RESOLUTION
R-C-__24__-2016

A RESOLUTION BY THE BOARD OF COMMISSIONERS, ST. JOSEPH COUNTY, INDIANA, APPROVING AND ADOPTING AN AMENDED TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 PLAN FOR ST. JOSEPH COUNTY

WHEREAS, the federal government enacted Title VI of the Civil Rights Act of 1964, as amended, to prevent discrimination on the grounds of race, color, sex, age, disability or national origin and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, sex, age, disability or national origin;

WHEREAS, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of Title VI;

WHEREAS, it is a requirement of the Indiana Department of Transportation (INDOT) and the United States Department of Transportation that communities receiving federal financial assistance adopt a Title VI Program, Implementation Plan, a Limited English Proficiency Plan, and an Environmental Justice Policy; and

WHEREAS, upon receiving drafting suggestions from INDOT for Title VI Programs, Implementations Plans, Limited English Proficiency Plans, and Environmental Justice Policy, the St. Joseph County Board of Commissioners finds that it is in the best interest of St. Joseph County to amend the current Title VI Plan for St. Joseph County to incorporate these drafting suggestions.

NOW THEREFORE BE IT RESOLVED, that the St. Joseph County Board of Commissioners hereby approves and adopts the attached Amended Title VI Program, Implementation Plan, Limited English Proficiency Plan, and Environmental Justice Policy.

APPROVED THIS 23 DAY OF NOVEMBER, 2016
THE BOARD OF COMMISSIONERS
ST. JOSEPH COUNTY, INDIANA

Andrew T. Kostielney, President
Dave Thomas, Vice-President
Deborah A. Fleming, D.M.D., Member

ATTEST:
Michael J. Hamann
St. Joseph County Auditor
Amended Title VI Program, Implementation Plan, Limited English Proficiency Plan, and Environmental Justice Policy

A. INTRODUCTION

This document is to be recognized as a continual and ongoing effort to comply with various laws. Title VI and of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. As a recipients of federal funds, public entities have direct legal requirements to comply with Title VI of the Civil Rights Act of 1964 ("Title VI"), the Americans with Disabilities Act of 1992 (the "ADA"), and other laws, executive orders and regulations related to nondiscrimination and accessibility.

Federal funds stem from tax dollars paid by all people and the programs and facilities developed from them must benefit everyone equally. In addition, recipients and sub-recipients of federal funds (those who receive federal funds as they trickle down to develop programs and projects) have contractual obligations to comply when the Assurances of Non-discrimination (Assurances) are signed as a condition of receiving those funds, and also with INDOT's annual Pre-Awarding Certification Process pertaining to the Local Public Agency (LPA) and all other Grant opportunities.

B. LIST OF GOALS

- Develop and TRAIN employees on Title VI policy and procedures.

- Develop and implement PROCEDURES FOR COLLECTION OF DATA.

- Develop and implement pre/post-award to sub-recipients to ENSURE SUB-RECIPIENT(S) REMAIN COMPLIANT with Title VI.

- Work with liaisons, representatives, and Title VI team members on ways to IMPROVE COMMUNICATION and COMMUNITY INVOLVEMENT.

C. POLICY STATEMENT /NOTICE

St. Joseph County, Indiana (hereafter referred to as "County") is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, age, national origin, gender, disability or income status. The County assures that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23 CFR 200.9 Title 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S.557] March 22, 1988).

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC §794), the County hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be
excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from Federal financial assistance.

In the event the County distributes federal aid funds to a sub-recipient, the County will include Title VI language in all written agreements and will monitor for compliance. The County’s Title VI Coordinator, Queenie Evans, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 CFR 200.9 Title 49 CFR 21.

Additionally, the County values each individual’s civil rights and intends to provide equal opportunity and equitable services for the residents and patrons of the city, and acknowledges throughout the years, additional regulations, statutes, directives and executive orders have been passed which expand the breadth of Title VI, and has endeavored to provide non-discrimination in all areas (including employment opportunities).

Therefore, regardless of receiving federally funds, the County prohibits discrimination and/or the exclusion of individuals from employment or participation opportunities, its municipal facilities, programs, activities and services not only based on the individual person’s race, color, national origin, disability, sex, age, low income status or limited English proficiency (Title VI), but also individual person’s religion, citizenship status, military status, genetic information, or any other category protected under federal, state, or local law.

The County has recognized these tenets, to include INDOT’s annual Pre-Awarding Certification Process pertaining to the Local Public Agency (LPA) and all other Grant opportunities, and will continue to monitor polities for compliance. (see Appendix – NOTICE)

D. ADMINISTRATION / ACTION OF PLAN

The Board of Commissioners of St. Joseph County is responsible for ensuring the implementation of the County’s Title VI Program. The Director of Human Resources, Queenie Evans, serves as the Title VI Coordinator, on behalf of the Board, and is responsible for the overall management of the Title VI Program to ensure compliance with provisions of the County’s policy of non-discrimination with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

Title VI Coordinator
Queenie Evans, Human Resources Director
St. Joseph County Human Resources
227 West Jefferson Blvd.
7th Floor County-City Building
South Bend, IN 46601

E. NON-DISCRIMINATION MEASURES

Elimination of Discrimination – Work with the Title VI Liaisons (Department Heads) to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in the County’s processes. Develop and implement the County’s Limited English Proficiency (LEP) Plan; provide training to the Department Heads on procedure to follow when a person requests an interpreter. Establish procedures for reviewing contracts with sub-recipients, special interest programs and activities to include Title VI assurance; Attend Title VI Training as required by INDOT.
Public Dissemination - Work with the Title VI Liaisons to develop and disseminate Title VI Program information to the County employees and sub-recipients, including contractors, subcontractors, consultants, sub-consultant and the general public. Public dissemination may include postings of official statements, inclusions of Title VI language in contracts or other agreements, and website postings. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English. (See Appendix – “Language Identification Flashcards”)

Collection of Data - The County shall utilize a voluntary Title VI public involvement survey performed by the Title VI Liaisons (Department Heads) that will be made available at public hearing, meeting, program, activity, or on participation enrollments, and review and analyze the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of the Title VI program administration, and document the analysis for the Federal Highway Administration (FHWA).

The voluntary survey will allow respondents to remain anonymous and will ask questions regarding any category protected under federal, state, or local law. Completed surveys will be retained by the Title VI Coordinator for three (3) years. (See Appendix – “Voluntary Survey”)

Monitoring Contractors and Consultants - The County will ensure that all federally funded contracts contain required Title VI assurances prohibiting discrimination in violation the County’s policy on nondiscrimination that includes consultants and contractors for compliance with the County’s nondiscrimination policy and will promptly investigate any alleged claim of discrimination and will work with the consultant or contractor to obtain voluntary compliance with the County’s nondiscrimination policy.

Training of Employees - The Title VI Coordinator will attend Title VI training provided by the Indiana Department of Transportation. Attendance will occur within the next six (6) months. Utilizing training materials similar to those developed by the Indiana Department of Transportation, St. Joseph County, Indiana’s Title VI Coordinator will make Title VI Program training available to employees, contractors, sub-recipients, and Department Heads. Initial training of staff on Title VI requirements is anticipated to be completed prior to December 31, 2016. Training records will be retained by the Title VI Coordinator demonstrating attendance and training dates and documenting the agendas and training materials. The training will be documented on the Training Log (Appendix A). The training will provide information on Title VI provisions and operation, and identify Title VI issues and resolution of complaints.

Complaints – The Title VI Coordinator will ensure the Complaint Procedure for filing, review and investigating Title VI complaints received by the County will following procedural guidelines. Ensure every effort is made to resolve complaints and properly documented and maintain a log of all complaints. (See Appendix – “Complaint Consent/Form”)

Department Head (Title VI Liaison) Responsibilities - Each Department Head within the County are responsible for the following under Title VI:

- Ensuring all County contract documents contain the appropriate Title VI provisions;

- Consulting with the Board of Commissioners and the Title VI Coordinator when Title VI complaints are received or issues arise;
• Ensure that all people are treated equitably regardless of race, color, national origin, disability, gender, age, low income status or limited English proficiency;

• Develop and update internal policies and procedures to ensure Title VI compliance during all phases of projects, activities, etc.;

• Ensure all business pertaining to the selection, negotiation and administration of consultant contracts and agreements is accomplished without discrimination based on race, color, national origin, disability, gender, age, low income status or limited English proficiency;

• Ensure internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference; and

• Provide information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

Department Head (Title VI Liaisons) Reporting - The Department Heads must submit the Title VI Compliance Review Form to the Title VI Coordinator to be used as an assessment tool to determine whether the departments are in compliance with Title VI and to ascertain instances where the Title VI Coordinator may provide training to help the Department Heads achieve its Title VI goals and maintain compliance. The Title VI Coordinator will review the data collection procedures for each department periodically to ensure compliance with the County's Title VI Program requirements.

The Department Heads should prepare the report and submit it annually on or around June 30th of each year, and information be included in each annual report submitted: Number of federally funded projects awarded during the past year; Number of Title VI complaints received during the past year; Attendance at public meetings/hearings tracked and broken down by ethnicity, race, gender and disability; Statistical data collected on ethnicity, race, gender and disability for communities impacted by construction projects, activities, events, and/or programs.

F. TITLE VI ASSURANCES

These are standard U.S. Department of Transportation assurances that outline St. Joseph County's guarantees for compliance with Title VI of the Civil Rights Act of 1964 as a recipient of federal financial assistance.

Standard U.S. D O T Title VI Assurances – St. Joseph County, Indiana (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 200d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status, or limited English proficiency, be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of
Transportation, including the Indiana Department of Transportation, and HEREBY GIVES
ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This
assurance is required by subsection 21.7(a) (1) of the Regulations.

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

1. That the Recipient agrees that each “program” and each “facility” as defined in
subsections 21.23(e) and (b) of the Regulations, will be (with regard to a “program”)
conducted, or will be (with regard to a “facility”) operated in compliance with all
requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for
work or material subject to the Regulations and made in connection with the Federal Aid
Transportation Program and, in adapted form in all proposals for negotiated agreements:
St. Joseph County, Indiana in accordance with Title VI of the Civil Rights Act of 1964,
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 insure
that in any contract entered into pursuant to this advertisement, disadvantaged business
enterprises will be afforded full opportunity to submit bids in response to this invitation
and will not be discriminated against on the grounds of race, color, national origin,
disability, sex, religion, age, low income status or limited English proficiency in
consideration for an award.

3. That the Recipient shall insert the clauses of Supplement A of this assurance in every
contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Supplement B of this assurance, as a
covenant running with the land, in any deed from the United States effecting a transfer of
real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or
part of a facility, the assurance shall extend to the entire facility and facilities operated in
connection therewith.

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 shall extend to
rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Supplement C of this
assurance, as a covenant running with the land, in any future deeds, leases, permits,
licenses, and similar agreements entered into by the Recipient with other parties: (a) for
the subsequent transfer of real property acquired or improved under the Federal Aid
Transportation Program and (b) for the construction or use of or access to space on, over
or under real property acquired, or improved under the Federal Aid Transportation
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-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

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

TITLE VI - ASSURANCES

SUPPLEMENT A

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

1. Compliance with Regulations: The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

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

3. Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, disability, sex, religion, age, low income status or limited English proficiency.
Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by St. Joseph County, Indiana, or the Indiana Department of Transportation (INDOT) or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to St. Joseph County, Indiana, or INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, St. Joseph County, Indiana shall impose such contract sanctions as it or INDOT or FHWA may determine to be appropriate, including, but not limited to: (a) withholding of payments to the contractor under the contract until the contractor complies, and/or (b) cancellation, termination or suspension of the contract, in whole or in part.

Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as St. Joseph County, Indiana or INDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contract may request St. Joseph County, Indiana to enter into such litigation to protect the interests of St. Joseph County, Indiana and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

TITLE VI – ASSURANCES

SUPPLEMENT B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein for the United States.

(Granting Clause) - Now, therefore, the Department of Transportation, as authorized by law, and upon the condition that St. Joseph County, Indiana will accept Title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal Aid Transportation Program and the policies and procedures prescribed by INDOT or FHWA and, also in accordance with and 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, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 USC 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto The City of Warsaw 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.

(Habeendum Clause) - To Have and TO HOLD said lands and interests therein unto St. Joseph County, Indiana 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 shall be binding on St. Joseph County, Indiana, its successors and assigns. St. Joseph County, Indiana, 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 shall on the grounds of race, color, or national origin, disability, sex, religion, age, low income status or limited English proficiency, 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 or under such lands hereby conveyed
[,...](2) that St. Joseph County, Indiana shall 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, Nondiscrimination in
Federally assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of
1964, and as said Regulations may be amended[,] and (3) that in the event of breach of any of the above-mentioned
nondiscrimination conditions, the Department shall have a right to reenter said lands and facilities on said land, and
the above described land and facilities shall 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 purposes of Title VI of the Civil Rights Act of 1964.

**TITLE VI – ASSURANCES**

**SUPPLEMENT C**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by
St. Joseph County, Indiana pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives,
successors in interest, and assigns, as 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 in the event facilities are constructed, maintained,
or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for
which a Department of Transportation program or activity is extended or for another purpose involving the
provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate
such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal
Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in
Federally assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of
1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, St. Joseph County, Indiana shall have
the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities
thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deed]*

That in the event of breach of any of the above nondiscrimination covenants, St. Joseph County, Indiana shall have
the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon
revert to and vest in and become the absolute property of St. Joseph County, Indiana and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by St.
Joseph County, Indiana pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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) no person on the grounds of race, color, or national origin,
disability, sex, religion, age, low income status or limited English proficiency shall 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, disability, sex, religion, age, low income status or limited English
proficiency shall be excluded from participation in, denied the benefits of, or otherwise be subjected to
discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all
other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation,
Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, St. Joseph County, Indiana shall have the right to terminate the [license, lease, permit, etc.] and to recenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, St. Joseph County, Indiana shall have the right to recenter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of St. Joseph County, Indiana and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

PART G. LIMITED ENGLISH SPEAKING PERSONS (LEP)

St. Joseph County, Indiana will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits.

Presidential Executive Order No. 13166, titled “Improving Access to Services for Persons with Limited English Proficiency,” indicates that individuals treated differently based upon their inability to speak, read, write or understand English is a type of national origin discrimination. Presidential Executive Order No. 13166 defines limited English proficiency persons as those individuals who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

For any program or project receiving federal funds St. Joseph County, Indiana will conduct a four part analysis to determine what, if any, limited English proficiency services will be required. The four factors to be considered in determining the need and type of language assistance services are:

1. Number or Proportion of LEP Individuals;

2. Frequency of Contact with the Program;

3. Nature and Importance of the Program; and


If a review of the first two factors show that less than five percent (5%) of the intended beneficiaries of the program or project are limited English proficient, no language assistance measures will be developed for that program or project. This will be determined through United States Census Bureau data as well as a review of Encounter Forms completed by city personnel.

However, in an effort to ensure that persons with Limited English Proficiency have meaningful access and equal opportunity, St. Joseph County, Indiana will accommodate any and all requests for oral or written translation services. If more the five percent (5%) of the intended beneficiaries of the program or project are limited English proficient, St. Joseph County, Indiana will review the nature and importance of
the program or project to determine what language assistance measures should be developed for the program or project.

The resources available to St. Joseph County, Indiana should be considered in determining the appropriate language assistance measures. Language assistance measures may include, but are not limited to, oral translation services, including the use of a telephone interpreter line, and written translation services.

St. Joseph County strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to County services.

A U.S. Census Bureau Language Identification Flashcard is available as part of this document (see Appendix - “Language Identification Flashcard”) and on the County’s webpage and is also available at the County-City Building located at 227 West Jefferson Blvd. This card allows LEP individuals to communicate their preferred language to County Staff whereas County Staff may then access a language translation service to accommodate the needs of the person with LEP. A translation service called INDY Translations, phone number 1-800-695-8772 is available to County Staff or other translation services may be used as determined by the County.

PART H – FILING A COMPLAINT

Any person who believes that he or she as a member of a protected class, has been discriminated against based on race, color, national origin, gender, age, disability, religion, low income status, or Limited English Proficiency in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the policy of St. Joseph County, Indiana to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce or engage in other discriminatory conduct against anyone because they have taken action or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint. The complaint may be communicated to any County department supervisor or to the County Equal Employment Opportunity Officer. The complaint should be submitted within 180 days of the alleged discrimination. Complaint forms may be found online at the St. Joseph County Board of Commissioners’ website, or obtained from the St. Joseph County Human Resources Office. Individuals are not required to use the County’s complaint form. If
necessary, the County will help an individual reduce his or her complaint to writing for his or her signature.

Generally a complaint should include the name, address and telephone number of the individual complaining (complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation.

Complaints should be directed to:
Queenie Evans, Human Resources Director
St. Joseph County Human Resources
227 West Jefferson Blvd.
7th Floor County-City Building
South Bend, IN 46601
Telephone: (574) 235-9547
Fax: (574) 245-6602

Within 60 days of the receipt of the complaint the County will conduct an investigation of the allegation based on the information provided and issue a written report of its findings to the complainant. The County will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.

If, after investigation, the County determines that the filed complaint alleging a Title VI violation has been substantiated, the County shall notify the complainant of such determination and that the County has implemented measures to correct the issue. Such notice shall also indicate that the complainant may be notified again by the County or state or federal authorities if an administrative hearing process is initiated.

If, after investigation, the County determines that the filed complaint alleging a Title VI violation has not been substantiated, the County shall notify the complainant of such determination and that the County is closing the file for this issue. Such notice shall also indicate that the complainant has the right to appeal within seven (7) calendar days of receipt of this final written decision from the County, and/or file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at Federal Transit Administration Office of Civil Rights Attention: title VI Program Coordinator East Building, 5th Floor – TCR 1200 New Jersey Ave. SE Washington DC, 20590

A complainant’s identity shall be kept confidential except to the extent necessary to conduct an investigation. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual’s right to seek private counsel for any complaint alleging discrimination.
Complaints may also be filed with the following government agencies:

**Indiana Department of Transportation**
Economic Opportunity Division
100 N. Senate, Room N75
Indianapolis, IN 46204
Phone: (317) 233-6511
Fax: (317) 233-0891

**Indianapolis District EEOC Office**
101 West Ohio Street, Ste 1900
Indianapolis, IN 46204
Phone: (800) 669-4000
Fax: (317) 226-7953
TTY: 1(800) 699-6820

**Indiana Civil Rights Commission**
100 N. Senate Ave., Room N103
Indianapolis, IN 46204
Toll Free: 1 (800) 628-2909
Phone: (317) 232-6560
Fax: (317) 232-6560
Hearing Impaired: 1(800) 743-3336

I - APPENDIX / ATTACHMENTS

- NOTICE

- Language Identification Flashcard

- Voluntary Information Survey

- Complaint Consent

- Complaint Form

- Complaint Log

ST. JOSEPH COUNTY, INDIANA

TITLE VI – NOTICE

NON-DISCRIMINATION POLICIES, PUBLIC ACCESS TO FACILITIES, PROGRAMS, ACTIVITIES & SERVICES
St. Joseph County, Indiana (hereafter referred to as “County”) is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, age, national origin, gender, disability or income status.

The County assures that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (23 CFR 200.9 Title 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S.557] March 22, 1988).

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC §794), the County hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from Federal financial assistance.

In the event the County distributes federal aid funds to a sub-recipient, the County will include Title VI language in all written agreements and will monitor for compliance. The County’s Title VI Coordinator is Queenie Evans, Human Resources Director, St. Joseph County Human Resources, 227 West Jefferson Blvd., 7th Floor County-City Building, South Bend, Indiana 46601; Telephone (574) 235-9547; Fax (574) 245-6602.

Additionally, St. Joseph County, Indiana values each individual’s civil rights and intends to provide equal opportunity and equitable services for the residents and patrons of the County, and acknowledges throughout the years, additional regulations, statutes, directives and executive orders have been passed which expand the breadth of Title VI, and has endeavored to provide non-discrimination in all areas (including employment opportunities). Therefore, regardless of receiving federally funds, County prohibits discrimination and/or the exclusion of individuals from employment or participation opportunities, its facilities, programs, activities and services not only based on the individual person’s race, color, national origin, disability, sex, age, low income status or limited English proficiency (Title VI), but also individual person’s religion, citizenship status, military status, genetic information, or any other category protected under federal, state, or local law.

The City of Warsaw has recognized these tenets, to include INDOT’s annual Pre-Awarding Certification Process pertaining to the Local Public Agency (LPA) and all other Grant opportunities, and will continue to monitor policies for compliance.

APPROVED THIS 22nd DAY OF November, 2016
THE BOARD OF COMMISSIONERS
ST. JOSEPH COUNTY, INDIANA

[Signature]
President
Dave Thomas
Vice-President

Debra G. Felming
Member

ATTEST:
St. Joseph County Auditor
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ENVIRONMENTAL JUSTICE (EJ) POLICY

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by St. Joseph County, Indiana in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project;
- If a disproportionate effect is anticipated, follow mitigation procedures;
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The County will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the County will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.;
- The project’s impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low-income or minority populations.

The following steps will be taken to assess the impact of projects on minority and/or low-income population groups:

STEP ONE: Determine if a minority or low-income population is present within the project area. If a conclusion is that no minority and/or low-income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low-income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low-income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix A. If it is determined that there are disproportionately high and adverse impacts to minority and low-income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and off-setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low-income populations, then the following questions must be considered:
**Question 1:** Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?

**Question 2:** Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low-income or minority populations?

**Question 3:** Considering the overall public interest, is there a substantial need for the project?

**Question 4:** Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social, economic, or environmental impacts that are more severe than those of the proposed action or (B) have increased costs of extraordinary magnitude?

**STEP FIVE:** Include all findings, determinations or demonstrations in the environmental document prepared for the project.
APPENDIX A—POTENTIAL IMPACTS AND QUESTIONS

Potential Impacts—All reasonably foreseeable adverse social, economic, and environmental effects on minority populations and low-income populations must be identified and addressed. Adverse effects include, but are not limited to:

- Bodily impairment, infirmity, illness, or death.
- Air, noise, and water pollution; and soil contamination.
- Destruction or disruption of man-made or natural resources.
- Destruction or diminution of aesthetic values.
- Destruction or disruption of community cohesion or a community’s economic vitality.
- Destruction or disruption of the availability of public and private facilities and services.
- Vibration.
- Adverse employment effects.
- Displacement of person, businesses, farms, or nonprofit organizations.
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community.
- The denial of, reduction in, or significant delay in the receipts of benefits of DOT programs, policies, or activities.

Questions to Consider:

- Are there potential environmental justice concerns associated with environmental stressors affected by the proposed action for population groups of concern in the baseline?
- Are there potential environmental justice concerns associated with environmental stressors affected by the proposed action for population groups of concern for each proposed option under consideration?
- For each proposed option under consideration, are potential environmental justice concerns created or mitigated compared to the baseline?
- What demographic and population groups are most relevant from a risk perspective for the environmental stressor in question?
- Are there population-specific effect assessments for minority populations, low-income populations, or indigenous peoples?
- Are there known or identified effect modifiers?
- For identified factors that modify hazards of interest, how are they distributed among minority populations, low-income populations, or indigenous peoples?
- Are effect modifiers distributed differently among various life stages within population groups?
St. Joseph County, Indiana

VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23 CRF §200.9(b)(4)). St. Joseph County, Indiana is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that the County will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding the County’s responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Queenie Evans, Title VI Coordinator.

You may return the survey by folding it and placing it on the registration table or by mailing or e-mailing it to the address below.

Date: (month, day, year)
Project Name:
Proposed Project Location:
Gender: Female Male Ethnicity: Hispanic or Latino Not Hispanic or Latino
Race: (Circle one or more) White Black or African-American Multiracial
American Indian or Alaska Native Asian Native Hawaiian or Other Pacific Islander
Age: 1-21 22-40 41-65 65+ Disability: Yes No
Household Income: 0-$12,000 $12,001-$24,000
$24,001-$36,000 $36,001-$48,000
$48,001-$60,000 $60,001 or above
Title VI Coordinator
Queenie Evans, Human Resources Director,
St. Joseph County Human Resources
227 West Jefferson Blvd.
7th Floor County City Building
South Bend, IN 46601
(574) 235-9547-office
(574) 245-6602-fax

HR/051616/Title VI Voluntary Survey
St. Joseph County, Indiana

TITLE VI COMPLAINTANT CONSENT / RELEASE FORM

Name:

Telephone Number:

Address (number and street, city, state, ZIP code):

As a complainant, I understand that during an investigation it may become necessary for St. Joseph County, Indiana to reveal my identity to individuals outside of St. Joseph County Government in the course of verifying information or gathering facts and evidence to develop a basis for making a civil rights compliance determination. I understand that it may be necessary for St. Joseph County, Indiana to share information, including personal details collected as part of its complaint investigation. In addition, I understand that as a complainant, I am protected by Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations prohibiting intimidation or retaliation for taking action or participating in an action to secure rights protected by the nondiscrimination statutes enforced by St. Joseph County, Indiana.

Please read both paragraphs below, check your choice of CONSENT or CONSENT DENIED and sign below.

(Please Circle One)

CONSENT

I have read and understand the above information and authorize St. Joseph County, Indiana to disclose my identity to individuals as needed during the course of the investigation for the purpose of verifying information or gathering facts and evidence relevant to the investigation of my complaint. I authorize St. Joseph County, Indiana to receive, review, and discuss material and information about me relevant to the investigation of my complaint.

I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release and volunteer to do so.

CONSENT DENIED

I have read and understand the above information and do not want St. Joseph County, Indiana to disclose my identity to any individual during the course of the investigation. I understand this choice could delay the investigation of my complaint and may, in some circumstances, result in an administrative closure of the investigation of my complaint without St. Joseph County, Indiana making a determination in my case.

Signature: ______________________________________
Date: ______________________________________
Printed Name: ______________________________________

HR/051616/Title VI Release Form
St. Joseph County, Indiana

TITLE VI – COMPLAINT FORM
St. Joseph County, Indiana Title VI Complaint Form

| Section I: |  |
| Name: |  |
| Address: |  |
| Telephone (Home): | Telephone (Work): |
| Electronic Mail Address: |  |

| Accessible Format Requirements? | Large Print | Audio Tape |
| TDD | Other |

| Section II: |  |
| Are you filing this complaint on your own behalf? | Yes* | No |

*If you answered "yes" to this question, go to Section III.

If not, please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party:

| Yes | No |

| Section III: |  |
| I believe the discrimination I experienced was based on (check all that apply):

[ ] Race [ ] Color [ ] National Origin [ ] Sex
[ ] Age [ ] Disability [ ] Low Income

Date of Alleged Discrimination (Month, Day, Year):

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

| Section IV: |  |
| Have you previously filed a Title VI complaint with this agency? | Yes | No |

| Section V: |  |
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

[ ] Yes      [ ] No

If yes, check all that apply:

[ ] Federal Agency: __________________________       [ ] Federal Court: __________________________

[ ] State Agency: __________________________       [ ] State Court: __________________________

[ ] Local Agency: __________________________

Please provide information about a contact person at the agency/court where the complaint was filed.

Name:

Title:

Agency:

Address:

Telephone:

Section VI

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint. Signature and date required below.

Signature ___________________________   Date ___________________________

Please submit this form in person at the address below, or mail this form to:

Queenie Evans, Title VI Coordinator
St. Joseph County Human Resources
227 West Jefferson Blvd.
7th Floor County-City Building
South Bend, IN 46601
St. Joseph County, Indiana

TITLE VI Complaint Log

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St. Joseph County Board of Commissioners

Board of County Commissioners
(3 Members)

- Purchasing Manager
  - Clerk
  - Flood Asset Specialist

- Human Resources Director
  - Liability Investigator
  - Human Resources Specialist

- Veterans Service Officer
  - Executive Secretary
  - Human Resources Generalist

- Executive Secretary
  - Secretary
  - Clerk (Half-Time)

- Administrative Assistant
  - Deputy Attorneys (4)

- County Attorney
  - Assistant County Attorney