

MIAMI COUNTY, KS TITLE VI PLAN



Approved by the Miami County Board of County Commissioners on
November 22, 2017.

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INTRODUCTION

The Miami County Government (MICO) Title VI Plan is crafted in accordance with 23 CFR 200.9 and 49 CFR 21. Miami County does not discriminate on the basis of race, color, national origin or English proficiency in the provision of services.

POLICY STATEMENT

It is the policy of Miami County, Kansas that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal funds on the basis of race, color, national origin or English proficiency, as provided by Title VI of the Civil Rights Act of 1964 and other related federal and state laws, regulations and executive orders. Further, every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

AUTHORITIES/GLOSSARY OF TERMS

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (implementation through 23 CFR 200.9 and 49 CFR 21).

Section 162 (a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S. C.) added the requirement that there be no discrimination on the grounds of sex.

Section 504 of the Rehabilitation Act of 1973 provides nondiscrimination under Federal grants and programs.

The Age of Discrimination Act of 1975 (Section 6101-6107, Title 42 U.S.C.) prohibits discrimination in Federally Assisted Programs.

The Civil Rights Restoration Act of 1987, P.L. 100-209 provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not).

Executive Order 12898 (issued February 11, 1994) addresses Environmental Justice regarding minority and low-income populations.

Executive Order 13166 (issued August 16, 2000) improves access to services for persons with Limited English proficiency.

DEFINITIONS

Note: *these definitions (except “County Counselor”) are deemed to be the most relevant excerpts from federal law and are not intended to be exclusive.*

Affirmative Action a good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

Beneficiary any person or group of persons (other than States) entitled to receive benefits directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc.

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 existing when a 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.

Discrimination that act or action whether intentional or unintentional, through which a person in the United States, has been subjected to unequal treatment under any program or activity on the basis of race, color, national origin or English proficiency.

Facility includes all or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction.

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, the sale and lease of, and the permission to use (on other than a casual or transient basis), 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 Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency (LEP) Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English may be considered limited English proficient, or "LEP." These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.

Persons where the designation of persons by race, color, or national origin is required, the following designations 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 subcategories based on national origin or primary language spoken may be used where appropriate, on either a national or a regional basis.

Noncompliance a recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort implementing all of the Title VI requirements.

Program includes any project or activity for the provision of services, financial aid, or other benefits to individuals. This includes 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 recipients.

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 (sub-recipient), for any program. Recipient includes any successor, assignee, or transferee thereof.

Review Officer a member of the Miami County Legal Department or such other person designated by the County Counselor assigned to review a Title VI complaint.

Title VI Plan the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal related statutes to the extent that they prohibit discrimination on the grounds of race, color, national origin, or English proficiency in programs receiving Federal financial assistance.

County Counselor the County Counselor or the County Counselor's designee.

Miami County Service Overview

The County is one of 15 Kansas and Missouri counties that comprise the Kansas City Metropolitan Statistical Area (the “KCMSA”). With a 2016 U.S Census population of 32,783. Approximately one-half of the County’s area is located outside the corporate limits of any city.

Miami County is a local government organization with a population of over 32,000, made up of agencies, departments, and offices encompassing everything from law enforcement to zoning. Miami County Government provides public health and wellness services, codes regulation, law enforcement, correctional services, public infrastructure, and maintenance of official records.

Miami County maintains traffic controls and road improvements throughout the unincorporated areas of the community. Miami County provides planning and zoning assistance to commercial and residential developers.

Notifying Beneficiaries of Their Rights under Title VI

Miami County utilizes the following statement to notify beneficiaries of protection under Title VI and of Miami County’s compliance with Title VI:

Miami County does not discriminate on the on the basis of race, color, national origin, or English proficiency. For more information on Miami County’s non-discrimination policies, or if you believe you have been discriminated against and need to file a complaint, please contact:

Title VI Coordinator, County Counselor Shelley Woodard, at 913-294-9500 Ext 6431 or swoodard@miamicountyks.org.

This notice of Beneficiaries Rights is posted on Miami County’s website, www.miamicountyks.org.

Title VI Complaint Procedures

Miami County has established Title VI Complaint Procedures, which outlines the process for local review and disposition of Title VI complaints. These procedures may be modified, amended or supplemented by the County Counselor. The local complaint procedures have five steps, which are outlined below:

1. Submission of Complaint: Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, or English proficiency has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity of Miami County, may file a written complaint with the Title VI Coordinator at the following address:

Title VI Coordinator
Attention: County Counselor
201 South Pearl Street, Suite 200
Paola, KS 66071
913-294-9500 Ext. 6431

2. A complaint shall be filed in writing and include the name and address of the complainant, as well as a brief description and date of the alleged violation. Such complaint must be filed within 60 calendar days after the date the person believes the discrimination occurred.
3. Upon receipt of the complaint, the Title VI Coordinator shall evaluate and investigate the complaint. The Title VI Coordinator shall complete the investigation no later than 45 calendar days after the date of the complaint. If more time or information is required, the Coordinator shall notify the Complainant of the estimated timeframe for completing the investigation. Upon completion of the investigation, the Title VI Coordinator shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress.

Additionally, the Title VI Coordinator may recommend improvements to Miami County's programs and activities relative to Title VI, as appropriate. The Title VI Coordinator shall forward his or her recommendations to the County Commission. The County Commission shall consider the recommendations of the Title VI Coordinator and subsequently issue Miami County's written response to the Complainant.

4. Request for Reconsideration: If the Complainant disagrees with the Title VI Coordinator's response, the complainant may request reconsideration by submitting a written request to the Title VI Coordinator at the above address within 15 calendar days after the mailing date or physical delivery of the Title VI Coordinator written decision. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the Title VI Coordinator. The Coordinator will notify the Complainant of the decision either to accept or reject the request for reconsideration within 15 calendar days after receipt of the Complainant's request. In cases where the Coordinator agrees to reconsider, the matter shall be sent to a different Review Officer to re-evaluate in accordance with Paragraph 3, above.

5. Appeal: If the request for reconsideration is denied by the Title VI Coordinator, the Complainant may appeal the Title VI Coordinator's denial by submitting a written appeal to the County Administrator no later than 15 calendar days after mailing date or physical delivery of the Title VI Coordinator's written decision rejecting reconsideration. The County Administrator or designee will review the complaint and render a final decision within 20 calendar days of the receipt of the request for reconsideration. The address for the County Administrator is:

Miami County, Kansas
Attention: County Administrator
201 South Pearl Street, Suite 200
Paola, Kansas 66071

6. Submission of Complaint to the sponsoring Federal Agency: If the Complainant is dissatisfied with Miami County's resolution of the complaint; the complainant may also submit a complaint to the Federal Agency associated with the program in question, if applicable. The Complainant may ask the Title VI Coordinator for the contact information of the Federal Agency, if any.

Complainants wishing to submit claims at the state or federal level will be advised of the office, forms and process to submit such claim.

Public Participation Plan

Since Miami County is a recipient of federal grant dollars, we are required to conduct public participation. The plan is outlined in 23 CFR 450.210(a) "...The recipient shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points..."

Public participation is an integral part of government service which helps to ensure that decisions are made in consideration of and to benefit public needs and preferences. Early and continuous public involvement brings diverse viewpoints and values into the decision-making process. This process enables agencies to make better informed decisions through collaborative efforts and builds mutual understanding and trust between the agencies and the public they serve. Successful public participation is a continuous process, consisting of a series of activities and actions to both inform the public and stakeholders and to obtain input from them that influence decisions that affect their lives.

Miami County has developed processes that are specific to the planning and implementation of services which include citizen participation. Involving Miami County's service recipients as well as the general public in planning and decision-making processes is critical to Miami County's mission. Generally, Miami County's public participation methods include, but are not limited to:

- Placing public notices of proposed program changes on the County's Internet website (www.miamicountyks.org) and in physical program areas.
- Placing public notices and other information in the official county newspaper, program brochures, websites, on social media and other public venues for proposed program changes.
- Providing a public comment period for service, fees, or major policy changes where comments can be made by phone, mail, electronic mail, or in person. Public comment is a part of every Board of County Commissioner's meeting which occurs every Wednesday.
- Holding public meetings at times and locations that are accessible to as many Miami County service recipients as possible, especially those that are most directly affected by the subject of the meeting.
- Depending on the subject, holding meetings at different locations to be more accessible to the primary population to be affected or most interested.
- Utilizing the expertise of regional partners including the Mid-America Regional Council (MARC) as well as local jurisdictions that are impacted by proposed changes, to assist in distributing information to the general public or specific groups to be affected.

Engaging Title VI Protected Groups

Miami County strives to engage Title VI protected groups in public participation and involvement activities so that their issues are considered in the department's decision-making process. To accomplish this goal, Miami County will utilize the following public participation strategies, as appropriate:

- Ensure that all communication and public engagement efforts comply with Title VI of the Civil Rights Act and the Miami County Title VI Plan.
- Coordinate with individuals, institutions, and organizations and implement community-based public involvement strategies to reach Title VI protected populations.
- Utilize local jurisdictions, the business community, community organizations, local media, or other resources to identify the most appropriate engagement methods.
- Provide opportunities for public participation through means other than written communication, such as public meetings, by telephone, email, or social media.
- Use locations, facilities, and meeting times that are convenient and accessible to low-income and minority participants/individuals. This may require holding meetings at different locations and times depending on the subject of the meeting.
- Use different meeting sizes or formats, or vary the type and number of news and social media outlets used to announce public participation opportunities, so that communications are tailored to the particular community or population.
- When planning major service or policy changes, collect statistical information to determine the impact of Title VI protected groups and utilize this information to calibrate the distribution of information and methods of engaging the protected groups.
- Include the Title VI public notification statement on Miami County's website, on brochures, and other important documents where appropriate.
- Overcome barriers to public participation for individuals with Limited English Proficiency by providing language resources, such as interpreter services.

- Include a statement where interpretation or other communication aids may be provided on public notices.
- Advertise public participation opportunities with media organizations that reach minority and ethnic populations to help ensure representation in the planning process.

Summary of Recent Outreach Efforts

See Appendix C for Outreach Efforts

Limited English Proficiency

Miami County is committed to providing quality services to all citizens of Miami County, including those with Limited English Proficiency (LEP). Title VI requires that recipients of federal financial assistance provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient.

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.

Based on Miami County's services, LEP persons interact with the County in the following ways:

- Participating in meetings or accessing services offered by the County or contacting a County office for assistance.
- Contact with Miami County employees by service, law enforcement, or others who make home/vehicle/personal contacts.
- Accessing Miami County website at www.miamicountyks.org to obtain information about Miami County or its services.

Miami County operates a relatively minimal amount of service in areas with large percentages of LEP populations. Miami County does not believe that LEP persons are underserved due to language barriers. In Miami County, where Miami County Government operates the majority of its service, the percentage of individuals that would be affected by a language barrier is minimal.

When LEP persons do access Miami County services, there are resources to assist them, as described in the Language Assistance Plan

Factor 2: The frequency with which LEP persons come in contact with the Miami County programs.

Miami County staff experience confirms that Spanish is the most commonly-spoken language by LEP persons who access Miami County programs. According to Miami County staff that regularly interacts with the public, contact with LEP individuals is infrequent and unpredictable. Due to this infrequent contact, there has not been a demand for multi-language translations or other language assistance measures, except by request.

Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.

Miami County provides many services to its residents, from Emergency Medical Services, Law Enforcement, Road and Bridge and other services. Residents need and depend on the services provided by the County.

Miami County currently utilizes the following types of documents to disseminate Information on services, to name just a few:

- The County Budget. (available on the County Website for viewing and downloading)
- Schedules for Health Department Clinics for immunizations, health screens, etc.
- The County Website. (all departments are represented on the website, and most documents offered on the website can be translated upon request)

Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

Due to the relatively low number of LEP individuals in Miami County, and the low frequency of contact with Miami County staff, it is not currently warranted to provide full multi-language translations of written materials but rather upon request is deemed appropriate at this time. Also, budget constraints do not allow Miami County to provide 100% translation of materials.

However, Miami County understands the need to provide resources to LEP individuals when the need arises. Therefore, the County utilizes the following resources to provide meaningful access to Limited English Proficient (LEP) Persons:

- Brochures and written documents can be made available in Spanish upon request or upon identification of this need in advance of a meeting, service change, or another event.

- Miami County’s website can be translated by Google Translate or Microsoft Translate which can be accessed in the web browser. Miami County’s website contains schedules, agency contacts, department information and other important information. The front page of the website also has a Language Translation section where a convenient link to the Spanish-translated version of the website is provided.
 - There are 23 languages currently available through this service including Spanish, French, German, Russian, Japanese and Chinese. These translation services are provided at no cost to Miami County or its customers.

- In public notices, Miami County Departments state that language assistance services may be made available at public meetings with a 48-hour advance notification.

Language Assistance Plan

Based on the above Four-Factor Analysis, the following Language Assistance Plan (LAP) outlines measures that Miami County will implement to ensure that LEP individuals have meaningful access to Miami County programs and services.

Methods for identifying LEP individuals who need language assistance:

- Maintain a list of points of contact with LEP individuals.
- Monitor new demographic data as it becomes available to determine the number of LEP individuals in the county and the eligible service area.

Language Assistance Measures

Miami County continues to monitor the needs of LEP customers, evaluating multiple points of feedback, and tailoring services accordingly. Below is a sample list, including the language assistance services that are provided.

- Evaluate the need to produce other documents in Spanish (or other languages), such as strategic plans, service descriptions, and applications.
- Continue to provide language translation services on www.miamicountyks.org.
- Provide essential outreach materials in other languages, if warranted, on a case-by-case basis.
- Network with local human services organizations that provide services to LEP individuals to assess their needs and utilize their expertise as appropriate.
- On the Miami County website, state that interpreter services can be made available for a public meeting, with 48 hours' advance notification. This notice should also be included on any public notice to advertise a public meeting or service change.
- Spanish-language outreach materials from other organizations and governments will be reviewed by Miami County staff to maintain awareness of other entity perspectives.
- When oral interpretation services are needed for a public meeting, Miami County staff will attempt to access interpretation services from professional or qualified volunteer interpreters.
- Post the completed Title VI Plan on the Miami County's website.

Staff Training

Each department will identify key individuals who may have contact with LEP individuals and train them in language assistance. Some key training issues will include:

- Provide staff training on the Title VI and LEP policies and procedures specified in this document.
- Identify Miami County staff as well as operations personnel who speak Spanish or other languages; utilize these staff members to communicate with LEP individuals and to assist with language translation activities.

Providing Notice to LEP Individuals

- Post the completed Title VI Plan on the Miami County website and at County offices.
- On the Miami County Website, state that interpreter services may be made available for a public meeting, with 48-hour advance notification.
- If a service change is believed to impact a large number of LEP individuals, include a statement in public notices that interpreter services can be made available for a public meeting, with advance notification.

Monitoring and Updating the Language Assistance Plan

Due to changing demographics and customer needs, the implementation measures listed above will be reviewed on a regular basis. At a minimum, Miami County will update the LAP along with the Title VI Plan every three years as required by United States Department of Transportation, or as otherwise required. Specific actions for monitoring and updating the plan are as follows:

- Review of Census Bureau data
- Records of contact with LEP individuals will periodically be assessed to determine future needs.

- Work with MARC and other County partners in the Kansas City region to share LEP best practices and coordinate on providing LEP resources.
- Collect information from community organizations that serve LEP individuals to determine appropriate changes to language assistance materials and procedures.

Executive Order 12898 – Environmental Justice

Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations outline an important consideration for Federal agencies and recipients of Federal funds. Because Miami County is such a recipient, we are committed to the rule of Environmental Justice in the use of federal funds.

Environmental Justice is fair treatment and meaningful involvement of all people with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no population bears a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, and local laws; regulations; and policies. Meaningful involvement requires effective access to decision makers for all, and the ability in all communities to make informed decisions and take positive actions to produce Environmental Justice for themselves.

Environmental Justice demands that those who have historically been excluded from decision making, traditionally minority, low-income, and tribal communities, have the same access to decision makers, decision-making processes, and the ability to make reasoned contributions to the decision-making process as any other individuals.

In our commitment to Environmental Justice, Miami County will make every attempt to prevent the following in its planning, policy, and execution of services:

- Displacement of persons, businesses, farms, or nonprofit organizations.
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community.
- The denial of, reduction in, or significant delay in the receipt of benefits of County programs, policies, or activities.

Membership of Non-Elected Committees and Councils

Miami County is governed by the Miami County Board of County Commissioners (BOCC). The BOCC appoints members of the Planning and Airport Boards. All boards review and make recommendations on the planning, coordinating, and funding for the County's various services in their respective areas. The members help develop awareness of county programs/services and to gain public acceptance, support, and utilization. Diversity is encouraged in all appointments.

Board Approval

The Miami County Title VI Plan was approved by the Miami County Board of County Commissioners on November 22, 2017. Documentation of these approvals are provided in Appendix D.

Miami County, Kansas Title VI Complaint Form

Miami County is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, national origin or English proficiency, as provided by Title VI of the Civil Rights Act of 1964 and other related federal and state laws, regulations, and executive orders. Title VI complaints must be filed within 60 days from the date of the alleged discrimination.

The following information is necessary to assist us in processing your complaint.

The completed form must be returned via mail, email, or delivery to:

Miami County Counselor
201 South Pearl Street Suite 200
Paola, Kansas 66071
Phone (913)294-9500
Email: swoodard@miamicountyks.org

If you require any assistance in completing this form, please contact Shelley Woodard as listed

Your Name:	
Street Address:	
City, State & ZIP Code:	
Phone:	Email:
Person(s) discriminated against (if someone other than complainant): Name(s):	
Street Address, City, State & Zip Code:	

above

Which of the following best describes the reason the alleged discrimination took place?

(Circle one) Date of Incident: _____

- Race
- Color
- National Origin (Limited English Proficiency)
- Other

Please describe the alleged discrimination incident. Provide the names and titles of Miami County employees if available. Explain what happened and whom you believe was responsible. Please continue the next page, and use the back of this form if additional space is required:

Have you filed a complaint with any other federal, state or local agencies? (Circle one) Yes / No

If yes, what agencies:

Agency: _____

Contact Name: _____

Address: _____

Phone: _____

I affirm that I have read the above charge and that it is true to the best of my knowledge, information, and belief.

Complainant's Signature _____ Date _____

Print or Type Name of Complainant: _____

Your rights in Title VI Non-Discrimination Complaints:

Filing this complaint with the Miami County Title VI Coordinator does not prevent you from filing a complaint with the Federal Agency providing funding to the party against which a complaint is being lodged. For additional information on the location of state

and federal offices contact the Miami County Title VI and A.D.A. Coordinator at the location/phone and e-mail listed on this form.

APPENDIX B – COMPLAINT LOG

Date	Complainant	Classification	Description	Results

Appendix C – Documented Public Engagement Efforts

Miami County Sheriff's Department

- The Corrections Department has hosted multiple groups regarding changes to services and possible impact to the community. Below is a sample of those engagements:
 - Paola Rotary Club
 - Paola Optimist Club
 - Miami County Cops for Tots
 - Fort Scott Community College (Community Corrections Classes)
 - Miami County Citizen's Academy
 - Paola Association for Church Action (PACA)
 - United Way of Great Kansas City
 - Paola Adult Education Center
 - My Father's House
 - Osawatomie State Hospital
 - Kids & Cops Fishing
 - Explorer Post #2502

Sixth Judicial District Community Corrections

- The Sixth Judicial District Community Corrections Department has one Advisory Board for Correction Services and programs that are discussed with this Board. People who serve on this Board are from the Communities they serve and discuss Corrections information at each Board meeting.
 - Sixth Judicial District Community Corrections Advisory Board (CCAB)

Miami County Planning Department

- Public meetings and hearings to discuss and seek public input with regard to the development and implementation of the Miami County Building Code.
- Public meetings and hearings to discuss and seek public input with regard to the development and implementation of Miami County Comprehensive Plan.

Miami County Health Department

- MCHD is an organizational member of the Immunize Kansas Coalition.

Miami County Road and Bridge

- Public meetings and hearings to discuss and seek public input with regard to the development and implementation of the Miami County Projects.

Appendix D – Miami County Board of County Commissioners Approval

The Miami County Board of County Commissioners approved the Title VI Plan on November 22, 2017.

BOARD OF COUNTY COMMISSIONERS
MIAMI COUNTY, KANSAS

ATTEST:

Daniel Gallagher, Chairman

Janet White, County Clerk

Phil Dixon, Chairman, Pro-Tem

Bonnie “Rob” Roberts, Commissioner

George Pretz, Commissioner

Ronald E. Stiles, Commissioner