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GLENN B. ADAMS
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CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

MEMORANDUM

TO: Policy Committee Members (Chairman Council, Adams, Evans and Lancaster)

FROM: Kellie Beam, Deputy Clerk to the Board

DATE: July 29, 2016

SUBJECT: Policy Committee Meeting – August 4, 2016

There will be a regular meeting of the Policy Committee on Thursday, August 4, 2016 at 10:30 AM in Room 564 of the Cumberland County Courthouse.

AGENDA

1. Approval of Minutes – June 2, 2016 Policy Committee Regular Meeting (**Pg. 2**)
2. Consideration of Approval of Steering Committee Recommendation for the Community Transportation Service Plan (CTSP) (**Pg. 12**)
3. Approval of the Community Transportation Title VI Plan (**Pg. 13**)
4. Approval of the Community Transportation System Safety Plan Update (**Pg. 50**)
5. Consideration of Options to Address Tall Weed Complaints (**Pg. 57**)
6. Other Items of Business (**No Materials**)

cc: Board of Commissioners
Administration
Legal
Communications Manager
County Department Head(s)
Sunshine List

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CUMBERLAND COUNTY POLICY COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
JUNE 2, 2016 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Glenn Adams
Commissioner Jeannette Council
Commissioner Larry Lancaster

MEMBERS ABSENT: Commissioner Charles Evans

OTHER COMMISSIONERS
PRESENT: Commissioner Marshall Faircloth
Commissioner Kenneth Edge

OTHERS PRESENT: Amy Cannon, County Manager
James Lawson, Deputy County Manager
Tracy Jackson, Assistant County Manager
Melissa Cardinali, Assistant County Manager for Finance/
Administrative Services
Sally Shutt, Governmental Affairs and Public Information
Officer
Rick Moorefield, County Attorney
Phyllis Jones, Assistant County Attorney
Rob Hasty, Assistant County Attorney
Vicki Evans, Finance Director
Sheriff Earl Butler, Sheriff's Office
Chief Deputy Ennis Wright, Sheriff's Office
Major Larry Trotter, Sheriff's Office
Sgt. David Dowless, Sheriff's Office
Captain Tandra Adams, Sheriff's Office
Julean Self, Human Resources Director
Buck Wilson, Public Health Director
Wanda Tart, Public Health Department
Kim McLamb, Public Health Department
Dr. John Lauby, Animal Control Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Jay Barr, Wrecker Review Board Chairman
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Council called the meeting to order.

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1. APPROVAL OF MINUTES – MAY 5, 2016 POLICY COMMITTEE REGULAR MEETING

MOTION: Commissioner Adams moved to approve the minutes.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (3-0)

2. CONSIDERATION OF APPROVAL OF JAIL HEALTH MEDICAL PLAN CHANGES

BACKGROUND

Wanda Tart, Director of Nursing, and Kim McLamb, Jail Health Administrator, will be doing a brief overview of the significant changes to the Jail Health Medical Plan, since the last adoption of the Plan in May 2015. The Jail Health staff works closely with the Sheriff's Detention Facility staff to manage this document on an ongoing basis.

The manual provides the plan for providing medical care for inmates at the Cumberland County Detention Center. The plan is designed to protect the health and welfare of the inmates, avoid the spread of contagious diseases, provide for medical supervision of inmate and emergency medical care for the inmates to the extent necessary for their health and welfare, and provide for the detection, examination and treatment of inmates who are infected with tuberculosis or venereal diseases. It includes a procedure in the event of a death and discharge planning for patients to another facility.

The Plan complies with 10A NCAC 14J.1001 titled Medical Plan. NC G.S. 153A-225 states the plan must be adopted by the governing body.

The plan is updated each year to remain compliant with standards and procedural changes. The revised plan will be available for review in the Clerk's office until approved by the Board of County Commissioners.

RECOMMENDATION/PROPOSED ACTION

Approve the Jail Health Medical Plan.

Buck Wilson, Public Health Director, reviewed the background information and recommendation as recorded above. Mr. Wilson stated the Jail Health Medical Plan is updated regularly throughout the year and has to be approved by the Board of Commissioners annually. Mr. Wilson introduced Kim McLamb, Jail Health Administrator, and Wanda Tart, Director of Nursing over Jail Health. Mr. Wilson stated Ms. McLamb and Ms. Tart would point out a few of the proposed changes to the Jail Health Medical Plan. Mr. Wilson further stated all changes made to the Jail Health Medical Plan are needed for national accreditation in the jail.

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Ms. McLamb stated JA06 of the plan refers to “Continuous Quality Improvement” and requires staff to look at processes and outcomes and identify any weaknesses to develop a plan on how to address those weaknesses. Ms. McLamb further stated the last survey identified issues with access to care and the number of inmates refusing a physical exam within fourteen (14) days of coming in to the jail. Ms. McLamb stated staff is currently working on a study regarding the access of care and what can be done to decrease the amount of refusals. Ms. McLamb stated JE04 of the Jail Health Medical Plan refers to “Initial Health Assessments” where staff would like to see inmates with chronic issues be seen within two (2) days to continue medication so treatment is not interrupted.

Ms. McLamb stated JG02 of the plan refers to “Patients with Special Needs” which is a new standard in which Sickie Cell has been added. Ms. McLamb stated inmates with special needs are being monitored more closely. Ms. McLamb stated JE09 of the plan refers to “Segregated Inmates” explaining that these inmates are monitored by a psychologist and the licensed clinical therapist does rounds bi-weekly on this population to see if there are any concerns or special needs that were not discovered in the initial physical exam.

Ms. McLamb stated JG05 refers to the “Suicide Prevention Program” and explained there are an average of 7-10 inmates on suicide watch that are monitored daily by mental health staff. Commissioner Keefe asked what percentage of inmates are mental health patients. Ms. McLamb stated 60% of the jail population currently has mental health issues.

Ms. McLamb stated JG07 refers to “Intoxication and Withdrawal” and explained there has been an increase in inmates coming in to the jail that have substance abuse problems. Ms. McLamb stated if the inmate has used alcohol or drugs within the past few hours of coming in to the jail an assessment is initiated during booking by the nurse and it requires the inmate to be monitored closely for signs and symptoms of withdrawal so the inmate can receive the necessary care. Ms. McLamb stated this requires a lot of staff time but reduces the number of sick individuals due to withdrawals.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the proposed revisions to the Jail Health Medical Plan.

SECOND: Commissioner Council

VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF APPROVAL OF REVISED CUMBERLAND COUNTY PERSONNEL ORDINANCE

BACKGROUND:

The County’s personnel ordinance has not been comprehensively updated since 1998, though there have been numerous amendments since that time with the last amendment having just been adopted March 15, 2016. This proposed ordinance incorporates the recent amendments, revises some provisions of the existing ordinance, eliminates some

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provisions from the existing ordinance that have not been followed in years, adds a few new provisions and makes the ordinance provisions consistent with the practices currently being used for the administration of the County's personnel system.

The only significant substantive change in the proposed ordinance is that it greatly expands the authority of the county manager to establish policies to administer the County's personnel system. It is not intended to create a personnel system that will qualify as substantially equivalent to the state system that is applied to county employees in DSS and the Health Department; however, since those employees constitute approximately one-third of the County's employees, the proposed ordinance does adapt more of the state personnel system's requirements than the existing ordinance does.

The differences between the old and proposed ordinances are discussed as follows:

Article I: In General

Section 102: The list of classes covered by federal and state equal employment opportunity laws and regulations has been updated to conform to the current law.

Section 103: The applicability of the ordinance to the special classes of employees among the many departments has been revised to accurately reflect all the special classes of employees.

Article II: Position Classification Plan

Although the language has been revised, there are no substantive changes affecting the requirements for the position classification plan.

Article III: Salary Plan

Section 301: This is a new provision that states the statutory requirement that the board of commissioners must fix all pay schedules, expense allowances and other compensation as the guiding principle for the salary plan. Because of this state law, personnel policies that establish any form of compensation must be approved by the board of commissioners.

Section 304: A new provision is added to authorize training appointments for DSS and Health Department employees that comply with the provisions of the state's personnel system that apply to these employees. Subsection (6) is added because this form of salary adjustment has been used since 1998 under the authority of a Board of Commissioners approved policy.

Article IV: Recruitment, Selection and Appointment

Section 403: A new section has been added to provide for a veteran's preference in hiring, promotion, reassignment, transfer, and reduction-in-force situation.

Section 404: The background check section has been completely rewritten to comply with the process that has been used since the ban-the-box policy was adopted. The

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discretionary use of fingerprinting was eliminated because fingerprinting has not been used outside the sheriff's office and this section does not apply to the sheriff's office.

Section 405: This section has been completely rewritten to authorize new appointments for DSS and Health Department employees that comply with the provisions of the state's personnel system that apply to these employees. Language has also been added to extend the probationary period to one year and to clarify that probationary employees can be dismissed at any time during the probationary period upon the department head's making a determination that the probationary employee is either not meeting performance or conduct standards or will not be able to do so before the end of the probationary period. This section also establishes that an employee transferring to different position retains his or her regular status and does not serve a new probationary period, except as is required for employees covered by the State Human Resources Act.

Article V: Conditions of Employment

Section 501: The Code of Ethics in the existing ordinance has been moved to be the first section in Conditions of Employment and there have been minor revisions to the language.

Section 502: This is a new section to simply formally establish the unlawful workplace harassment policy and to be consistent with the state personnel system's requirements that apply to DSS and Health Department employees.

Section 509: This is a new section that gives employees and job applicants who are not subject to the State Human Resources Act the right to place a written objection to material in their personnel file that they believe to be inaccurate or misleading and a process for seeking to have such material corrected. A separate statute governing this process applies to those employees who are subject to the State Human Resources Act. It has frequently been an issue in the past for employees who wished to do this but were not expressly permitted to do so by the existing ordinance.

Article VI: Employee Benefits

Section 606: Only change is that part-time employees working less than 40 hours per week shall be paid for their annual leave balance up to a maximum of 120 hours upon separation.

Section 607: Sick leave benefits are now considered to be a continuation of wages and subject to leave accruals.

Section 608: Family and medical leave will require that any paid leave available to an employee must be used by the employee concurrently with the twelve (12) weeks of unpaid leave that must be provided by the employee under the *Family and Medical Leave Act*. Employees have the right to elect to do this under the Act and employers have the right to require employees to do this under the Act. This has been the practice of the county without the election having been made by the board of commissioners.

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Section 609: Employees receiving workers' compensation benefits will now be limited to only those benefits provided by the state law. In the past, workers receiving workers' compensation were allowed to supplement the workers' compensation with accumulated annual or sick leave.

Section 612: The language in the section for school participation leave has been conformed to the statutory language.

Section 613: Leave to obtain or seek to obtain relief under certain domestic law processes has been added to conform to state law.

Section 614: Paid leave is allowed for going to the employee wellness clinic to encourage use of the clinic.

Section 617: Administrative leave with pay is limited to no more than 30 days without prior approval of the county manager. The existing ordinance does not contain a cap.

Article VII: Employee Discipline

The only significant changes in the employee discipline provisions are in Section 703, Dismissal of permanent employees. The proposed ordinance follows the state personnel provisions that apply to DSS and Health Department employees for the first eleven grounds of dismissal. The grounds for dismissal listed as numbers 12-16 are continued from the existing ordinance.

Article VIII: Grievances

The only significant changes in the proposed ordinance grievance provisions is the addition of the statement that the county manager shall establish the rules governing how appeals are to be conducted.

Article IX: Claims against County Officers and Employees

The changes in the proposed ordinance are to create a single process for processing claims made against the sheriff's office employees and other county employees. The existing ordinance identifies a claims adjustment committee which has not functioned and that committee has been eliminated from the proposed ordinance.

RECOMMENDATION:

Consider the proposed ordinance and direct any changes the board desires to be made to it. The county attorney advises that the proposed ordinance complies with applicable employment laws and gives management greater flexibility to address changes in the labor market and future amendments to state and federal employment laws through policy directives.

Rick Moorefield, County Attorney, reviewed the background information and recommendation recorded above. Mr. Moorefield stated the proposed revisions have

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been requested by county management and the new ordinance creates a comprehensive single document with all amendments in place.

Commissioner Adams asked about Section 403 of the ordinance which is the Veterans Preference and stated he feels the new section should only provide a veteran's preference in hiring of initial employment. Commissioner Adams stated he feels "subsequent employment, promotions, reassignments, horizontal transfers and reductions-in-force situations" should be taken out because he feels once you are an employee that everyone should compete equally. Commissioner Council stated she agrees with Commissioner Adams and would also recommend those changes.

Commissioner Adams stated Section 614 of the ordinance which is the Wellness Clinic Leave section that allows leave for employees to use the Employee Wellness Clinic should have further provisions so employees are not taking advantage of using the clinic. Ms. Cannon stated there is a process for employees to use the clinic and the supervisor has to sign off on any visits to the clinic. Ms. Cannon stated she believes the policy includes detailed provisions on employee visits to the clinic and she will make sure those provisions are detailed in the policy.

Commissioner Edge asked if changes are made in the future to the personnel ordinance or any long document it would be helpful for any changes to be made in red font so the changes are clear to anyone reading the document. Mr. Moorefield responded that was also his preference but the new ordinance had been completely reorganized with portions of old sections being combined in new sections to the extent that this document did not lend itself to tracking the changes. Mr. Moorefield stated that was why the existing section numbers were referenced in the section headings in this draft.

Commissioner Council asked how county employees would be notified of the changes to the ordinance. Ms. Cannon stated the next step is to get the policy document completed and reviewed by the Board of Commissioners and then the Human Resources Department would have specific training sessions for department heads and employees to be trained once the policies have been approved. Ms. Cannon further stated after the training sessions the document would be uploaded on the intranet for employees.

Ms. Cannon thanked the legal staff for the time invested in making the proposed changes to the personnel ordinance available in time for the committee meeting.

Consensus of the Policy Committee was to follow Commissioner Adams' recommended changes indicated below:

Sec. 10-403. Veteran's preference. (New)

Preference in employment for positions within the county subject to this ordinance shall be given to those who served in the Armed Forces of the United States on active duty (for reasons other than training) during periods of war or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

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The preference to be accorded shall apply in initial employment, ~~subsequent employment, promotions, reassignments, horizontal transfers and reductions in force situations.~~

The county manager shall develop and implement policies that administer the preference granted herein.

Sec. 10-614. Wellness clinic leave. (New)

Employees shall be granted leave for visits from the employee's worksite to the county employees' wellness care clinic under such terms as may be established by the county manager.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the proposed ordinance with the recommended changes.

SECOND: Commissioner Council

VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF APPROVAL OF REVISION TO RULE 24 OF THE "WRECKER AND TOW SERVICE RULES AND REGULATIONS"

BACKGROUND:

County Ordinance 9-64 states "The Board of Commissioners from time to time, may adopt such regulations and rules as deemed advisable for the administration of this article, whether on recommendation of the Wrecker Review Board or on the initiative of the Board of Commissioners." The Wrecker Review Board recommends that Rule 24 be revised as follows to make it uniform with the Rules and Regulations with the City of Fayetteville Wrecker Review Board and to assist in securing payment for towing services.

Current Rule 24: Upon request or demand, the rotation wrecker companies will return personal property stored in or with the vehicle, whether or not the towing, repair or storage fee on the vehicle has been or will be paid. Personal property for the purposes of this provision includes any goods, wares, freight or any other property not requiring tools to remove from the vehicle.

Proposed Rule 24: Upon request or demand, and proof of ownership or right of possession, an operator shall return personal property stored in a vehicle, provided that all authorized charges for towing of the vehicle have been paid. An operator may not require payment of any storage fees as a prerequisite to release personal property. Any items attached to the vehicle such that a tool of any type is required for removal is not considered personal property under this provision.

The Wrecker Review Board previously came before the Policy Committee on September 4, 2014, with proposed revised language for Rule 24. The consensus of the Policy Committee at that time was for the Wrecker Review Board to return with a different proposal at a later date. The new proposal presented at this time mirrors the rule for the City of Fayetteville's Wrecker Review Board.

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RECOMMENDATION/PROPOSED ACTION:

The Wrecker Review Board recommends that Rule 24 be revised as set forth above.

Rob Hasty, Assistant County Attorney, reviewed the background information and recommendation as recorded above.

MOTION: Commissioner Adams moved to recommend to the full board approval of the Wrecker Review Board's recommendation of the proposed revised Rule 24 as listed above.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (3-0)

5. CONSIDERATION OF APPROVAL OF REVISIONS TO SECTION 3-75 OF THE ANIMAL CONTROL ORDINANCE REGARDING HORSES AND ROOSTERS AT THE REQUEST OF THE CITY OF FAYETTEVILLE

BACKGROUND:

The County Animal Control Ordinance has been adopted by the municipalities in Cumberland County and Animal Control enforces the ordinance throughout the entire County by interlocal agreement with municipalities. Recently, staff from the City of Fayetteville reached out to staff from Cumberland County regarding changes desired in the Animal Control Ordinance. City Council members have received complaints that Fayetteville residents have horses in their back yards as well as roosters crowing in neighborhoods, neither of which is specifically prohibited by the relevant provisions of the animal control ordinance (Section 3-75. "Provisions only applicable within the corporate limits of any municipality"). Tracy Jackson, John Lauby, Rob Hasty and Lisa Childers met with City staff members Lisa Harper (Assistant City Attorney) and Scott Shuford (Code Enforcement) to learn about the City's concerns and to discuss possible solutions.

The following revisions to Section 3-75 (b) and (c) have been prepared by staff to resolve the City's concerns.

(b) No horse, mule, pony, cow or goat shall be stabled or housed within 100 feet of any dwelling, house, school, church or eating establishment of on a lot less than one-half acre within the corporate limits of any municipality in which this chapter is applied.

(c) No more than ten ~~chickens~~ hens or rabbits shall be kept, housed or penned at a dwelling or on the lot on which such dwelling is located within the corporate limits of any municipality in which this chapter is applied.

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The City requests that Dr. Lauby appear at the City Council work session on June 6, 2016 and present the proposed changes to the ordinance for discussion. Ultimately, the City Council of Fayetteville will likely recommend that the Board of Commissioners revise the ordinance as above or otherwise.

This ordinance provision applies to all municipalities in the County, so the language will need to be provided to them for comment.

RECOMMENDATION/PROPOSED ACTION:

No action is requested at this time. This is presented for information purposes only.

Dr. Lauby, Animal Control Director, reviewed the background information and recommendation as recorded above. Dr. Lauby stated for fiscal years 2013-2015 the Animal Control Department received approximately 123,000 calls and almost 61,000 of those calls were in the City of Fayetteville. Dr. Lauby stated last year the Animal Control Department received 18,900 calls in the City of Fayetteville which consisted of 6 crowing complaints.

Commissioner Keefe stated he recommends Dr. Lauby take this forward to the other municipalities first and bring this item back to the Policy Committee.

MOTION: Commissioner Lancaster moved to have the Animal Control Director and staff consult with the other municipalities and bring this item back to the August 2016 Policy Committee meeting.

SECOND: Commissioner Council

VOTE: UNANIMOUS (3-0)

6. OTHER ITEMS OF BUSINESS

No other items of business.

MEETING ADJOURNED AT 11:39 AM

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
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NORTH CAROLINA

Planning & Inspections Department

ITEM NO. 2.
Thomas A. Lloyd
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

MEMORANDUM FOR THE POLICY COMMITTEE AGENDA OF AUGUST 4, 2016

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JOEL STRICKLAND, FAMPO EXECUTIVE DIRECTOR TAG

DATE: JULY 21, 2016

**SUBJECT: APPROVAL OF THE STEERING COMMITTEE
RECOMMENDATIONS FOR THE COMMUNITY
TRANSPORTATION SERVICE PLAN (CTSP)**

BACKGROUND

This scope of work is developed around the central theme of making a strategically planned response to the projected mobility needs of the general public and targeted populations in Cumberland County, and continuously improving service delivery and management within the region. The CTSP will be developed through a public education and involvement process that includes the general public, private and non-profit transportation providers, human service providers and targeted populations that include individuals with disabilities, low incomes and limited English proficiency.

A Consultant Team will present and discuss the Community Transportation Service Plan and engage steering committee members to provide comments and input. The Steering Committee will have the opportunity to share their knowledge or perception of unmet needs and the problems and/or concerns associated with the operation and/or management of the existing transportation system.

Six (6) individuals from among the target service providers here in Cumberland County have been identified and have agreed to serve on the steering committee which is to consist of 10 to 15 individuals. (1). Mr. Sam Hutchison (Cape Fear Valley Senior Health), (2). Ms. Kasey E. Ivey (Sunshine Senior Center), (3). Ms. Meagan Honaker (St. Joseph of the Pines), (4) Ebou Sankareh (Famiks Transport, Inc.), (5). Barbara Canady (B & W Transporting, Inc.), and (6). Ms. Rosalind Woods (RDL Therapeutic Solutions & Action Pathways, Inc.). County Commissioners have expressed their desire to make further recommendations and final approvals for the steering committee members.

RECOMMENDATION/PROPOSED ACTION

Consider the six (6) individuals as recommended and approve 10 to 15 individuals to serve on steering committee to provide input for the Community Transportation Service Plan.

/if

Patricia Hall,
Chair
Town of Hope Mills

Charles Morris,
Vice-Chair
Town of Linden

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
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NORTH CAROLINA

Planning & Inspections Department

ITEM NO. 3
Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM FOR THE POLICY COMMITTEE AGENDA AUGUST 4, 2016

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JOEL STRICKLAND, FAMPO EXECUTIVE DIRECTOR *TJS*

THRU: THOMAS J. LLOYD, DIRECTOR

DATE: JULY 21, 2016

**SUBJECT: APPROVAL OF THE COMMUNITY TRANSPORTATION
TITLE VI PLAN**

BACKGROUND

In previous years the Community Transportation Program was allowed to submit grant applications for the Section 5311 Administration Grants with the understanding that while using the FAMPO Title VI Plan that the Community Transportation Program was working on adopting its own Title VI Plan. This year along with other changes NCDOT has made the requirement that Community Transportation Program must have its Title VI Plan in place.

It is the policy of the Cumberland County Community Transportation Program (CTP) to ensure that no person shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

This plan was developed to guide CTP in its administration and management of Title VI-related activities conducted by both the Cumberland County CTP and its contractors.

RECOMMENDATION/PROPOSED ACTION

Approve the Community Transportation Program Title VI Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.

/if

Cumberland County Community Transportation Program

Title VI - Limited English Proficiency Policies and Plans



April 19th, 2016

CUMBERLAND COUNTY
TRANSPORTATION ADVISORY BOARD

ALFRED FOOTE
CHAIR

THOMAS LLOYD
VICE-CHAIR

Title VI Policy Statement

It is the policy of the Cumberland County Community Transportation Program (CTP) to ensure that no person shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

Alfred Foote, Chair
Transportation Advisory Board

Ifetayo Farrakhan, Title VI
Coordinator
Community Transportation
Program

Date

For more information contact:
Ifetayo Farrakhan, Title VI Coordinator
Cumberland County Community Transportation Program
130 Gillespie Street
Fayetteville, NC 28301
910-678-7624
ifarrakhan@co.cumberland.nc.us

NARRATIVE TO BE DISPLAYED ON CTP'S WEB SITE AND BULLETIN BOARD

CTP'S TITLE VI NOTICE TO PUBLIC

U.S. Department of Justice regulations, 28 Code of Federal Regulations, Section 42.405, Public Dissemination of Title VI Information, require recipients of Federal financial assistance to publish or broadcast program information in the news media. Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by transportation projects.

The Cumberland County Community Transportation Program (CTP) hereby gives public notice that it's the policy of the program to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, Executive Order 13166 *Improving Access to Services for Persons with Limited English Proficiency*, and related nondiscrimination statutes and regulations in all programs and services. It is the program's policy that no person in the United States shall, on the grounds of race, color, sex, age, income status, national origin, or disabilities be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, activities, or services for which CTP receives Federal financial assistance.

Any person who believes they have been mistreated by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the MPO. Any such complaint must be in writing or in person with the **Public Transportation Program, Title VI Coordinator, 130 Gillespie Street, Fayetteville NC 28301**, within one hundred eighty (180) days following the date of the alleged discrimination occurrence. Title VI Discrimination Complaint forms may be obtained from the Office of the CTP at no cost by calling **910-678-7624**, or via email by contacting CTP's Title VI Coordinator at ifarrakhan@co.cumberland.nc.us

CTP'S TÍTULO VI COMUNICACIÓN PÚBLICA

El Departamento de Justicia de regulaciones de EU, Código 28 de Regulaciones Federales, Sección 42.405, Difusión Pública del Título VI de la información, exigen que el beneficiario de la ayuda financiera del gobierno federal publique o difunda la información del programa a los medios de comunicación. Los anuncios deben indicar que el programa es un programa de igualdad de oportunidades y / o indicar que la ley federal prohíbe la discriminación. Además, deben tomarse pasos razonables para publicar la información en los idiomas de la población a la cual servirán, o que puedan ser directamente afectadas por los proyectos de transporte.

Programa de Transporte de la Comunidad del Condado de Cumberland (CTP) notifica públicamente que es Programa de Transporte de la Comunidad asegurar el pleno cumplimiento del Título VI del Acta de Derechos Civiles de 1964, la Ley de Restauración de Derechos Civiles de 1987, la Orden Ejecutiva 12898 Dirección Federal de Acciones para la Justicia Ambiental en Poblaciones minoritarias y poblaciones de bajos ingresos, la Orden Ejecutiva 13166 Mejorar el acceso a los Servicios para Personas con Inglés Limitado, y de los estatutos y reglamentos relacionados con la no discriminación en todos los programas y servicios. La Organización está comprometido a ofrecer oportunidades de participación significativa en sus programas, servicios y actividades a las minorías, poblaciones de bajos recursos y personas que no dominan bien el idioma Inglés. Además, reconocemos la necesidad de evaluar el potencial de impactos a estos grupos a través del proceso de toma de decisiones, así como la obligación de evitar, minimizar y mitigar impactos adversos en los que son desproporcionadamente altos. Es Programa de Transporte de la Comunidad que ninguna persona en los Estados Unidos, por motivos de raza, color, sexo, edad, nivel de ingresos, origen nacional o discapacidad sea excluido de la participación en, sea negado los beneficios de, o sea de otra manera sujeto a discriminación bajo cualquier programa, actividades o servicios para los que CTP recibe asistencia financiera federal.

Cualquier persona que crea haber sido maltratada por una práctica discriminatoria ilegal en virtud del Título VI tiene derecho a presentar una queja formal con NCDOT. Cualquier queja debe ser por escrito o en persona con **Programa de Transporte de la Comunidad, Title VI Coordinator, 130 Gillespie Street, Fayetteville NC 28301**, dentro de los ciento ochenta (180) días siguientes a la fecha en que ocurrió la supuesta discriminación. Los formatos de quejas por discriminación del Título VI pueden obtenerse en la Oficina de CTP sin costo alguno o llamando al **910-678-7624**, o por correo electrónico, póngase en contacto con ifarrakhan@co.cumberland.nc.us.

Title VI Plan

Agency Name:

Community Transportation Program

Title VI Coordinator:

Ifetayo Farrakhan

Date Adopted:

April 19, 2016

I. Plan Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (42 U.S.C. Section 2000d).

The Cumberland County Community Transportation Program (CTP) 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, or national origin, as protected by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, Executive Order 13166 *Improving Access to Services for Persons with Limited English Proficiency*, and related nondiscrimination statutes and regulations in all programs and services.

This plan was developed to guide CTP in its administration and management of Title VI-related activities conducted by both the Cumberland County CTP and its contractors.

Title VI Coordinator Contact Information

Community Transportation Program
Ifetayo Farrakhan, Title VI Coordinator
130 Gillespie Street
Fayetteville, NC 28301
Phone: 910-678-7624
Email: ifarrakhan@co.cumberland.nc.us.

II. Title VI Information Dissemination

The Title VI Policy Statement shall be prominently and publicly displayed on the CTP website and on the CTP office bulletin board. The name of the Title VI Coordinator is available on the CTP Web site, at <http://www.co.cumberland.nc.us/planning/ctp.aspx>

Title VI information shall be disseminated to CTP employees by the Title VI Coordinator outlining their responsibilities in their daily work. During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and CTP’s expectations to perform their duties accordingly.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Attachment A).

III. Subcontracts and Vendors

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

IV. Record Keeping:

The Title VI Coordinator will maintain permanent records, which include but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of the CTP's Title VI Plan(employee file); copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants and Title VI investigations.

V. Title VI Complaint Procedures

How to file a Title VI Complaint

1. **Applicability** – The complaint procedures apply to the beneficiaries of CTP's programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint with CTP's Title VI Coordinator. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Title VI complaints may be submitted to the following entities:

- **Cumberland County Community Transportation Program**, Title VI Coordinator, 130 Gillespie Street, Fayetteville, NC 28301; (910) 678-7624 or <http://www.co.cumberland.nc.us/planning/ctp.aspx>
- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
- **Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752

Federal Highway Administration, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010

Federal Transit Administration, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590

- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed, however, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination. Complaints will be accepted in other languages.
5. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term "basis" refers to the complainant's membership in a protected group category.

Protected Categories	Definition	Examples
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White
Color	Color of skin, including shade of skin within a racial group	Black, White, light brown, dark brown, etc.
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese
Sex	Gender	Women and Men
Age	Persons of any age	21 year old person
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic

COMPLAINT PROCESS

1. **Initial Contact** – The Title VI Coordinator will provide complainants with an explanation of the filing options, information concerning the discrimination complaint process and a Title VI Discrimination Complaint Form. (see Attachment C)
2. **The Complaint Review Process**
 - a. The Title VI Coordinator will review complaints upon receipt to ensure that relevant information is provided, the complaint is timely, and satisfies jurisdictional requirements.
 - b. All complaints shall be investigated unless:
 - The complaint is withdrawn;
 - The complainant fails to provide required information in a timely manner;
 - The complaint is not filed timely; and
 - Any issues that do not involve discrimination, or are not based on a protected basis will be directed to the appropriate entity. Under no circumstances will complainants be discouraged from filing a complaint.
 - c. The Title VI Coordinator will investigate all complaints filed against CTP's contractors, subcontractors, consultants, and other sub-recipients.
 - d. Complaints filed against CTP will be forwarded to the North Carolina Department of Transportation for processing and investigation.
 - e. Upon determination that the complaint warrants an investigation, the complainant is sent a letter acknowledging receipt of the complaint within 7 days of receipt of the complaint. (see Attachment D)
 - f. The respondent is notified by mail that he/she has been named in a complaint and is provided with his/her rights under Title VI and related statutes.

Note: CTP encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily.

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

How will the complainant be notified of the outcome of the complaint?

CTP will send a final written response letter (see Attachment E or F) to the complainant. In the letter notifying the complainant that the complaint is not substantiated (Attachments F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from CTP, and/or 2) file a complaint externally with any applicable State and/or Federal offices listed above. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

VI. Limited English Proficiency (LEP) Plan

CTP provides a training program for new hires and an annual refresher for existing employees. This program makes employees aware that our organization's practices and procedures cannot have the effect of restricting meaningful participation in our program by an LEP person.

In addition CTP has an LEP Policy and a separate LEP Plan that includes a four factor analysis based on Department of Justice guidance on how to address the requirements of Executive Order 13166.

VII. Community Outreach

As an agency receiving federal financial assistance, CTP has made the following community outreach efforts:

Along with other programs, The CTP provides community outreach with regular meetings publicized under the guidance of NCGS §143-318.12. Public notice of official meetings, including posting of meetings and notice, can be found on the CTP's website <http://www.co.cumberland.nc.us/planning/ctp.aspx>.

Attachment A Standard USDOT Title VI Assurances

The Cumberland County Community Transportation Program (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the NC Department of Transportation or the US Department of Transportation it will comply with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation. Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, national origin or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23 (b) and 21.23 (e) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal-Aid Highway Program and, in adapted form in all proposals for negotiated agreements:

The Cumberland County Community Transportation Program, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all prospective respondents that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full 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. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
5. 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.

6. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
7. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Community Transportation Program under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Ifetayo Farrakhan, Title VI Coordinator
Cumberland County Community Transportation Program

Date

APPENDIX A

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 shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Cumberland County Community Transportation Program (hereinafter, "CTP") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, age, sex, color, disability, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on grounds of race, color, or national origin.

(4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by CTP or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the CTP, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, CTP shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

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

(6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as CTP or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request CTP to enter into such litigation to protect the interests of CTP, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Attachment B Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of CTP's Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits of services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, Executive Order 13166 *Improving Access to Services for Persons with Limited English Proficiency*, and related nondiscrimination statutes and regulations in all programs and services.

Employee Signature

Employee's Printed name

Date

Attachment C TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” If you feel you have been discriminated against, please follow the instructions below:

- If the complaint involves CTP the form shall be filed in writing with one of the following offices:

North Carolina Department of Transportation, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453

US Department of Transportation, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070

Federal Highway Administration, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752

Federal Highway Administration, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010

Federal Transit Administration, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590

US Department of Justice, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

- If the complaint involves CTP’s contractors/subcontractors then, the form shall be filed in writing at the following address:

Community Transportation Program
Ifetayo Farrakhan, Title VI Coordinator
130 Gillespie Street
Fayetteville, NC 28301
Email: ifarrakhan@co.cumberland.nc.us.

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____(home) _____(cell) _____(message)

Person discriminated against: _____

Address of person discriminated against: _____

City, State, Zip Code: _____

Please indicate why you believe the discrimination occurred:

_____ Race or color
_____ National origin
_____ Income
_____ Other

What was the date of the alleged discrimination?

Where did the alleged discrimination take place?

Please describe the circumstances as you saw it: _____

Please list any and all witnesses' names and phone numbers:

What type of corrective action would you like to see taken?

Please attach any documents you have which support the allegation. Then date and sign this form and send to the appropriate office.

Your signature

Your printed name

Date

ATTACHMENT D LETTER ACKNOWLEDGING RECEIPT OF COMPLAINT

Today's Date

Ms. Jo Doe
1234 Main St.
Clarksville TN 37040

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against CTP's contractors/subcontractors alleging _____.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 910-678-7628 or write to me at the address below.

Community Transportation Program
Title VI Coordinator
130 Gillespie Street
Fayetteville, NC 28301

Sincerely,

Ifetayo Farrakhan
Title VI Coordinator
Community Transportation Program

**ATTACHMENT E LETTER NOTIFYING COMPLAINANT THAT THE COMPLAINT IS
"SUBSTANTIATED"**

Today's Date

Ms. Jo Doe
1234 Main St.
Clarksville TN 37040

Dear Ms. Doe:

The matter referenced in your letter of _____(date) against CTP's contractor/subcontractor alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. ***(If a hearing is requested, the following sentence may be appropriate.)*** You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Ifetayo Farrakhan
Title VI Coordinator
Community Transportation Program

ATTACHMENT F LETTER NOTIFYING COMPLAINANT THAT THE COMPLAINT IS "NOT SUBSTANTIATED"

Today's Date

Ms. Jo Doe
1234 Main St.
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against CTP's contractor/subcontractor alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from CTP, and/or 2) file a complaint externally with one of the following offices:

North Carolina Department of Transportation, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453

US Department of Transportation, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070

Federal Highway Administration, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752

Federal Highway Administration, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010

Federal Transit Administration, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590

US Department of Justice, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Ifetayo Farrakhan
Title VI Coordinator
Community Transportation Program

Attachment G – English

TITLE VI VOLUNTARY PUBLIC INVOLVEMENT FORM

Completing this form is **completely** voluntary. You are not required to provide the information requested in order to participate in this meeting.

Meeting Type: Location:	Date:
TIP No.: Project Description:	

In accordance with Title VI of the Civil Rights Act of 1964 and related authorities, the Cumberland County Community Transportation Planning (CTP) assures that no person(s) shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any of the CTP's programs, policies, or activities, based on their race, color, national origin, disability, age, income, or gender.

Completing this form helps meet our data collection and public involvement obligations under Title VI and NEPA, and will improve how we serve the public. Please place the completed form in the designated box on the sign-in table, hand it to a CTP official or mail it to the CTP Title VI Coordinator at 130 Gillespie Street, Fayetteville NC 28301.

All forms will remain on file at the CTP as part of the public record.

Zip Code: _____	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Street Name: (i.e. Main Street) _____	Age: <input type="checkbox"/> Less than 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 and older <input type="checkbox"/> 30-44
Total Household Income: <input type="checkbox"/> Less than \$12,000 <input type="checkbox"/> \$47,000 – \$69,999 <input type="checkbox"/> \$12,000 – \$19,999 <input type="checkbox"/> \$70,000 – \$93,999 <input type="checkbox"/> \$20,000 – \$30,999 <input type="checkbox"/> \$94,000 – \$117,999 <input type="checkbox"/> \$31,000 – \$46,999 <input type="checkbox"/> \$118,000 or greater	Disabled: <input type="checkbox"/> Yes <input type="checkbox"/> No
Race/Ethnicity: <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Other (please specify): _____	National Origin: (if born outside the U.S.) <input type="checkbox"/> Mexican <input type="checkbox"/> Central American: _____ <input type="checkbox"/> South American: _____ <input type="checkbox"/> Puerto Rican <input type="checkbox"/> Chinese <input type="checkbox"/> Vietnamese <input type="checkbox"/> Korean <input type="checkbox"/> Other (please specify): _____

For more information regarding Title VI or this request, please contact the CTP Title VI Coordinator at (910) 678-7628, or by email at ifarrakhan@co.cumberland.nc.us.

Thank you for your participation!

Attachment G – Español

TÍTULO VI ENCUESTA DE PARTICIPACIÓN PÚBLICA

El llenado de este formato es completamente voluntario. Usted no está obligado a proporcionar la información solicitada con el fin de participar en esta reunión.

Tipo de Reunión:	Fecha:
Lugar de la Reunión:	
TIP No.:	
Descripción del Proyecto:	

De conformidad con el Título VI del Acta de Derechos Civiles de 1964 y otras disposiciones de derechos civiles de la ley Federal estatutaria, la Programa de Transporte de la Comunidad del Condado de Cumberland (CTP por sus siglas en inglés) asegura que ninguna persona(s) afectada por sus programas, políticas o actividades, quedarán excluidos de su participación en, negada de los beneficios de, o sometidos a la discriminación por motivos de raza, color, origen nacional, discapacidad, edad, ingresos o género.

Este formato ayuda a que , la Programa de Transporte de la Comunidad del Condado de Cumberland cumpla con sus obligaciones legales para la recopilación de datos y la participación del público en virtud del Título VI y NEPA. Por favor deposite el formato llenado en la casilla designada en la mesa de registro o envíe por correo a CTP Title VI Coordinator, 130 Gillespie Street, Fayetteville NC 28301.

Los formatos completados serán guardados en los archivos de CTP como parte del registro público.

Código Postal: _____	Sexo: <input type="checkbox"/> Masculino <input type="checkbox"/> Femenino
Nombre de la Calle: (ej. Main Street) _____	Edad: <input type="checkbox"/> Menor de 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 o Mayor <input type="checkbox"/> 30-44
Ingreso Total del Hogar: <input type="checkbox"/> Menos de \$12,000 <input type="checkbox"/> \$47,000 – \$69,999 <input type="checkbox"/> \$12,000 – \$19,999 <input type="checkbox"/> \$70,000 – \$93,999 <input type="checkbox"/> \$20,000 – \$30,999 <input type="checkbox"/> \$94,000 – \$117,999 <input type="checkbox"/> \$31,000 – \$46,999 <input type="checkbox"/> \$118,000 o Mayor	Discapacidad: <input type="checkbox"/> Si <input type="checkbox"/> No
Raza/Etnicidad: <input type="checkbox"/> Blanco <input type="checkbox"/> Afro Americano <input type="checkbox"/> Asiático <input type="checkbox"/> Indio Americano/Nativo de Alaska <input type="checkbox"/> Nativo de Hawaii/Islands del Pacífico <input type="checkbox"/> Hispano/Latino <input type="checkbox"/> Otra (por favor especifique): _____	Nacionalidad de Origen: (Si nació fuera de los EU) <input type="checkbox"/> Mexicano <input type="checkbox"/> Centro Americano: _____ <input type="checkbox"/> Sudamericano: _____ <input type="checkbox"/> Puertorriqueño <input type="checkbox"/> Chino <input type="checkbox"/> Vietnamita <input type="checkbox"/> Coreano <input type="checkbox"/> Otro (por favor especifique): _____

Para más información relacionada con el Título VI o este proceso, por favor contacte CTP Title VI Coordinator al teléfono (910) 678-7628, o por correo electrónico ifarrakhan@co.cumberland.nc.us.

¡Gracias por su cooperación!

Limited English Proficiency (LEP) Policy

Executive Order (E.O.)13166 and Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are Limited English Proficient (LEP).

All recipients and sub-recipients of federal funding are required to take reasonable steps to provide meaningful access to LEP individuals. The Cumberland County Community Transportation Program is a recipient of federal funds and executes its Title VI and LEP plans and policies.

It is important to ensure that written materials routinely provided by CTP in English also are provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law. Vital documents include, for example: applications, consent and complaint forms, notices of rights and disciplinary action, notices advising LEP persons of the availability of free language assistance, and letters or notices that require a response from the beneficiary or client.

Vital documents must be translated when 1000 people or 5% (whichever is less) of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. It is impossible from a practical and cost effective perspective to translate every piece of outreach material into every language, and Title VI and EO 13166 do not require this of their recipients. However, in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access. It is important for recipients, sub-recipients and contractors to continually survey/assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

The obligation to provide meaningful opportunity to individuals who are LEP is not limited to written translations. Oral communications between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provisions of written materials may not be allowing LEP persons "effectively to be informed of or to participate in the program."

There are several steps which can assist recipients in providing such oral assistance. They range from hiring bilingual staff or staff interpreters competent in the skill of interpreting, to contracting qualified outside in-person or telephonic interpreter services, to arranging formally for the services of qualified voluntary community interpreters who are bound by confidentiality agreements. Generally, it is not acceptable for agencies or recipients to rely upon an LEP individual's family members or friends to provide the interpreter services. The agency or recipient should meet its obligations under EO 13166 and Title VI by supplying competent language service free of cost.

CTP will comply with this federal requirement by assigning responsibility for LEP assistance as follows:

- **Requests for Translation of Vital Documents** -- LEP services will be provided by CTP in accordance with that CTP's LEP policy and plan.
- **Requests for Oral Interpretation Assistance at Public Meetings and Workshops** -- All ads for a public meeting sponsored by the CTP will contain the following language: "Persons who require special accommodations under the Americans with Disabilities Act or persons who require interpretation services (free of charge) should contact (*name of CTP contact*) at (*telephone number of contact*) at least 10 working days in advance of the Public Meeting."

As covered under Title VI requirements for nondiscrimination, at each meeting CTP will provide the Title VI material and will include this material in an alternate language when applicable.

- **Maintaining Files** -- CTP's will maintain LEP status for its communities in files to assure consistent communication in the appropriate language. The CTP will maintain a follow-up report as to how individual LEP requests, complaints or issues were resolved and/or what assistance was provided.
- **Review Process** -- CTP will review its delivery process to determine whether any program process denies or limits participation by LEP persons within CTP's community.
- **Discrimination-Complaint Procedures** -- LEP persons should be provided notice of their opportunity to file a discrimination complaint in accordance with Title VI. LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations using an interpreter. LEP persons should be made aware of the free, oral interpretation/translation of vital information that CTP will provide upon request.
- **LEP Update** -- Assessment of language needs will be conducted by CTP when this policy is updated by review of census and/or other demographic data, or at a minimum upon update of CTP's Public Involvement Plan.

Limited English Proficiency (LEP) Plan

Introduction

The purpose of this Limited English Proficiency (LEP) plan is to clarify CTP's (as recipient of federal financial assistance from the U.S. Department of Transportation) responsibilities and duties to its customers, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**; and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write or understand English may be a type of national origin discrimination.

E.O. 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments, private and non-profit entities and sub-recipients.

Definitions

Limited English Proficiency - The LEP program provides assistance for people whom English is not their primary language and who have a limited ability to read, speak, write or understand English.

Vital Document – Forms that include (but are not limited to) applications, consent forms, all compliance plans, public participation plans, letters containing important information regarding participation in a program, appeal forms, other outreach materials.

Substantial Number of LEP – 1000 people or 5% (whichever is less) of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.

Title VI Officer – The person or persons responsible for compliance of Title VI LEP policies, in the case of the CTP, the Title VI Coordinator.

Plan Summary

This document will describe CTP's responsibilities to offer language assistance and to support the LEP activities of the local programs.

All documents that are vital are included under the LEP provision. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law.

Identification of LEP Population

An LEP Person does not speak English as a primary language AND has limited ability to read, speak, write or understand English. The threshold for translation services is 1,000 persons or 5% of the population (whichever is less) eligible to be served based on CTP's LEP Policy. The US Census Bureau's American Community Survey 5-year estimates are the basis for determination.

- Hearing or visual impairments - sign language interpretation and Braille texts are accommodations of disabilities provided under the Americans with Disabilities Act and/or Section 504 of the Rehabilitative Acts of 1973.
- Illiteracy - LEP individuals protected by the Executive Order and Title VI are those who not only cannot speak, read, or write English, but primarily speak, read or write in a language other than English

CTP will use the following to gauge LEP population participation in its activities:

- Examine records requests for language assistance from past events
- Have the U.S. Department of Justice's "I Speak" cards" at each CTP's reception area or area at which CTP employees greet the general public.
- LEP requests for translation/oral interpretation services

When CTP sponsors events, workshops or conferences where it is anticipated that LEP people will attend and may need assistance, staff will:

- Set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee in order to informally gauge the attendee's ability to speak and understand English. (see Attachment H)
- Have the Census Bureau's "I Speak" cards at the event. While staff may not be able to provide translation assistance at that particular day's meeting, the cards are an excellent tool to identify language needs for future meetings. (see Attachment H)

Vital Documents or Materials included for Translation

Vital documents must be translated when the LEP population meets the threshold described above. For the purposes of CTP, the following documents will be translated:

- an Executive Summary of the Public Involvement Plan,
- the Title VI Plan,
- this LEP Plan,
- meeting schedules for all committees and subcommittees of CTP,
- CTP's informational brochure, and
- an informational pamphlet about translation services.

Public Meetings / Workshops / MPO Website and Social Media

All ads for a public meeting will contain the following language: "Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact CTP at 910.678.7624 at least 10 working days in advance of the Public Meeting".

All ads for public meetings will also be published in the language of the qualifying LEP population.

Monitoring and Updating the LEP Plan

This plan is designed to be flexible and easily updated. CTP will review and update LEP policies and procedures every third year beginning in January, 2015, and will review and update LEP Plan on an as needed basis.

CTP Staff Training

All CTP staff will be provided with the LEP Policy and Plan during regularly scheduled staff meetings. Handouts containing access information of LEP individuals and providers will be distributed to all staff and updated as necessary. CTP will also canvass and maintain a list of employees with translation/interpreter capabilities, to be called upon whenever their specific services are needed.

Dissemination of the CTP Limited English Proficiency Plan

Copies of the LEP Policy and Plan will be provided on request to any one requesting the document via phone, in person, by mail, or by e-mail, and by website, <http://www.co.cumberland.nc.us/planning/ctp.aspx>. CTP will also post the offer for translation services for LEP individuals. CTP will also create and maintain its Spanish language resources at <http://www.co.cumberland.nc.us/planning/ctp.aspx>.

Any person or agency, including social service, non-profit and law enforcement agencies and other community partners with internet access will be able to access the plan. Copies of the CTP's LEP Plan will also be made available to the North Carolina Department of Transportation, Federal Highway Administration, the Federal Transit Administration, and to any person or agency requesting a copy.

Any questions or comments regarding this plan should be directed to:

Ifetayo Farrakhan
CTP Title VI Coordinator
130 Gillespie Street,
Fayetteville, NC 28301
Phone: (910) 678-7624
E-mail: ifarrakhan@co.cumberland.nc.us.

Four-Factor Analysis

The U.S. Department of Justice LEP Guidance advises each federal agency to “take reasonable steps to ensure meaningful access to the information and services they provide.” The DOJ guidance document instructs agencies to consider four factors in developing LEP guidance and plans:

1. the number of LEP persons in the eligible service population or likely to be encountered in recipient activities and programs;
2. the frequency with which LEP individuals come into contact with the program;
3. the importance of the service or information provided by the program; and
4. the resources available to the recipient of the federal funds.

Analysis of Factors for the CTP area

- Factor 1: Number or Proportion of LEP Individuals in the Eligible Population

CTP examined the 2008-2012 American Community Survey Estimates and was able to determine that one significant language usage population exists which speaks a language other than English and that population is Spanish. Of the people who indicated they spoke Spanish, approximately 8,775 indicated they spoke English "not well" or "not at all", meaning that those 8,775 likely qualify as LEP people. CTP evaluated non-English speakers in the counties that make up the Metropolitan Area (Cumberland, portions of Harnett and Hoke) and generated a table of LEP persons by language, number and percentage of the population (see Attachment I) and a map (Attachment J).

- Factor 2: Frequency of Contact with the Program

All contacts with CTP are made through its office in Fayetteville or at public outreach meetings that support a specific project. These contacts are potentially made through telephone calls, mail, Internet web site, e-mail, and in person. The CTP estimates that fewer than five persons

with limited English proficiency have contacted the agency in the past five years.

- Factor 3: Nature and Importance of the Program

According to the United States Census bureau, 2008 – 2012 American Community Survey, CTP has no large geographic concentration of any one type of LEP individuals in its service area. The overwhelming majority of the population speaks only English. The Spanish speaking population is predominantly bi-lingual, however, 8,775 Spanish speaking people indicated they speak English "not well", or "not at all." The "safe harbor" provisions stated in Federal LEP guidelines require that service providers translate vital documents into languages which are spoken by populations of LEP persons greater than 5% of the total population, or populations greater than 1,000 people.

- Factor 4: Resources Available

In public meetings where there is need to handle languages other than English, the CTP staff is assisted by a staff member from the Cumberland County Joint Planning Board who is fluent in Spanish. We are able to assist callers who are better served by speaking with staff in a language (Spanish) other than English. This staff member fluent in the language (Spanish) of callers or correspondents is asked to deal directly with LEP persons in responding to inquiries. Technical staff is called upon as necessary in order to assist in providing requested information. Thus, the CTP's current policy of using multi-lingual staff members is an efficient and effective use of resources.

Attachment G – Español

TÍTULO VI ENCUESTA DE PARTICIPACIÓN PÚBLICA

El llenado de este formato es completamente voluntario. Usted no está obligado a proporcionar la información solicitada con el fin de participar en esta reunión.

Tipo de Reunión:	Fecha:
Lugar de la Reunión:	
TIP No.:	
Descripción del Proyecto:	

De conformidad con el Título VI del Acta de Derechos Civiles de 1964 y otras disposiciones de derechos civiles de la ley Federal estatutaria, la Programa de Transporte de la Comunidad del Condado de Cumberland (CTP por sus siglas en inglés) asegura que ninguna persona(s) afectada por sus programas, políticas o actividades, quedarán excluidos de su participación en, negada de los beneficios de, o sometidos a la discriminación por motivos de raza, color, origen nacional, discapacidad, edad, ingresos o género.

Este formato ayuda a que , la Programa de Transporte de la Comunidad del Condado de Cumberland cumpla con sus obligaciones legales para la recopilación de datos y la participación del público en virtud del Título VI y NEPA. Por favor deposite el formato llenado en la casilla designada en la mesa de registro o envíe por correo a CTP Title VI Coordinator, 130 Gillespie Street, Fayetteville NC 28301.

Los formatos completados serán guardados en los archivos de CTP como parte del registro público.

Código Postal: _____	Sexo: <input type="checkbox"/> Masculino <input type="checkbox"/> Femenino
Nombre de la Calle: (ej. Main Street) _____	Edad: <input type="checkbox"/> Menor de 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 o Mayor <input type="checkbox"/> 30-44
Ingreso Total del Hogar: <input type="checkbox"/> Menos de \$12,000 <input type="checkbox"/> \$47,000 – \$69,999 <input type="checkbox"/> \$12,000 – \$19,999 <input type="checkbox"/> \$70,000 – \$93,999 <input type="checkbox"/> \$20,000 – \$30,999 <input type="checkbox"/> \$94,000 – \$117,999 <input type="checkbox"/> \$31,000 – \$46,999 <input type="checkbox"/> \$118,000 o Mayor	Discapacidad: <input type="checkbox"/> Si <input type="checkbox"/> No
Raza/Etnicidad: <input type="checkbox"/> Blanco <input type="checkbox"/> Afro Americano <input type="checkbox"/> Asiático <input type="checkbox"/> Indio Americano/Nativo de Alaska <input type="checkbox"/> Nativo de Hawaii/Islands del Pacífico <input type="checkbox"/> Hispano/Latino <input type="checkbox"/> Otra (por favor especifique): _____	Nacionalidad de Origen: (Si nació fuera de los EU) <input type="checkbox"/> Mexicano <input type="checkbox"/> Centro Americano: _____ <input type="checkbox"/> Sudamericano: _____ <input type="checkbox"/> Puertorriqueño <input type="checkbox"/> Chino <input type="checkbox"/> Vietnamita <input type="checkbox"/> Coreano <input type="checkbox"/> Otro (por favor especifique): _____

Para más información relacionada con el Título VI o este proceso, por favor contacte CTP Title VI Coordinator al teléfono (910) 678-7628, o por correo electrónico ifarrakhan@co.cumberland.nc.us.

¡Gracias por su cooperación!

Attachment H

<input type="checkbox"/>	ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/>	Խոսողում եսք նշում կատարեք այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:	2. Armenian
<input type="checkbox"/>	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/>	ឈ្មោះបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/>	Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/>	如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/>	如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/>	Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/>	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/>	Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/>	Mark this box if you read or speak English.	11. English
<input type="checkbox"/>	اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

Attachment H – Cont.

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyé sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	आगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຜໝາຍໃຊ້ຊ່ອງນີ້ ຖ້າທ່ານອ່ານ/ຢາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

Attachment H – Cont.

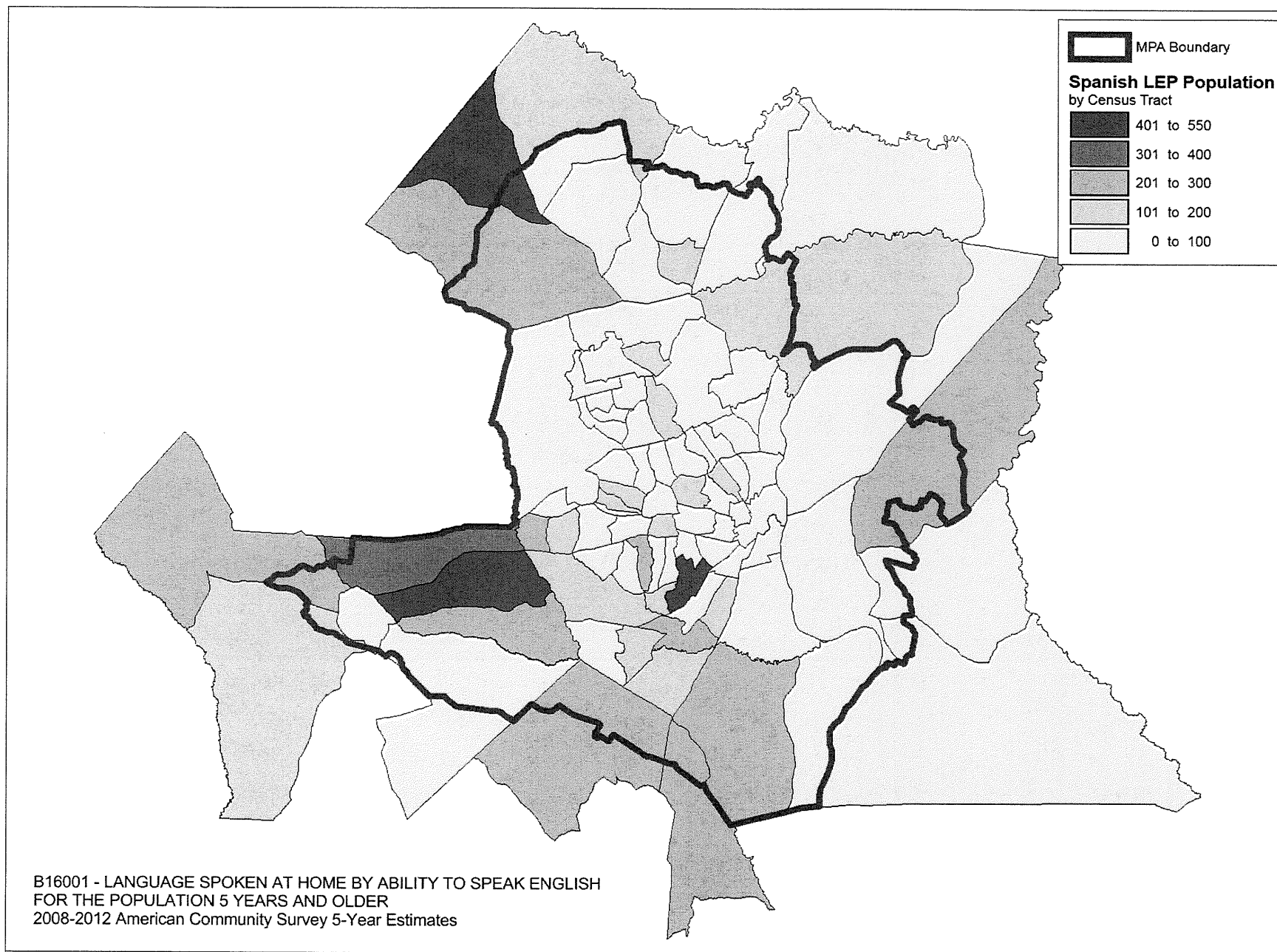
<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратикћ уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องดำผ่านแผ่นหรือชุดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

Attachment I

B16001. LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER Data Set: 2008-2012 American Community Survey 5-Year Estimates
Survey: American Community Survey

Total ACS Population Estimate: 383640		% of	Threshold
Possible LEP Languages:		Population	of 1,000 Persons:
Spanish or Spanish Creole: Speak English less than "very well"	8775	2.29%	Yes
French (incl. Patois, Cajun): Speak English less than "very well"	265	0.07%	No
French Creole: Speak English less than "very well"	47	0.01%	No
Italian: Speak English less than "very well"	45	0.01%	No
Portuguese or Portuguese Creole: Speak English less than "very well"	10	0.00%	No
German: - Speak English less than "very well"	554	0.14%	No
Yiddish: - Speak English less than "very well"	0	0.00%	No
Other West Germanic languages: - Speak English less than "very well"	18	0.00%	No
Scandinavian languages: - Speak English less than "very well"	0	0.00%	No
Greek: - Speak English less than "very well"	17	0.00%	No
Russian: - Speak English less than "very well"	32	0.01%	No
Polish: - Speak English less than "very well"	34	0.01%	No
Serbo-Croatian: - Speak English less than "very well"	17	0.00%	No
Other Slavic languages: - Speak English less than "very well"	0	0.00%	No
Armenian: - Speak English less than "very well"	0	0.00%	No
Persian: - Speak English less than "very well"	6	0.00%	No
Gujarati: - Speak English less than "very well"	37	0.01%	No
Hindi: - Speak English less than "very well"	0	0.00%	No
Urdu: - Speak English less than "very well"	47	0.01%	No
Other Indic languages: - Speak English less than "very well"	103	0.03%	No
Other Indo-European: - Speak English less than "very well"	5	0.00%	No
Chinese: - Speak English less than "very well"	251	0.07%	No
Japanese: - Speak English less than "very well"	120	0.03%	No
Korean: - Speak English less than "very well"	952	0.25%	No
Mon-Khmer, Cambodian: - Speak English less than "very well"	34	0.01%	No
Hmong: - Speak English less than "very well"	0	0.00%	No
Thai: - Speak English less than "very well"	285	0.07%	No
Laotian: - Speak English less than "very well"	46	0.01%	No
Vietnamese: - Speak English less than "very well"	253	0.07%	No
Other Asian languages: - Speak English less than "very well"	56	0.01%	No
Tagalog: - Speak English less than "very well"	230	0.06%	No
Other Pacific Island languages: - Speak English less than "very well"	228	0.06%	No
Navajo: - Speak English less than "very well"	22	0.01%	No
Other Native North American: - Speak English less than "very well"	0	0.00%	No
Hungarian: - Speak English less than "very well"	27	0.01%	No
Arabic: - Speak English less than "very well"	350	0.09%	No
Hebrew: - Speak English less than "very well"	0	0.00%	No
African languages: - Speak English less than "very well"	103	0.03%	No
Other and unspecified languages: - Speak English less than "very well"	0	0.00%	No

Attachment J





Historic Courthouse
130 Gillespie Street
Fayetteville, NC 28301

ifarrakhan @co.cumberland.nc.us
Telephone: (910) 678-7624

<http://www.co.cumberland.nc.us/planning/ctp.aspx>

Patricia Hall,
Chair
Town of Hope Mills

Charles Morris,
Vice-Chair
Town of Linden

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

ITEM NO. 4.
Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM FOR THE POLICY COMMITTEE AGENDA AUGUST 4, 2016

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JOEL STRICKLAND, FAMPO EXECUTIVE DIRECTOR *TJS*

THRU: THOMAS J. LLOYD, DIRECTOR

DATE: JULY 21, 2016

**SUBJECT: APPROVAL OF THE COMMUNITY TRANSPORTATION
SYSTEM SAFETY PROGRAM PLAN UPDATE**

BACKGROUND

This plan has been updated in order to meet requirements from the North Carolina Department of Transportation – Public Transportation Division. The purpose of this plan is to ensure that our transportation through private contractors provide safe and reliable transportation for Cumberland County residents.

The plan includes six core elements: Driver/Employee Selection, Driver/Employee Training, Safety Data Acquisition/Analysis, Drug and Alcohol Abuse Programs, Vehicle Maintenance and Security.

RECOMMENDATION/PROPOSED ACTION

Approve the Community Transportation System Safety Program Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.

/if

CUMBERLAND COUNTY COMMUNITY TRANSPORTATION PROGRAM

SYSTEM SAFETY PROGRAM PLAN

(PLAN UPDATED MAY 2016)

GENERAL SYSTEM SAFETY PLAN MANAGEMENT

DESCRIPTIONS OF ELEMENTS

1. POLICY STATEMENT AND AUTHORITY FOR SYSTEM SAFETY PROGRAM PLAN

- A. Effective October 2012, Moving Ahead for Progress in the 21st Century (MAP-21) mandated requirements for all public transportation to develop and implement a safety plan. As defined by MAP-21 public transportation is regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.
- B. North Carolina Board of Transportation 2003 Resolution established the requirement for each transit system to develop and implement a System Safety Program Plan (SSPP).
- C. Establish the SSPP as an operating document that has been prepared for and approved by the transit system top management, chief executive officer or the governing board.
- D. The authority statement in the SSPP should define, as clearly as possible, the following:
 - 1. The authority for establishment and implementation of the SSPP
 - 2. How that authority has been delegated through the organization
- E. The SSPP must adequately address the SIX CORE ELEMENTS.

2. DESCRIPTION OF PURPOSE FOR SYSTEM SAFETY PROGRAM PLAN

- A. Address the intent of the *SSPP* and define why it is being written.
- B. Establish the safety philosophy of the whole organization and provide a means of implementation.
- C. A *SSPP* could be implemented for the following reasons:
 - To establish a safety program on a system wide basis.
 - To provide a medium through which a system can display its commitment to safety.
 - To provide a framework for the implementation of safety policies and the achievement of related goals and objectives.
 - To satisfy federal and state requirements.
 - To meet accepted industry standards and audit provisions.
 - To satisfy self-insurance or insurance carrier provisions.
- D. The relationship of system safety to system operations should be defined.
- E. All departments involved must have a clear definition of their individual responsibilities relative to the scope of the *SSPP*.
- F. This section should also contain system safety definitions applicable to the operating systems.

3. CLEARLY STATED GOALS FOR VEHICLE SAFETY MANAGEMENT PROGRAM

- A. The overall goal of a *SSPP* is to identify, eliminate, minimize and control safety hazards and their attendant risks by establishing requirements, lines of authority, levels of responsibility and accountability, along with methods of documentation for the organization.
- B. These goals should be system-specific, tailored to the individual needs of the system, as well as being:
 - 1. Long term - the goal must have broad and continuing relevance.
 - 2. Meaningful - they must not be so broad as to be meaningless; desired results must be identified.
 - 3. Realizable - any goal that meets the first two criteria but cannot be attained is

meaningless.

C. Example:

1. A goal might be to establish a high level of safety comparable to other transit systems in the U.S.
2. Identify, eliminate, minimize, and/or control all safety hazards
3. Provide appropriate action and measures to obtain necessary safety-related agreements, permits and approvals from outside agencies, where applicable.

4. IDENTIFIABLE AND ATTAINABLE OBJECTIVES

A. Objectives are the working elements of the *SSPP*, the means by which the identified goals are achieved.

1. Must be quantifiable and meaningful.
2. Met through the implementation of policies.

B. Policies are central to the *SSPP* and must be established by top management.

1. They set the framework for guiding the safety program, on a relatively long-term basis.
2. Policies are measurable.
3. Policies are methods for reaching a specified objective.

C. Example:

The establishment of a safety program incorporating public, patron, employee, and property safety including fire protection, loss prevention and life safety requirements.

- **Policies depend on the goals defined by the transit system and its safety philosophy.**

5. SYSTEM DESCRIPTION/ORGANIZATIONAL STRUCTURE

A. System Description

1. Briefly describe the system's characteristics. The information should be sufficient to allow non-technical person and those not employed in transit to understand the system and its basic operation.
2. Components that should be included in the system description:
 - a. History
 - b. Scope of service
 - c. Physical features
 - d. Operations
 - e. Maintenance
 - f. System Modifications

B. Organizational Structure

1. Organizational diagrams showing the title of each position.
2. Diagram showing the structure of the system safety unit identifying the key positions.
3. Diagrams showing the relationships and lines of communication between the system safety unit and other departments in the organization.
4. Describe the relationship of the transit system to local political jurisdictions.

SYSTEM SAFETY PROGRAM PLAN

Program Description:

The System Safety Program Plan (SSPP) was developed utilizing established guidance listed in the procedural manuals of the North Carolina Department of Transportation Standard Operating Procedure SSPP-001 and the State Management Plan. The SSPP consists of and addresses the required six (6) core elements:

1. Driver/Employee Selection
2. Driver/Employee Training
3. Safety Data Acquisition Analysis
4. Drug, Alcohol and Abuse Program
5. Vehicle Maintenance
6. Security

The Cumberland County Community Transportation Program's number one priority is adherence to policies and procedures of the core elements. All of the elements listed are equal in importance and the policies and procedures must be met. The compliance will ensure that we meet all Federal Transportation Administration (FTA) and North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) policies and regulations.

Driver/Employee Selection Element:

Fair hiring practices are used to select employees. Each potential employee will complete a written application. The Contracted Owner and/or supervisor shall interview each potential employee.

Driver/Employee Training Element:

The minimum requirements for vehicle operator training are Defensive Driving, Americans with Disabilities Act, Bloodborne Pathogens and Emergency Procedures for Vehicle Operators. In addition to the minimum requirements the follow actions must be completed:

1. The training must be completed annually
2. The training material must be on file for review by NCDOT/PTD
3. Records of each individual trained must be retained on file for five (5) years
4. Each driver must have an annual driver's performance evaluation to provide refresher training, assess skills, techniques, knowledge, etc...

Safety Data Acquisition Analysis Element:

The goal of the Safety Program is the reduction of accidents and injuries to customers, employees and the general public. Safety is a shared responsibility between system management and employees. It is the policy of the Cumberland County Community Transportation Program to provide a place of employment that is free from recognized hazards that could result in death or serious injury to employees, customers or the general public. It is the responsibility of each employee to report all incidents or unsafe conditions to their supervisor. Supervisors must immediately take necessary corrective action to prevent unsafe conditions.

Prohibited behaviors are behaviors that are in violation of the System Safety Policy. Such behaviors include behaviors that threaten the safety of employees, customers and the general public. Other unacceptable behaviors include those that result in damage to system, employee and public

and/or private property. An employee who intentionally violates the safety policy and procedures will be subject to appropriate disciplinary action, as determined by the findings of an investigation. Such discipline may include a warning, demotion, suspension or immediate dismissal. In addition, such actions may cause the employee to be held legally liable under State or Federal Law.

Drug Alcohol and Abuse Program Element:

The goal is to provide a safe, healthy and productive drug-free work environment for all employees. A person being under the influence of a drug or alcohol while on the job poses serious safety and health risk to the user, co-workers, and passengers. The Cumberland County Community Transportation Program has established a policy of a drug-free work environment. A standard of zero tolerance for use of alcohol, illegal substances, or the misuse of prescription medications during work hours or the presence of these substances in the body during work hours regardless of when consumed. Random drug testing will be administered.

Vehicle Maintenance Element:

The goal is to ensure each vehicle and wheelchair lift is properly maintained to maximize the service life, maintain reliability, mitigate high maintenance costs and sustain proper safety and mechanical condition. To accomplish this goal we will at a minimum adhere to the vehicle manufacturer's maintenance/service manual and the wheelchair lift service manual.

Security Element:

The overall purpose of the Security Program is to optimize -- within the constraints of time, cost, and operational effectiveness -- the level of protection afforded to vehicles, equipment, passengers, employees, and contractors, and any other individuals who come into contact with the system during normal operations.

The security of passengers and employees is paramount to promoting the objectives of FTA and NCDOT. We will take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, employees and equipment. To further this objective, we have developed security plans and procedures.

The SSPP will be updated as changes occur. An annual review is required to ensure all information is current. The annual review must be adopted by the board and certified by NCDOT/PTD.

This operational policy was adopted by the Cumberland County Board of Commissioners.

Date _____

Month _____

Year _____

System Manager (Signature) _____

Governing Board Chairman (Signature) _____

RESOLUTION FOR APPROVAL OF REQUIREMENT FOR COMMUNITY TRANSPORTATION SYSTEMS TO IMPLEMENT SYSTEM SAFETY PROGRAM PLANS

WHEREAS, the Federal Transit Administration's strategic safety goal is to promote the public health and safety by working toward the elimination of transportation related deaths, injuries and property damage;

WHEREAS, the Federal Transit Administration and the National Transportation Safety Board require the reporting of certain transportation related accidents;

WHEREAS, the vision for public transportation services in North includes the provision of safe, affordable transportation choices, statewide to those who have travel options and to those whose options are limited;

WHEREAS, the development and implementation of System Safety Program Plans by Community Transportation systems is a fundamental step toward these goals;

WHEREAS, the North Carolina Department of Transportation, Public Transportation Division recognizes the safety implications of the development of System Safety Program Plans and provides training and technical assistance to transit systems to assist in the development and implementation of their System Safety Program Plans;

WHEREAS, rural transit systems receiving federal and state funds are not currently required to have a System Safety Program Plan;

WHEREAS, the Public Transportation Division, in an effort to promote safe public transportation services recommends requiring that each rural transit system in the state that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting;

WHEREAS, the Transit, Rail and Ferry Committee has concurred in this recommendation.

THEREFORE BE IT RESOLVED AS FOLLOWS:

That the North Carolina Board of Transportation approves the recommended requirement that each Community Transportation System that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting.

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA


ITEM NO. 5.
MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

**MEMO FOR THE AGENDA OF THE AUGUST 4, 2016
MEETING OF THE POLICY COMMITTEE**

TO: POLICY COMMITTEE MEMBERS

FROM: W. TRACY JACKSON, ASST. COUNTY MANAGER 

THROUGH: AMY H. CANNON, COUNTY MANAGER

DATE: JULY 25, 2016

SUBJECT: CONSIDERATION OF OPTIONS TO ADDRESS TALL WEED COMPLAINTS

Presenter(s): W. Tracy Jackson, Asst. County Manager; Tom Lloyd, Director of Planning, and Jeffrey Brown, Director of Engineering and Infrastructure

Estimate of Committee Time Needed: 15 Minutes

BACKGROUND

Approximately, 20 – 30 times per year on average, the County receives complaints about tall weeds on residential lots in unincorporated areas. The majority of the time, officials are able to work with the property owner to resolve the issue, but it can be troublesome and frustrating to neighbors in situations where it is hard to locate and notify a property owner. Staff has looked into this matter and developed the following suggestions based upon current state law and processes utilized by municipalities for handling tall weed complaints.

1. Continue the current practice of contacting property owners and requesting the lot be mowed. Voluntary compliance is utilized as a first step in lieu of more stringent enforcement measures.
2. Create a specific ordinance, as provided by NCGS 153A-121, which prohibits: *"The uncontrolled growth of weeds, grass or noxious growth to a height of twelve (12) inches or more within one hundred (100) feet of any residential structure or any occupied nonresidential structure."* Noxious growth is defined as: uncontrolled growth of grasses or vines (such as kudzu, honeysuckle, ivy or similar vines), and any growth of poisonous plants (poison ivy, poison oak, or related vegetation).

3. Seek assistance from the NCACC and the local Legislative Delegation to create a statute that allows counties the same authority as municipalities to address nuisances such as noxious growth/tall weeds. It is difficult to address this type of nuisance in a timely manner when a property owner cannot be located and properly notified. This problem will likely become more widespread as growth continues across North Carolina and more residential development occurs in unincorporated areas.

RECOMMENDATION/PROPOSED ACTION:

For information only. No formal action is requested at this time.