

**JEFFERSON COUNTY BOARD OF LEGISLATORS**  
**Resolution No. 152**

Adopting County Title VI/NonDiscrimination Policy and Plan

By Legislator: William W. Johnson

Whereas, County programs that are funded as sub-recipients of the Federal Highway Administration are required to have a policy and plan to comply with Title VI of the Civil Rights Act of 1964, and

Whereas, Jefferson County's Consolidated Local Street and Highway Improvement Program (CHIPS) falls under this requirement, and

Whereas, The County Administrator's Office has developed a draft policy and plan for this purpose and recommends its adoption by this Board of Legislators.

Now, Therefore, Be It Resolved, That Jefferson County hereby adopts the County Title VI Policy and Plan for the purposes of the requirements of the Civil Rights Act of 1964.

Seconded by Legislator: Daniel R. McBride

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State of New York    )  
                                  ) ss.:  
County of Jefferson )

I, the undersigned, Clerk of the Board of Legislators of the County of Jefferson, New York, do hereby certify that I have compared the foregoing copy of Resolution No. 152 of the Board of Legislators of said County of Jefferson with the original thereof on file in my office and duly adopted by said Board at a meeting of said Board on the 5th day of September, 2017, and that the same is a true and correct copy of such Resolution and the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the seal of said County this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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Clerk of the Board of Legislators

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COUNTY OF JEFFERSON  
TITLE VI/NONDISCRIMINATION PLAN

REVISED:

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## COUNTY OF JEFFERSON

### I. TITLE VI/NONDISCRIMINATION CIVIL RIGHTS POLICY STATEMENT

#### A. POLICY STATEMENT

It is the policy of Jefferson County to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All County Departments shall plan, develop and implement their programs, services and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status, whether those programs, services and activities are federally funded or not.

This policy fully incorporates throughout all of Jefferson County's operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All County personnel are directed to comply with these laws and orders.

Jefferson County's Title VI/Nondiscrimination Civil Rights Policy reflects Jefferson County's firm commitment to achieving equal opportunity in all programs, services and activities for which the County has direct and oversight responsibilities; and to achieve a workplace free from discrimination. The Deputy County Administrator/Title VI Coordinator is charged with monitoring the continued development and implementation of Jefferson County's external Civil Rights program for achieving our agency's goal to ensure equal opportunity for all. The Title VI Coordinator reports directly to the County Administrator on all matters regarding Title VI compliance and enforcement.

The Title VI/Nondiscrimination program shall have the full support of the Board of Legislators, and management and employees of Jefferson County. Additionally, all of Jefferson County's partners, contractors and consultants, sub-recipients, community based organizations, faith based organizations and advocacy groups are urged to give the County their full support and cooperation.

**Additional Information:** Individuals and/or organizations who would like more information concerning Jefferson County's nondiscrimination obligations under Title VI should contact: Deputy County Administrator/Title VI Coordinator, 195 Arsenal Street, Watertown, NY 13601: (315) 785-3075

**Complaint Procedure:** Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status can file a complaint by completing a Complaint of Discrimination Form which can be obtained at the address listed above or through the Jefferson County website: [www.co.jefferson.ny.us](http://www.co.jefferson.ny.us)

## **B. POLICY SCOPE AND GUIDANCE**

Jefferson County's Policy Statement directs that the requirements of Articles 15-A of New York State Executive Law, Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as well as the Americans with Disabilities Act, and all other relevant laws and executive orders are fully integrated into all of Jefferson County's and sub-recipient activities. State and Federal nondiscrimination laws are the cornerstones of Jefferson County's strategy to ensure equal opportunity and fair and equitable programs and services to the public.

All employees must assist in the prevention and elimination of any discriminatory practices and are encouraged to report allegations of discrimination to Jefferson County's Deputy County Administrator/Title VI Coordinator for review and appropriate action.

## **II. TITLE VI ASSURANCES**

A copy of Jefferson 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. Jefferson County shall submit its Assurances Statement whenever the County accepts funding from the Federal government.

## **III. IMPLEMENTATION AND RESPONSIBILITIES**

The Title VI Coordinator shall be responsible for overseeing the implementation of Jefferson County's external Civil Rights program activities to ensure equal opportunity for all. This individual shall implement, monitor and ensure the County's compliance with Title VI and related nondiscrimination regulations. The Title VI Coordinator in Jefferson County shall be the Deputy County Administrator. Appendix B provides the County of Jefferson's Organizational Chart depicting a direct reporting line to the County Administrator.

The Title VI Coordinator is responsible for initiating, monitorin, and ensuring Jefferson County's compliance with Title VI requirements as follow:

1. Ensure that the County's Title VI Policy is posted so that appropriate notice is provided to the general public.
2. Review the County's Title VI Program annually to determine that it is up to date, and make any recommendations for changes to the Board of Legislators
3. Keep such records and timely file such reports as required to comply with Title VI requirements .
4. Process, review and investigate Title VI complaints received by the County in accordance with the Complaint Procedures established in this document.

5. Collect statistical data necessary to comply with Title VI requirements.
6. Conduct Title VI reviews, when necessary, of contractors and other recipients of federal aid from Jefferson County.
7. Serve as resource for technical assistance to other County Departments and employees for guidance on complying with Title VI.
8. Respond to inquiries of the County's Title VI Program, and to any notices of deficiency received with regard to Title VI, to resolve issues of non-compliance.

#### **IV. COMMUNICATION AND PUBLICATION**

The following communication and publication procedures will be adhered to regarding dissemination of Title VI policies:

##### Internally

- A. Department Heads shall be informed by:
  - Written communications from Title VI Coordinator.
  - The Title VI Plan shall be posted on Jefferson County Internet Site: [www.co.jefferson.ny.us](http://www.co.jefferson.ny.us)
  - Training sessions/seminars.
  - Distribution of educational materials.
- B. All employees are informed by:
  - Memorandum and training from Title VI Coordinator.
  - Including Title VI training in employee orientation.
  - Copies of Title VI Plan available on Jefferson County Intranet Site.
  - Title VI/Nondiscrimination Public Notice Statement will be posted on general information bulletin boards throughout the County government offices and on the County's website at: [www.co.jefferson.ny.us](http://www.co.jefferson.ny.us).
- C. Sub-recipients shall be informed of the Title VI provisions on the Jefferson County website: [www.co.jefferson.ny.us](http://www.co.jefferson.ny.us)

##### Externally

- A. The Title VI Policy Statement shall be available on the Jefferson County website.
- B. Title VI posters will be displayed as required by *23 CFR 200.9(b)(12)*; and *28 CFR 42. 5(c)*
- E. Nondiscrimination clauses will be included in contracts and agreements between outside vendors and Jefferson County.

## **V. DATA COLLECTION, PLANNING AND PUBLIC OUTREACH**

Jefferson County promotes full and fair participation by all segments of the population including minority, low-income communities and populations that are limited English proficient.

Title VI, one of the primary federal nondiscrimination laws, prohibits discrimination on the basis of race or national origin in the provision of any services that are at all supported with federal funds. Title VI is a valuable tool not only to redress past discrimination, but also to monitor ongoing practices. Title VI provides a legal foundation for the collection of racial, ethnic and primary language data from recipients of federal financial assistance even when a specific statutory requirement to collect this data does not exist.

Public meetings are held in ADA accessible locations. Where possible, meetings are planned in locations that align with public transportation route schedules. Minutes to all public meetings will be available on the Jefferson County website ([www.co.jefferson.ny.us](http://www.co.jefferson.ny.us)).

If a member of the public requests assistance with reading the minutes, understanding the content of the meeting or providing information for project planning and development, the individual should be referred to the Title VI Coordinator who will then make the necessary arrangements.

Jefferson County has an ADA Transition Plan that will be reviewed biannually by the Public Works department and updated as necessary. The ADA Transition Plan will be made available to the public on the County's website [www.co.jefferson.ny.us](http://www.co.jefferson.ny.us). A copy of the ADA Transition Plan is attached as Appendix H.

Whenever there is a public transit project, it must be designed in compliance with all ADA and Title VI regulations. These project designs will be reviewed and approved by state and federal agencies prior to construction.

## **VI. TITLE VI COMPLAINT PROCEDURE**

As a recipient of Federal funding from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Rail Administration (FRA) and the Federal Aviation Administration (FAA) in accordance with 23 CFR Section 200.9, the County of Jefferson has developed a Title VI complaint procedure and maintains a complaints log.

This procedure covers all complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI), as amended, regarding any program or activity administered by the County of Jefferson as it relates to local agencies, contractors and other sub-recipients of United States Department of Transportation (USDOT) funds. This procedure applies to the County of Jefferson, but all Federal funded sub-recipients are required to have similar procedures in place as well.

A. Filing a Complaint. In order to allow Jefferson County to investigate an incident of alleged discrimination, the complainant must complete and file a Complaint Form. Information on filing a

complaint, including the complaint form, can be accessed at the Jefferson County website: [www.co.jefferson.ny.us](http://www.co.jefferson.ny.us). A copy of the complaint form is attached as Appendix C. Complaints shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination and provide supporting documentation. Completed forms must be sent to: Title VI Coordinator/Deputy County Administrator, 195 Arsenal Street, Watertown, NY 13601.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the County, the officer or employee shall notify in writing the Title VI Coordinator of the nature of the complaint. If assistance is needed to complete the Complaint Form, please contact Title VI Coordinator at 315-785-3075. Only complaints of incidents that allegedly occurred within 60 calendar days from the receipt of the complaint form will be reviewed.

B. Reviewing Complaints. Upon receipt, Complaint Form will be date-stamped and immediately forwarded to the Title VI Coordinator. Within ten (10) business days of the complaint being date-stamped, the Title VI Coordinator or designee will review the complaint to determine if it contains all the necessary information to be processed. Based on the information contained in the complaint and any additional information requested, the Title VI Coordinator will determine (1) if the County of Jefferson has jurisdiction to process the complaint, and (2) if the complaint has sufficient merit to warrant an investigation.

If complete, the Title VI Coordinator will acknowledge, in writing, to the complainant that the complaint has been accepted and will be investigated. If the complaint is incomplete, the complainant will be contacted in writing to obtain the additional information. The complainant will be given 15 calendar days to respond to the request for additional information. The Title VI Coordinator will review additional information for (1) And (2) in paragraph above.

C. Record Keeping. The Title VI Coordinator will maintain a Discrimination Complaints Log identifying: the date the complaint was filed; basis of the complaint; status/disposition of the complaint; findings/actions and other pertinent information. A copy of the Discrimination Complaint Log is attached as Appendix D.

D. Investigation. The Title VI Coordinator shall endeavor to investigate complaints within 60 calendar days from the date the complaint is received.

E. Disposition of a Complaint

1. Approval and Notice of Finding. If the investigation was not conducted by the Title VI Coordinator, he/she will approve or disapprove the findings and recommendations of the investigation report within ten (10) business days of receiving the report. The disposition of the complaint will be provided to the complainant, the respondent, and the original recipient of the complaint (if different from the respondent) as soon as possible thereafter.

A summary of the rationale supporting the disposition made and any recommendations to any party will be included in the Notice of Finding. The notification will advise the complainant of his/her

appeal rights with the Department of Transportation , the Federal Highway Administration , or the Federal Transit Administration, as applicable, if the complainant is dissatisfied with County's decision.

As regards complaints applicable to the Accessibility Policy and Plan for County Community Development Programs, if the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response, to the County Administrator. Within 30 calendar days after receipt of the appeal, the County Administrator or his/her designee will respond in writing with final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

2. Forward to appropriate Funding Agency. The Title VI Coordinator's final report of the investigation with the preliminary findings and a copy of the complaint will be forwarded to either FHWA (both, Washington Division Office and Headquarters Civil Rights [HCR] ), FTA, FAA or FRA, as appropriate, within 60 calendar days of the acceptance of the complaint, per 23 CPR 200.9(b)(3). Note: The FTA, as well as the FAA and FRA, provides for complainants to directly submit discrimination complaints to them.
3. Dismissal of a Complaint. The Title VI Coordinator has the authority to dismiss a complaint when:
  - a. The complainant requests the withdrawal of the complaint or informs the County that s/he no longer wishes to pursue it;
  - b. The investigator is not contacted by the complainant or does not receive the requested additional information needed to process the complaint within the 15 day timeframe.

## VII. MONITORING AND REPORTING

Jefferson County is responsible for complying with Title VI regulations and ensuring that any contractors to the County are in compliance. All complaints received during the previous year will be reviewed annually by the Title VI Coordinator and County Attorney to determine whether there are any repetitive issues. If any repetitive issues are identified, the County shall correct the issue and then evaluate whether the correction has eliminated or resolved the issue.

Jefferson County will comply with Public Transportation Environmental Justice requirements 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;
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process;
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.



Jefferson County will provide public information meetings for any public transit project, to ensure that Environmental Justice issues are in compliance.

**VIII. PUBLIC PARTICIPATION PLAN**

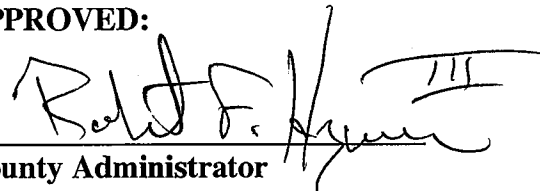
All applicants for Federal Transit Administration (FTA) financial assistance are required to ensure that their programs, policies, and activities comply with U.S. Department of Transportation (USDOT) Title VI of the Civil Rights Act of 1964. In order to comply with Title VI, Jefferson County has developed a Public Participation Plan, which is attached as Appendix E.

The goal of the Public Participation Plan is to offer early, frequent, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

**IX. PUBLIC NOTIFICATION**

The County of Jefferson provides information to the public regarding the County's obligations under Title VI regulations and apprises the general public of the protections against discrimination afforded to them by Title VI. The County of Jefferson disseminates this information to the general public by posting the Title VI policy notice on the County's website and in County Departments. A copy of the Public Notice is attached as Appendix F.

**APPROVED:**

  
\_\_\_\_\_  
County Administrator

9-5-17  
\_\_\_\_\_  
Date

## APPENDIX A

### COUNTY OF JEFFERSON TITLE VI/NON-DISCRIMINATION STATEMENT OF ASSURANCES

The County of Jefferson (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.P.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964);
- 28 C.P.R. Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.)

The preceding statutory and regulatory 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 assurances 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.P.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 Federal Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements:

“The County of Jefferson, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§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 for an award.”

3. The Recipient will insert the clauses of Exhibit 1 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 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 U.S. 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, the County of Jefferson 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. The County of Jefferson also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA. The County of Jefferson shall keep records, reports, and submit the material for review upon request to FHWA, or its designee, in a timely, complete, and accurate way. Additionally, the County of Jefferson shall comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The County of Jefferson 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 any 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.

**Exhibit 1**  
**Contractors, Subcontractors, Suppliers, and Manufacturers**

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

**1. Compliance With Regulations**

The contractor (hereinafter includes consultants) shall comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter USDOT), 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. Non-discrimination**

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Section B, including employment practices when the contract covers any activity, project or program set forth in Appendix B of the Regulations.

**3. Solicitations for Subcontracts, including Procurement 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 procurement 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 Acts and the Regulations relative to the Non-discrimination on the ground of race, color, sex, or national origin.

**4. Information and Reports**

The contractor shall provide all information and reports by the Acts, 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 the County of Jefferson or the New York State Department of Transportation (hereinafter NYSDOT) to be pertinent to ascertain compliance with such Acts, 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 the County, or the NYSDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

## 5. Sanctions for Noncompliance

In the event of the contractor's noncompliance with the Non-discrimination provisions of this contract, the County of Jefferson, and the NYSDOT shall 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 shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the County or the Federal Highway Administration 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 contractor may request the County enter into such litigation to protect the interests of the County. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (45 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC §471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or

- sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Title II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
  - Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
  - Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 7487 to 74100);
  - Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.)

## Exhibit 2

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

**NOW, THEREFORE**, the County of Jefferson, as authorized by law, and upon the condition that the State of New York will accept title to the lands and maintains the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation 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, Non-discrimination 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 County of Jefferson all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit "A" attached hereto and made a part thereof.

### **(HABENDUM CLAUSE)**

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

The purchaser, 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, sex or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and (2) that the purchaser 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, USDOT Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the USDOT-Effectuation of Title VI of the Civil Rights Act of 1964, 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 to effectuate the purpose of Title VI)



### Exhibit 3

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

*The LESSEE, or their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof does hereby covenant and agree 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 lease, 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 LESSEE shall maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex age, disability, low-income or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.*

*With respect to licenses, leases, permits, etc. in the event of breach of any of the above Non-discrimination covenants, the County will have the right to terminate the lease and to enter, re-enter, and repossess said lands and facilities thereon and hold the same as if the lease had never been made or issued\**

*With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the County shall have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the County and its assigns.\**

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

*The LESSEE, or their personal representatives, successors in interest, and assigns, as a part of the consideration hereof does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, national origin, sex, age, disability, low-income or LEP shall be excluded from participation in, be 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 furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, disability, low-income or LEP shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination, (3) that the LESSEE shall use the*

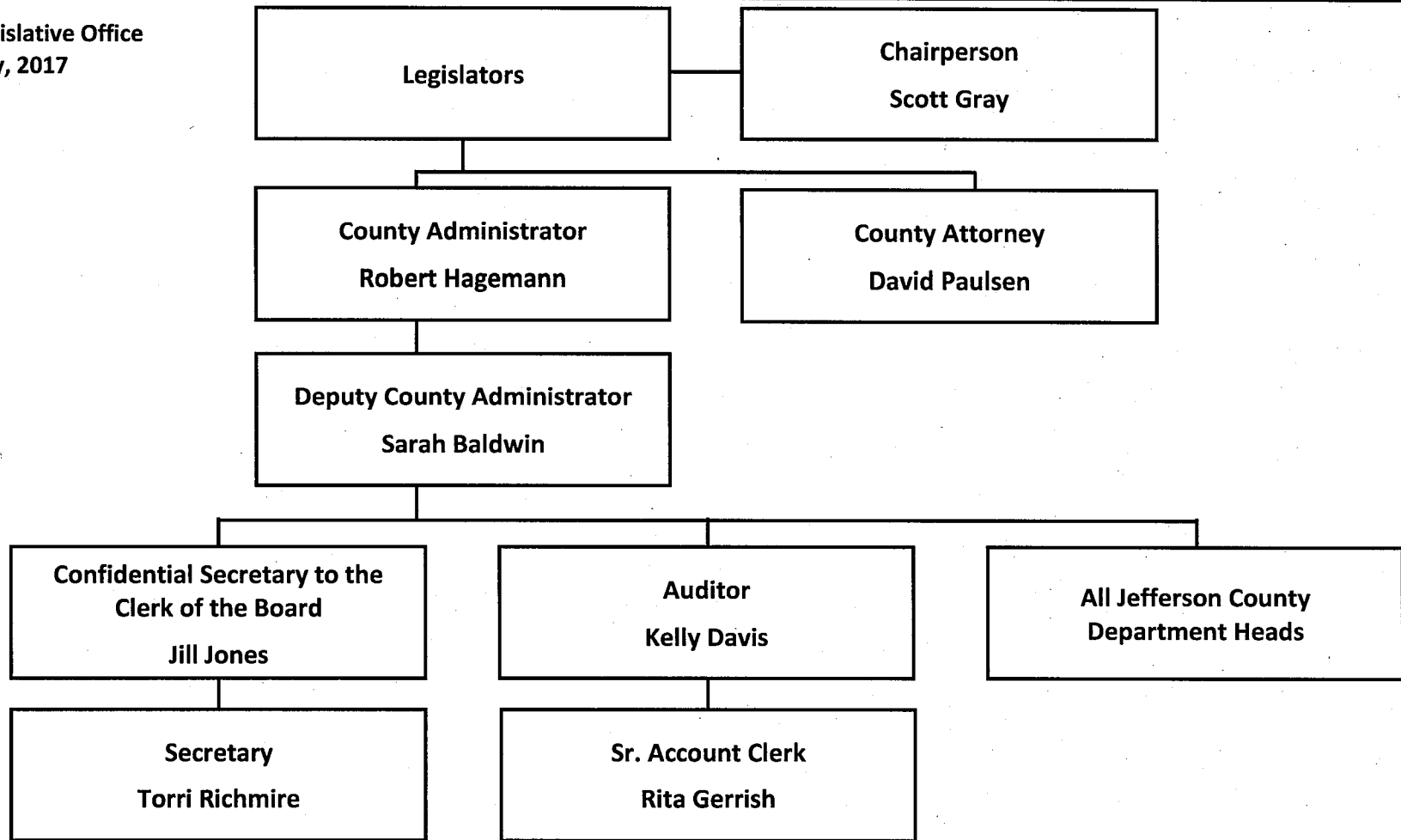
*premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.*

*With respect to LESSEE, in the event of breach of any of the above Non-discrimination covenants, the County shall have the right to terminate the lease, and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.\**

*With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the County shall have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the County and its assigns.\**

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

Legislative Office  
July, 2017



**APPENDIX C**

**Jefferson County - Discrimination Complaint Form**

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_ Mobile \_\_\_\_\_

**Basis of Complaint (circle all that apply):**

|            |             |                             |
|------------|-------------|-----------------------------|
| Race       | Color       | National Origin             |
| Gender/Sex | Age         | Disability                  |
| Low-income | Retaliation | Limited English Proficiency |

**Who allegedly discriminated against you?**

Name \_\_\_\_\_

Organization (if applicable) \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

**How were you discriminated against?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Where did the discrimination occur?**

\_\_\_\_\_

**Dates and times of occurrences?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Were there any other witnesses to the discrimination?**

| Name | Organization/Title | Work Telephone | Home Telephone |
|------|--------------------|----------------|----------------|
|      |                    |                |                |
|      |                    |                |                |
|      |                    |                |                |
|      |                    |                |                |

**What can be done to resolve this complaint?**

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**Have you filed your complaint with any other agency or court?**

Who \_\_\_\_\_ When \_\_\_\_\_

Status (pending, resolved, etc.) \_\_\_\_\_ Result, if known \_\_\_\_\_

Complaint number, if known \_\_\_\_\_

**Do you have an attorney in this matter?**

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Mail to: Title VI Coordinator/Deputy County Administrator  
195 Arsenal Street  
Watertown, NY 13601

*Note: If assistance is needed to complete this Title VI Complaint Form, please contact the Title VI Coordinator referenced above at (315) 785-3075.*

**APPENDIX D**

Jefferson County will keep a log of all Complaints under Title VI

| <b>Name</b> | <b>Date</b> | <b>Basis</b> | <b>Status</b> | <b>Findings/Action</b> |
|-------------|-------------|--------------|---------------|------------------------|
| 1)          |             |              |               |                        |
| 2)          |             |              |               |                        |
| 3)          |             |              |               |                        |
| 4)          |             |              |               |                        |
| 5)          |             |              |               |                        |
| 6)          |             |              |               |                        |

## APPENDIX E

### COUNTY OF JEFFERSON PUBLIC PARTICIPATION PLAN

When the County of Jefferson accepts funding for and undertakes a Federally Funded project, we comply with all Federal and State requirements with regard to Public Participation. All required environmental permits are applied for through a joint permitting process. Public information about the proposed action is distributed and posted, if required. Likewise, a Public Information Meeting is held if required by the proposed action.

The Public Participation Plan provides a philosophy around which to build a County wide transportation participation program that will accomplish the following goals:

- ***Communicate effectively with appropriate audiences.*** The County will disseminate information about programs and projects through a variety of conduits. Information will be presented in a manner that is clear and tailored to each of the County's constituencies.
- ***Provide clear and open access to information and participation opportunities.*** The County will work to improve access to technical and planning documents and, where appropriate, tailor these documents to be accessible to more constituencies. Opportunities for participation in County meetings and in committee meetings will be clearly defined and provided for at each meeting.
- ***Gather input from diverse perspectives.*** The County will continue to encourage participation from diverse constituencies and to provide forums for discussion about transportation issues that are responsive to the interests of different constituencies.
- ***Respond meaningfully to public comment and feedback.*** The County will provide information on how comments will be considered in the planning process, including the development of the County's Long Range Transportation Improvement Program, and acknowledge that comments were received and considered.
- ***Promote a regional perspective.*** The County will communicate how regional transportation planning plays a vital role in coordinating planning activities on many levels.

**APPENDIX F**  
**COUNTY OF JEFFERSON - TITLE VI PUBLIC NOTICE**

It is the policy of Jefferson County to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All County Departments shall plan, develop and implement their programs, services and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status, whether those programs, services and activities are federally funded or not.

This policy fully incorporates throughout all of Jefferson County's operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

Jefferson County's Title VI/Nondiscrimination Civil Rights Policy reflects Jefferson County's firm commitment to achieving equal opportunity in all programs, services and activities for which the County has direct and oversight responsibilities; and to achieve a workplace free from discrimination, where all employees have an equal opportunity to improve their employment status. The Deputy County Administrator/Title VI Coordinator is charged with monitoring the continued development and implementation of Jefferson County's external Civil Rights program for achieving the goal to ensure equal opportunity for all. The Title VI Coordinator reports directly to the County Administrator on all matters regarding Title VI compliance and enforcement.

The Title VI/Nondiscrimination program shall have the full support of the Board of Legislators, and management and employees of Jefferson County. Additionally, all of Jefferson County's partners, contractors and consultants, sub-recipients, community based organizations, faith based organizations and advocacy groups are urged to give the County their full support and cooperation.

**Additional Information:**

Individuals and/or organizations who would like more information concerning Jefferson County's nondiscrimination obligations under Title VI should contact: Deputy County Administrator/Title VI Coordinator, 195 Arsenal Street, Watertown, NY 13601. (315-785-3075).

**Complaint Procedure:**

Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status can file a complaint by completing a Complaint of Discrimination Form which can be obtained at the address listed above or through the Jefferson County website [co.jefferson.ny.us](http://co.jefferson.ny.us)

**Posting of this Notice:**

This notice shall be posted on the County's website and conspicuously in all County Departments.



## APPENDIX G

### COUNTY OF JEFFERSON – LIMITED ENGLISH PROFICIENCY PLAN

#### **Limited English Proficiency**

Jefferson County is committed to ensuring equal access to its programs and services by all residents, regardless of primary language spoken. This Limited English Proficiency (LEP) Plan has been prepared in accordance with Title VI of the Civil Rights Act. Persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English can be considered LEP.

Jefferson County developed this Limited English Proficiency Plan to identify reasonable steps for providing language assistance to persons with LEP who wish to access services, in order to ensure Title VI compliance.

The four-factor LEP analysis is based on Jefferson County demographic data.

#### **1. The number or proportion of LEP persons in Jefferson County.**

The American Community Survey 5-Year Estimates (2010-2014) shows that 8,393 of a total population of 108,666 persons five years and over in Jefferson County's service area, comprising 7.7% of the population, speak a language other than English. Of those, 1,808 individuals have limited English proficiency: who speak English less than "very well" or "not at all". This is only 1.7% of the overall population in the service area.

#### **2. The frequency with which LEP persons come into contact with Jefferson County services.**

Jefferson County will review the frequency with which staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries and office visits.

#### **3. The nature and importance of services provided by Jefferson County to the LEP population.**

There is no geographic concentration of any type of LEP individuals in the service area. The overwhelming majority of the population, 98.3%, speaks only English, or at least speaks English "very well".

#### **4. The resources available to Jefferson County to provide LEP assistance.**

The County will identify a resource list of interpreters and translation services in case of need.

## APPENDIX H

### **The County of Jefferson - Americans with Disabilities Act (ADA) Transition Plan: Pedestrian Facilities in the Public Right-Of-Way**

#### INTRODUCTION:

The purpose of this Plan is to ensure that the County of Jefferson creates reasonable, accessible pedestrian facilities in the public right-of-way for everyone, including people with disabilities. The County of Jefferson is committed to improving the accessibility of its pedestrian facilities. The County's ADA Transition Plan will describe the existing policies and programs to enhance overall pedestrian accessibility.

#### LEGAL REQUIREMENTS:

The federal legislation known as the American with Disabilities Act (ADA) enacted on July 26, 1990 provides comprehensive civil rights protections to persons with disabilities. The County will follow ADA standards established by the State of New York.

Title II specifically applies to "public entities" (state and local governments) and the programs, services and activities they deliver. Title II Article 8, requires public entities to take several steps designed to achieve compliance. The County's ADA Transition Plan will, at a minimum, include:

1. A list of the physical barriers in County-owned pedestrian facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible.
3. The schedule for taking the necessary steps to achieve compliance with Title II.

#### ADA COORDINATOR:

The ADA Coordinator for the County of Jefferson shall be the Deputy County Administrator. The ADA Coordinator shall be responsible for implementing the County's ADA Transition Plan.

#### PUBLIC INPUT:

Public Complaint, Suggestions and Comments can be an integral part of the Transition Plan. The County of Jefferson welcomes the Public's participation and unique outlook as to how the County can meet and exceed ADA requirements and recommendations. Public Comment and Response Forms are available on the Jefferson County website [www.co.jefferson.ny.us](http://www.co.jefferson.ny.us). To file a complaint, comment or request, please contact the ADA Coordinator for the County of Jefferson at 195 Arsenal Street, Watertown, NY, 13601 and (315) 785-3075.