



**Polk County**

**Title VI/Nondiscrimination Policy**

Approved by Commissioners Court

November 12, 2025

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## Title VI Program and Policy Overview

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin by any agency receiving federal financial assistance. Specifically, Title VI 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 otherwise subjected to discrimination under any program or activity receiving Federal assistance."*

Recipients of federal funds must comply not only with Title VI itself but also with a broad framework of nondiscrimination statutes, regulations, and executive orders. Collectively, these provisions extend protections beyond race, color, and national origin to ensure equal access across federally assisted programs.

**Sex Discrimination:** Section 324 of the Federal-Aid Highway Act, the enabling legislation for the Federal Highway Administration (FHWA), prohibits discrimination on the basis of sex.

**Fair Treatment of Displaced Persons:** The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ensures fair and equitable treatment of individuals affected by federally assisted projects.

**Agency-Wide Application:** The Civil Rights Restoration Act of 1987 clarified that if any part of an agency receives federal financial assistance, nondiscrimination protections apply to the entire agency.

As a recipient of federal assistance, Polk County is obligated to take reasonable steps to provide meaningful access for Limited English Proficiency (LEP) individuals and to ensure that no person is denied services, financial aid, or other benefits because of race, color, or national origin.

### Goals and Objectives

The primary goals of Polk County's Title VI Nondiscrimination Plan are to:

- Establish clear roles, responsibilities, and procedures to ensure compliance with Title VI and related nondiscrimination requirements.
- Guarantee that individuals affected by County programs and projects receive all services, benefits, and opportunities to which they are entitled, regardless of race, color, or national origin.
- Prevent discrimination in every County program and activity, whether federally funded or locally supported.

- Identify and address potential adverse impacts that could result in unlawful discrimination, particularly those affecting minority, low-income, elderly, disabled, or LEP populations.
- Develop a systematic process for conducting Title VI compliance reviews within specific County program areas.
- Establish clear procedures for filing and processing complaints of discrimination under Title VI related to any County service, project, or activity.

### **Federal Financial Assistance**

Under Title VI, no program or activity receiving federal financial assistance may discriminate against individuals on the basis of race, color, or national origin. Federal financial assistance may take many forms, including:

- Grants and loans of federal funds;
- Donations or transfers of federal property or interests in property;
- Use of federal land or property at below-market rates;
- Federal training, technical assistance, or personnel assignments;
- Subsidies or any other arrangement designed to provide support.

Federal financial assistance does not include:

- Contracts of guarantee or insurance;
- Federally regulated programs or licenses;
- Procurement contracts at market value; or
- Programs that provide direct cash or benefit payments to individuals.

Federal financial assistance may be received directly by the County or indirectly through sub-recipients. In all cases, Polk County must ensure nondiscrimination in the administration of federally assisted programs and must require the same compliance from all contractors and sub-recipients.

In the event that noncompliance is discovered, the County will make every good faith effort to work with sub-recipients to correct deficiencies promptly and document remedial actions.

### **Authorities**

Polk County's Title VI Nondiscrimination Program is governed by a framework of federal statutes, regulations, and executive orders that collectively ensure nondiscrimination in federally assisted programs. The following authorities establish the County's legal and regulatory obligations:

**Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d-2000d-7):** Prohibits discrimination on the basis of race, color, or national origin in all programs and activities receiving federal financial assistance.

**Civil Rights Restoration Act of 1987 (Public Law 100-259):** Clarifies that nondiscrimination provisions apply agency-wide if any part of a program or activity receives federal funding, thereby broadening Title VI's scope.

**Federal-Aid Highway Act of 1973 (23 U.S.C. §324):** Prohibits discrimination based on sex under any federally assisted highway program.

**Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. §4601 et seq.):** Ensures fair and equitable treatment of persons displaced or whose property is acquired as a result of federally funded projects.

**Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794):** Prohibits discrimination based on disability in programs or activities receiving federal financial assistance.

**Age Discrimination Act of 1975 (42 U.S.C. §6101 et seq.):** Prohibits discrimination based on age in federally funded programs and activities.

**49 CFR Part 21 (USDOT Regulations):** Implements Title VI for programs receiving U.S. Department of Transportation financial assistance, requiring recipients to ensure nondiscrimination in all operations.

**28 CFR §50.3 (DOJ Guidelines):** Provides guidance on Title VI enforcement for federal agencies.

**Executive Order 12250 (1980):** Directs the U.S. Department of Justice to coordinate enforcement of nondiscrimination laws across federal agencies.

Together, these authorities provide the statutory and regulatory foundation for Polk County's Title VI Program. Compliance with these requirements is mandatory for the County and its sub-recipients, contractors, and consultants engaged in federally assisted activities.

## Policy Statement & Standard DOT Assurances

### **Policy Statement:**

It is the policy of Polk County to ensure that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any County program, service, or activity on the basis of race, color, national origin, sex, age, disability,

religion, sexual orientation, marital status, or veteran status. This policy applies to all programs and activities, whether federally funded or locally supported.

Polk County incorporates all applicable federal and state nondiscrimination statutes, regulations, and executive orders into its daily operations. Every County employee, contractor, and sub-recipient shares responsibility for compliance with this policy.

The Commissioners Court has formally adopted this Title VI Nondiscrimination Policy through a signed resolution, which is attached as an exhibit to this plan.

**Standard DOT Assurances:**

In accordance with 23 CFR Part 200.9(a)(1), Polk County provides the following assurances to the U.S. Department of Transportation (USDOT) and the Texas Department of Transportation (TxDOT):

**1. General Assurance**

Polk County agrees that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance from USDOT.

**2. Scope of Assurance**

These assurances apply to all programs, services, and activities conducted by Polk County, including those receiving funding from the Federal Highway Administration (FHWA) or other USDOT agencies.

**3. Inclusion in Agreements**

Polk County will incorporate Title VI clauses into all contracts, subcontracts, and agreements, ensuring that contractors and sub-recipients are also bound by these nondiscrimination requirements.

**4. Assurance of Continuity**

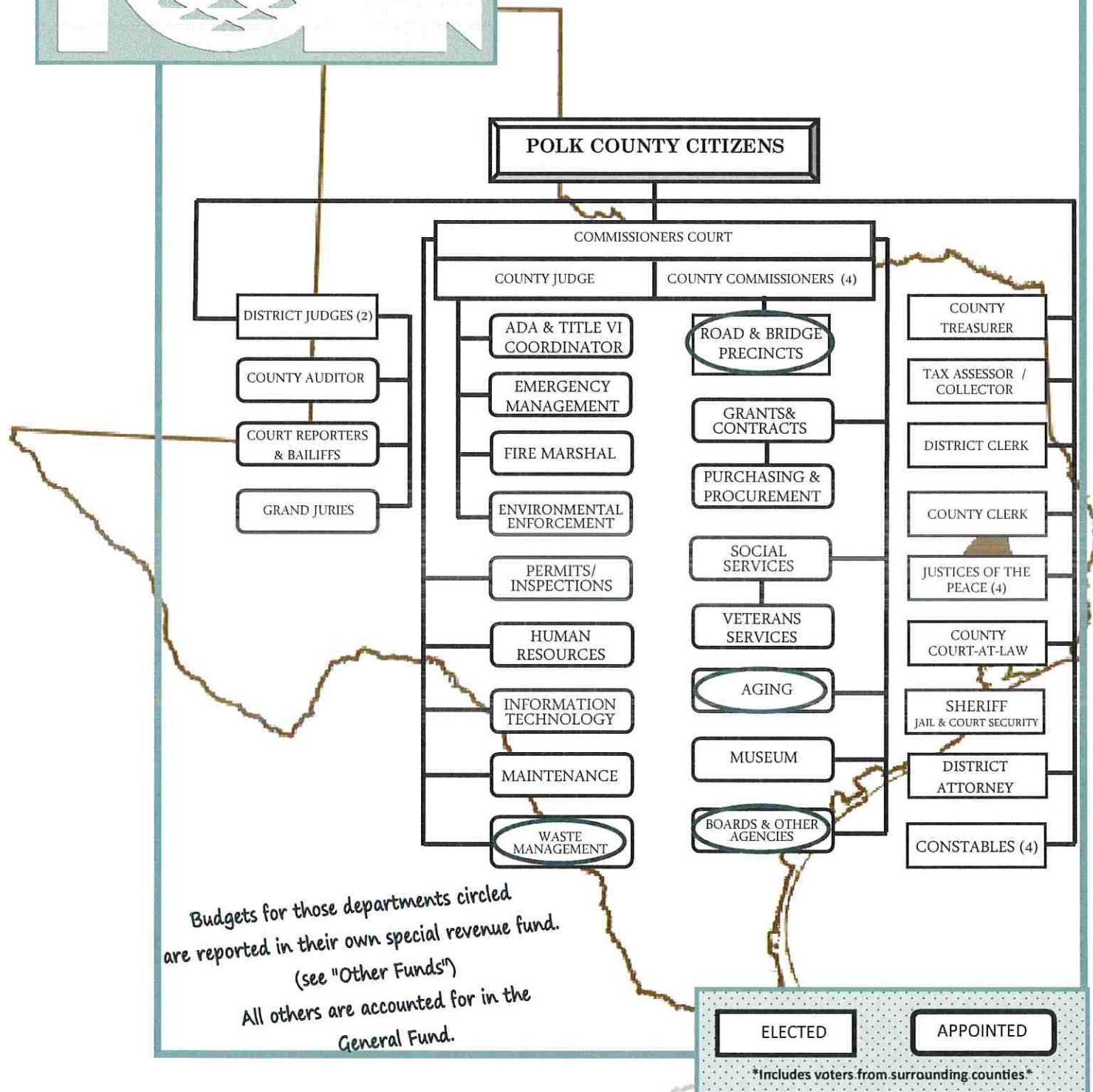
Polk County will submit updated Title VI Assurances to TxDOT whenever there is a change in Commissioners Court membership, a change in the designated Title VI/Nondiscrimination Coordinator, or upon request by TxDOT.

**5. Remedial Action**

If Polk County identifies any instance of noncompliance with Title VI requirements, the County will take immediate corrective action and, if necessary, coordinate with TxDOT and USDOT to ensure compliance is restored.

# Polk County

## ORGANIZATION CHART



## Roles and Responsibilities

Effective implementation of Polk County's Title VI Nondiscrimination Program requires the active participation of the Title VI/Nondiscrimination Coordinator, all County departments and elected offices, and contractors or sub-recipients of federal financial assistance. This section defines the specific responsibilities of each.

### **Title VI/Nondiscrimination Coordinator:**

The Title VI/Nondiscrimination Coordinator serves as the primary administrator of the County's Title VI Program and has overall responsibility for ensuring compliance across all programs, services, and activities.

### **Core Responsibilities**

1. **Program Administration:** Being the focal point for the Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance. Ensuring that Title VI requirements are included in appropriate policy directives and that the procedures used have built in safeguards to prevent discrimination. Ensure compliance with Title VI assurances, policies, and program objectives.
2. **Public Dissemination of Information:** Develop and disseminate Title VI program information (and, where appropriate, in languages other than English) to County departments/offices, sub-recipients (including contractors, subcontractors, and consultants) and the general public. The public dissemination program shall involve the posting of the County's Title VI Policy Statement: a) in contracts or other agreements and bid specification packages; b) on the County's website, <https://www.polktx.gov/>; and c) in certain County buildings. The dissemination to departments/offices will include: a) Posting on the County's website; b) Acknowledgements of the County's Title VI and LEP Plan in the new employee orientation.
3. **Elimination of Violations:** Assisting with the correction of Title VI related problems or discriminatory practices or policies found through self-monitoring and review activities. When deficiencies are found, reasonable procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s).
4. **Complaint Process:** Implementation of procedures for the prompt processing of external Title VI discrimination complaints
5. **Complaint Resolution:** Overseeing the investigation of external Title VI complaints.
6. **TXDOT Notice:** Forwarding Title VI complaints filed against Polk County to TXDOT within 10 calendar days for investigation.

7. **Data Collection:** Coordinating the collection and maintenance of statistical data on race, color, national origin, English language proficiency and sex of participants in the beneficiaries of County programs. Most information will be gathered through Census data and maps. The gathering procedures will be reviewed as needed to ensure sufficiency of the data in meeting the requirements of the Title VI program.
8. **Title VI Plan Update:** If updated, providing a copy of the Title VI Plan to the Texas Department of Transportation. The County will automatically update and renew its Title VI Assurances every three years or as necessary on the occasion of a change in the County's Title VI Plan administrative structure and staffing or changes to the plan's complaint procedures, etc.

#### **Coordinator Contact Information**

Kari Miller, Assistant to the County Judge  
410 E. Church Street, Suite E, Livingston, TX 77351  
Phone: (936) 327-6813 | Fax: (936) 327-6891  
Email: [kari.miller@polktx.gov](mailto:kari.miller@polktx.gov)

#### **County Departments and Elected Offices**

Every County department and elected office shares responsibility for Title VI compliance within its operations.

#### **Responsibilities**

- **Policy Integration:** Incorporate Title VI nondiscrimination requirements into daily activities, decision-making, and program administration.
- **Data Collection:** Gather demographic, geographic, and service utilization data as directed by the Title VI Coordinator.
- **Monitoring:** Evaluate departmental programs to ensure services and benefits are provided without discrimination.
- **Complaint Referral:** Forward any Title VI-related complaints received at the department level to the Coordinator immediately.
- **LEP and Public Participation:** Implement the Limited English Proficiency (LEP) Plan and Public Participation Plan requirements within department operations.
- **Training and Awareness:** Ensure employees understand their Title VI responsibilities and participate in County-provided training.

## **Purchasing Department**

The Purchasing Department has specific obligations to prevent discrimination in procurement and contracting.

### **Responsibilities**

- **Nondiscrimination Language in Solicitations:** Include the following Title VI clause in all bid notices and contracts (not by reference, but verbatim):

*"Polk County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§2000d to 2000d-4) and related regulations, hereby notifies all bidders that it will affirmatively ensure that disadvantaged business enterprises are 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."*

- **Contract Monitoring:** Verify that contractors and sub-recipients comply with Title VI requirements throughout the life of their contracts.
- **Assurance of Compliance:** Maintain documentation that all procurement activities include Title VI provisions and report compliance to the Title VI Coordinator.

## **Title VI Plan Administration**

The Title VI/Nondiscrimination Coordinator is responsible for administering Polk County's Title VI Program, ensuring compliance across all departments, elected offices, contractors, and sub-recipients. This section describes how the County disseminates its policy, manages complaints, reports to TxDOT, addresses deficiencies, and maintains records.

### **Dissemination of the County's Title VI Policy:**

Polk County makes its Title VI Policy, Plan, and complaint procedures available to the public, employees, and contractors.

- **Public Access:** The Title VI Plan, complaint procedures, and forms are posted on the County website ([www.polktx.gov](http://www.polktx.gov)) and are available in print upon request.
- **Employee Access:** New employees receive Title VI training and materials during orientation. Acknowledgements of receipt are retained by Human Resources.
- **Contractors and Sub-recipients:** All contracts and agreements include Title VI language to ensure nondiscrimination requirements extend to all federally funded activities performed on behalf of the County.

### **Complaint Management:**

Any person who believes they have been subjected to discrimination based on race, color, or national origin in connection with a County program or activity may file a complaint with the Title VI Coordinator.

- **Informal Resolution:** The County encourages early and informal resolution of complaints whenever possible.
- **Formal Complaints:** If informal resolution cannot be achieved, formal complaints will be processed in accordance with County procedures and forwarded to the Texas Department of Transportation (TxDOT) within ten (10) days of receipt.

### **TxDot Reporting Requirements:**

The Title VI Coordinator is responsible for:

- Forwarding complaints, investigations, and resolutions to TxDOT in a timely manner.
- Providing updated Title VI Assurances whenever there is a change in Commissioners Court membership, administrative structure, or the designated Title VI Coordinator.

### **TxDot Title VI Plan Updates:**

The Title VI Plan will be reviewed and updated at least every three years or sooner if:

- The County's administrative structure changes;
- Complaint procedures are modified; or
- Required by TxDOT.

Updated plans and signed assurances will be adopted by Commissioners Court and submitted to TxDOT.

### **Remedial Action:**

The County, through the Title VI/Nondiscrimination 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.

If deficiencies in Title VI compliance are identified, the County will:

1. Develop a written corrective action plan within 90 days of discovery;
2. Implement the corrective action promptly; and
3. Document all steps taken to achieve compliance.

## **Record Keeping:**

The Title VI Coordinator will maintain all compliance records, including complaints, investigations, corrective actions, training materials, and reports.

**Retention Period:** Records will be retained for a minimum of ten (10) years or as otherwise required by the Texas State Library and Archives Commission.

**Extended Retention:** Records subject to grievance, litigation, or administrative action will be maintained until final resolution, regardless of the standard retention schedule.

## **Primary Program Description, Review, and Data Collection**

### **Overview**

Polk County provides a broad range of services through its elected and appointed offices. Each department must ensure that its programs, services, and activities are administered in compliance with Title VI of the Civil Rights Act of 1964 and related statutes.

To achieve compliance, each department is responsible for:

- Identifying Title VI concerns specific to its operations;
- Reviewing its programs, services, and activities on a regular basis;
- Collecting and analyzing data on beneficiaries, applicants, and service delivery; and
- Submitting annual reports to the County's Title VI/Nondiscrimination Coordinator.

### **Departmental Responsibilities**

#### **Commissioners Court and County Judge**

The Commissioners Court, under the leadership of the County Judge, serves as the governing body of Polk County. Responsibilities include policy-making, budget adoption, and the overall administration of county services.

- **Title VI Concerns:** Equitable allocation of resources across all communities; ensuring public meetings and notices are accessible to individuals with Limited English Proficiency (LEP).
- **Procedures and Data:** Annually review meeting agendas, notices, and accommodations. Track participation levels, requests for interpreters, and analyze geographic/demographic distribution of resources.

#### **Road and Bridge Precincts**

The Road and Bridge Precincts are responsible for the maintenance and construction of county roads and bridges.

- **Title VI Concerns:** Fair and equitable distribution of infrastructure improvements across precincts and populations; nondiscriminatory contracting practices.
- **Procedures and Data:** Annually review meeting agendas, notices, and accommodations. Track participation levels, requests for interpreters, and analyze geographic/demographic distribution of resources.

### **Human Resources**

Human Resources manages employment recruitment, hiring, training, benefits, and personnel policy administration.

- **Title VI Concerns:** Ensuring equal employment opportunities in recruitment, hiring, promotion, and training; preventing discrimination in employment practices.
- **Procedures and Data:** Review job postings, applicant data, and training participation quarterly. Collect demographic data on applicants, new hires, promotions, and separations; analyze annually for disparities.

### **Sheriff, Jail & Court Security, and Constables**

These offices provide law enforcement, detention, and public safety services throughout the County.

- **Title VI Concerns:** Ensuring equal treatment in policing, arrest, and detention; providing access to LEP individuals; nondiscriminatory inmate services.
- **Procedures and Data:** Monitor arrest, citation, and detention data. Track interpreter use and inmate grievances. Collect demographic data on detainees and enforcement actions; analyze for potential disparities.

### **Judicial and Legal Offices**

This includes the District Attorney, District Judges, County Court-at-Law, Justices of the Peace, District Clerk, and County Clerk.

- **Title VI Concerns:** Equal access to the judicial process; availability of interpreters and translated materials; nondiscriminatory jury selection.
- **Procedures and Data:** Review interpreter services, jury administration, and complaint records annually. Collect and analyze interpreter usage, jury pool demographics, and case outcomes.

### **Financial Offices**

This includes the County Treasurer, Tax Assessor-Collector, and County Auditor.

- **Title VI Concerns:** Ensuring equitable access to financial services and tax-related programs; nondiscriminatory treatment of taxpayers.
- **Procedures and Data:** Review taxpayer communications, service delivery methods, and complaint logs annually. Collect demographic and service data to identify barriers to access.

### **Permits, Inspections, and Environmental Enforcement**

These offices administer land use permitting, inspections, and enforcement of environmental and building regulations.

- **Title VI Concerns:** Fair issuance of permits and equitable enforcement of codes across communities.
- **Procedures and Data:** Semiannual review of permit issuance and enforcement actions. Collect data on applicant demographics and geographic distribution; analyze for consistency and fairness.

### **Emergency Management and Fire Marshal**

Responsible for disaster preparedness, emergency response, and fire safety inspections.

- **Title VI Concerns:** Disseminating timely and understandable emergency warnings and safety information to all residents, including LEP individuals.
- **Procedures and Data:** Annual review of emergency communication and public education. Collect data on translation/interpretation requests, outreach methods, and communication effectiveness.

### **Social Services, Aging, and Veterans Services**

These offices provide assistance to seniors, veterans, and vulnerable populations.

- **Title VI Concerns:** Ensuring equitable program access and eliminating barriers for LEP and minority populations.
- **Procedures and Data:** Annual utilization reviews, client satisfaction surveys, and accessibility assessments. Collect demographic data on program participants and analyze for service gaps.

### **Grants and Contracts, Purchasing, and Procurement**

These offices oversee federal and state grant administration and county purchasing functions.

- **Title VI Concerns:** Nondiscriminatory administration of grant programs; equitable and fair contracting, purchasing and procurement practices.

- **Review Procedures:** Annual review of grants and contracts. Collect and analyze demographic data on grant beneficiaries and contractors to ensure fairness and compliance.

### **Information Technology and ADA/Title VI Coordinator**

Provides technology support and coordinates ADA and Title VI compliance.

- **Title VI Concerns:** Ensuring accessibility of County websites and digital services; monitoring Title VI compliance across departments.
- **Procedures and Data:** Conduct annual accessibility audits. Collect and analyze usage statistics, accessibility requests, and complaints.

### **Maintenance and Museum**

These offices manage county facility maintenance and cultural/historical resources.

- **Title VI Concerns:** Equitable service delivery in waste management; equal public access to facilities and museum programs.
- **Procedures and Data:** Annual review of service coverage, facility accessibility, and complaints. Collect geographic and demographic data on users to confirm equitable access.

### **Monitoring and Reporting**

Each department head is responsible for conducting an annual self-assessment to evaluate Title VI compliance. The assessment will include a review of program operations, service delivery, public communication, and complaint records. Findings will be documented and submitted to the County's ADA & Title VI Coordinator, who will compile a consolidated annual report for submission to the Commissioners Court.

Corrective actions shall be implemented promptly where deficiencies are identified. Progress on corrective actions will be reviewed quarterly by the ADA & Title VI Coordinator in coordination with department heads.

## **Limited English Proficiency (LEP) Plan**

### **Purpose:**

The purpose of this Limited English Proficiency (LEP) Plan is to ensure meaningful access to County services for individuals who do not speak English as their primary language and who have limited ability to read, write, speak, or understand English. The Plan applies to all County departments, elected offices, contractors, and sub-recipients engaged in federally assisted programs or activities.

Polk County is committed to compliance with Title VI of the Civil Rights Act of 1964, and taking reasonable steps to provide meaningful access to LEP persons at no cost to the individual.

#### **LEP Policy Statement:**

It is the policy of Polk County that LEP persons will be provided equal opportunity to participate in and benefit from all County programs, services, and activities. Language assistance will be provided when needed to ensure effective communication.

#### **Demographic Profile of Polk County**

The American Community Survey 5-Year Estimates (2018-2023) shows that 6,268 of a total population of 49,181 persons five years and over in Polk County's service area, comprising 12.76% of the population, speak a language other than English. Of those, 1,856 individuals (3.78% of the population) have limited English proficiency: who speak English less than "very well" or "not at all".

This data demonstrates the importance of language access across County services.

#### **Four-Factor Analysis**

Polk County applies the U.S. Department of Justice's four-factor framework to determine the appropriate level of language assistance:

1. **Number or proportion of LEP persons in Polk County:** Approximately 1,856 residents (3.78% of the population) are LEP.
2. **Frequency with which LEP persons come into contact with Polk County services:** High-contact services—such as law enforcement, courts, tax and permitting offices, and social services—regularly interact with LEP persons.
3. **Nature and importance of services provided by Polk County to the LEP population:** Essential services, such as emergency management, law enforcement, courts, and health and human services, require strong language access to ensure safety and fairness.
4. **Resources available:** Polk County uses bilingual staff, portable translation devices, and access to interpreter and translation services to meet identified needs.

#### **LEP Plan Procedures:**

Polk County has developed the Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services, programs, and/or activities provided by Polk County.

County staff may identify LEP individuals through self-identification by the individual, observations of communication difficulty, and utilizing the I Speak... Language Identification Guide provided by the US Department of Homeland Security.

Language assistance services include oral interpretation (in-person, telephone, or video-based), translation of vital documents into commonly encountered languages, use of bilingual staff where available, and portable pocket translators provided to public-facing offices.

**Staff Training:**

County Department Heads/Elected Officials are required to fully understand, direct staff to comply, and must implement the Title VI/Nondiscrimination Plan including the LEP Plan and to reinforce its importance.

The Title VI/Nondiscrimination Coordinator is also available to assist with information and training requests. Vital documents or information contained within a document should be translated when a significant number or percentage of LEP population is likely to be affected by the program/activity and it contains information that is critical for obtaining services and/or benefits.

Public service announcements should be provided in regularly encountered languages.

**Providing Notice of Available Language Services to LEP Persons:**

County departments/offices are encouraged to post signs that language assistance is available in public areas such as intake areas, customer service areas and other entry points to the department/office. Statements may be placed in outreach documents indicating that language services are available from Polk County.

**Monitoring and updating the LEP Plan:**

The LEP Plan will be re-evaluated at least every three years, when the Title VI Policy is reviewed, and will be updated as necessary to reflect changes in LEP population demographics, frequency and type of services used by LEP individuals, and improvements in translation/interpretation resources or technology.

**Departmental Responsibilities**

Each department head and elected official is responsible for implementing LEP procedures within their area of service. Departments must document all requests for translation and interpretation services, and provide annual reports to the Title VI Coordinator for inclusion in the County's compliance reviews.

### **Dissemination of the LEP Plan:**

For more information regarding the County's policies on LEP, a copy of the LEP Plan can be found on our website at <https://www.Polktx.gov/>. Copies of the LEP Plan will be provided to any person or agency requesting a copy. Any questions or comments regarding this plan should be directed to the Polk County Title VI/Nondiscrimination Coordinator at:

**Kari Miller, Assistant to the County Judge**  
**410 E. Church Street, Suite E, Livingston, TX 77351**  
**Phone: (936) 327-6813**  
**Fax: (936) 327-6891**  
**Email: [kari.miller@polktx.gov](mailto:kari.miller@polktx.gov)**

## **Public Participation Plan**

### **Purpose:**

The purpose of this Public Participation Plan is to ensure that Polk County provides meaningful opportunities for all residents to participate in County decision-making processes. Active public participation is essential to transparency, accountability, and equitable service delivery.

This Plan establishes procedures to ensure that the public is informed of County programs and decisions, and that all residents—including Limited English Proficiency (LEP) persons, individuals with disabilities, and other underserved groups—have reasonable access to participate.

### **Public Participation Policy Statement:**

It is the policy of Polk County to provide open and inclusive processes for public involvement. The County is committed to:

- Holding meetings that are open and accessible to the public;
- Providing timely notice of meetings, hearings, and opportunities for comment;
- Ensuring accessibility for individuals with disabilities and LEP persons; and
- Using multiple communication methods to maximize outreach.

### **Methods of Public Participation:**

To ensure a meaningful public participation process, impacted parties must be informed and educated on programs, projects planned, and projects underway.

County departments/offices should comply with any public participation requirements which may be applicable to specific projects that the County department/office is undertaking.

Polk County employs a variety of methods to encourage public engagement:

1. Commissioners Court Meetings - Citizens may be present during any of the Commissioners Court meetings. The Commissioners Court meets every second and fourth Tuesday at 10:00 am, unless otherwise designated.

The agenda for the Commissioners Court meeting can be found at <https://www.polktx.gov/page/polk.Commissioners.Court>. Furthermore, the meeting can be streamed live online at <https://www.youtube.com/channel/UC7RSenHb7QBTPuqSuMzU5ZA>.

The Commissioners Court meeting offers the public an opportunity to bring topics and issues to Commissioners Court members' attention. Each regular Commissioners Court meeting allows citizens 3 minutes each to speak on a topic.

A citizen can sign up to provide public comment by completing a Public Comment Form and submitting the form to the County Clerk prior to the start of the meeting in conformity with established guidelines.

2. Public Outreach - The methods of gathering and implementing public participation for a planning process may differ widely, depending on the type and scope of a project or program.

Partnerships with Community-based organizations provide the opportunity to connect with specific audiences and are an integral part of identifying and reaching out to underserved groups. County departments/offices can reach out to specific organizations to provide these groups with project information and encourage them to become involved.

Community-based organizations are groups that serve a broad range of community interests. Organizations include senior centers; civic groups; business organizations; economic development corporations; churches and other faith-based organizations; service clubs; schools that provide English as a second language programs; service providers for youths, families, and persons with disabilities; and many others.

3. Websites - County departments/offices that have websites that provide for two-way communication can continuously update information about programs and projects.

4. Publications - County departments/offices should maintain a stakeholder list with contact information for organizations and individuals. Electronic newsletters quickly and easily disseminate information to contact lists.
5. Media Campaigns - A comprehensive regional media campaign can be used when outreach is needed to the broader community, if fees are reasonable and the department/office has the available resources.

A media campaign might include press releases; public service announcements; press conferences with community leaders; feature articles; or interviews, depending on the nature of the project and the resources available. To ensure media exposure, the department/office could buy advertisements but should do so strategically to keep costs low.

6. Scheduled Community Meetings - The need for scheduled community meetings during the life of the project or program will vary. A construction project for example could have scheduled meetings during project development, design, at the start of construction, and at various times during construction. Each department/office will make the determination of what is needed.

*Selection of Meeting Places:* When determining locations and schedules for public meetings, the department/office will:

- Schedule meetings at times and locations that is convenient and accessible for minority, low-income, and Limited English Proficient (LEP) communities;
- Employ different meeting sizes and formats including town hall type meeting formats;
- Coordinate with community organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority, low-income, and/or LEP communities;
- Provide opportunities for public participation through means other than written communication, such as one-on-one interviews.
- Meetings are conducted in locations that are always ADA accessible and convenient to public transit, when possible;
- Sign language interpreter requests can be accommodated if requested in advance. Each department will determine the amount of notice required.

7. Social Media - Social media and social networking websites may include Facebook, Twitter, YouTube, and blogs. It is important to choose the social media and networking platforms that have the best chance of reaching the intended audience.

8. **State And Regional Organizations** - The County receives funding through various state and federal agencies with their own public participation plans. The Texas Department of Transportation (TxDOT) website states “public hearings and meetings allow you to participate in the transportation planning process and help you better understand the road, rail and aviation projects that affect your community.” Further details about the Texas Department of Transportation (TxDOT) public participation process can be found at <http://www.txdot.gov/inside-txdot/get-involved.html>.

**Use of Public Comment:**

All public input should be derived from as diverse a range of sources as possible. At the department's/office's discretion, as appropriate and whenever possible, public comments may be used to revise work scopes, plans, and programs.

**Effectiveness Assessment:**

County departments/offices should use the information obtained through their public outreach efforts to review the effectiveness and progress of its programs. In turn, the public participation plan should be updated periodically to ensure compliance with Title VI of the Civil Rights Act of 1964 and executive orders for individuals that are Limited English Proficient. The Title VI/Nondiscrimination Coordinator will be responsible for coordinating any plan updates.

**Record Retention:**

The records shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer.

## **Title VI Complaint Procedures**

**Scope of Title VI Complaints:**

No person or groups of persons shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by Polk County and its contractors on the grounds of race, color, or national origin.

The scope of Title VI covers all internal and external activities of Polk County.

The following types of actions are prohibited under Title VI protections (see [49 C.F.R. 21.5](#))

- Excluding individuals or groups from participation in programs or activities
- Denying program services or benefits to individuals or groups

- Providing a different service or benefit or providing them in a manner different from what is provided to others
- Denying an opportunity to participate as a member of a planning, advisory or similar body that is an integral part of the program
- Retaliation for making a complaint or otherwise participating in any manner in an investigation or proceeding related to Title VI of the Civil Rights Act of 1964.

**How to File a Formal Title VI Complaint:**

Any person(s) or organization(s) believing they have been discriminated against on the basis of the protected classes stated above by Polk County or its contractors may file a Title VI complaint. Discrimination complaints must be received no more than 180 days after the alleged incident unless the time for filing is extended by the processing agency.

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g., race, color, national origin, etc.);
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

Complainants are encouraged to submit complaints directly to the Texas Department of Transportation (TxDOT).

Complaints can also be filed by completing and submitting Polk County's Title VI Complaint Form available at <https://www.polktx.gov/page/polk.County.Judge> or by sending an email or letter with the necessary information to:

**Kari Miller, Assistant to the County Judge**  
**410 E. Church Street, Suite E, Livingston, TX 77351**  
**Phone: (936) 327-6813**  
**Fax: (936) 327-6891**  
**Email: [kari.miller@polktx.gov](mailto:kari.miller@polktx.gov)**

If necessary, the complainant may call the phone number above and provide the allegations by telephone. The Title VI Coordinator will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature.

Complaints can also be filed directly with the following agencies:

Federal Highway Administration  
U.S. Department of Transportation Office of Civil Rights  
HCR-20, Room E81-320  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Email: [CivilRights.FHWA@dot.gov](mailto:CivilRights.FHWA@dot.gov)

Texas Department of Transportation  
Civil Rights Division  
Attn: Title VI Program Manager  
125 E. 11th Street  
Austin, Texas 78701

After submitting a complaint, the complainant will receive correspondence informing them of the status of the complaint within ten (10) business days from Polk County or other agency receiving the complaint.

Complaints received by Polk County's Title VI Coordinator are forwarded to the TxDOT Office of Civil Rights (OCR). TxDOT OCR will forward the complaint to the FHWA Texas Division Office, along with a preliminary processing recommendation. The FHWA Texas Division Office will forward the complaint to FHWA Headquarters Office of Civil Rights (HCR).

FHWA HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints. There are four potential outcomes for processing complaints:

- **Accept:** if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under the FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Texas Division Office a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a

preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.

- **Procedural Dismissal:** if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Texas Division Office a written notice that it is dismissing the complaint.
- **Referral\Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

Complaints are not investigated by Polk County. FHWA HCR is responsible for investigating all complaints. FHWA HCR may also delegate the investigation to TxDOT OCR, who would then conduct all data requests, interviews, and analysis and create a Report of Investigation (ROI). TxDOT OCR will have sixty (60) business days from the date the investigation is delegated to prepare the ROI and send it to HCR. HCR will review the ROI and compose a Letter of Finding based on the ROI.

For further information about the FHWA investigation process and potential complaint outcomes, please visit the Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964.

#### **Complaint Logs:**

The Title VI/Nondiscrimination Coordinator shall maintain a log of any external discrimination complaints or lawsuits filed naming Polk County, which alleges discrimination with respect to Title VI concerns. The log shall include information on each complainant to include:

- Complainant's name, and if provided, race, color, and national origin;
- Respondent's name;
- Basis(es) of the discrimination complaint;
- Allegation(s)/Issue(s) surrounding the discrimination complaint;
- Date the discrimination complaint was filed;
- Date the investigation was complete;
- Disposition;

- Disposition date; and
- Other pertinent information.

## Notice of Rights

In accordance with 23 CFR 200.9(a)(12), Polk County is required to develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Notice of Polk County Title VI policies and procedures are listed in many places such as:

- The County's website at <https://www.polktx.gov/page/polk.County.Judge>
- Conspicuously in all County Buildings

## Notification to Beneficiaries

Polk County's website is continuously updated to ensure Title VI information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a complaint. Title VI information available on Polk County Web site includes:

- Polk County Title VI/Nondiscrimination Plan
- Title VI Nondiscrimination Agreement
- Title VI and Related Statutes Nondiscrimination Statement (English and Spanish)
- Title VI Nondiscrimination Assurances
- TxDOT's External Discrimination Complaint Form (English and Spanish)
- Title VI Poster
- Polk County's Language Assistance Plan

## Work Plan and Accomplishment Report Process

1. The County's Title VI Plan and Policy Statement will be published on the County's website. The Policy Statement will also be posted in conspicuous locations in County buildings.
2. DOT Assurances (document attached herein) will be included in all County contracts as outlined in the Title VI/Nondiscrimination Plan.
3. Procedure for responding to individuals with Limited English Proficiency will be implemented.
4. All County employees will be made aware of the LEP procedure and the Title VI complaint procedure.
5. The following data will be collected and reviewed as needed by the Title VI/Nondiscrimination Coordinator and transmitted as needed to TxDOT:

- a. Complaints - The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - b. LEP Needs - Number of requests for language assistance or number of instances in which language assistance was required, and the outcome of these requests.
6. The County's Title VI/Nondiscrimination Work Plan & Accomplishment Report will be submitted to TXDOT as needed (Based on the date of approval of the Title VI plan). The Report will provide an updated status on an as needed basis of the County's implementation and monitoring of the Title VI/Nondiscrimination Plan.

## GLOSSARY

**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 County programs, policies and activities.

1. Significant Adverse Effects in 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.

**Elderly** - Any persons over the age of 65.

**Federal financial assistance** - includes grants and loans of federal funds, the grant or donation of Federal property and interests in property, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and any other federal arrangement, agreement, or contract which purpose is to provide federal assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits. Federal financial assistance may be received directly or indirectly.

**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 County.

**Low Income** - A person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines.

The national poverty guidelines are issued annually by the Department of Health and Human Services and are available at: <http://aspe.hhs.gov/poverty/15poverty.cfm>.

**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 program, policy or activity.

**Minority** – Persons considered minorities are identified by the Census as people of African, Hispanic, Asian, American Indian, or Alaskan Native origin. Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice consider minority persons as persons belonging to any of the following groups:

- a. Black - a person having origins in any of the black racial groups of Africa.
- b. Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- c. Asian - a person having origins in the Far East, Southeast Asia, or the Indian subcontinent.
- d. American Indian and Alaskan Native - a person having origins in North America and who maintains cultural identification through tribal affiliation or community recognition.

**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 DOT program, policy or activity.

**Person with Disabilities** – Under the Americans with Disabilities Act of 1990, a qualified individual with a disability is a person that

- a. has a physical or mental impairment that substantially limits one or more major life activities;
- b. has a record of such impairment; or
- c. is regarded as having such impairment.

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

Polk County, Texas

***Title VI & Related Statutes***  
***Nondiscrimination Policy Statement***

The County of Polk, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. §2000d-3), color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination retaliation in any federally or non-federally funded program or activity administered by the County of Polk.

This Policy Statement was adopted by the County of Polk Commissioner's Court on the 12 day of November 2025.

***Polk County Commissioners Court***



Sydney Murphy  
County Judge



Guylene Robertson  
Commissioner, Pct. 1



Mark DuBose  
Commissioner, Pct. 2



Milton Purvis  
Commissioner, Pct. 3

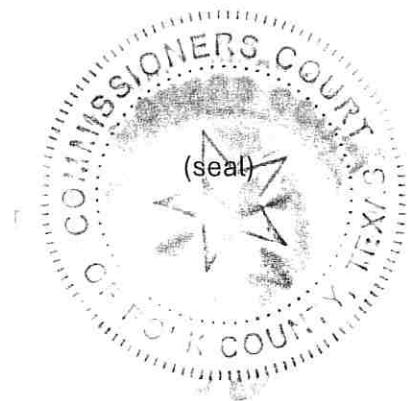


Jerry Cassity  
Commissioner, Pct. 4

Attest:



Schelana Hock, County Clerk



Condado de Polk

*Título VI y Estatutos Relacionados*  
*Declaracion de Politica No Discriminacion*

El Condado de Polk, como beneficiario de asistencia financiera federal y en virtud del Título VI de la Ley de Derechos Civiles de 1964 y estatutos relacionados, garantiza que ninguna persona, por motivos de raza, religión (cuando el objetivo principal de la asistencia financiera sea proporcionar empleo, según el Título 42 del Código de los Estados Unidos, Sección 2000d-3), color, origen nacional, sexo, edad o discapacidad, será excluida de participar, se le negarán los beneficios ni será objeto de represalias por discriminación en ningún programa o actividad, con o sin fondos federales, administrado por el Condado de Polk.

Esta Declaración de Política fue adoptada por el Tribunal de Comisionados del Condado de Polk el 12 de November de 2025.

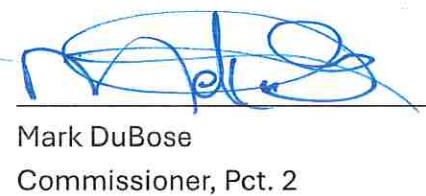
*Tribunal de Comisionados del Condado de Polk*



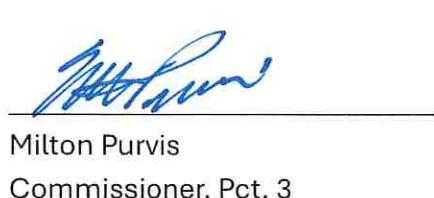
Sydney Murphy  
County Judge



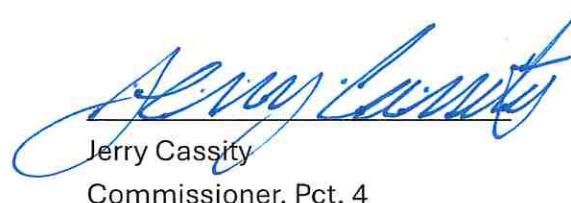
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Commissioner, Pct. 1



Mark DuBose  
Commissioner, Pct. 2



Milton Purvis  
Commissioner, Pct. 3

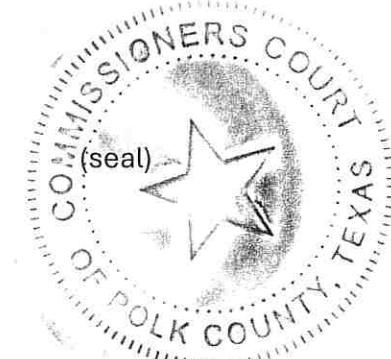


Jerry Cassity  
Commissioner, Pct. 4

Attest:



Schelana Hock, County Clerk



**Polk County, Texas**

**The United States Department of Transportation (USDOT) Standard Title  
VI/Nondiscrimination Assurances**

Polk County (herein 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), 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.P.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964);
- 28 C.P.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 Acts, the 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 U.S. DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination 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 nondiscrimination 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 U.S. DOT programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 2 J .23(b) and 21.23(e) or 49 C.P.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. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all DOT Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source: "The Recipient, in accordance with the provisions of 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 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 appropriate clauses in every contract or agreement subject to the Acts and the Regulations.
4. 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.
5. The Recipient will provide for such methods of administration for the programs 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-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.
6. 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.

By signing this assurance, the Recipient also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the U.S. DOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the U.S. DOT. You must keep records, reports, and submit the material for review upon request to U.S. DOT, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Recipient gives this assurance in consideration of and for obtaining any Federal grants, loans, contacts, agreements, property, and/or discounts, or other Federal aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. DOT under all Department of Transportation Programs.

This assurance is binding on Texas, other recipients, subrecipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in all Department of Transportation programs.

This Policy Statement was adopted by Polk County Commissioner's Court on the 12 day of November 2025.

*Polk County Commissioners Court*

*Sydney Murphy*  
Sydney Murphy, County Judge

*Guylene Robertson*  
Guylene Robertson  
Commissioner, Pct. 1

*Mark DuBose*  
Mark DuBose  
Commissioner, Pct. 2

*Milton Purvis*  
Milton Purvis  
Commissioner, Pct. 3

*Jerry Cassity*  
Jerry Cassity  
Commissioner, Pct. 4

Attest:

*S. Hock*  
Schelana Hock, County Clerk



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 non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the FHWA, 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 the 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.
3. **Solicitations for Subcontracts, 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 nondiscrimination on the grounds of race, color, or national origin.
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 Recipient or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and 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 Recipient or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies, and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six 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 subcontract or procurement as the Recipient or FHWA 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 by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

**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 Polk County Commissioners Court will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all DOT programs, and the policies and procedures prescribed by FHWA of the U.S. Department of Transportation in accordance 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 Polk County Commissioners Court the 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 Polk County Commissioners Cour 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  
Polk County Commissioners Court \_\_\_\_\_, its successors and assigns.

The Polk County Commissioners Court \_\_\_\_\_, 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 Polk County Commissioners Court \_\_\_\_\_ will use the lands and interests in lands and  
interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49,  
Code of Federal Regulations, U.S. 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 that above described land and facilities will thereon revert to and vest in 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 to make clear the purpose of Title VI.

**Clauses for Transfer or Real Property Acquired or Improved  
Under the Activity, Facility, or Program**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Recipient pursuant to the provisions of Assurance 7(a):

- A. The (grantee, 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 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 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 breach of any of the above Non-discrimination covenants, Polk County Commissioners Court will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, 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, Polk County Commissioners Court will have the right to enter or re-enter the lands and

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

facilities thereon, and the above-described lands and facilities will there upon revert to  
and vest in and become the absolute property of the Polk County Commissioners Court  
and its assigns.\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

**Clauses for Construction/Use/Access to Real Property Acquired  
Under the Activity, Facility, or Program**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Recipient pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, 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 ground 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 ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (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 Nondiscrimination covenants, Polk County Commissioners Court will have the right to terminate the (license, permit, etc., as appropriate) and to 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, Polk County Commissioners Court will there upon revert to and vest in and become the absolute property of Polk County Commissioners Court and its assigns. \*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

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 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); 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);
- 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, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 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 C.P.R. 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);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).