

***GONZALES COUNTY TITLE VI  
NONDISCRIMINATION PLAN***

## ***Contents***

<b><i>Introduction.....</i></b>	<b><i>1</i></b>
<b><i>Discrimination under Title VI.....</i></b>	<b><i>1</i></b>
<b><i>Authorities.....</i></b>	<b><i>2</i></b>
<b><i>Title VI Policy Statement.....</i></b>	<b><i>2</i></b>
<b><i>Standard DOT Assurances.....</i></b>	<b><i>3</i></b>
<b><i>Organization and Staffing.....</i></b>	<b><i>3</i></b>
<b><i>Primary Program Area Descriptions &amp; Review Procedures.....</i></b>	<b><i>5</i></b>
<b><i>Data Collection and Analysis.....</i></b>	<b><i>5</i></b>
<b><i>Title VI Complaint Procedures.....</i></b>	<b><i>6</i></b>
<b><i>Scope of Title VI Complaints.....</i></b>	<b><i>6</i></b>
<b><i>How to File a Formal Title VI Complaint.....</i></b>	<b><i>7</i></b>
<b><i>Complaint Log.....</i></b>	<b><i>9</i></b>
<b><i>Notice of Rights.....</i></b>	<b><i>10</i></b>
<b><i>Notification to Beneficiaries.....</i></b>	<b><i>10</i></b>
<b><i>Public Involvement.....</i></b>	<b><i>10</i></b>
<b><i>Language Assistance and Limited English Proficiency.....</i></b>	<b><i>11</i></b>
<b><i>Training.....</i></b>	<b><i>15</i></b>

## ***Introduction***

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. Several other federal legal authorities supplement Title VI by extending protections based on age, sex, and disability. In addition, the Civil Rights Restoration Act of 1987 clarified Title VI enforcement by mandating that Title VI requirements apply to all programs and activities of federal-aid recipients regardless of whether any particular program or activity involves federal funds. Taken together, these laws require recipients and sub-recipients of federal funds to ensure all programs and services are delivered to the public without discrimination.

Gonzales County, as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 C.F.R. Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964) 49 C.F.R. Part 21; and related statutes and regulations. Gonzales County acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

This plan explains how Gonzales County incorporates the requirements of the Title VI and related legal authorities into its operations. The plan will be used as a reference for Gonzales County and an informational resource for the public. The plan will be updated every 3 years to reflect changes in the Title VI compliance operations.

## ***Discrimination under Title VI***

It is the responsibility of every Gonzales County employee to prevent, minimize, and eradicate any form of discrimination. There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (i.e., intentional discrimination); and (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. The focus of disparate impact is on the consequences of a decision, policy, or practice rather than the intent.

Prohibited forms of discrimination may include, but not be limited to, the following:

- The denial of services, financial aid, or other benefits provided under a program;
- Distinctions in the quality, quantity, or manner in which a benefit is provided;
- Segregation or separation of persons in any part of the program;
- Restriction in the employment of any advantages, privileges, or other benefits provided to others;
- Differing standards or requirements for participation;

- Methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination; or
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

Gonzales County efforts to prevent such discrimination must address, but not be limited to, how a program or activity:

- Impacts the public;
- Provides accessibility;
- Provides equal access to benefits;
- Encourages participation;
- Provides services equitably;
- Initiates contracting and training opportunities;
- Investigates complaints;
- Allocates funding; and
- Prioritizes projects.

## ***Authorities***

The authorities applicable to Gonzales County Title VI/Nondiscrimination Program include:

- ***Title VI of the Civil Rights Act of 1964*** (42 U.S.C. §2000d et seq., 78 stat. 252). (prohibits discrimination on the basis of race, color, national origin);
- ***49 CFR Part 21*** (entitled Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964);
- ***23 CFR Part 200*** (FHWA's Title VI/Nondiscrimination Regulation);
- ***28 CFR Part 50.3*** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964); and
- ***Texas Administrative Code §9.4, Civil Rights – Title VI Compliance***

## ***Title VI Policy Statement***

It is the policy of Gonzales County that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Gonzales County as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of Gonzales County, including its contractors and anyone who acts on behalf of Gonzales County. This policy also applies to the operations of any department or agency to which Gonzales County extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

The nondiscrimination statement signed by Gonzales County Judge is included as *Attachment 1*.

### ***Standard DOT Assurances***

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the U.S. DOT provided an assurances agreement in U.S. DOT Order 1050.2A that federal fund recipients and sub-recipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language, Gonzales County, is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. Gonzales County is committed to ensuring the necessary language is used as prescribed in the assurances agreement.

In accordance with this requirement, Gonzales County has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances. The document is attached as *Attachment 2*.

### ***Organization and Staffing***

Gonzales County Commissioner Court is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

Gonzales County has assigned Misty Cook, Human Resources Clerk, to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program. The position of Human Resources Clerk is located within the Human Resources Department.

The Title VI Coordinator is responsible for:

- Maintaining and updating the Title VI plan on the agency's behalf;
- Ensuring relevant agency staff receive necessary Title VI training;

- Ensuring prompt processing of Title VI complaints and referral to Texas Department of Transportation;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas; and
- Developing Title VI information for dissemination internally and externally;

Please see Gonzales County Organizational Chart in the Appendices labeled as Appendix E.

## ***Primary Program Area Descriptions & Review Procedures***

The County of Gonzales engages in the following program areas:

- ❖ **Right of Way Permits for Utilities, Water Lines, and Driveways**
  1. **Title VI/Non-Discrimination Concerns and Responsibilities:** Public right of way permits and relocations should not create unfair burdens.
  2. **Review Procedures for Ensuring Non-Discrimination:** Reviewing permits and relocations to ensure nondiscrimination.
- ❖ **Contracting:** Develops and manages contracts and contracting opportunities, including specifications, bidding process, and contract execution
  1. **Title VI/Non-Discrimination Concerns and Responsibilities:** Ensure Title VI Assurances appendices are included in contracts as specified within the assurances document.
  2. **Review Procedures for Ensuring Non-Discrimination:** Reviewing any available data on contract recipients to ensure nondiscrimination in contracting. Reviewing bidding procedures to ensure nondiscrimination and equal opportunity.
- ❖ **Maintenance:** Services roadways and right of ways, including, but not limited to, providing: Repair and Drainage.
  1. **Title VI/Non-Discrimination Concerns and Responsibilities:** Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.
  2. **Review Procedures for Ensuring Non-Discrimination:** Reviewing resources provided to the community and determining whether any protected class communities have disproportionately benefited or been harmed by the delivery of maintenance services.

## ***Data Collection and Analysis***

- ❖ **Planning.**
  1. **Type of Data Collected & Process for Collecting:** Reviewing data from the U.S. Census Bureau and other creditable sources to determine demographic make-up of the local community.
  2. **Purpose for Collecting the Data:** Ensuring project impacts do not disproportionately impact any individuals or groups based on a protected class status.

❖ **Public Engagement.**

1. **Type of Data Collected & Process for Collecting:** Reviewing data from the U.S. Census Bureau and the National Center for Education Statistics to determine demographic make-up of the local community.
2. **Purpose for Collecting the Data:** Ensuring communications and interactions with the public to ensure that all beneficiaries are informed and aware of the programs in Gonzales County.

❖ **Maintenance.**

1. **Type of Data Collected & Process for Collecting:** Reviewing maintenance activities by geography and demographic makeup of communities receiving the maintenance services. Gonzales County maintains the County roads by fixing potholes, puts gravel down on roads, mows and shreds, removes trees that fall, and any other concern that might come up with the County roads. The City of Gonzales maintains roads inside the city limits.
2. **Purpose for Collecting the Data:** Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.

Sources of data and analysis tools include:

- U.S. Census Data
- National Center for Education Statistics
- Field Observations

## ***Title VI Complaint Procedures***

### ***Scope of Title VI Complaints***

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

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

The following types of actions are prohibited under Title VI protections (See 49 C.F.R. 21.5):

- Excluding individuals or groups from participation in programs or activities
- Denying program services or benefits to individuals or groups
- Providing a different service or benefit or providing them in a manner different from what is provided to others



- Denying an opportunity to participate as a member of a planning, advisory or similar body that is an integral part of the program
- Retaliation for making a complaint or otherwise participating in any manner in an investigation or proceeding related to Title VI of the Civil Rights Act of 1964

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

Any person(s) or organization(s) believing they have been discriminated against on the basis of the protected classes stated above by Gonzales County or its contractors may file a Title VI complaint.

Discrimination complaints *must be received no more than 180 days after the alleged incident* unless the time for filing is extended by the processing agency.

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

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

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

Complaints can also be filed by completing and submitting Gonzales County's Title VI Complaint Form available at [co.gonzales.tx.us](http://co.gonzales.tx.us) or by sending an email or letter with the necessary information to:

Gonzales County  
Attn: Human Resources  
427 St. George Street, Basement  
Gonzales, Texas 78629  
[hr@co.gonzales.tx.us](mailto:hr@co.gonzales.tx.us)  
830-339-8476 (phone)  
830-263-7022 (fax)

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

Complaints can also be filed directly with the following agencies:

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

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

ONLINE: [co.gonzales.tx.us](http://co.gonzales.tx.us)

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

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

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

- **Accept:** if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under the FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Texas Division Office a written notice that it has accepted the complaint for investigation.

- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- **Procedural Dismissal:** if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Texas Division Office a written notice that it is dismissing the complaint.
- **Referral/Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

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

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

## ***Complaint Log***

Gonzales County maintains a complaint log to document all activity related to the complaint. Information captured includes:

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

- Date the investigation was complete;
- Disposition;
- Disposition date; and
- Other pertinent information.

### ***Notice of Rights***

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

### ***Notification to Beneficiaries***

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

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

### ***Public Involvement***

It is the goal of Gonzales County to provide continuous, effective and transparent access to all stakeholders. Gonzales County strives to inform all stakeholders about proposed plans and projects and seeks input when appropriate. Gonzales County utilizes the following methods to communicate information regarding upcoming activities and opportunities for public and stakeholder participation in the planning process:

- Gonzales County Facebook Page
- Commissioner Court
- Gonzales County Website

Traditionally underserved communities can find it more difficult to engage with decision making entities due to scheduling conflicts, lack of transportation to public involvement events, language barriers, lack of childcare, etc. Genuine public involvement takes place at all levels and so Gonzales County aims to identify communities that may be affected by a project in order to plan appropriately and effectively for the potentially impacted groups. Sources of data used were listed above in the Data Gathering section. Gonzales County specifically uses the following sources to identify minority and populations with limited English proficiency.

- US Census

Gonzales County will use the following techniques to ensure that all members of the community have the opportunity to participate in the decision-making process:

- Provide Virtual Options

### ***Language Assistance and Limited English Proficiency***

Gonzales County recognizes the diverse nature of the greater Gonzales County community and strives to provide prompt and effective communication between Department personnel and those individuals in need of services.

Gonzales County strives to be in compliance with all local, state, and federal laws consistent with its obligations under Title VI of the Civil Rights Act of 1964.

Individuals with Limited English Proficiency (LEP) are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. Under Title VI, these individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Per USDOT LEP guidance, as outlined on FHWA's Civil Rights website, recipients of federal funds are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors.

**(1) Number or proportion of LEP persons eligible to be served or likely to be encountered by the program:** Gonzales County understands that in order to serve the citizens of our County that we need to determine the components of a Language Assistance Plan. Gonzales County needs to understand the proportion of LEP individuals who may use our County services and see what the literacy skills are in English and in their native language. We also need to make sure that communities are not underserved due to a language barrier.

Gonzales County as of the 2023 census from the United States Census Bureau C16001 report shows the following:

**Population over 5 years and over: 18,457**

<b>Speak only English:</b>	<b>13,270</b>	<b>72%</b>
<b>Spanish:</b>	<b>5,031</b>	<b>27%</b>
<b>Speak English "very well"</b>	<b>2,902</b>	<b>16%</b>
<b>Speak English less than "very well"</b>	<b>2,129</b>	<b>12%</b>
<b>French, Haitian, or Cajun:</b>	<b>0</b>	<b>X</b>
<b>Speak English "very well"</b>	<b>0</b>	<b>X</b>
<b>Speak English less than "very well"</b>	<b>0</b>	<b>X</b>
<b>German or other West Germanic Languages:</b>	<b>14</b>	<b>.0008%</b>
<b>Speak English "very well"</b>	<b>14</b>	<b>.0008%</b>
<b>Speak English less than "very well"</b>	<b>0</b>	<b>X</b>
<b>Russian, Polish, or other Slavic Languages:</b>	<b>17</b>	<b>.0009%</b>
<b>Speak English "very well"</b>	<b>17</b>	<b>.0009%</b>
<b>Speak English less than "very well"</b>	<b>0</b>	<b>X</b>
<b>Other Indo-European Languages:</b>	<b>0</b>	<b>X</b>
<b>Speak English "very well"</b>	<b>0</b>	<b>X</b>
<b>Speak English less than "very well"</b>	<b>0</b>	<b>X</b>
<b>Korean:</b>	<b>27</b>	<b>.0015%</b>
<b>Speak English "very well"</b>	<b>16</b>	<b>.0009%</b>
<b>Speak English less than "very well"</b>	<b>11</b>	<b>.0006%</b>

<b>Chinese (incl. Mandarin, Cantonese):</b>	<b>8</b>	<b>.0004%</b>
<b>Speak English “very well”</b>	<b>8</b>	<b>.0004%</b>
<b>Speak English less than “very well”</b>	<b>0</b>	<b>X</b>
<b>Vietnamese:</b>	<b>11</b>	<b>.0006%</b>
<b>Speak English “very well”</b>	<b>0</b>	<b>X</b>
<b>Speak English less than “very well”</b>	<b>11</b>	<b>.0006%</b>
<b>Tagalog (incl. Filipino):</b>	<b>32</b>	<b>.0017%</b>
<b>Speak English “very well”</b>	<b>32</b>	<b>.0017%</b>
<b>Speak English less than “very well”</b>	<b>0</b>	<b>X</b>
<b>Other Asian and Pacific Island Languages:</b>	<b>25</b>	<b>.0014%</b>
<b>Speak English “very well”</b>	<b>0</b>	<b>X</b>
<b>Speak English less than “very well”</b>	<b>25</b>	<b>.0014%</b>
<b>Arabic:</b>	<b>0</b>	<b>X</b>
<b>Speak English “very well”</b>	<b>0</b>	<b>X</b>
<b>Speak English less than “very well”</b>	<b>0</b>	<b>X</b>
<b>Other and Unspecified Languages:</b>	<b>22</b>	<b>.0012%</b>
<b>Speak English “very well”</b>	<b>22</b>	<b>.0012%</b>
<b>Speak English less than “very well”</b>	<b>0</b>	<b>X</b>

### ***The Safe Harbor Provision***

The U.S. Department of Transportation (U.S. DOT) has adopted the U.S. Department of Justice’s Safe Harbor Provision. The Safe Harbor Provision is a provision that can provide “safe harbor” for U.S. DOT recipients (and sub-recipients) concerning translation of vital documents. If a recipient provides written translation of vital documents for every LEP group that has the lesser of 1,000 people or five percent (5%) of the total population eligible to be served or to be affected. The Safe Harbor Provision applies to translation of written documents. It does not affect the County’s requirement to provide access to LEP individuals through oral language services.

Based on the population of Spanish speakers who also speak English less than very well, Gonzales County has the following Vital Documents which will be translated to Spanish: Title VI Policy Statement, Title VI Notice to the Public, Title VI Complaint Form, and Title VI Complaint Procedures.

Gonzales County strives to foster positive interactions with all members of our community. Therefore, the County shall take reasonable steps to provide language assistance services to LEP individuals. Subject to the guidelines of this plan, County staff should take reasonable steps to provide language assistance services upon request by an LEP person.

- (2) Frequency with which LEP individuals come in contact with the program:*** The Title VI Coordinator will ask each department of the County to log any type of translation or interpretation services. The Title VI Coordinator will ask for these logs yearly to analyze the data each year. This will help the County with any future improvements that might need to be addressed.
- (3) Nature and importance of the program, activity, or service provided by the program to people's lives:*** Gonzales County knows how important it is to include our citizens in our services that we offer such as repairing County roadways and the Court services we provide. Gonzales County provides translators and written communication for all of our County services when needed.
- (4) Resources available to the grantee/recipient or agency, and costs:*** Gonzales County has employees that are multilingual. Our multilingual employees can help over the phone or in person. We also offer Court translators during District and County Court proceedings when needed.



## ***Training***

Gonzales County will ensure that its staff understand Title VI of the Civil Rights Act of 1964 and how it may apply to their work. The following options are available for providing training:

### **Review of the County of Gonzales Title VI Plan**

- Viewing the video Understanding and Abiding by Title VI of the Civil Rights Act of 1964 produced by the U.S. Department of Justice.

Gonzales County will maintain records indicating that staff have received training every 3 years and for new hires during new hire orientation.

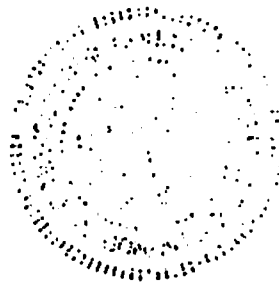
***Attachment 1***

**GONZALES COUNTY TITLE VI POLICY STATEMENT**

Gonzales County Title VI policy statement, rooted in the Civil Rights Act of 1964, ensures that no person is excluded from participation in, denied the benefits of, or subjected to discrimination in any Gonzales County program or activity based on race, color, national origin, sex, age, or disability. This policy extends to all programs and activities receiving federal financial assistance from the Texas Department of Transportation (TxDOT).



Patrick C. Davis, Gonzales County Judge



## ***DECLARACIÓN DE POLÍTICA DEL TÍTULO VI DEL CONDADO DE GONZALES***

La política del Título VI del condado de Gonzales, basada en la Ley de Derechos Civiles de 1964, asegura que ninguna persona sea excluida de participar en, se le nieguen los beneficios de, o sea sometida a discriminación en ningún programa o actividad de Gonzales County por motivos de raza, color, origen nacional, sexo, edad o discapacidad. Esta política se extiende a todos los programas y actividades que reciben asistencia financiera federal del Departamento de Transporte de Texas (TxDOT).



---

Patrick C. Davis, Gonzales County Judge

Attachment 2

## **GONZALES COUNTY TITLE VI/NONDISCRIMINATION ASSURANCES**

Gonzales County (herein referred to as the "Recipient"). HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

### ***Statutory/Regulatory Authorities***

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

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

### ***General Assurances***

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

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from U.S. DOT, including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### ***Specific Assurances***

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted U.S. DOT programs:

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

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

3. The Recipient will insert the clauses of Appendix A and Appendix E of this Assurance in every contract agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the recipient receives the Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- 8. That this Assurance obligates the Recipient for the period during the Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods.
  - a. The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. The period during which the Recipient retains ownership or possession of the property.
- 9. The Recipient will provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
- 10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

The Recipient gives this assurance in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. DOT under all Department of Transportation Programs. This assurance is binding on Texas, other recipients, sub-recipients, sub-grantees, contractors, sub-contractors and their sub-contractors, transferees, successors in interest, and any other participants in all Department of Transportation programs.

The person(s) signing below is/are authorized to sign this assurance on behalf of the Recipient.

Dated 28 day of July, 2025

Patrick Davis

Patrick Davis, County Judge

Roy Staton

Roy Staton, Commissioner Precinct #3

Anton Matias

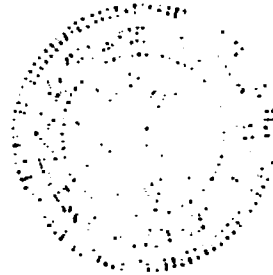
Anton Matias, Commissioner Precinct #1

Collie Boatright

Collie Boatright, Commissioner Precinct #4

Donnie Brzozowski

Donnie Brzozowski, Commissioner Precinct #2



## **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 (hereinafter includes consultants) will comply with Acts and the Regulations relative to non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the FHWA, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of sub-contractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies, and/or



- b. canceling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

**APPENDIX B**  
**CLAUSES FOR DEEDS TRANSFERRING UNITED STATES**  
**PROPERTY**

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the County of Gonzales will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all DOT programs, and the policies and procedures prescribed by FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the County of Gonzales all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

**(HABENDM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto County of Gonzales and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the County of Gonzales, its successors and assigns.

**The County of Gonzales, in consideration of the conveyance of said lands and interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the County of Gonzales will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\***

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

**APPENDIX C**

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

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

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

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

**APPENDIX D**

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

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, County of Gonzales will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above non-discrimination covenants, County of Gonzales will there upon revert to and vest in and become the absolute property of County of Gonzales and its assigns. \*

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

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

**Pertinent Non-Discrimination Authorities:**

- **Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.**
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of person displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);**
- **Federal-Aid Highway Act of 1973. (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);**
- **Section 504 of the Rehabilitation Act of 1973. (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;**
- **The Age Discrimination Act of 1975, as amended. (42 U.S.C. § 6101 et seq.). (prohibits discrimination on the basis of age);**
- **Airport and Airway Improvement Act of 1982. (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);**
- **The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such program or activities are Federally funded or not);**
- **Titles II and III of the American with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;**
- **The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123)(prohibits discrimination on the basis of race, color, national origin, and sex);**
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;**

- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 FED. Reg. at 74087 to 74100):**
- **Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).**

## **APPENDIX E**

### **GONZALES COUNTY TITLE VI ORGANIZATIONAL CHART**

