

TUNICA AIRPORT

Title VI Program

(49 CFR 21) Title VI

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Title VI, Civil Rights Act of 1964

Policy Statement

Tunica Airport Commission (the “Airport”) assures that no person shall on the grounds of race, color, national origin, sex or creed as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), and the Section 520 of the Airport and Airway Improvement Act of 1982 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Airport further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs are federally funded or not. Anytime communities may be impacted by programs or activities every effort will be made to involve their leaders and the general public in the decision making process. Awards of contracting, concessionaires, and leases are made without regard for race, color, national origin, sex or creed.

The Airport requires Title VI assurances from each tenant, contractor, and concessionaire providing an activity, service or facility at the airport under lease, contract or franchise from the airport.

The Airport also requires that such tenants, contractors, and concessionaires require Title VI assurances of their subcontractors. Eric Konupka is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 49 CFR 21.

Signature



**Eric J Konupka
Executive Director
Tunica Airport Commission**

Date: February 6th, 2019

Administration

The Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other required responsibilities.

In addition, the following programs maintain a Title VI liaison responsible for coordinating Title VI information, data, and notices related to the program.

Title VI Coordinator Responsibilities

Receives, records and forwards a copy of Title VI complaints to the Federal Aviation Administration (FAA) within 15 days of receipt.

Provides the FAA with an explanation of resolution attempts regarding the complaint. 49 CFR Part 21 Appendix C(b)(3).

Annually reviews the airport's Title VI plan and disseminates Title VI information, education to program liaisons.

Responds to requests by FAA for data and records to determine Title VI compliance.

Coordinates with program liaisons to ensure that racial and ethnic data showing the extent to which minority groups are beneficiaries of or impacted by airport programs is available. 49 CFR § 21.9(b) & (c)

Maintains a list of the race, color, and national origin representation on non-elected planning and advisory bodies for the airport. Identifies any disparity between representation on these entities and the airport beneficiaries to the selecting official/committee when vacancies occur. DOT Order 1000.12(4)(b)(2)(a).

Maintains a copy of 49 CFR Part 21 for inspection by any person asking for it during normal working hours.

Grant Assurances

49 CFR § 21.7 (a)(1); 49 CFR Part 21 Appendix C (b)

The Airport, upon application for its first grant to purchase land or an airport or noise implementation project involving construction, executed the complete standard DOT Title VI assurances.

In subsequent grants The Airport includes the Civil Rights Grant Assurance as provided in the grant application package for all FAA-assisted contracts. These assurances can also be found on the Internet at <http://www.nw.faa.gov/airports/inetform.htm#APPS>

Clauses/Covenants:

- a. All contracts, leases, deeds, licenses, permits or other similar instruments, not only those resulting from the first grant, but in all instruments from that point on, contain the contractual requirements and clauses outlined in attachments one and two of the standard DOT Title VI Assurance.
- b. The general Civil Rights Provision is inserted into all contractor, tenant, concessionaire, and lessee agreements. Further the Airport requires this provision to be included in all subcontracts, subleases and other agreements at any tier.

Minority Business Notification

49 CFR 21 Appendix C (a)(1)(x)

Bids for airport concessions are solicited from area minority businesses through the following avenues: Local minority and general newspapers, trade journals, and professional services directories, etc. Some of the bid notification sources include: Local Newspapers – The Tunica Times, on the Airport’s website – <http://tunicaairport.com/bids>, on file and on line with the state of Mississippi’s procurement department - <https://www.mspsc.com/bid-opportunities/>

The concession award process is not based on race, color, national origin, sex or creed. Information on the award process and documentation for specific bid decisions is kept with on file at the airport’s administration office.

TUNICA AIRPORT COMMISSION DISCRIMINATION COMPLAINT PROCEDURES

These procedures are for complaints of discrimination other than employment discrimination, by the Tunica Airport Commission (the “Airport”). They apply to discrimination by airport employees, contractors, concessionaires, lessees, or tenants of the Airport, or at Airport facilities based upon race, creed, color, national origin, or gender, including but not necessarily limited to complaints under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. They cover any program or activity administered by the Tunica Airport Commission.

Any person who feels that he or she has been subjected to discrimination on the bases or race, creed, color national origin, or gender has the right to file a complaint with the Airport. These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside agency, such as the U.S. Department of Transportation or Federal Aviation Administration (FAA), or to seek private legal counsel regarding discrimination.

Procedure

Complaints must be file within (90) days after the discriminatory event, must be in writing, and must be delivered to:

Mr. Eric Konupka
Title VI Coordinator, Tunica Airport Commission
P.O. Box 158
209 South Airport Blvd.
Tunica, MS 38676

If a complaint is initially made by phone, it must be supplemented with a written complaint within 90 days after the discriminatory event. Accommodation will be provided upon request to individuals unable to file a written complaint due to a disability.

A copy of complaints alleging what amounts to a Title VI violation by airport employees, contractors, concessionaires, lessees, or tenants, relative to the airports aviation activates, will be forwarded to the FAA. For information on filing a complaint with DOT/FAA contact the individual named above.

The Title VI Coordinator may meet with the complainant to clarify the issues, obtain additional information, and determine if informal resolution might be possible.

The Title VI Coordinator will issue a written decision.

TUNICA AIRPORT COMMISSION

DISCRIMINATION COMPLAINT REFERRAL AND INVESTIGATION INTERNAL PROCEDURES

Introduction

Scope. These procedures are for complaints for discrimination, other than employment discrimination by the Tunica Airport Commission (the “Airport”). They apply to discrimination by airport employees, contractors, concessionaires, lessees, or tenants based upon race, creed, color, national origin, or gender, including but not necessarily limited to complaints under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. They cover any program or activity administered by the Airport.

Cooperation with FAA. The Title VI Coordinator will promptly investigate all discrimination complaints, including those referred to the Federal Aviation Administration (FAA) for investigation. In investigating a complaint that has been referred to the FAA, the Title VI Coordinator will endeavor to avoid interfering with the FAA investigation, will cooperate with the FAA when possible, and will share factual information with the FAA.

Prompt Investigation. The Title VI Coordinator will make every effort to complete discrimination complaint investigations within sixty (60) calendar days after the complaint is received, but recognizes that some investigations will take longer.

Prompt Resolution of Disputes. The Title VI Coordinator will quickly and fairly resolve disputes with complainants, or with contractors, tenants, or other person, through all means reasonable available to the Title VI Coordinator.

Avoiding Future Discrimination. In addition to taking action with respect to any specific instances of discrimination, the Tunica Airport Commission will identify and implement measures to reduce the chances of similar discrimination in the future.

Intimidation and Retaliation Prohibited. Tunica Airport Commission employees will not intimidate or retaliate against a person who has filed a complaint alleging discrimination.

Written Complaints Required If a verbal complaint is received, the complainant should be given a copy for the Airport’s Discrimination Complaint Procedures and instructed to submit a written complaint. Accommodation will be provided upon request to individuals unable to file a written complaint due to a disability.

Procedures

Initial Receipt of Written Complaint. Title VI Coordinator will log in the complaint and promptly send copies of the complaint to Derrick Crawford, Chairman of Tunica County Airport Commission.

Assignment of Investigator. The Title VI Coordinator will immediately begin the investigation or designate an investigator.

FAA Notification. Within 15 days of receipt, the Title VI Coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter and the results thereof to the FAA, Regional Civil Rights Staff.

Contact with Complainant. The Title VI Coordinator should meet with the complainant to clarify the issues and obtain additional information.

Investigation Report. After completing the investigation, and Title VI Coordinator will prepare a written report.

Consultation with Legal Counsel. In every case, the Title VI Coordinator will consult with the Tunica Airport Commission Legal Counsel regarding the investigation and the report.

Forwarding Report and Response to Complainant. At the Completion of the investigation, the complainant and respondent will receive a letter of findings and determination of the investigation and any applicable resolution. The letter transmitting the findings and any applicable resolution will state the Airport's conclusion regarding whether unlawful discrimination occurred, and will described the complainant's appeal rights.

Appeal and Final Administrative Action. If the complainant disagrees with the written response or conclusion, the complainant may appeal in writing to the Tunica County Airport Commission. The written appeal must be received **within ten (10)** business days after the receipt of the written decision. The written appeal must contain all arguments, evidence, and documents supporting the basis for the appeal. The Tunica County Airport Commission will issue a final written decision in response to the appeal.

Copies to FAA. Copies of each Title VI complaint, a summary of the investigation report, any response, and the Airport's transmittal letter to the complainant will be sent to the FAA

Training

New employee orientation shall incorporate Title VI training. It shall include introduction on forwarding complaints to the Title VI Coordinator and accessing translation services. It shall also contain cultural and community relations sensitivity training. Refresher information will be provided annually.

Notice

49CFR Part 21 Appendix C (b)(@)(ii)

We conspicuously display the FAA provided non-discrimination poster in all security screening areas of the airport. The Title VI Coordinator ensures these posters are visible and maintained.

Our Title VI Coordinator ensures that required notices of public hearings and opportunities to comment on proposed airport actions reach all segments of the impacted community. Such notices are announced over general and minority newspapers and broadcast media, where appropriate. Our Title VI Coordinator contacts leaders in affected communities directly and solicits their participation. The office maintains records of all such notices and the efforts made to reach the affected community.

To ensure that the community is effectively informed of and able to participate in public hearing, our Executive Director’s office advertises public notices in appropriate languages when a significant number or proportion of the affected community has limited English proficiency. Such notices will include direction for obtaining an interpreter free of charge for the public hearing. 28CF 42.405 (d).

Reports and Forms

28 CFR 42.406 (D); 49 CFR part 21 Appendix C (B) (3)

The Title VI Coordinator completes the “Title VI Pre-Award sponsor Checklist” as part of the grant application package for projects that meet one or more of the following criteria:

1. Environmental assessment or impact statement;
2. Major runway extension;
3. Relocation of airport, runway, person or structure; or
4. Impact access or preservation of burial, ceremonial or other sacred or historic structure or lands of any indigenous or ethnic population.

The checklist is available and on file at the Tunica Airport Administration offices, Or by calling your FAA Regional Civil Rights Staff.

Monitoring

The Title VI Coordinator will provide oversight of the entire Title VI Program. This includes ensuring training is conducted, Language, translation services are available, and appropriate Title VI signage is posted. This also includes updating community statistics, and corresponding with the FAA as necessary.

Limited English Proficiency (LEP)
Executive order 13166

In Tunica County and surrounding areas, we have identified the following languages in which LEP may exist: Spanish.

Source: Dept. of Justice; <https://www.lep.gov/maps> (2014).

As stated in DOT Notice 2001-8696 (FR22ja01-233) transportation is considered an essential service to participation in modern society. Therefore, we have made the following plans to provide translation services free of charge to ensure that individuals with LEP have access to the benefits of the airport:

- 1) All written notices contain a statement in the identified languages, when appropriate, of how to receive translated written materials and/or to arrange for a translator at a public meeting.
- 2) The Title VI Coordinator maintains a list of bilingual and multilingual employees, the languages they speak, and their associated office telephone numbers. The list is updated annually in the Public Information Handbook and provide to all airport employees. Generally, these employees are available to assist the public during normal business hours.
- 3) Efforts are underway to contract for written translations should the need arise.

Community Statistics

Several regulations relating to Title VI of the Civil Rights Act of 1964 require federal grant recipients to know the community demographics. Our community is defined as the area located east of the Mississippi River within 30 mile radius of Tunica, Mississippi. This area is comprised of Tunica, Desoto, Tate, Panola, Quitman and Coahoma Counties in Mississippi.

We have identified the following facts about the community composed of these 6 counties and the state.

Low Income Communities: A low income area is an identifiable group of persons living in geographic proximity whose median household income is at or below the Department of Health and Human Services poverty guidelines. According to a U.S. Census Report the overall poverty level for the state is approximately 21.5%. The state poverty rate remains one of the highest in the country. Based on the most recent population Survey reported by U. S. Census Bureau (source: Census Bureau), we found the poverty rate in Tunica County to be 24.4%, Desoto County 9.8%, Tate County 18.5%, Panola County 25.3%, Quitman County 40.7% and Coahoma County 38.2%.

Minority Communities. Tunica County’s minority population is 79.1% of the total county population. The state’s overall minority population as a percentage of the total population is estimated to be 33.2%.

Limited English Proficiency: The following languages are the top 5, in the descending order, spoken in homes (by individuals who believe they” do not speak English well”) in the state and the prescribed area (source: 1990 Census Bureau):

STATE OVERALL	COUNTY COMBINATION
Spanish	Spanish
Vietnamese	Vietnamese
French	Arabic
Native American	Native American
Chines	Other Indo-European

Source: Statistical Atlas

Top Non-English Language in state Public Schools:

Spanish
Vietnamese
Arabic
Chines
Gujarati

Source: National Center for Immigrant Integration Policy, ELL Fact Sheet (2015)

This information is updated annually through the following avenues:

1. U.S. Census and Federal Statistical data
2. State and local statistical date.
3. Records of the Airport
4. Statistical data compiled by NGO’s