



INTEROFFICE MEMORANDUM

TO: Fulton County Board of Commissioners

FROM: *Anthony Nicks*
Anthony Nicks, County Auditor

DATE: March 31, 2015

RE: Title VI Compliance Site Review Response-Ryan White
Agency dated March 26, 2015

The Office of Internal Audit completed the Ryan White Agency Title VI Compliance Site Review dated March 17, 2015. Attached is the response received from the Ryan White Agency in relation to the finding(s) referenced in their review.

If you have any questions or need additional information, please contact me at extension 21019. Thank you.

Attachment: Review Response-Ryan White Agency Title VI Compliance Site Review Report

Cc: Richard Anderson, County Manager



INTER-OFFICE MEMORANDUM
Office of the County Manager

TO: Dick Anderson, County Manager

FROM: Jeff Cheek, Interim Director *jc*
Ryan White Program

DATE: March 26, 2015

SUBJECT: Response to Ryan White Agency Title VI
Compliance Site Review Report dated March 17,
2015

Attached please find the Ryan White Program's response to the "Ryan White Agency Title VI Compliance Site Review Report dated March 17, 2015".

I thank you, not only for the opportunity to respond to this report, but for the guidance provided to the Program in reaching full compliance with the requirements of Title VI of the Civil Rights Act of 1964.

cc: Anthony Nicks, County Auditor, Office of Internal Audit
Trina Alston, Title VI Coordinator, Office of Internal Audit

GENERAL COMMENTS

The Interim Director and Assistant Director met with Trina Alston, Title VI Coordinator on Tuesday, February 10, 2015 and received training on Title VI Basics and Compliance Training as part of the site review. Ms. Alston was requested to provide additional training to all Ryan White staff which took place on Tuesday, March 10, 2015.

Through these steps, Ryan White staff were informed of County expectations regarding Title VI including the need for Title VI monitoring, posting of notices, etc. so that the program might more fully comply with Title VI requirements.

REQUIREMENTS, FINDINGS AND RECOMMENDATIONS

Finding 1 – Language Access to Limited English Proficiency (LEP) Persons

Agency Response

On February 10, 2015 Title VI Posters and the Notice to Beneficiaries were posted in the First Floor Break Room and in the common area of the Ryan White Program's office space.

Each agency receiving Fulton County Ryan White Ryan White has been provided with the Title VI poster and notice statement with instruction to post the documents in public access areas visible to clients.

In addition, Fulton County's Title VI brochure was distributed at the March 19, 2015 meeting of the Metropolitan Atlanta HIV Health Services Planning Council attended by providers, clients (consumers of Ryan White funded services), and members of the general public. The Interim Director also reviewed Fulton County's "Notice to the Public" regarding Title VI and the process for filing a complaint if an individual believed he or she was discriminated against by any Fulton County program in violation of Title VI.

Finding 2 – Monitoring

Agency Response

The individual authorized to enter into contracts on behalf of each agency annually signs documentation of agreement to abide with Fulton County's non-discrimination policies. These forms are filed as part of each agency's annual contract. Each agency is also required to have in place a grievance process in which redress may be sought if a client believes he or she has been treated in an unfair manner. Each Fulton County Ryan White Program funded agency participates in site visit with Ryan White staff to ensure compliance with programmatic and fiscal requirements.

During the February 10, 2015 training by Ms. Alston, the Ryan White Program's Interim Director and Assistant Director were instructed to include Title VI monitoring as part of the regular agency review/site visits held between Ryan White staff and appropriate agency staff.

Toward that end, the contract between Fulton County and Ryan White funded agencies has been modified for FY15 to include language informing each agency of its responsibilities under Title VI and notification that site reviews will include compliance with Title VI rules and regulations. When the schedule has been set for FY 2015 (March 1, 2015 – April 29, 2016) site visits a copy will be provided to Ms. Alston.

The contract now requires each funded agency to identify a Title VI Coordinator who will work with the County to ensure subrecipient compliance with Title VI.

Furthermore, the contract has been modified to include the Federal Government's Standard Form 424B, Assurances – Non-Construction Programs to be signed by the agency's representative duly authorized to enter into contracts on behalf of the agency. SF424B includes a statement that the agency:

Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

REVIEW CONCERN(S)

Review Concern 1 – Certifications and Assurances

Prior to implementation of an electronic application filing process via Grants.gov HRSA required each applicant for Ryan White Part A funds to submit a copy of Federal Government's Standard Form 424B, Assurances – Non-Construction Programs signed by the Chairman of the Board of Commissioners as the authorizing official. Grants.gov requires SF424B be electronically signed by the individual responsible for submitting the application to HRSA via Grants.gov with a copy signed by the Chairman to be submitted upon request of the funding agency (in this case HRSA). Thus, the Ryan White Program has complied with programmatic requirements of its funder. Nonetheless, in abundance of caution and to ensure that copies of SF424B signed by the County's authorizing official are on file, the Chairman's signature has been obtained for FY14 (the fiscal year during which we were notified by Ms. Alston of the desire to have copies signed by the Chairman) and FY15 (the current grant year). Forms with the Chairman's original signature are on file with the Clerk to the Commission copies of which have been provided to Ms. Alston and filed within the Ryan White Program Office.

CONCLUSION

The Ryan White Program has addressed the findings and concerns of the Office of Internal Audit and appreciates the opportunity to continue to work with Office of Internal Audit to promote and implement proper measures to meet and maintain compliance with Title VI requirements, policies, and procedures as we work toward our shared goal of making Fulton County's programs and services free of discrimination.