

CHENANGO COUNTY TITLE VI PROGRAM

POLICY STATEMENT

As a recipient of federal and state funds, Chenango County is subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964, as amended. Non-compliance with this mandate can affect federal financial assistance.

Title VI of the Civil Rights Act of 1964, as amended, and related statutes and regulations require that no person in the United States shall, on the grounds of race, color, national origin, sex, age, 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 Chenango County receives Federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "program or activity" to include all programs or activities of Federal Aid recipients, sub-recipients, and consultants, whether such programs and activities are federally assisted or not.

Chenango County assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Chenango County's Personnel Officer or his/her designee is responsible for monitoring Title VI activities for Chenango County.

Under Title VI, any person has the right to file a formal complaint if he or she believes they have been aggrieved by a discriminatory practice under any program or activity provided by the County, on the basis of race, color, national origin, sex, age, or disability.

In the event that Chenango County distributes federal aid funds to another government entity, it will include Title VI language in all written agreements and will monitor for compliance.



Lawrence N. Wilcox, Chairman
Chenango County Board of Supervisors



Date

TITLE VI ASSURANCES

A copy of Chenango County's Title VI Assurances Statement is attached as Appendix A. The Assurances Statement reflects the County's commitment to comply with Title VI of the Civil Rights Act of 1964, as amended, and the County's policy to ensure equal opportunity and to prevent and eliminate discrimination. Chenango County shall submit its Title VI Certification and Assurances whenever the County accepts funding from the Federal government.

APPOINTMENT AND RESPONSIBILITIES OF TITLE VI COORDINATOR

The Chenango County Board of Supervisors has designated the Personnel Officer as the Title VI Coordinator for Chenango County. The Title VI Coordinator is responsible for initiating, monitoring, and ensuring Chenango County's compliance with Title VI requirements as follows:

1. Ensure that the County's Title VI Policy Statement is posted according to the procedures outlined in this document so that the appropriate notice is provided to the general public;
2. To review the County's Title VI Program annually to determine that it is up to date, and to make any recommendations for changes to the document to the Board of Supervisors to ensure that it remains up to date;
3. To keep such records and timely file such reports as required to comply with Title VI requirements;
4. To process, review and investigate Title VI complaints received by the County in accordance with the Complaint Procedure established in this document.

The contact information for the County's Title VI Coordinator is available on the County's website: "www.co.chenango.ny.us".

TITLE VI COMPLAINT PROCEDURES

In order to comply with Title VI and all pertinent laws and regulations associated with Title VI, Chenango County provides the following complaint procedures for any individual who believes they have been subjected to discrimination under any program or activity provided by Chenango County. These procedures do not deny the right of the complainant to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

1. **Complete and Submit Complaint Form:** In order to allow Chenango County to investigate an incident or alleged discrimination under Title VI, the individual who believes they may have been subjected to discrimination must complete and file a Complaint Form. (A copy of the Complaint Form is attached as Appendix B of this document, and can also be found on the Chenango County website at www.co.chenango.ny.us.) The Complaint Form must be completed fully, and mailed or delivered to: Chenango County Personnel Officer, 5 Court Street, Norwich, NY 13815.

Only complaints of incidents that allegedly occurred within 180 days from the receipt of the complaint form will be reviewed. If assistance is needed to complete the Complaint Form, individuals may contact the Chenango County Personnel Office at (607)337-1470.

2. Review of Complaint Form: Upon receipt, the Complaint Form will be reviewed to determine if the County has jurisdiction to review the alleged act of discrimination. A letter acknowledging receipt of the complaint will be mailed within ten (10) business days.

3. Investigation: Chenango County shall make every effort to address all complaints in an expeditious and thorough manner. If more information is needed to resolve the case, the County may contact the complainant. A complainant's failure to provide the requested information may result in the administrative closure of the complaint. A case may also be administratively closed if the complainant informs the County that he/she no longer wishes to pursue their case.

4. Informing Complainant of the Results of the Investigation: Chenango County shall send a final written response letter to the complainant. If the complainant is notified that their complaint is not substantiated, the complainant shall also be advised of his or her right to:

a.) Submit an appeal within seven calendar days of receipt of the final written decision from Chenango County, and/or b.) File a complaint externally with the applicable State or Federal agency.

The County shall keep a log of all complaints under Title VI, including the date that the complaint was filed, a summary of the allegations(s), the status of the investigation, and actions taken by the County in response to the complaint.

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Title VI of the Civil Rights Act of 1964 and Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" require Chenango County to take reasonable steps to ensure meaningful access to the benefits, services, information and other important portions of its' programs and activities for individuals who are Limited English Proficient (LEP) by developing a Limited English Proficiency Plan.

LEP populations are people for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. LEP populations included both people who report to the U.S. Bureau of Census that they do not speak English well and people who report that they do not speak English at all.

A copy of Chenango County's Limited English Proficiency (LEP) Plan is available from the Title VI Coordinator.

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

The Americans with Disabilities Act (ADA) Transition Plan reflects Chenango County's long-term commitment to ADA compliance, and details the stages of Chenango County's plan and timeline for: (1) evaluating accessibility by identifying any structural barriers associated with public facilities; (2) identifying accommodations and/or modifications that can be provided to make programs and services accessible; and (3) prioritizing the remediation of any deficiencies and formulating a budget and schedule for those improvements.

The Draft ADA Transition Plan will be revised and updated as the steps of the Plan are completed. A copy of Chenango County's ADA Transition Plan is available from the Title VI Coordinator.

STAFF TRAINING

Initial training of all employees that interact with members of the public will be conducted in July 2017 and thereafter annual training will be conducted to remind employees of Chenango County's policy statement, and of their Title VI responsibilities in their daily work activities. Title VI compliance information shall be disseminated to all new employees at time of hire via the new employee orientation process.

The following components will be included in the training:

- Title VI Non-Discrimination Policy and LEP and ADA guidelines
- Description of language assistance services offered to the public
- General overview of Title VI complaint process

All contractors or subcontractors performing work for Chenango County will be required to follow the Title VI/LEP guidelines.

TITLE VI INFORMATION DISSEMINATION

Copies of Chenango County's Title VI Notice to the Public (Appendix C) shall be prominently and publicly displayed in Chenango County facilities. The name of the Title VI Coordinator and the Title VI Plan is available on the Chenango County website, at www.co.chenango.ny.us. Additional information relating to the County's nondiscrimination obligation can be obtained from the Chenango County Personnel Office.

COMMUNITY OUTREACH/ENVIRONMENTAL JUSTICE

Recent Census data shows that Chenango County has a very small minority population and a substantial low-income population. Chenango County is committed to Environmental Justice principles to ensure the full and fair participation by all potentially affected communities in the transportation decision making process and to avoid, minimize, or mitigate disproportionately

high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.

Public involvement in the area of Environmental Justice will be achieved through community outreach measures that assure the meaningful involvement of all citizens, including minority and low-income populations.

As an agency receiving federal financial assistance, Chenango County makes the following community outreach efforts to provide information and to allow citizens to share their perspectives with and provide input to County policy makers:

- The public is invited to attend and participate in the legislative process through notices in newspapers throughout the County.
- Public meetings and Hearings are held at accessible locations that facilitate access and participation by all members of the community.
- Official meeting minutes are kept and are made available to the public on the County's website.
- Written correspondence to the Board of Supervisors is reviewed by Board members monthly and made part of the official record of the Board.
- The Title VI Policy Statement was adopted by Board Resolution at the meeting open to the public on June 12, 2017.
- Title VI statements are posted in all County facilities for public viewing.
- Chenango County has a user friendly website to enhance community relations efforts.
- Chenango County's Title VI plan is available to the community on the County's website.

-APPENDIX A - Title VI Statement of Assurances

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

- 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.F.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.F.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 citations hereinafter are referred to as the "Acts" and "Regulations" respectively.

General Assurances

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

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

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination 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 programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in subsections 21.23(b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an "activity") facilitated, or 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 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 programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

Chenango County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC subsections 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 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 of award.


3. The Recipient will insert the clauses of Exhibit 1 and Exhibit 5 of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Exhibit 2 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 therein 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 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 Exhibit 3 and Exhibit 4 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 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.


9. 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/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 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, Chenango County 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 FHWA access to records, accounts, documents, information, facilities, and staff. Chenango County also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA, or its designee in a timely, complete, and accurate way. Additionally, Chenango County must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Chenango County gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts or other federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation 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 whose signature appears below is authorized to sign this ASSURANCE on behalf of the Recipient.



Lawrence N. Wilcox
Chairman, Chenango County Board of Supervisors



Date

- APPENDIX A -

Exhibit 1

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, 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, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Exhibit 5, 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 Non-discrimination 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 the Federal Highway Administration 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 the Federal Highway Administration, 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 Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration 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 A -

Exhibit 2

CLAUSES FOR DEEDS TRANSFERING 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 Department of Transportation as authorized by law and upon the condition that Chenango County will accept title to the lands and maintain the project constructed thereon in accordance with the Chenango County Board of Supervisors, the Regulations for the Administration of **Federal Highway Program**, and the policies and procedures prescribed by the **Federal Highway Administration** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the 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 Chenango County all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Chenango County 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 Chenango County, its successors and assigns.

Chenango County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that Chenango County 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the 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 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 in order to effectuate the purpose of Title VI.)

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