coordinator the availability of bilingual staff.
3. Disseminate notices in Spanish and English. All public meeting notices, advertisements and notices to the public concerning meetings or notification of benefits and/or services available through City of North Myrtle Beach government which either directly or indirectly involve federal funding are required to include both a Title VI and an ADA notice in the publication.
4. Notify Title VI Coordinator whenever Title VI complaint or issue arises.
5. Maintain separate documentation for Title VI projects and compliance efforts.

VII. ADDITIONAL SPECIFIC DUTIES FOR LIAISONS OF AFFECTED DEPARTMENTS

In addition to the above-listed responsibilities which all liaisons share, each department has specific Title VI goals and responsibilities which are enumerated below for each department, based upon the functions and operation of each department.

A. Planning, Zoning and Building Departments

In addition to the functions for which all Liaison staff are responsible, the Liaison in these departments will perform the following specific functions:

1. Ensure that all aspects of the planning, zoning and building departments process operations which involve federal funding comply with Title VI.
2. Work cooperatively with Purchasing Division to assist as needed with federally funded project Title VI responsibilities involving the planning, zoning or the building departments.

B. Purchasing Division

Liaison staff in this department will generally assist the Title VI Coordinator with implementation and monitoring of Title VI requirements for federally funded projects. In addition the Liaison staff will perform the following specific functions:

1. Ensure that all aspects of the procurement and contract award process for federally funded projects submitting request for proposals comply with Title VI.
2. Conduct final reviews of all requests for proposals for federally funded projects prior to advertisement for Title VI compliance purposes.
3. Advise department and Title VI Coordinator of any observed deficiencies and/or necessary steps or revisions with regard to federally funded requests for proposals.
4. Act as Liaison for planning, building, or parks and recreation department projects that submit requests for proposals and receive federal funding, including but not limited to property acquisition.

C. Parks and Recreation Department

Liaison staff in this department will generally assist the Title VI Coordinator with implementation and monitoring of Title VI requirements for federally funded projects. In addition, the Liaison staff will perform the following specific functions:

1. Ensure that all aspects of the grant solicitation and award process operations comply with Title VI.
2. Assist the Title VI Coordinator with coordination and oversight tasks for City Title VI goals and tasks.

D. Public Works (Engineering and Storm Water)

Liaison staff in this department will generally assist the Title VI Coordinator with implementation and monitoring of Title VI requirements for federally funded projects. In addition, the Liaison staff will perform the following specific functions when federal funds are received:

1. Ensure that consultants retained on federally funded projects are qualified and screened for Title VI compliance with regard to consultants that may relate to public works projects and/or 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 public works projects.
2. Ensure that a systematic process is utilized to study and evaluate all necessary social and economic environmental aspects of a proposed project. Depending on the scope, complexity and impacts of the project, a National Environmental Policy Act (NEPA), Categorical Exclusion (CE), NEPA Environmental Assessment (EA), or other Environmental Impact Statements may be completed.

VIII. DATA COLLECTION/REPORTING/ANALYSIS

Statistical data on race, color, national origin and sex of participants in, and beneficiaries of federally funded programs, (e.g., impacted citizens and affected communities), will be gathered and maintained by the Coordinator and department managers. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

The City of North Myrtle Beach may utilize the following sources to identify target populations: the latest U.S. Census data, Horry County Social Services data and Horry County School District data. The following relevant groups have been identified for Title VI analysis:

- Low income
- Federal assistance recipients
- Minority
- Elderly
- Limited English proficiency (LEP) or English spoken as second language
- Disabled populations

A. Additional Data Collection

Except as determined to be inappropriate by applicable regulations, laws, and/or statutes, the City of North Myrtle Beach shall, in regard to each assisted program, provide for the collection of relevant and current data and information from subrecipients, departments, etc. for, and recipients of, federal assistance sufficient to permit effective

enforcement of Title VI.

Examples of data and information which, to the extent necessary and appropriate for determining compliance with Title VI, shall be required as follows:

1. The manner in which services are or will be provided by the program in question, and a determination of whether any persons are or will be denied services on the basis of prohibited discrimination;
2. The population eligible to be served by race, color and national origin;
3. Data regarding covered employment, including the use or planned use of bilingual public-contact employees where necessary to permit effective participation by LEP persons;
4. The location of existing or proposed facilities connected with the program, and information adequate for determining whether the location will result in discrimination on a prohibited basis;
5. The present or proposed membership, by race, color and national origin, in any planning or advisory body which is an integral part of the program;
6. Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin;
7. Prompt notification of any lawsuit filed against the subrecipient alleging discrimination on the basis of race, color or national origin, and that each subrecipient shall notify the City upon its request of any complaints filed against the subrecipient alleging such discrimination;
8. A statement by the subrecipient describing any civil rights compliance reviews and information concerning the agency or organization performing the review; and periodic statements by any recipient regarding such reviews;
9. A written assurance by the subrecipient that it will compile and maintain records required pursuant to preceding paragraphs by the agency's guidelines or other directives.

Where a federal agency determines that any of the requirements of this section are inapplicable or inappropriate in regard to any program, the basis for this conclusion shall be set forth in writing and made available to the public upon request.

B. Public Notices

To the extent possible, in efforts to engage a great portion of the Spanish speaking population, all public notices regarding any federally funded project will be provided in English and Spanish. A translator will be available, upon reasonable advance request, at public meetings. In addition, a sign-in sheet will be at all public meetings so that staff can make sure that data will reflect the population served.

The City of North Myrtle Beach believes that public input into its process is valuable and makes its services better. The qualitative information resulting from citizen involvement is essential to good decision-making. As a matter of long-standing policy and a requirement of federal law, the City will make special efforts to consider the concerns of traditionally underserved communities, including low-income and minority communities and people with disabilities. News releases and advertisements are in the North Myrtle Beach Times, on the website, social media and on the government channel.

- C. Construction Contracts, Planning Initiatives and Grant Programs** that are federally funded will conduct pre and post grant review for Title VI compliance.

D. Subcontracts and Vendors

All subcontractors and vendors who receive payments from City of North Myrtle Beach where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

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

E. Training

The Coordinator will seek all opportunities to participate in education and training. Title VI training will be made available to Title VI Committee members, employees, contractors, sub-recipients, and program planning area liaisons. The training will provide comprehensive information on Title VI provisions, application to program operations, identification of Title VI issues, resolution of complaints, as well as any updates and changes. A summary of the training conducted will be reported in the annual report.

IX. LIMITED ENGLISH PROFICIENCY PLAN

Refer to City of North Myrtle Beach Limited English Proficiency Plan as Appendix F.

The Limited English Proficiency Plan has been prepared to address City of North Myrtle Beach's responsibilities as a recipient of federal financial assistance as it relate to the needs of individuals with limited English proficiency language skills.

The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42

U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color or national origin. Executive Order 13166, titled “Improving Access to Services for Persons with Limited English Proficiency”, indicates that differing treatment based upon a person’s inability to speak, read, write or understand English is a type of national origin discrimination. It directs each entity to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all City of North Myrtle Beach departments receiving federal grant funds.

A. Plan Summary

The City of North Myrtle Beach has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

All contractors or subcontractors performing work for the City of North Myrtle Beach will be advised of and required to follow the Title VI/LEP guidelines.

B. Dissemination of the LEP Plan

The following steps will be taken to disseminate the plan:

- Post signs in City Hall and other Public buildings notifying LEP persons of the LEP Plan and how to access language services;
- State on agendas and public notices in the language those LEP persons would understand that documents may be translated into that language upon request to the Title VI Coordinator;
- Post the LEP Plan on City website;
- Send press release to advocacy groups and/or other agencies or community groups serving LEP populations.

X. AMERICANS WITH DISABILITIES ACT

A. Purpose

Titles I and II of the Americans with Disabilities Act (ADA) of 1990, requires the City of North Myrtle Beach to make its programs, services and jobs accessible to persons with disabilities. City of North Myrtle Beach does not discriminate against qualified individuals with disabilities with regard to access to its programs, services or employment. The purpose of this policy is to provide standard procedures for filing of Request for Accommodation or Complaints for citizens, applicants and/or employees.

B. General Procedure

1. **Citizens** - Any citizen of North Myrtle Beach who believes that he/she requires an accommodation or has been discriminated against based upon a disability as described in the ADA with regard to the provision of a program or service by the City of North Myrtle Beach, shall have the right to submit a Request for Accommodation or a Discrimination Complaint.
2. **Employees/Applicants** - Any applicant or employee of City of North Myrtle Beach who is disabled as described in the ADA may file a Request for Reasonable Accommodation in the event that he/she believes that such a request is necessary to perform the essential functions of his/her job. Any applicant or employee may file a Discrimination Complaint in the event that he/she has been discriminated against with respect to the hiring process, or with regard to the terms or conditions of employment.

All Complaints or Requests for Reasonable Accommodation shall be submitted to the ADA Coordinator. The ADA Coordinator is the employee designated by the City Manager with the responsibility of facilitating and coordinating all ADA issues, Complaints and Requests for Accommodation for the City of North Myrtle Beach.

C. Citizen Requests for Accommodation

1. **Informal Concern or Inquiry** - All informal citizen inquires or concerns regarding accessibility to City of North Myrtle Beach programs or services should be directed to the ADA Coordinator in the Risk Management Division, 843-280-5674. A request or inquiry may also be submitted in writing to:

ADA Coordinator
Risk Management Division
City of North Myrtle Beach
1018 2nd Avenue South
North Myrtle Beach, SC 29582

In the event that a City department receives an informal inquiry or concern from a citizen, the department shall forward the expressed concern or inquiry to the ADA Coordinator immediately.

The ADA Coordinator will work with any departments involved or affected, and respond directly to the citizen to any inquiry or question received on an informal basis.

D. Formal Requests for Accommodation

a. Filing

A citizen may file a Citizen Request for Accommodation in the event he/she perceives that an accommodation is necessary in order for the citizen to have the ability to utilize a program or service offered by the City. This form may be downloaded from the "Forms" section from the Risk Management website page, www.nmb.us. All formal requests will be directed to the ADA Coordinator via the Risk Management Division, submitted in writing to:

ADA Coordinator
Risk Management Division
City of North Myrtle Beach
1018 2nd Avenue South
North Myrtle Beach, SC 29582

b. Submission of Requests to ADA Coordinator by Departments

In the event that any department should receive a formal Request for Accommodation by a citizen, the department shall immediately forward such request to the ADA Coordinator.

(1) Investigation and Recommendation

Upon receipt of a Request for Accommodation, the ADA Coordinator will consult the department involved and investigate and determine whether the requested accommodation is appropriate, feasible and/or reasonable. The ADA Coordinator will then make a recommendation, which will be countersigned by the Department Head of the affected department. The recommendation will then be forwarded to the Assistant City Manager and City Manager for review and approval.

(2) Final Decision Process

In the event that the Department Head does not agree with the recommendation of the ADA Coordinator, then the ADA Coordinator shall submit his/her recommendation to the Assistant City Manager for review. The Assistant City Manager may elect to approve the recommendation of the ADA Coordinator, or adopt an alternate recommendation. The Assistant City Manager will then forward the recommended action to the City Manager for review and approval.

(3) Notification to Citizen

After approval by the City Manager, the citizen will be notified in writing by the ADA Coordinator of the final determination with respect to the Request for Accommodation, including whether or not any accommodation will be undertaken, a description of any approved accommodation, and the estimate time frame for implementation.

(4) Appeal

A citizen who is aggrieved by the determination of City of North Myrtle Beach with regard to a Request for Accommodation may appeal the decision in writing to the City Manager, within fourteen (14) days of the mailing of the determination. Individuals requiring assistance in the process of completing a written appeal may obtain assistance from the Coordinator. The decision of the City Manager with respect to the appeal shall be final and binding.

F. Employee/Applicant Requests for Accommodation

1. Requests for Reasonable Accommodation

In the event that an applicant or employee of City of North Myrtle Beach wishes to request that an accommodation be extended to him/her with respect to the performance of the essential function of his/her job, or in regard to the employment application process, this request shall be submitted in writing. The employee or applicant shall submit an Employment Request for Accommodation. This form may be downloaded from the "Forms" section from the Human Resources website page, www.nmb.us. All formal requests will be directed to the ADA Coordinator via the Human Resources Department, submitted in writing to:

Human Resources Department
City of North Myrtle Beach
1018 2nd Avenue South
North Myrtle Beach, SC 29582

2. Submission of Requests for Accommodation to ADA Coordinator

In the event that any department should receive a formal or informal request by an employee or applicant requesting an accommodation pursuant to the ADA, the department shall immediately notify the ADA Coordinator.

3. Investigation and Recommendations

Upon receipt of an Employment Request for Accommodation, the ADA Coordinator will consult the department involved, and the applicant or employee, to investigate and determine whether an accommodation is appropriate, feasible and/or reasonable. The ADA Coordinator will then make a recommendation, which will be countersigned if agreed to by the Department Head. The recommendation will then be forwarded to the Assistant City Manager and City Manager for review and approval.

4. Final Decision

In the event that the Department Head does not agree with the recommendation of the ADA Coordinator, then the ADA Coordinator shall submit his/her recommendation to the Assistant City Manager for review. The Assistant City Manager may elect to approve the recommendation of the ADA Coordinator, or adopt an alternate recommendation. The Assistant City Manager will then forward the recommended action to the City Manager for review and approval.

5. Notification to Applicant or Employee

The applicant or employee will be notified in writing by the ADA Coordinator of the final determination with respect to the Request for Accommodation after approval by the City Manager.

6. Appeal

In the event that the applicant or employee is aggrieved by the final determination of the City with respect to the Request for Accommodation, the applicant or employee may appeal in writing to the City Manager within fourteen (14) days from the mailing of the written notice of the final determination. The applicant or employee shall set forth the reasons for the appeal, and may suggest an alternative proposed accommodation from the accommodation originally requested. The decision of the City Manager with respect to the appeal shall be final and binding.

G. Disability Discrimination Complaints

1. Employee or Applicant Complaint of Disability Discrimination

An employee or applicant alleging that he/she has been discriminated against on the basis of his/her status as a qualified disabled person pursuant to the ADA may file a complaint. The complaint shall be filed in writing with the Human Resources Department, by submission of a Discrimination or Harassment Complaint form. This form may be downloaded from the "Forms" section from the website page, www.nmb.us. All formal requests will be directed to the Human Resources Department, submitted in writing to:

Human Resources Department
City of North Myrtle Beach
1018 2nd Avenue South
North Myrtle Beach, SC 29582

In the event that any department should receive a formal or informal complaint by an employee or applicant alleging discrimination based upon the ADA, the department shall immediately notify the Human Resources Department.

a. Investigation

Upon receipt of a complaint alleging disability discrimination, the Human Resources Department will immediately conduct a full and fair investigation. Every effort will be made to ensure that the investigation is confidential, to the extent possible. At the conclusion of the investigation, the Human Resources Department will issue a report. In the event the report substantiates the allegations, appropriate corrective action will be recommended. The Complainant will be informed as to the result of the investigation. The contents of the Investigation Report will remain a confidential document that will only be divulged to the involved Department Head, Assistant City Manager and City Manager.

b. Final Decision

In the event that the department does not implement the recommendations set forth in the Investigation Report, then the Department Head shall submit his/her recommendations to the Assistant City Manager for review. The Assistant City Manager will then forward the recommended action to the City Manager for review and approval.

c. Retaliation

Employees or applicants and those participating in interviews during the course of any investigation are protected from retaliation. Any individual who believes he/she has

been the victim of retaliation should notify Human Resources immediately.

2. Citizens Complaint of Disability Discrimination

Submission of Complaints by Departments to ADA Coordinator

A citizen alleging that he/she has been discriminated against on the basis of his/her status as a qualified disabled person pursuant to the ADA may file a complaint. The complaint shall be filed in writing with the Risk Management Division, by submission of a Discrimination or Harassment Complaint form. This form may be downloaded from the "Forms" section from the website page, www.nmb.us. All formal requests will be directed to the ADA Coordinator via the Risk Management Division, submitted in writing to:

ADA Coordinator
Risk Management Division
City of North Myrtle Beach
1018 2nd Avenue South
North Myrtle Beach, SC 29582

In the event that any department should receive a formal or informal complaint by an employee or applicant alleging discrimination based upon the ADA, the department shall immediately notify the Risk Management Division.

a. Investigation

Upon receipt of a complaint alleging disability discrimination, the Risk Management Division will immediately conduct a full and fair investigation. Every effort will be made to ensure that the investigation is confidential, to the extent possible. At the conclusion of the investigation, the Risk Management Division will issue a report. In the event the report substantiates the allegations, appropriate corrective action will be recommended. The Complainant will be informed as to the result of the investigation. The contents of the Investigation Report will remain a confidential document that will only divulged to the involved Department Head, Assistant City Manager and City Manager.

b. Final Decision

In the event that the department does not implement the recommendations set forth in the Investigation Report, then the Department Head shall submit his/her recommendations to the Assistant City Manager for review. The Assistant City Manager will then forward the recommended action to the City Manager for review and approval.

c. Retaliation

Citizens and those participating in interviews during the course of any investigation are protected from retaliation. Any individual who believes he/she has been the victim of retaliation should notify the Risk Management Division immediately.

7. Policy for Interpreting Services in Judicial Proceedings for Individuals Who Are Hearing Impaired

It is the policy of the City of North Myrtle Beach Clerk of Court that in those judicial proceedings where an interpreter is necessary to ensure effective participation by any party who is deaf or hard of hearing, upon reasonable notice, the Clerk will secure the services of a qualified interpreter. This policy applies to those situations where other auxiliary aids and services, such as real time transcription, are not an equally effective means of communication or are unavailable. This policy does not apply to situations that would create a fundamental alteration in the nature of the service, program or activity conducted by the courts.

Before determining the type of interpreting services to be secured, the individual with the disability will be consulted regarding the preferred method of communication (e.g., American Sign Language, Signed English or oral interpreting). In determining what type of auxiliary aid will be provided, the court will give primary consideration to the requests of the individual with the disability. The Clerk will then designate the type of services and the date, time and place those services are required. The interpreter services will be provided at no expense to the hearing impaired individual.

The City of North Myrtle Beach has an ADA Coordinator who is available to assist members of the public as well as court employees and officials who need assistance regarding Americans with Disability Act and this policy statement. The ADA Coordinator may be contacted in the Risk Management Division, 843-280-5674 in City Hall, 1018 2nd Avenue South, North Myrtle Beach, SC 29582.

THE AMERICANS WITH DISABILITY ACT: WHAT YOU SHOULD KNOW

As required by the Americans with Disabilities Act of 1990, City of North Myrtle Beach does not discriminate on the basis of disability in the operations of its programs, services, or activities. North Myrtle Beach also does not discriminate on the basis of disability in its hiring or employment practices.

City of North Myrtle Beach has taken specific steps to implement the American with Disabilities Act.

- An ADA Coordinator has been appointed, with the responsibility of working with people with disabilities to ensure that proper accommodations are provided.
- Individual with hearing impairments are ensured effective participation in court proceedings by provision of a qualified interpreter whenever necessary.

QUESTIONS, CONCERNS OR REQUESTS FOR ADDITIONAL INFORMATION REGARDING THE ADA MAY BE FORWARDED TO THE CITY OF NORTH MYRTLE BEACH ADA COORDINATOR:

ADA Coordinator
Risk Management Division
City of North Myrtle Beach
1018 2nd Avenue South
North Myrtle Beach, SC 29582

XI. Environmental Justice

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving federal funds. This obligation will be met by the City in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project

area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups *are* present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minority and/or low income population groups:

STEP ONE: Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority populations and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and off-setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority, or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social, economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude? ,

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

XII. DBE POLICY STATEMENT

The City of North Myrtle Beach has established a Disadvantaged Business Enterprise (DBE) Program in accordance with the regulations of the Department of Transportation (DOT), 49 CFR Part 26.

It is the City of North Myrtle Beach's policy to ensure that DBEs as defined in Part 26 have an equal opportunity to receive and participate in federally funded projects. In order to accomplish this goal, the City has adopted the following guidelines:

1. To ensure no-discrimination in the award and administration of federally funded contracts;
2. To create a level playing field on which DBE's may compete fairly for federally funded contracts;
3. To ensure that DBE contractors meet the eligibility standards set forth in Part 26 before being qualified;
4. To help remove barriers to the participation of DBE's in federally funded projects.

XIII. Remedial Action

The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

XIV. Annual Report

An annual report will be submitted to the City Manager by the Coordinator. The summary will overview Title VI accomplishments achieved during the year, include the Title VI complaint log, and will also include goals and objectives for the upcoming year where applicable. The Coordinator will meet with the Title VI Planning Committee to review the annual report.



APPENDIX A

Title VI Complaint Procedures

A. Introduction

These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program and/or activity administered by the City of North Myrtle Beach or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These 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. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. The City of North Myrtle Beach will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will include requests for information regarding specific relief and settlement options.

B. Filing

Any person who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint to the City of North Myrtle Beach's Title VI Program Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complainant must meet the following requirements:

- Complaints must be in writing and signed by the complainant(s).

- Complaints must include the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct).
- Complaint must present a detailed description of the issues, including names, job titles, and addresses of those individual perceived as parties in the action complained against.

C. Receipt and Acceptance

Upon receipt of the complaint, the Title VI Program Coordinator will determine its jurisdiction, and need for additional information. The complaint will be forwarded to the SCDOT Secretary of Transportation (Secretary) for a determination of acceptability. The Secretary will notify the complainant, in writing, within ten (10) days of receipt of the complaint.

In order to be accepted, a complaint must meet the following criteria:

- a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- b. The allegation(s) must involve a covered basis such as race, color, sex, age, national origin, or disability.
- c. The allegation(s) must involve a program or activity that receives Federal financial assistance.

SCDOT will assume responsibility for investigating complaints against any of its sub-recipients. Complaints in which SCDOT is named as the Respondent, shall forward to the FHWA or the appropriate Federal agency for proper disposition, in accordance with their procedures.

D. Dismissal

A complaint may be recommended for dismissal for the following reasons:

- a. The complainant requests 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 to contact the complainant.

E. Investigation of Complaints

In cases where SCDOT assumes responsibility for investigation, SCDOT will provide the respondent with the opportunity to respond to the allegations in writing. The Secretary will designate an investigative team responsible for evaluating the complaint, developing an investigative plan, conducting interviews, collecting and analyzing evidence, and preparing an investigative report.

SCDOT's final investigative report will be submitted to the Federal Highway Administration (FHWA), or appropriate Federal Agency, within 60 days of receipt of the complaint. FHWA will issue a final agency decision (FAD) and provide written notification of the decision to the complainant and respondent.

F. Appeals

If FHWA concludes that the respondent is in compliance with laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, file an action in the appropriate U.S. District Court.

Please submit your complaint to the North Myrtle Beach Title VI Coordinator at the address listed below:

City of North Myrtle Beach
Attn: Title VI Coordinator
1018 2nd Avenue South
North Myrtle Beach, SC 29582
8:00 a.m. to 5:00 p.m., Monday - Friday
Phone: 843-280-5674
Fax: 843-280-5638



Title VI Discrimination Complaint Form

Last Name	Frist Name	<input type="checkbox"/> Male <input type="checkbox"/> Female
Mailing Address	City/State	Zip
Primary Telephone Number	Other Telephone Number	Email Address
Type of Discrimination <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Sex/Gender		
Race of Complainant <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Alaska Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____		
<p>How were you discriminated against? Please explain your complaint as clearly as possible. Include how other persons were treated differently. Use additional sheet(s), if necessary. Attach supporting documents if available.</p>		
<p>Date and place of the alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date(s) of discrimination.</p>		

The law prohibits intimidation or retaliation against anyone because they have either take action, or participated in action, to secure rights protected by the laws. If you feel that you have been retaliated against, separate from the discrimination alleged above please explain the circumstances below. Describe the action you took which you believe was the cause for the alleged retaliation.

Name(s) of individual(s) responsible for the discriminatory action(s).

Name(s) of person(s) who may be contacted for additional information to support or clarify your complaint. (Attach additional sheets, if necessary).

Name

Address

Telephone

1. _____

2. _____

3. _____

What action(s) have you or your representative done to attempt to resolve this complaint? Please include filing dates or other dates as applicable.

Action

Date

Please provide any additional information you feel would be helpful in investigation this matter.

Briefly explain what action you are seeking.

Complainant's Signature	Date
Mail Complaint Form To: City of North Myrtle Beach Attn: Title VI Coordinator 1018 2 nd Avenue South, North Myrtle Beach, SC 29582	
FOR OFFICIAL USE ONLY	
Date Complaint Received: _____ Referred to: _____ Date Referred: _____	

APPENDIX B PUBLIC PARTICIPATION



PLAN

Introduction

The City of North Myrtle Beach is committed to providing an open and visible decision-making process to which North Myrtle Beach residents have equal access. City Council actively solicits the involvement of citizens in the public decision-making process through public notification, media exposure, neighborhood meetings, and public hearings.

The purpose of this document is to establish public participation policies and procedures for information dissemination and public comment solicitation for development and review of programs and projects carried out by the City of North Myrtle Beach.

Further, the City of North Myrtle Beach offers early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. This includes seeking out and considering the viewpoints of minority, low-income, and limited English proficiency (LEP) populations (as well as older adults and people with limited mobility) in the course of conducting public outreach activities, consistent with Federal Transit Administration (FTA).

Consultation Parties

The Public Participation Plan includes consulting with the Grand Strand Area Transportation Study (GSATS) Metropolitan Planning Organization (MPO). The GSATS MPO serves as the federally designated recipient for Section 5307, 5310, and 5339 funds and is responsible for ensuring that transportation programs utilizing federal funds in the Myrtle Beach-Socastee SC/NC MPO is based on a continuing, comprehensive, and coordinated planning process. GSATS serves portions of three counties and fourteen municipalities in the Metropolitan planning area. GSATS boundary includes portions of the following counties:

Georgetown, SC
Horry, SC
Brunswick, NC

GSATS plays an active leadership role in strengthening the metropolitan community by providing:

- A forum for addressing regional objectives and diverse community issues;
- Long-range planning and public policy coordination; and
- Technical assistance and services to enhance the effectiveness of local government.

Benefits of working with the MPO include a voice in key regional decisions, distribution of federal transportation dollars, technical assistance to obtain federal and state funding, education and training opportunities, data to meet special planning needs, access to Geographic Information Systems (GIS)

databases, access to data products and technical expertise.

Federal Requirements

Along with the desire to include a diversified public in its planning processes, the City of North Myrtle Beach relies on various federal statutes to help guide its participation activities.

The Federal regulations related to participation in transportation decision making can be found in the **Code of Federal Regulations: Title 23; Chapter 1: Subchapter E; Part 450; Subpart B – Statewide Transportation Planning**. These regulations leave the methods for carrying out participation to the discretion of each state; however, participation processes must provide:

- Early and continuous opportunities for participation
- Public meetings at convenient and accessible locations and times
- Timely information on transportation issues, processes, and procedures
- Reasonable access to technical and policy information
- Electronically accessible and available public information via the World Wide Web
- Adequate notice for participation opportunities at key decision points
- Methods for considering and responding to public input
- A course of action for seeking out and considering the needs of traditionally underserved groups
- Periodic review and evaluation of the participation process

The Americans with Disabilities Act of 1990 (ADA) states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity.” Sites for participation activities, as well as the information presented, must be accessible to persons with disabilities. ADA requires specific participation – particularly for developing para-transit plans – such as;

- Outreach by developing contacts, mailing lists, and other means of notification
- Consultation with disabled individuals
- The opportunity for public comment
- Accessible formats
- Public Hearings
- Summaries of significant issues raised during the public comment period
- Ongoing efforts to involve persons with disabilities in planning

Title VI of the Civil Rights Act of 1964, together with related statutes and regulations, provide that “no person shall on the grounds of race, color, and national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal funds. The entire institution, whether educational, private or governmental must comply with Title VI and related Federal civil rights laws, not just the program or activity receiving federal funds.” Executive orders regarding environmental justice and outreach to person with limited English proficiency is also regulated under Title VI of the Civil Rights Act.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994, states 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.” Traditionally underserved groups such as low-income and minority populations must be identified and given increased opportunity for involvement in order to ensure effective participation.

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 2000, requires that recipients of federal financial aid must ensure that the programs and activities normally provided in English are accessible to persons with limited English proficiency.

Public Participation Plan Goals

Participation starts with early and continuous involvement in important policy or project decisions before they are finalized. A comprehensive plan starts with early coordination and input from stakeholder groups. As drafts and revisions are developed for plans and programs, the public is encouraged to provide comments that are considered prior to any final approval. To this end, the City of North Myrtle Beach will ensure that the public is provided thorough information on project development in a convenient and timely manner particularly when a project, program or issue may have identifiable impacts on a neighborhood or citizen group.

The goals of the City of North Myrtle Beach’s Public Participation Plan are to:

1. Ensure responsiveness to the level of interest and concern expressed by the public;
2. Ensure visibility and understanding by the agencies, groups and individuals who may participate; and
3. Ensure that public participation is carefully and systematically included as part of the decision-making process.

Public Participation Plans for City-initiated projects will be review and approved by the City Manager’s office prior to implementation and will be included as part of staff reports for City Council.

Public Participation Principles

The following principles shall be used to develop the Public Participation Plan for transportation related projects and programs:

- When a project (e.g., construction activity) may affect a neighborhood, special neighborhood meetings will be scheduled early in the project planning process. Notices will be sent to organized neighborhood groups and any individual who has requested notification.
- All public hearings notices shall be written in clear, concise and understandable language and will incorporate graphics when it aids the message. The notices will be clearly identified as a City of North Myrtle Beach notice.
- The Public Participation Plan will reflect the City’s policy to provide early and continuous opportunities for the public to be involved in the identification of the impacts of proposed decisions. It will also reflect the City’s policy to seek out the viewpoints of minority, low-income, and limited English Proficiency (LEP) populations, as well as older adults and people with limited mobility, in the course of conducting public outreach and involvement activities, consistent with the City’s Title VI Plan.
- The Public Participation Plan will be tailored to the populations affected and the type of plan,

program, or service under consideration.

- Public meetings will be held in locations that are accessible to transit riders and people with disabilities, and will be scheduled at times that are convenient for members of the public.
- Public meetings and hearings will be broadly advertised in the community in both English and Spanish (e.g., through posters at major transit stops and facilities, the City's website, local print media, social media, and email notification to the City's outreach mailing list) and notification will be provided regarding the availability of language assistance.

Public Participation Program Elements and Techniques

A. Citizens Input

The City of North Myrtle Beach will solicit public input on an ongoing basis through a multifaceted social media strategy including, but not necessarily limited to the City's website and other tools. This approach will provide opportunities for proactive, early, and continuing public participation for North Myrtle Beach projects, programs and decision making. This multi-pronged strategy will allow staff wide latitude to adapt to take advantage of changing communications technologies and to interact with individuals, group, businesses and strategic partners to ensure citizen access and participation. Mailings and other outreach efforts may be made to solicit input from a forum of organizations serving minorities, low-and-moderate income persons, as well as persons with disabilities and limited English proficient populations. More structured meetings may be held on specific proposals and projects when desirable to expand support and encourage broad based public participation in the development and review of programs and projects. The City of North Myrtle Beach will aggressively promote opportunities for the inclusion of minority, low-and-moderate income and limited English proficient populations in this forum. Public input may be drawn from, but not necessarily limited to, entities such as:

1. The general public
2. Transit users
3. Non-profit organizations that provide services to the homeless, LEP populations, etc.
4. Local School Officials
5. Neighborhood Organizations/Watch Groups
6. Municipal Partners

B. Techniques

An effective public participation process is characterized by techniques and procedures that enable citizens to become well informed. Below are descriptions of public participation tools of which the City of North Myrtle Beach currently uses and may use in the future. These tools are as follows:

1. **Charrettes:** Charrettes are typically intense, possibly multi-day meetings involving municipal officials, planning officials and local residents. A charrette is instrumental in identifying key issues early, promotes joint ownership of the solution and attempts to diffuse traditional confrontation between stakeholders. Activities involved in charrettes include project specific meetings, corridor studies, sub-area studies, other planning studies and workshops.
2. **Consultation:** Federal transportation laws require the establishment of a Metropolitan Planning

Organization (MPO) to ensure that existing and future expenditures for transportation projects and programs were based on a comprehensive, cooperative, and continuing (3-C) process. The City of North Myrtle Beach will continue to consult with the Grand Strand Area Transportation Study Metropolitan Planning Organization to ensure local process is consistent with state and federal policies. This is accomplished through public hearings/meetings, copies of this plan on the City's website and meetings with the GSATS MPO committees and staff.

3. **E-Mail Announcements:** Meeting announcements are e-mailed to interested persons that have submitted their e-mail address to the City's Public Information Office staff. Meeting notices, public hearings, workshops, open houses and other major City activities are e-mailed weekly.
4. **Direct Mailings:** Direct mailings are used to announce upcoming meetings or activities or to provide information to a targeted area, group of people, or the media. Direct mailings are usually letters, post cards or fliers. An area may be targeted for a direct mailing because of potential impacts from a project. Groups are targeted that may have an interest in a specific issue, for example avid cyclists and pedestrians may be targeted for pathways and trail projects.
5. **Legal Advertisements:** The SCDOT requires a minimum of thirty (30) day advertisement of any public meeting where a decision could be made that would make a significant change to an existing plan or program. Ads are published to solicit public comment and/or review of the requested change or plan update. The ads provide a description of the meeting agenda, including contact information. The City adheres to the SCDOT guidelines for legal ads.
6. **Website:** The City of North Myrtle Beach's website provides basic information about the City's form of government, departments, services and staff contact information. City Council and other public meetings notices are listed along with recent minutes and agendas that can be downloaded from the site. The website address is www.nmb.us.
7. **Public Informational Meetings:** These are public meetings that are generally open and informal, with project team members interacting with the public on a one-on-one basis. Short presentations may be given at these meetings. The purpose of public informational meetings is to provide project information to the public and to solicit public comment. Information provide may include corridor studies, sub-area studies, other planning studies, project priority process, certification review, project updates, and other major City activities.
8. **Public Notices:** Meeting and hearing schedules are published weekly and can be found on the City's website.
9. **Press Releases:** Formal press releases are sent to local media (newspaper, TV and radio) to announce upcoming meetings, special meetings, public hearings and City activities.
10. **Formal Public Hearings:** These are public meetings used to solicit public comment on a project or issue being considered for adoption. Hearings provide a formal setting for citizens to provide comments to the City or the appropriate decision-making body.
11. **Small Group Meetings:** During projects such as planning studies, meetings may be held with small groups that have an interest in the project. Meetings could be with property owners or neighborhood groups, civic groups, special interest groups, or other groups of affected or

interested parties.

12. **Visualization:** The City of North Myrtle Beach recognizes that an important element to public participation is to provide the public, when possible, visual as well as written descriptions of projects. Through visual imagery, the complex features of proposed plans, policies and programs can be portrayed at appropriate and different points of view. The City uses various visual and architectural design techniques, some may include sketches, drawings, artist renderings, aerial photography, mapping, simulated photos, videos, computer modeled images, interactive geographical information system (GIS), GIS-based scenario planning tools, photograph manipulation and computer simulation.
13. **Government Access Television:** The City of North Myrtle Beach uses a local cable provider to broadcast rolling message scripts and regular and special meetings, both live and pre-recorded along with short informative programs about departmental activities or projects of interest to the entire population.
14. **Newsletter:** The City of North Myrtle Beach has historically published a quarterly Progress Report newsletter that is distributed to City residents to share information about events, projects and other items of interest to city residents.
15. **Comment Forms:** Another form to solicit public participation is through comment forms to solicit public comment on specific issues being presented at a workshop or other public meeting. Comment forms can be very general in nature, or can ask for very specific feedback and turned in at the end of the event or mailed to the specific requester. Comment forms may be used at public workshops, open houses, hearings, and other public meetings held by the City of North Myrtle Beach.
16. **Surveys:** Surveys are used when very specific input from the public is desired. A survey may be used in the place of a comment card to ask very specific questions about whether or not a person supports a specific project or program. Participants may be asked about their daily routines and how a specific project or program may impact their routines.
17. **Fact Sheets:** Fact sheets provide summary information regarding policy, programs and projects. The sheets are distributed at public meetings and in public places such as City Hall, the J Bryan Floyd Community Center, and other public facilities. Individuals and special interest groups can request fact sheets directly from the Public Information Office.
18. **Posters and Fliers:** Posters and fliers are used to announce meetings and events and are placed at City Hall, the J Bryan Floyd Community Center, other public facilities and neighborhoods that may be affected, for display. The announcements contain a brief description of the purpose of meeting, the time, location and contact information. The posters and fliers are used to reach that audience that cannot be reached using direct mailings and/or newsletters.

C. Monitoring and Evaluation

The City of North Myrtle Beach will continuously monitor, evaluate and improve its public participation process. Public participation evaluation is not a single event but a continual review and analysis of the public participation processes, strategies, and techniques. Anyone wishing to participate will have

sufficient knowledge and participation opportunities in the transportation decision-making process.

- Regular review will be accomplished by tracking website usage and activity including the number of individuals on the City of North Myrtle Beach's contact list that receive newsletters, e-mailed public meeting notices and agendas, and other related materials.
- The public will be encouraged to provide comments and suggestions through various channels and open dialogue with advisory groups throughout the community on transportation and planning issues. A record of public comments and those of institutional representatives will be kept, as well as responses to such comments, where pertinent.
- Periodically the City will internally assess the success of various tools and techniques used to acquire input. Assessments may address the level of input the type of input received, and/or the role the input had in the process.

D. The Solicitation of Public Comment

It is the City of North Myrtle Beach's policy to disseminate information and to solicit and respond to public comment regarding transportation projects in a manner which is reasonable and practical. Specific elements of this policy are as follows:

1. Except when impossible because of an emergency condition, advance notice of not less than fifteen (15) days will be provide to neighborhood and communities affected by transportation projects. The methods of providing such notice include, but are not limited to, distribution of revised timetables, handouts, posted notices, and/or media press releases. Moreover, notices will be published in a newspaper of general circulation and also, if applicable, in newspapers oriented to specific groups or communities affected. Such published notices will include information as to the date, time and location of any public hearings. Not sooner than fifteen (15) days after the notices are published will at least one public hearing be held.

E. Public Dissemination

The goal of the City's communications and public participation program is to ensure early and continuous public notification about, and participation in, major actions and decisions by North Myrtle Beach. In seeking public comment and review, the City shall make a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes.

The Coordinator will ensure that Title VI Program information is disseminated to City employees, sub-recipients, contractors, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts (see *Standard USDOT Title VI Assurances* in Appendix B), and publishing the Title VI Policy Statement and announcements of hearings and meetings in newspapers having a general circulation and at locations in the vicinity of proposed projects.

The City's Title VI Policy Statement, Title VI Plan, Complaint Procedures, Complaint Form, and Limited English Proficiency Plan (LEP), upon approval will be made available on the City's website www.nmb.us, at the City Manager's office, and can be mailed out upon request.

APPENDIX C

LIMITED ENGLISH PROFICIENCY (LEP) PLAN



1018 2nd Avenue South
North Myrtle Beach, SC 29582 Phone: 843-280-5575
Website: www.nmb.us

Title VI Coordinator Phone: 843-280-5674
Email: TitleVI@nmb.us

TABLE OF CONTENTS

Introduction.....

Basis of Authority

Plan Summary.....

The Four-Factor Analysis.....

 Factor 1: The Proportion, Numbers and Distributions of LEP Persons.....

 Factor 2: Frequency of Contact with LEP Individuals.....

 Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP.....

Community

Factor 4: The Resources Available to the City of North Myrtle Beach and Overall Cost

Language Assistance Measures

 Type of Language Service Available

 How LEP Persons Can Obtain Services

 How to Respond to LEP Callers

 How to Respond to In-Person Contact with LEP Individuals

 How to Ensure Competency of Interpreter and Translation Services

 Staff Training

 Outreach Techniques

 Monitoring and Updating the LEP Plan

 Dissemination of the LEP Plan

INTRODUCTION

This *Limited English Proficiency Plan* is a resource tool that will serve as a guide in addressing responsibilities, as a recipient of federal financial assistance, concerning the needs of individuals with limited English language skills. This plan was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color, or national origin under any federally-assisted program or activity because they face challenges communicating in English.

BASIS OF AUTHORITY

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 encounter². 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."

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The USDOT issued policy guidance, "*DOT Guidance to Recipients on Special Language Services to Limited English Proficient {LEP} Beneficiaries*" to clarify the responsibilities of recipients of federal financial assistance and to ensure compliance with LEP regulations. These

regulations impact state agencies, including the South Carolina Department of Transportation (SCOOT), private and non-profit entities, and other sub-recipients of DOT-assisted funding.

The City of North Myrtle Beach is a sub-recipient of USDOT and other federal agency funding.

PLAN SUMMARY

The City of North Myrtle Beach has developed this *Limited English Proficiency Plan* to help identify reasonable steps to provide language assistance for persons seeking meaningful access to City services as required by Executive Order 13166.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, the approach for training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing this plan, the City undertook the U.S. Department of Transportation four-factor LEP analysis. The USDOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.

The frequency with which LEP individuals come in contact with the program.

The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.

The resources available to the City of North Myrtle Beach and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of USDOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

THE FOUR-FACTOR ANALYSIS

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of North Myrtle Beach services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: "very well," "well," "not well," and "not at all." For our planning purposes, we are considering people that speak English less than "very well" as Limited English Proficient persons.

As seen in Table 1, the U.S. Census Bureau data⁵ for the City of North Myrtle Beach shows that 936 (6.4%) of individuals in the City speak a language other than English; of those individuals, 663 (4.5%) have identified themselves as speaking English less than "very well". Of those individuals, there are 484 (3.3%) people in the Spanish language group, 102 (0.6%) individuals in the Indo-European languages group, 77 (.5%) residents in the Asian and Pacific Islander languages group, and 0 (.0%) people in the "Other" language group.

Table 1. Language Spoken at Home

Subject	Estimated Total	
	Persons	Percent
Population 5 years and over	14,574	100
English only	13,638	93.6
Language other than English	936	6.4
Speak English less than "very well"	663	4.5
Spanish	635	4.3
Speak English less than "very well"	484	3.3
Other Indo-European languages	175	1.2
Speak English less than "very well"	102	0.6
Asian and Pacific Island languages	120	0.8
Speak English less than "very well"	77	.5
Other languages	6	0.0
Speak English less than "very well"	0	0

Factor 2: Frequency of Contact with LEP Individuals

Given the number of LEP individuals as displayed in Table 1 (above) the probability of City employees to encounter an LEP individual is relatively low. The City has offices accessible to

the public and therefore accessible to LEP individuals and it has staff that work in the field that could encounter LEP individuals. Additionally, regular City Council meetings are held at least twice per month on Mondays starting at 7:00 PM local time as posted in advertisements, which would potentially bring LEP individuals to these meetings.

The City has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions. Contact with LEP individuals can be described as infrequent at best. All requests have been "Spanish translation" requests and have been handled by an individual on the City's staff.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of North Myrtle Beach serves individuals throughout the City in a variety of ways including managing roads, storm drainage, water supply, wastewater collection, solid waste collection, public safety, recreation, and other services to residents and non-residents alike. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. The City of North Myrtle Beach will continue to ensure accessibility to all of its programs, services, and activities.

Factor 4: The Resources Available to the City of North Myrtle Beach and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

"A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns."

Based on this guidance, the City has reviewed its resources and deemed that given the number of LEP individuals in the City, upon request it will translate its vital documents into the language requested to ensure accessibility.

Although there will not be a fixed amount allocated from the City's annual budget for the translation of documents, the cost associated with the necessary translation of documents in order to comply with LEP requirements will be allocated on an as-needed basis. At present, cost has not been a deterrent or imposition to the City's ability to provide LEP services to its residents.

LANGUAGE ASSISTANCE MEASURES

Title VI designees will be responsible for ensuring that their program area or staff are familiar with these measures.

A. Type of Language Services Available

The type of language services available by the City include:

1. With advance notice of 48 hours, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
2. Bilingual staffing as reflected on the "Fluent Bi-Lingual Employee" list.
3. Translation services under contract with professional translators/interpreters, as needed.
4. Use of "I-Speak" language identification cards or poster. These cards can be downloaded at <http://www.iustice.gov/crt/lep/resources/ISpeakCards2004.pdf>.

B. How Recipients Can Obtain Services

All requests for language services should be made through the appropriate Department or Program Title VI Designee, who will make appropriate arrangements. If the Title VI Designee is unavailable, then contact should be made with the Title I Coordinator. When utilizing City employees, consideration will be given in regards to the individual's workload, availability, and supervisor's consent. Employees who provide language services do so strictly on a voluntary basis and receive no remuneration.

C. How to Respond to LEP Callers

City personnel, including those who regularly take calls from the general public, who receive calls from LEP individuals, will forward the call to the appropriate Title VI Designee. The Title VI Designee will record the date and time of the call, name of caller, language (if it can be determined), nature of call, and disposition. If the Title VI Designee is unavailable, the call will be forwarded to the Title VI Coordinator. The Title VI Designee will provide a copy of the assistance provided during the submission of annual reporting.

D. How to Respond to Written Communications from LEP Persons

City personnel who receive written communications from LEP individuals will contact a Title VI Designee who in turn will record the date of receipt, name of LEP individual, language (if it can be determined), nature of the correspondence, and disposition. The correspondence will then be forwarded to the appropriate office and if unknown, it will be forwarded to the Title VI Coordinator.

E. How to Respond to In-Person Contact with LEP Individuals

City personnel, who have in-person contact with LEP individuals will, in keeping with the Department's position on customer service, address the issues and/or concerns raised. These persons will record the date of receipt, name of LEP individual, language (if it can be determined through familiarity with the language, use of "I Speak" cards, etc.), nature of the correspondence, and disposition of the encounter and forward the information to the appropriate Title VI designee. In cases where language barriers cannot be overcome, personnel will contact the Title VI Coordinator.

F. How to Ensure Competency of Interpreter and Translation Services

The City will ensure, to the greatest extent possible, the competency of interpreter and translation services. Applicable procurement procedures will be observed when selecting consultants for service. Employees who serve as interpreters and/or translators will be required to complete the "City of North Myrtle Beach's Interpreter's Code of Professional Conduct Form" and attest:

1. Their ability to communicate or translate information accurately in both English and the other language;
2. That they will not deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translating;
3. That they do not have a conflict of interest on the issues they would be providing services.

G. Staff Training

The City of North Myrtle Beach staff that has Title VI responsibilities will continue to attend Title VI seminars and workshops on an annual basis. Also, the City will seek the assistance of SCDOT in training Title VI Designees and sub-recipients. All persons will be provided a copy of the LEP Plan and educated on procedures. Suggested training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- What language assistance services the City of North Myrtle Beach offers?
- _ Use of LEP "I Speak Cards";
- How to use the interpretation and translation services; Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint.

H. Outreach Techniques

Currently, the City of North Myrtle Beach does not have a formal practice of outreach techniques because of the small LEP population and resources available. However, the following are a few options that the City will incorporate when and/or if the need arises for LEP outreach:

If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.

When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into "A (insert alternative Language) translator will be available". For example: "Un traductor del idioma español estara disponible" This means "A Spanish translator will be available".

I. Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. Each update should examine all plan components such as:

- How many LEP persons were encountered? Were their needs met?
- What is the current LEP population in North Myrtle Beach?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified North Myrtle Beach programs? Are there other programs that should be Included?
- Have the City's available resources, such as technology, staff, and financial costs changed?
- Has the City fulfilled the goals of the LEP Plan?; and were any complaints received?

J. Dissemination of the Limited English Proficiency Plan

The LEP Plan will be shared with Title VI Designees and senior management. Also, the City of North Myrtle Beach will include the LEP plan on its website, www.nmb.us together with its Title IV Policy and Complaint Procedures, once approved by the City Manager.

Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

City of North Myrtle Beach

Title VI Coordinator
1018 2nd Avenue South
North Myrtle Beach, SC 29582 Phone: 843-280-5674
Email: TitleVI@nmb.us

¹The executive order verbatim can be found online at <https://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf>

²Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

³The USDOT has also posted an abbreviated version of this guidance on their website at <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>

⁴Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

⁵U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates. Viewed June 15, 2016. <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>



APPENDIX E

U.S.D.O.T. TITLE VI ASSURANCES

The City of North Myrtle Beach (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 (DOT) through the ***Federal Highway Administration (FHWA)*** or the ***Federal Transit Administration (FTA)***, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964, (§42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (*Non-discrimination in Federally-Assisted Programs for the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964),

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations", respectively.

General Assurances

In accordance with the Act, Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that

"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 otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from the Department of Transportation, including the ***Federal Highway Administration (FHWA)*** and the ***Federal Transit Administration (FTA)***.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect

to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically and without limiting the above general assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted programs:

1. That the Recipient agrees that each "program" and each "facility" as defined in §§21.23(b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and, the Regulations.
2. That the Recipient will insert the following notification in all solicitations for bids, Request for Proposals for work, or material subject to the Acts and the Regulations made in connection with all programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of North Myrtle Beach, in accordance with Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C §§2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon, or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance shall extend to the rights to space on, over or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits,

licenses, or similar instruments entered into by the Recipient with other parties:

- (a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- (b) for the construction or use of, or access to, space on, over or under real property acquired, or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein 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 as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, 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 any program or activity and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

City of North Myrtle Beach

By: _____
Michael G. Mahaney

Dated: _____

APPENDIX A - U.S.D.O.T. TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21. This includes FHWA or FTA specific program requirement.
- (3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non- discrimination on the grounds of race, color, or national origin. This includes FHWA or FTA specific program requirements.
- (4) Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the **CITY OF NORTH MYRTLE BEACH (CITY), the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** to be pertinent to ascertain compliance with such Acts, Regulations, instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the City of North Myrtle Beach, FHWA or the FTA, as appropriate, and will 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 Non- discrimination provisions of this contract, the **CITY OF NORTH MYRTLE BEACH** will impose such contract sanctions as it or **the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may determine to be appropriate,

including, but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one (1) through six (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontractor procurement as the **CITY OF NORTH MYRTLE BEACH, the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with, litigation with a subcontractor, or supplier because of such direction, the contractor may request the **CITY OF NORTH MYRTLE BEACH** to enter into any litigation to protect the interests of the City. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B - U.S.D.O.T. TITLE VI ASSURANCES

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **CITY OF NORTH MYRTLE BEACH** will accept Title to the lands and maintain the project constructed thereon, in accordance with the appropriate legislative authority, the Regulations for the Administration of its programs and activities, and the policies and procedures prescribed by **the FEDERAL HIGHWAY ADMINISTRATION or the FEDERAL TRANSIT ADMINISTRATION** of the U.S. Department of Transportation in accordance with and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the SCDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto **CITY OF NORTH MYRTLE BEACH** 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 Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **CITY OF NORTH MYRTLE BEACH**, its successors and assigns.

The **CITY OF NORTH MYRTLE BEACH**, 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 will on the grounds of race, color, or national origin, 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 [,] [and]* (2) that the **CITY OF NORTH MYRTLE BEACH** will 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 in federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non- discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and the above described land and facilities will

thereon revert to and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C - U.S.D.O.T. TITLE VI ASSURANCES

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **CITY OF NORTH MYRTLE BEACH** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all other requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of a breach of any of the above Non-discrimination covenants, **CITY OF NORTH MYRTLE BEACH** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, **CITY OF NORTH MYRTLE BEACH** will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of **CITY OF NORTH MYRTLE BEACH** and its assigns.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX D - U.S.D.O.T. TITLE VI ASSURANCES

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **CITY OF NORTH MYRTLE BEACH** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that:
 - (1) no person on the grounds of race, color, or national origin, will be excluded from participation in, 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 the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination, and
 - (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **CITY OF NORTH MYRTLE BEACH** will have the right to terminate the (license, permit, etc., as appropriate) and enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **CITY OF NORTH MYRTLE BEACH** will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of **CITY OF NORTH MYRTLE BEACH** and its assigns.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI.

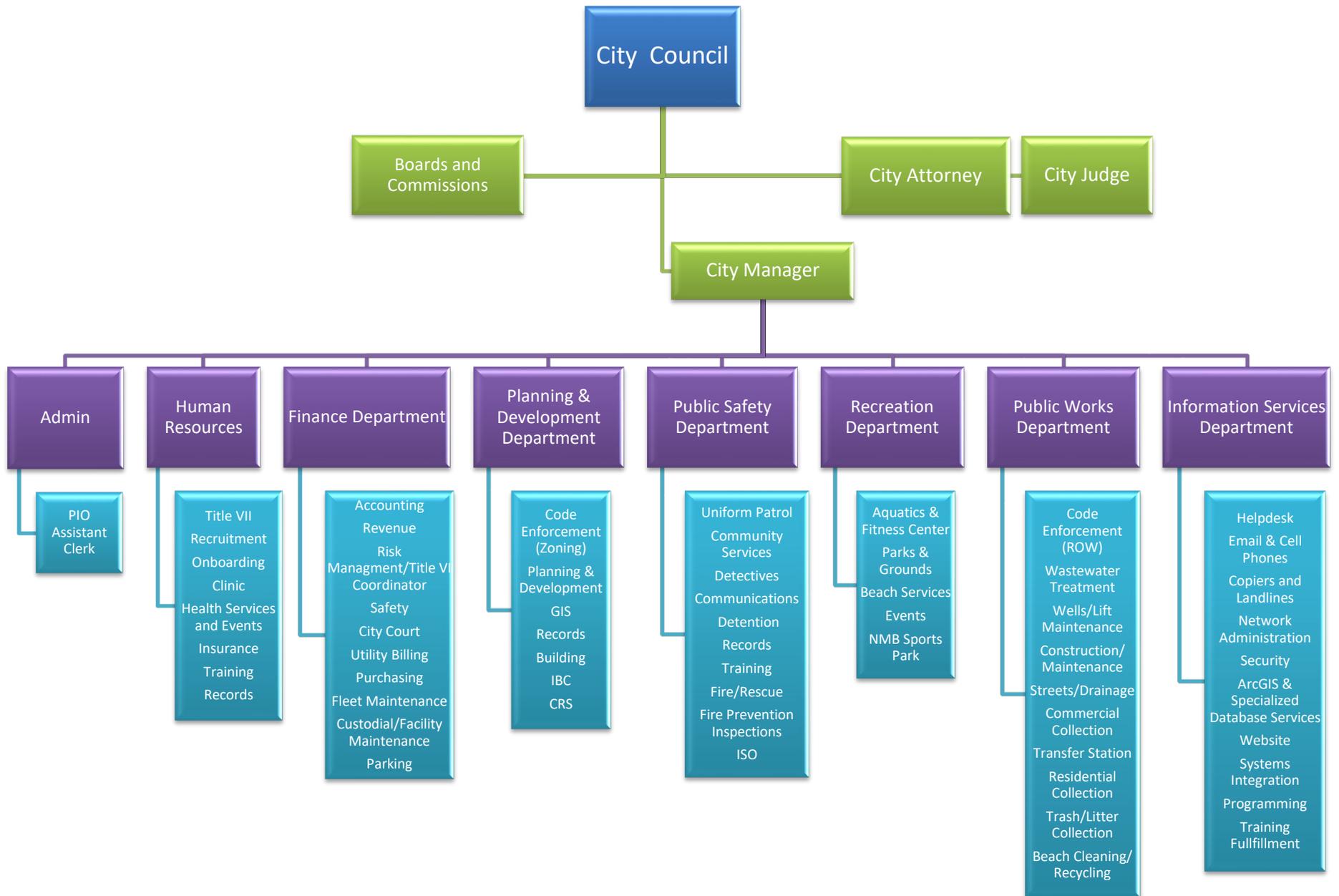
APPENDIX E - U.S.D.O.T. TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non- discrimination statutes and authorities, including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the 1964 Civil Rights Act (42 U.S.C. 29000 *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601) Prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- The Federal-aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (42 U.S.C. §47123), as amended, (prohibits discrimination on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (P.L. 100-209), (Broadened, the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal- aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131- 12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendment of 1972, as amended, which prohibits discrimination on the basis of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).





APPENDIX F
ORGANIZATION CHART

APPENDIX G

ADA COORDINATOR

CODE: 1602



APPENDIX H

ADA APPLICANT OR EMPLOYEE REQUEST FOR ACCOMMODATION

DATE: _____

PERSON REQUESTING ACCOMMODATION: _____

ADDRESS: _____
Street/Mailing City State Zip Code

TELEPHONE: _____
Mobile Other

I am requesting accommodation because (check one):

() I am applying for employment and the accommodation is necessary to allow me to

complete the application process.

() I am currently employed by the City of North Myrtle Beach in _____
Department. My job title is _____. I am requesting an
accommodation in order to perform the essential functions of my job.

Describe the functional limitation(s) caused by your disability for which you are requesting the
accommodation:

Describe an accommodation which you believe would assist you in the (a) application process OR
(b) performance of your job. Please be as specific as possible. In the event that you perceive
alternative accommodations that may provide solutions, please include information as to all
available options.

Signature of Person Completing Request: _____

Individuals with questions concerning **Requests for Reasonable Accommodation** may contact the City of
Myrtle Beach ADA Coordinator at:

ADA Coordinator
Risk Management Division
City of North Myrtle Beach
1018 2nd Avenue South
North Myrtle Beach, SC 29582
Phone: 843-280-5575
Fax: 843-280-5638



APPENDIX I

ADA CITIZEN REQUEST FOR ACCOMMODATION

DATE: _____

PERSON REQUESTING ACCOMMODATION: _____

ADDRESS: _____
Street/Mailing City State Zip Code

TELEPHONE: _____
Mobile Other

REQUEST IS MADE ON BEHALF OF MYSELF: YES _____ NO _____

If request is made on behalf of another person, please provide the name of the person on whose behalf the request is submitted:

Name: _____

Address: _____

Telephone: _____

Individuals with disabilities who wish to participate in City programs, services or activities and who need an accommodation in order to do so are invited to present their Requests for Accommodation to the City by completing this form or by calling (843) 280-5575.

Please indicate the type of accommodation you are requesting below:

1. Community Services

Name of Activity or Service: _____

APPENDIX J

Title VI and ADA Coordinator

CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA JOB DESCRIPTION

**JOB TITLE: RISK MANAGER
FINANACE DEPARTMENT**

GENERAL STATEMENT OF JOB

Under limited supervision, performs professional and administrative work coordinating grant application and administration, special projects, and related activities. Reports to the Assistant City Manager.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

Receives grant proposals as submitted to the City Manager by department heads for special project funding; works closely with the department head during the development, request and reporting phases of each grant project; works directly with the Finance Director to ensure reports and financial issues are accurate and correctly filed; works directly with the Support Services Supervisor regarding equipment research and contractual arrangements.

Coordinates the grant application process; assists in completing grant applications; prepares and refines grant applications; acts and project director for awarded grant funding; monitors grant accounts; prepares and maintains required grant records and files; calculates related grant costs; prepares and reviews monthly financial reports; reviews related literature regarding possible grant funding.

Oversees a variety of projects to ensure contractual compliance.

Acts as the City's Title VI Coordinator and is charged with the responsibility for implementing, monitoring and ensuring the City's compliance with Title VI Regulations. Title VI responsibilities as follows:

Ensure that Title VI requirements are included in policy directives and that the procedures used have built-in safeguards to prevent discrimination. Conduct Title VI compliance reviews of department program area activities, consultants, contractors, suppliers, planning agencies, and other sub-recipients of federal financial assistance. Meet with Liaisons to determine the effectiveness of program area activities at all levels. Process, review and investigate Title VI complaints received by the City of North Myrtle Beach. Every effort will be made to resolve program complaints informally at the City and contractor level. Collect statistical data (race, color, national origin, sex disability, and age) on the City's relevant boards, commissions, and committees, and participants in and beneficiaries of the City's programs, activities, and services. Review pre-grant and post-grant awards and approval procedures for City programs and applicants for compliance with Title VI requirements; i.e. highway or roadway location, design and relocations, and persons seeking to provide contract services for City projects. Establish monitoring procedures for pre-grant and post-grant approval reviews of federally funded grant programs for compliance with Title VI requirements. Conduct Title VI reviews and assist in the formation of department goals regularly. Coordinate the development and implementation of a training program and conduct training programs on Title VI and other related statutes for affected City departments and management. Work with Liaisons to evaluate programs and services to avoid, minimize and/or mitigate adverse health and environmental effects of actions, programs or services on minority populations and low-income populations. Engage in efforts with Liaisons to ensure the full and fair participation by all potentially affected communities in the input process for projects, program and services. Assist in the development of strategies to prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations. Process and maintain log of Title VI complaints received by the City of North Myrtle Beach, together with disposition information. Assist program personnel to correct Title VI problems or discriminatory practices or policies found when conducting self-monitoring and compliance review activities. Manage the City's Limited English Proficiency (LEP) Program ensuring that City information and services are accessible to customers. Develop Title VI information for public dissemination, where appropriate, in languages other than English. Assist departments in communications with non-English speaking or low English proficiency individuals and communities by maintaining list of bilingual employees and ensuring that language translation services are available as may be necessary. Oversee dissemination of Title VI program information to City employees, contractors, subcontractors, consultants, and sub-consultants as well as the general public. Public dissemination will include posting of public statements and inclusion of Title VI language in contracts. The Title VI Non-Discrimination Policy Statement will be published in newspapers having general circulation in the vicinity of proposed project and announcements of hearings and meetings. In coordination with the City's Title VI Liaison Staff, prepare an annual report of City Title VI accomplishments and upcoming goals including an annual update to the Title VI Program Plan that reflects organizational, policy and implementation changes. Identify and eliminate discrimination when found to exist. Work the City departments to establish procedures for resolving deficiencies. Deficiencies will be corrected with strategies such as utilization of disadvantaged business enterprises, public involvement and property acquisition.

Communicates with supervisor, employees, other departments, the public, and other individuals as needed to coordinate work activities, review status of work, exchange information, or resolve problems; responds to requests for service or assistance.

Prepares or completes various forms, reports, correspondence, time cards, supply lists, or other documents.

Receives various forms, reports, correspondence, equipment operating manuals, procedures, handbooks, reference materials, manuals, or other documentation; reviews, completes, processes, forwards or retains as appropriate.

Operates a personal computer and other general office equipment as necessary to complete essential functions, to include the use of word processing, spreadsheet, database, or other system software.

ADDITIONAL JOB FUNCTIONS

Performs related duties as required.

MINIMUM TRAINING AND EXPERIENCE

Bachelor's degree in Public Administration, Business or related field with a minimum of four years experience dealing with federal and state grant funding or planning programs; or an equivalent combination of education and experience.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Tasks require the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or workstation.

Data Conception: Requires the ability to coordinate, manage, and/or correlate data. Includes exercising judgment in determining time, place and/or sequence of operations, referencing data analyses to determine necessity for revision of organizational components, and in the formulation of operational strategy.

Interpersonal Communications: Requires the ability to apply principles of persuasion and/or influence over others in coordinating activities of a project, program, or designated area of responsibility.

Language Ability: Requires ability to read a variety of policies and procedures, and other

documents. Requires the ability to prepare various records, reports, forms, correspondence and other documents with proper format, punctuation, spelling and grammar, using all parts of speech. Requires the ability to speak with and before others with poise, voice control and confidence.

Intelligence: Requires the ability to apply principles of logical or synthesis functions; to deal with several concrete and abstract variables; and to analyze major problems that require complex planning for interrelated activities that can span one or several work units.

Verbal Aptitude: Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information.

Numerical Aptitude: Requires the ability to perform addition, subtraction, multiplication, and division; the ability to calculate decimals and percentages; the ability to utilize principles of fractions; and the ability to interpret graphs.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width, and shape, and visually read various information.

Motor Coordination: Requires the ability to coordinate hands and eyes using office machinery; to operate motor vehicles.

Manual Dexterity: Requires the ability to handle a variety of items, keyboards, office equipment, control knobs, buttons, switches, catches. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination and Visual Acuity: Requires the ability to differentiate colors and shades of color; requires the visual acuity to determine depth perception, night vision, peripheral vision, inspection for small parts; preparing and analyzing written or computer data, etc.

Interpersonal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress when confronted with emergency.

Physical Communications: Requires the ability to talk and hear: (talking: expressing or exchanging ideas by means of spoken words; hearing: perceiving nature of sounds by ear).

PERFORMANCE INDICATORS

Knowledge of Job: Has thorough knowledge of the methods, policies, and procedures of the Human Resources Department as they pertain to the performance of duties of the Grants/Special Projects Coordinator. Has knowledge of the methods, procedures, and policies of the City as they

pertain to the performance of duties of the position. Has knowledge of the functions and interrelationships of County and other governmental agencies. Has knowledge of the laws, ordinances, standards, and regulations pertaining to the specific duties and responsibilities of the position; is able to interpret and effectively enforce various requirements in performing tasks. Has knowledge of the grant funding process. Is able to assist all departments during the application process in applying for grant funding. Is able to provide effective guidance if a grant is awarded to ensure compliance with all requirements of the project. Is able to ensure all required paperwork, record keeping, and financial documentation is prepared and maintained regarding each grant project. Has the interpersonal skills to interact with the City Manager, department heads, and others regarding all phases of the grant funding process. Is able to communicate effectively with members of the public and deal with the public in a professional manner. Has comprehensive knowledge of the technical terminology used within the department. Is able to offer assistance to co-workers and employees of other departments as required. Is able to take the initiative to complete the duties of the position without the need of direct supervision. Is able to plan, organize, and prioritize daily assignments and work activities. Has good organizational, technical, and human relations skills. Is able to learn and utilize new skills and information to improve job performance and efficiency. Has knowledge of proper English usage, punctuation, spelling, and grammar. Has knowledge of modern office practices and technology; has skill in the use of computers for word and data processing. Has the mathematical ability to handle required calculations. Is skilled in applying extreme attention to detail as necessary in preparing records, reports and correspondence. Is able to read and interpret various materials pertaining to the responsibilities of the job. Is able to assemble and analyze information and make written reports and records in a concise, clear, and effective manner. Has knowledge of how to maintain effective relationships with personnel of other departments, professionals, and members of the public through contact and cooperation. Has knowledge of how to react calmly and quickly in emergency situations.

Quality of Work: Maintains high standards of accuracy in exercising duties and responsibilities. Exercises immediate remedial action to correct any quality deficiencies that occur in areas of responsibility. Maintains high quality communication and interaction with internal and external entities with whom the position interacts.

Quantity of Work: Performs described Essential Functions and related assignments efficiently and effectively in order to produce quantity of work which consistently meets established standards and expectations.

Dependability: Assumes responsibility for completing assigned work. Completes assigned work within deadlines in accordance with directives, policy, standards and prescribed procedures. Maintains accountability for assigned responsibilities in the technical, human and conceptual areas.

Attendance: Attends and remains at work regularly and adheres to policies and procedures regarding absenteeism and tardiness. Provides adequate notice to higher management with respect to vacation time and leave requests.

Initiative and Enthusiasm: Maintains an enthusiastic, self-reliant and self-starting approach to meet job responsibilities and accountabilities. Strives to anticipate work to be accomplished, and initiates proper and acceptable action for the completion of work with a minimum of supervision and instruction.

Judgment: Exercises analytical judgment in areas of responsibility. Identifies issues or situations as they occur and specifies decision objectives. Identifies or assists in identifying alternative solutions to issues or situations. Implements decisions in accordance with prescribed and effective policies and procedures and with a minimum of errors. Seeks expert or experienced advice where appropriate and researches issues, situations and alternatives before exercising judgment.

Cooperation: Accepts supervisory instruction and direction and strives to meet the goals and objectives of same. Questions such instruction and direction when clarification of results or consequences are justified, i.e., poor communications, variance with established policies or procedures, etc. Offers suggestions and recommendations to encourage and improve cooperation intra- and inter-departmentally.

Relationships with Others: Shares knowledge with managers, supervisors and co-workers for mutual benefit. Contributes to maintaining high morale among all employees. Develops and maintains cooperative and courteous relationships inter- and intra-departmentally, and with external entities with whom the position interacts. Tactfully and effectively handles requests, suggestions and complaints in order to establish and maintain good will. Emphasizes the importance of maintaining a positive image.

Coordination of Work: Plans and organizes daily work routine. Establishes priorities for the completion of work in accordance with sound time-management methodology. Avoids duplication of effort. Estimates expected time of completion of work elements and establishes a personal schedule accordingly. Attends required meetings, planning sessions and discussions on time. Implements work activity in accordance with priorities and estimated schedules.

Safety and Housekeeping: Adheres to all established safety and housekeeping standards. Ensures such standards are not violated.

**DISCLAIMER: This job description is not an employment agreement or contract.
Management has the exclusive right to alter this job description at any time without notice.**

City of North Myrtle Beach

By: _____
Michael G. Mahaney

Dated: _____