

DAKOTA COUNTY TITLE VI PLAN

Section 504 – Rehabilitation Act of 1973
Americans with Disabilities Act of 1990

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SECTION ONE

Title VI Overview & Explanation

Title VI of the Civil Rights Act of 1964

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (§2 U.S.C. 2000d)

The Civil Rights Act of 1964 (the Act) is a fundamental piece of legislation that forms the basis for a wide array of subsequent laws, executive orders and regulations, all designed to prohibit discrimination. Technically, Title VI covers race, color and national origin. However the term “Title VI” is also used more generically to refer to nondiscrimination on the basis of race, color, national origin, sex, age or disability in Federally assisted programs and activities.

There are multiple title in the Act covering a variety of activities. Title VI of the Act deals specifically with Nondiscrimination in Federally Assisted Programs and Activities. It prohibits discrimination in impacts, services, benefits of, access to, participation in, and treatment under a Federal-aid recipient’s programs or activities. Title VI of the Act is not limited to a particular program or issue. Title VI issues can surface at any phase of a transportation project with potentially significant impacts and consequences. Because of this, preventing discrimination is everyone’s responsibility. It is not a duty that can be delegated or assigned entirely to an individual or a team. It is important for all staff to have some awareness of nondiscrimination concepts so they can be observant for prohibited actions as they conduct their daily routine.

There are some important points to take note of. The Act does not mention a specific race, color or national origin. It prohibits discrimination against *any* race, color or national origin. There is no “reverse discrimination,” only discrimination. For example, denying services to a white male because of race is also discrimination. Also, the Act used language...“No person in the United States...” it does not mention citizenship. It applies to all people in the U.S., citizen or not, with regard to any program or activity to which they are otherwise eligible for.

Discrimination

The Federal Highway Administration (FHWA) regulations which implement Title VI and the related statutes define discrimination as “That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, sex age, disability/handicap or national origin has been otherwise subjected to unequal treatment or impact under any program or activity receiving financial assistance from the Federal Highway Administration under title 23 U.S.C.” (23 CFT 200.5(f), as amended.

Discrimination is evidenced primarily in two fashions, disparate treatment and disparate impact. Disparate treatment occurs when a person is treated differently (discriminated against) because of their race, color, national origin, etc. This is a more obvious form of intentional discrimination that occurs when the person's race or protected class status are known, and when a decision is made (at least in part) on a prohibited basis. For example, a contractor or supplier is not used, or is held to a different standard, because of their race. Disparate treatment involves the inconsistent application of rules or policies to one group of people or another.

Disparate impact is more unintentional discrimination. This occurs when a policy or program, while neutral on its face, has the unintended consequence of being discriminatory. This type of discrimination is more subtle and difficult to identify. However, to comply with Title VI regulations, it must be avoided.

Right-of-way and Property Impacts

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604) provides "For the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal Financial assistance."

This prohibits unfair or inequitable treatment of persons displaced or whose property will be acquired as a result of Federal and Federal-aid programs and policies. Note that this applies regardless of the source of funds used to purchase the property, Federal-aid or not.

Disability

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)

The Americans with Disabilities Act (P.L. 101-336)

"No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance."

Sex (Gender)

Federal-aid Highway Act of 1973 (23 U.S.C. 324)

"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title."

Age

The Age Discrimination Act of 1975 (42 U.S.C. 6101)

"No person shall on the basis of age, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The Civil Rights Restoration Act of 1987 (P.L. 100-359)

The Restoration Act of 1987 clarifies the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1965, and Section 504 of Rehabilitation Act of 1973.

This act restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients and contractors, whether such programs and activities are Federally assisted or not.

What this means is that if an LPA receives even one dollar of Federal financial assistance, then all of the programs and activities of that LPA are covered by Title VI, whether all those programs and activities are Federally funded or not. For example, if a County Secondary Road Department receives Federal Highway Bridge Program funds to reconstruct a bridge, all of the activities and programs of the county government are covered by Title VI.

Limited English Proficiency LEP (Executive Order 13166)

Executive order 13166: "Improving Access to Services for Persons with Limited English Proficiency," signed by President Clinton on August 11, 2000.

A person is considered to have limited English proficiency (LEP) if they do not speak English as their primary language and if they have a limited ability to read, speak, write or understand English. Programs and services normally provided in English must be accessible to persons with LEP in order to avoid national origin discrimination that is prohibited by Title VI.

Meaningful access is the key concept. The central goal of this presidential order is to provide meaningful access for LEP persons to programs and services offered by recipients of Federal financial assistance. Recipients continue to be subject to Federal nondiscrimination requirements even though they may be in a jurisdiction where English has been declared as the official language. Federal requirements supersede State and local ones (Article VI of the US Constitution).

Environmental Justice (Executive Order 12898)

Executive order 12898 is titled, "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations."

Environmental Justice (EJ) relates to the human environment and to human health in minority and low income populations. It says in part, "...each Federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations...."

There are three fundamental principles of Environmental Justice:

1. 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.

2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

The minority groups that Environmental Justice addresses are Blacks, Hispanics, Asian Americans, American Indians and Alaskan Natives. Low income is defined as a person whose household income is at or below the U.S. Department of Health and Human Services poverty guidelines.

A key component is to identify the populations impacted by transportation projects or services and to ensure they have full opportunity to participate in the decision making process.

An example of Environmental Justice concerns would be locating a highway through a low income neighborhood to avoid a more affluent area.

Program Applications and Impacts

Federal Financial Assistance

Application of many of the nondiscrimination requirements is dependent upon the receipt of Federal financial assistance. Federal financial assistance is defined at 49 CFR 21.23 (c). In addition to grants or loans of Federal funds, it also includes Federal property and the detail of Federal personnel (e.g., a Federal employee providing training). Because of the Civil Rights Restoration Act of 1987, if a governmental department receives even one dollar of Federal assistance, then all of the programs and activities of that governmental department are covered by Title VI. Programs and activities are defined at 49 CFR 21.23 (e) and, in the case of assistance to a department of State or local government, it includes all of the operations of the department to which assistance is extended.

The ultimate beneficiaries of Federal assistance are not defined as recipients of Federal assistance. The ultimate beneficiary of Federal Highway Administration (FHWA) funding is the traveling public. For example, the people that drive on the roads and bridges built with that funding, but those persons are not prohibited from discriminating simply because they use a Federally funded project or service. In a related fashion, a contractor building a Federal-aid highway project does not receive Federal assistance. They are simply being paid for work completed. However, if the contractor's contract has as one of its purposes, the provision of Federal-financial assistance, then that contractor becomes a recipient, and is thereby required to meet the obligations of a recipient. Generally, contractors are prohibited from discriminating as part of their contractual obligation under Appendix A of the Standard USDOT Title VI assurances included in all Federal-aid contracts, regardless of tier.

What Title VI Does

- ❖ Prohibits entities from denying an individual any service, financial aid, or other benefit.
- ❖ Prohibits entities from providing services or benefits that are different or inferior (either in quantity or quality) to those provided to others.
- ❖ Prohibits segregation or separate treatment in any manner related to receiving program services or benefits.
- ❖ Prohibits entities from requiring different standards or conditions as prerequisites for serving individuals.

- ❖ Encourages the participation of minorities as members of planning or advisory bodies for programs receiving Federal funds.
- ❖ Prohibits discriminatory activity in a facility built in whole or in part with Federal funds.
- ❖ Requires information and services to be provided in languages other than English with significant numbers of beneficiaries are of limited English speaking ability.
- ❖ Requires entities to notify the eligible population about applicable programs.
- ❖ Prohibits locating facilities in any way that would limit or impede access to a Federally funded service or benefit.
- ❖ Requires assurance of nondiscrimination in purchasing of services.

Planning and Programming

The planning and programming of projects is a critical step in the delivery of transportation services to the public. Funding distribution and allocation can have a significant impact on opportunities for all persons. Those involved in these processes must have knowledge of nondiscrimination requirements and how they impact their work.

Typical Assurance Activities:

- ❖ Take positive steps to identify impacted groups and to ensure full and fair participation by those groups.
- ❖ Ensure that the planning and programming process results in a program which distributes benefits and mitigates disparate impacts equitably.
- ❖ Address complaints and concerns promptly.

Design and Project Development

The final design of individual projects is what ultimately impacts the public in a positive or negative fashion. Designers must recognize how nondiscrimination affects the conceptual and technical components of a project.

Typical Assurance Activities:

- ❖ Identify minority and low income populations and ensure they have the opportunity for meaningful participation in the design process.
- ❖ Thoroughly examine design alternatives to ensure that environmental justice considerations are recognized and addressed during route location selection and final design.
- ❖ Documentation for these activities may include what methods were used to notify public of opportunities to participate, who attended these events, how comments provided by the participants captured, etc.
- ❖ Consistently apply design standards to eliminate, minimize or mitigate adverse impacts among affected groups and to provide equitable levels of service.
- ❖ Provide opportunities for Disadvantaged Business Enterprise (DBE) firms on consultant contracts.
- ❖ Ensure that facilities are designed in accordance with current ADA accessibility requirements.

Right-of-Way

No single element of the transportation system may have a greater impact on people than right-of-way activities. The taking or use of one's property can make a major change in their lives. Therefore, people involved in the right-of-way process must understand and practice non-discrimination in their work.

Typical Assurance Activities:

- ❖ Make every effort to ensure clear communications with persons who have limited English proficiency or who are hearing impaired. This includes the use of interpreters and translators when necessary.
- ❖ Appraisal, acquisition, condemnation and relocation procedures must be fair and impartial.
- ❖ Provide opportunities for DBE firms on consultant contracts.
- ❖ Documentation for the above Assurance activities is outlined in Dakota County Manual, Right of Way Chapter.

Construction

Construction, including the letting and contract award process, provides opportunities for contractors and impacts property owners. Contract award and administration procedures must be fair and impartial.

Typical Assurance Activities:

- ❖ The following activities must be conducted equitably, without regard to race, color, national origin, or other protected basis: Prequalification of contractors; award of contract, subcontract, or extra work; level of inspection; enforcement of specifications; and treatment of adjacent property owners and tenants.

Consultant and Research

Local governments use consultants and other service providers to perform a variety of services. Because of the Restoration Act, non-discrimination applies to the selection and administration in all of the contracts.

Typical Assurance Activities:

- ❖ Provide opportunities and encourage the participation of DBE vendors in all categories of service.
- ❖ Fairly and equitably award and administer contracts.

Female/Minority Participation and DBE Goals

Title VI and related statutes require that females and minorities be afforded full opportunity to participate in covered contracts. Because of the Restoration Act of 1987 all programs and activities of a Federal-aid recipient are covered by Title VI, whether those programs and activities are Federally funded or not. Female and minority contractors must have every opportunity to submit bids and may not be discriminated against in consideration for award in all contracts, Federal-aid or not. This does not mean that all contracts should have goals for female/minority participation.

Compliance Responsibilities

As a recipient of federal financial assistance, sub-recipients must implement a system of procedures, actions and sanctions prohibiting discrimination.

A. Assurances

1. Submit signed nondiscrimination assurances
2. Certify that discrimination based on sex will be proscribed in assurances.

B. Civil Rights Unit

1. Establish an adequately staffed Civil Rights Unit with a Title VI Coordinator

C. Title VI Coordinator's Responsibilities

1. General

- a. Have access to head of agency/form
- b. Monitor Title VI activities and prepare required reports
- c. Provide training
- d. Submit implementation plan to NDOR
- e. Develop Title VI information for dissemination (where appropriate, in other languages)
- f. Prepare an annual accomplishment report

2. Establish Procedures

- a. To promptly investigate complaints
- b. To identify and eliminate discrimination
- c. To review programs and sub-recipients
- d. To resolve deficiencies within 90 days
- e. To collect and analyze statistical data

3. Conduct Reviews

- a. Of program – with program personnel
- b. Of sub-recipients
- c. Of special emphasis areas
- d. Of grant/award applications

Compliance Actions

The goal of the U.S. Department of Transportation, the FHWA, and the NDOR is voluntary compliance with non-discrimination requirements. This is achieved through an on-going process of education, analysis, implementation and evaluation. The guidance provided here is a first step in the education process. It can be used to raise awareness among staff of local governments.

Compliance requires more than simply recognizing these issues exist however. Some action must be taken. In order to begin the process, the NDOR recommends that local governments take the following actions as minimum and initial effort:

- ❖ Recognize that preventing discrimination is everyone's responsibility. Share this information and other non-discrimination information with all staff so they can be aware of the various requirements and work to achieve compliance.

- ❖ Ensure the required Standard DOT Title VI assurances, adapted as appropriate, are included in all Federal-aid contracts and subcontracts. A Federal-aid contract is one in which the cost of the work, services, material, etc. obtained by the contract will be reimbursed with Federal funds.

For other types of Federal-aid contracts, such as those for locally let construction contracts, consultant contracts, railroad work, utility relocations, acquisition of property rights, permits or licenses, Dakota County shall include the applicable Standard DOT Title VI assurances in all such contracts and subcontracts. The Standard DOT Title VI assurances are included in Appendix B to the FHWA Office of Civil Rights training manual titled, “Preventing Discrimination in the Federal Aid Program: Systematic Interdisciplinary Approach Reference Notebook.”

- ❖ The following standard non-discrimination notification, modified as appropriate, shall be included in all solicitations for bids and in all requests for negotiated agreements, whether Federal-aid will be used or not:

“Dakota County in accordance with Title VI of the Civil Rights Acts of 1964, 78 Stat. 252, 42 U.S.C. 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 and/or consultants that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids and/or proposals 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.”

- ❖ Recognize and respond to LEP issues. Current guidance from U.S. DOT is available on the Federal Register (FR) at 70 FR 74087 (12/14/05). This includes a four factor analysis to determine the appropriate response, and defines a “safe harbor” for measuring compliance with written translations.
- ❖ Address any complaints of discrimination. Informal reports of discrimination should be investigated and resolved promptly. Formal written complaints against a local government must be forwarded to the NDOR, Highway Civil Right Coordinator, 1500 Highway 2, Lincoln NE 68509. In turn, NDOR will forward all complaints to FHWA to ensure the procedures of the Office of Civil Rights are followed throughout the investigative process.

SECTION TWO

TITLE VI

NONDISCRIMINATION AGREEMENT

Plan Under 100,000

Nebraska State Department of Roads
and
County of Dakota County, Nebraska

Policy Statement

The County of Dakota County, Nebraska, a Local Public Agency, hereinafter referred to as the "LPA," assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) 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. Dakota County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

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 or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Dakota 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 this Federal financial assistance.

In the event the LPA distributes federal aid funds to a sub-recipient, the LPA will include Title VI language in all written agreements and will monitor for compliance.

The Dakota County Clerk, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.


Name of Responsible Agency Official (Please Print)


Title


Date

Title VI Program

Organization and Staffing

Pursuant to 23 CFR 200, the County of Dakota County, Nebraska has appointed a Title VI Coordinator who is responsible for transportation programs for the County of Dakota County's Title VI Program.

Standard DOT Assurances

49 CFR Part 21.7

The County of Dakota County, Nebraska hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, age, disability/handicap and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the LPA regardless of whether those programs and activities are Federally funded or not. Activities and programs which the LPA hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
 - All transportation programs and activities of the LPA and Title VI.
 - That the LPA agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(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.
 - That the LPA shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all transportation programs and, in adapted form in all proposals for negotiated agreements:
2. The County of Dakota County, Nebraska, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority 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, or national origin, sex, age and disability/handicap in consideration for an award.
3. That Dakota County shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the LPA shall insert the clauses of Appendix 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 Dakota County 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 Dakota County 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 Dakota County shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in *any* future deeds, leases, permits, licenses, and similar agreements entered into by Dakota County with other parties: (a) for the subsequent transfer of real property acquired or improved under transportation programs; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under transportation programs.
8. That this assurance obligates Dakota County 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 Dakota County 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 Dakota County retains ownership or possession of the property.
9. Dakota County shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that if other recipients, subgrantees, 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. Dakota County 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 Dakota County Road Department under transportation programs and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the transportation programs. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of Dakota County.

Implementation Procedures

This agreement shall serve as Dakota County's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

- 1) grants and loans of Federal funds,
- 2) the grant or donation of Federal property and interest in property,
- 3) the detail of Federal personnel,

- 4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to Dakota County, and
- 5) any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

Dakota County shall:

- a) Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout Dakota County's organization and to the general public. Such information shall be published where appropriate in languages other than English.
- b) Take affirmative action to correct any deficiencies found by NDOR or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of Dakota County shall be held responsible for implementing Title VI requirements.
- c) Designate a coordinator who has a responsible position in the organization and easy access to the head of Dakota County. The coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
- d) Develop and implement a community outreach and public education program.
- e) Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of Dakota County's report of investigation, will be forwarded to NDOR's Highway Civil Rights Coordinator within 10 days of the date the complaint was received by Dakota County.
- f) Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by Dakota County
- g) Conduct Title VI reviews of Dakota County and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
- h) Conduct training programs on Title VI and related statutes.
- i) Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.

1) Annual Work Plan

Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.

2) Accomplishment Report

List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with Dakota County. Include a listing of complaints received against sub-recipients, as well as a summary of complaint and actions taken.

Discrimination Complaint Procedures -Allegations of Discrimination in Federally Assisted Programs or Activities

In any case, Dakota County may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with Dakota County. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Dakota County Board Assistant, Title VI Coordinator, for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of alleged act of discrimination; or
 - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.
3. Complaints shall be in writing and 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. In the event that a person makes a verbal complaint of discrimination to an officer or employee of Dakota County, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to Dakota County's investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOR and USDOT.
5. Dakota County will advise NDOR within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to NDOR:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address (es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin or sex)

- d) Date of alleged discriminatory act(s).
 - e) Date of complaint received by Dakota County.
 - f) A statement of the complaint.
 - g) Other agencies (state, local or Federal) where the complaint has been filed.
 - h) An explanation of the actions Dakota County has taken or proposed to resolve the issue raised in the complaint.
6. NDOR will forward the complaint to FHWA. FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.
7. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of Dakota County. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
8. Within 90 days of receipt of the complaint, the head of Dakota County will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOR, or USDOT, if they are dissatisfied with the final decision rendered by Dakota County. The Title VI Coordinator will also provide NDOR with a copy of this decision and summary of findings upon completion of the investigation.
9. Any complaints received against Dakota County should immediately be forwarded to NDOR for investigation. Dakota County will not investigate any complaint in which it has been named in the complaint.
10. Contacts for the different Title VI administrative jurisdictions are as

follows: Nebraska Department of Roads
Human Resources, Title VI
Program 1500 Highway 2, P.O.
Box 94759
Lincoln, NE 68509-4759
(402)479-4870

Federal Highway
Administration Nebraska
Division Office
100 Centennial Mall North
Lincoln, NE 68508
(402)437-5765

APPENDIX 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, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 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, or national origin, sex, age, and disability/handicap 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 49 CFR, 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, or national origin, sex, age, and disability/handicap.
- (4) **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 the Dakota County or the 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 the Dakota County, or the FHWA 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 nondiscrimination provisions of this contract, the Dakota County shall impose such contract sanctions as it or the 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.

- (6) **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 Dakota County or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: 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 Dakota County to enter into such litigation to protect the interests of Dakota County, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

- A. 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 from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that Dakota County will accept title to the lands and maintain the project constructed thereon, in accordance with (*Name of Appropriate Legislative Authority*), the Regulations for the Administration of (*Name of Appropriate Program*) and the policies and procedures prescribed by FHWA, 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 and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (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 U.S.C.2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (*Name of Recipient*) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

Dakota County, in consideration or 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, sex, age, and disability/handicap, 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 Dakota County 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, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, 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 re-enter 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. •

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Dakota County pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, 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 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, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes - Implementation and Review Procedures, 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, Dakota County 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 (licenses, 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, Dakota County shall have the right to re-enter 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 Dakota County and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Dakota County pursuant to the provisions of Assurance 6(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 ground of race, color, or national origin, sex, age, and disability/handicap, 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, sex, age, and disability/handicap, 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), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes-Implementation and Review Procedures, 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, Dakota County 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 deeds]*

That in the event of breach of any of the above nondiscrimination covenants, Dakota County shall have the right to re-enter 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 Dakota County and its assigns.

ATTACHMENT 1

Hierarchy of Dakota County Title VI Program with organizational chart illustrating the level and placement of Title VI responsibilities:

Dakota County Board of Commissioners
Dakota County Attorney- ADA Coordinator
Department Heads
Board Administrative Assistant

Dakota County ADA Committee members: Scott Love, County Commissioner
Dick McNear, County Commissioner
Kim Watson, County Attorney
Phyllis Obermeyer, Clerk of District Court
Robert Giese, County Treasurer
Joan Spencer, Board Administrative Assistant

Department Heads: Kim Watson, County Attorney
Phyllis Obermeyer, Clerk of District Court
Robert Giese, Treasurer
Ted Peipho, County Clerk/Election Commissioner/Register of Deeds
Chris Kleinberg, Sheriff
John Loos, Public Defender
Dick Erickson, Assessor
Terry Kern, Director of Corrections
Rick Jensen, Building & Grounds Supervisor
Fred Kellogg, Highway Superintendent
Pam De Vries, Health Director
Willard Johnston, Veterans Service Officer
Pat Foust, Emergency Manager
Arnold Mellick, Planning & Zoning Director
Leon Pies, Weed Superintendent

SECTION THREE

RESOLUTION TITLE VI- CIVIL RIGHTS

Dakota County Resolution No. 10C-005

Whereas: Certain transportation facilities (roads, streets, trails, and others) in Dakota County have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

Whereas: Dakota County desires to continue to participate in Federal-Aid transportation construction programs;

Whereas: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

Whereas: Dakota County as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights Policy of Dakota County; and

Whereas: Dakota County understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in Dakota County being required to repay some or all of the federal funds expended for a project(s).

Be It Resolved: The Dakota County Board of Commissioners does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights of Dakota County.

Be It Further Resolved: The Dakota County Board of Commissioners does hereby designate the following as responsible for the management of the Title VI – Civil Rights process: County Chairman of the Board of Commissioners.

Adopted this 22nd day of March, 2010, at Dakota City, Nebraska.

The Board of Commissioners of Dakota County

Richard Momen
William Rohde
Antonio Lopez

Pat Boyer
William McNear

Attest:

Theodore A. Bishop
County Clerk

Board Member Rohde

Moved the adoption of said resolution

Member McNear Secoonded the motion

Roll Call: 5 Yes 0 No 0 Abstained 0 Absent

Resolution adopted, signed and billed as adopted

RESOLUTION TITLE VI- CIVIL RIGHTS

Americans with Disabilities/Section 504 of Rehabilitation Act

Dakota County Resolution No. 10C-006

Whereas: Certain transportation facilities (roads, streets, trails, and others) in Dakota County have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

Whereas: Dakota County desires to continue to participate in Federal-Aid transportation construction programs;

Whereas: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

Whereas: Dakota County as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights Policy of Dakota County; and

Whereas: Dakota County understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in Dakota County being required to repay some or all of the federal funds expended for a project(s).

Be It Resolved: The Dakota County Board of Commissioners does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights of Dakota County.

Be It Further Resolved: The Dakota County Board of Commissioners does hereby designate the following as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process: County Chairman of the Board of Commissioners. Adopted this

22nd day of March, 2010 at Nebraska.

The Board of Commissioners of Dakota County

Mike Bousquet

Antonio Lopez

Richard Mowen

W.D.B. Bohan

William McCarty

Attest:

Thodore Atiesloo

County Clerk

Board Member Gomez Moved the adoption of said resolution. Member *Bousquet* Seconded the motion
Roll Call: 5

Yes 0 No 0 Abstained 0 Absent

Resolution adopted, signed and billed as adopted

SECTION FOUR

DAKOTA COUNTY MANAGEMENT PLAN OF TITLE VI NON-DISCRIMINATION AGREEMENT

Goals:

Distribute policy statement throughout the organization and to the general public.

1. Post a copy at the locations agendas are posted at: County Clerk's Office, website and county post offices
2. Include copy of statement in employee handbook and implement the notification/training program described below under "Training Programs for Staff."
3. A copy of the policy statement shall be posted on the employee bulletin board at the Courthouse.
4. Take affirmative steps to correct any deficiencies identified by the NDOR within 90 days.

Develop a community outreach and public education program.

1. Policy statement shall be posted on the County's website along with a pdf of an informational brochure on how to file a complaint and who to contact if there is an issue.
2. Policy statement shall be posted at all County public facilities and posted at each meeting location along with the Open Meetings Act, and announced at the beginning of each meeting.
3. Policy statement – or portion of – shall be included on each agenda for public meetings of all public meetings called by appointed and elected boards of Dakota County.
4. A statement of policy shall be published annually in the Dakota County Star during the month of June.
5. Post a volunteer solicitation form on the website that describes our non-discrimination policy.

Complaint handling process

1. Develop written guidelines on how to file a complaint and make available at Courthouse and on the County's website.
2. Develop information sheet and checklist on how complaints should be handled and how follow up is done.
3. Determine what is needed in a complete file copy of the complaint and how records will be managed.

Collection of statistical information needed for reporting

1. Annually a listing of the elected and appointed boards shall be made and evaluated.
2. For each program, statistical data (race, national origin and sex) of the participants in and the beneficiaries of the program and activities shall be collected.

Training Programs for Staff

1. As stated above, all employees shall initially (when policy adopted and when newly hired) receive a copy of the Policy Statement and the Dakota County Title VI Non-Discrimination Agreement and be asked to sign off on notification of this statement.
2. All appointed and elected officials shall also initially (when policy adopted and when newly elected or appointed) receive a copy of the Policy Statement and be asked to sign off on notification of this statement. Annually officials will be informed by the Annual Education Form (distributed by mail to all appointed and elected Boards and officials the month of July).
3. Department Heads shall receive training annually on how a Title VI complaint is to be handled and how it should be reported.

Administrative responsibilities

1. Make language that needs to be included in all contracts is available to any contract engineering, architectural or consulting firm that is hired.
2. Make language that needs to be included in any deeds or legal documents available to the County Attorney to ensure that they are included in documents.
3. While presently there is not a non-English speaking population in Dakota County that meets the threshold provided by the NDOR and FHWA, attempts shall be made to provide essential information to non-English speaking populations.
4. Title VI Coordinator shall prepare the necessary annual reports and submit information to NDOR as required. The annual period shall be the same as the fiscal year of Dakota County.

SECTION FIVE

DAKOTA COUNTY TITLE VI POLICY STATEMENT (FOR POSTING)

Title VI of the Civil Rights Act of 1964 states:

“No person in the United States shall, on the grounds of race, color, national origin, age, disability/handicap or sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 USC 2000d). Dakota County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Dakota County is committed to complying with the requirements of Title VI in all of its programs and activities.

Making a Title VI Complaint

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with Dakota County. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to NDOR for review and action. Any such complaint must be in writing and filed with Dakota County within 180 days following the date of the alleged discriminatory occurrence. For information on how to file a complaint, contact Dakota County by any of the methods provided below.

Mail or in person:

Dakota County Attorney
1601 Broadway Street
PO Box 117
Dakota City NE 68731
Phone: 402-987-2151
Fax: 402-987-2186
Email: dakotacountyattorney.watson@gmail.com

SECTION SIX

**Dakota County Employee Acknowledgement of Receipt of
Title VI Non-Discrimination Agreement**

I hereby acknowledge the receipt of Dakota County's Title VI Non-Discrimination Agreement. I have read the document and am committed to ensuring that no person is excluded from participation in, or denied the benefits of any program or activity provided by Dakota County on the basis of race, color, national origin, age, disability/handicap or sex.

Signature

Print Your Name

Date

SECTION SEVEN

Dakota County Employee Appointed Official and Elected Official Annual Education Form

Dakota County Title VI Policy Statement

Title VI of the Civil Rights Act of 1964 states:

“No person in the United States shall, on the grounds of race, color, national origin, age, disability/handicap or sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 USC 2000d). Dakota County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Dakota County is committed to complying with the requirements of Title VI in all of its programs and activities.

All employees of Dakota County are expected to consider, respect and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint with regard to any Title VI issues, direct him or her to the Dakota County Attorney, who is the Title VI Coordinator.

In all dealings with citizens or all individuals, use courtesy titles (i.e. Mr., Mrs., Ms., or Miss) to address them without regard to race, color or national origin.

SECTION EIGHT

Statement for use on Agendas of all bodies holding public meetings:

The following statement shall be included on each agenda for public meeting of any elected or appointed board or commission of Dakota County.

“No person in the United States shall, on the grounds of race, color, national origin, age, disability/handicap or sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity provided by Dakota County, whether those programs and activities are federally funded or not. Complaints with regard to this policy must be filed in writing with the County Attorney within 180 days of the alleged act of discrimination.

To the extent possible, accommodations will be provided for individuals with disabilities, in general, and interpreters, signers and alternate formatted materials will be provided, if requested. To assist Dakota County providing these accommodations, please contact the County Attorney, PO Box 117, Dakota City, NE 68731, telephone 402-987-2151 as far in advance as possible, but no later than 48 hours before the scheduled event.”

SECTION NINE

DAKOTA COUNTY TITLE VI NON-DISCRIMINATION POLICY STATEMENT AND COMPLAINT FILING PROCESS

Title VI of the Civil Rights Act of 1964 states:

“No person in the United States shall, on the grounds of race, color, national origin, age, disability/handicap or sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 USC 2000d). Dakota County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Dakota County is committed to complying with the requirements of Title VI in all of its programs and activities.

If you have a complaint directly against NDOR, please contact the Title VI Coordinator at:

Nebraska Department of Roads
Human Resources, Title VI Program
1500 Highway 2
PO Box 94759
Lincoln NE 68509-4759
402-479-4870

Dakota County's Title VI Coordinator
Dakota County Attorney
1601 Broadway Street
PO Box 117
Dakota City NE 68731
Phone: 402-987-2151
Fax: 402-987-2186
Email: dakotacountyattorney.watson@gmail.com

Discrimination Complaint Procedure

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with Dakota County. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Dakota County Attorney for review and action.

In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:

- a. The date of alleged act of discrimination; or
- b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, Dakota County Attorney or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the decision for so doing.

Complaints shall be in writing and 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. In the event that a person makes a verbal complaint of discrimination to an officer or employee of Dakota County, the person shall be interviewed by the Dakota County Attorney. If necessary, the Dakota County Attorney will assist the person in reducing the complaint in writing and submit a written version of the complaint to the person for signature. The complaint shall then be handled according to Dakota County's investigative procedures.

Within 10 days the Dakota County Attorney will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOR and USDOT.

Information that needs to be included on every complaint submitted is as follows:

- a. Name, address and phone number of complainant
- b. Name(s) and address(es) of alleged discriminating agency
- c. Basis of complaint (i.e., race, color, national origin or sex)
- d. Date of alleged discriminatory act(s)
- e. Date complaint filed with Dakota County
- f. Signature of complainant and/or the complainant's representative

Within 10 days of receiving the complaint Dakota County will forward the complaint on to the Nebraska Department of Roads (NDOR) along with an indication of the other agencies where the complaint was filed, and the remedial actions Dakota County is taking as a result. NDOR will forward the complaint to the Federal Highway Administration (FHWA). The FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.

Within 60 days of receiving the allegation, the Dakota County Attorney will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings. The complaint will be resolved by informal means whenever possible. Such informal attempts and results will be summarized in the report of findings.

Within 90 days of the receipt of the allegation, the Dakota County Attorney will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOR or USDOT if they are dissatisfied with the final decision rendered by FHWA. The Title VI Coordinator will also provide NDOR with a copy of the decision and summary of findings upon completion of the investigation.

All written complaints will be filed with NDOR and in addition will be investigated by Dakota County, unless otherwise directed by NDOR. However, if the complaint filed is directly against Dakota County, the complaint will be turned over to NDOR and FHWA for complete investigation.

NE Department of Roads
Human Resources, Title VI Program
1500 Hwy 2, PO Box 94759
Lincoln NE 68509-4759
402-479-4870

Dakota County's Title VI Coordinator
Dakota County Attorney
1601 Broadway Street
PO Box 117
Dakota City NE 68731
402-987-2151

SECTION TEN

TITLE VI COMPLAINT FORM

Case Number _____

This form may be printed and used for submission of Title VI Complaints

Note: We are asking for the following information to assist us in processing your complaint. If you need help in completing this form, please let us know. If you are not able to complete the form, on your own, the Title VI Coordinator will assist you to do so at a mutually convenient time. Simply call 402-987-2130 to make your request. If the Title VI Coordinator assists you in completing the form, you will still need to sign it to validate the information provided.

1. COMPLAINANT'S INFORMATION

Name: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number(s): _____

2. PERSON DISCRIMINATED AGAINST (IF SOMEONE OTHER THAN THE COMPLAINANT)

Name: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number(s): _____

3. WHAT IS THE NAME AND LOCATION OF THE PERSON/DEPARTMENT THAT YOU BELIEVE DISCRIMINATED AGAINST YOU?

Name: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number(s): _____

4. WHICH OF THE FOLLOWING BEST DESCRIBES THE REASON YOU BELIEVE DISCRIMINATION TOOK PLACE? IS IT BECAUSE OF YOUR:

<input type="checkbox"/> Race	<input type="checkbox"/> Disability/Handicap
<input type="checkbox"/> Color	<input type="checkbox"/> Sex
<input type="checkbox"/> National Origin	<input type="checkbox"/> Other _____
<input type="checkbox"/> Age	_____

5. WHAT DATE DID THE ALLEGED DISCRIMINATION TAKE PLACE?

6. IN YOUR OWN WORDS, DESCRIBE THE ALLEGED DISCRIMINATION, EXPLAIN WHAT HAPPENED AND WHOM YOU BELIEVE WAS RESPONSIBLE. (ATTACH ANOTHER PAGE IF NECESSARY)

7. HAVE YOU TRIED TO RESOLVE THIS COMPLAINT INFORMALLY BY DISCUSSING THIS WITH A SUPERVISOR OR ELECTED OFFICIAL?

YES NO

IF YES, PLEASE GIVE THE NAME OF WHO YOU CONTACTED, WHAT WAS DONE, WHAT INFORMAL ATTEMPTS WERE MADE TO CORRECT THE ALLEGED DISCRIMINATION?

8. 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

9. IF YOU HAVE FILED THIS COMPLAINT WITH ANY OTHER AGENCY OR COURT, PLEASE PROVIDE INFORMATION ABOUT A CONTACT PERSON WHERE THE COMPLAINT WAS FILED:

Name: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number(s): _____

10. IF YOU HAVE NOT FILED THIS COMPLAINT WITH ANY OTHER AGENCY OR COURT, PLEASE INDICATE IF YOU INTEND TO FILE THIS COMPLAINT WITH ANOTHER AGENCY OR COURT.

YES NO

IF YES, WHEN AND WHERE DO YOU PLAN TO FILE THE COMPLAINT?

Date: _____

Agency: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number(s): _____

11. HAS THE COMPLAINT BEEN FILED WITH THE COUNTY BEFORE?

YES NO

IF YES, WHAT DATE? _____

12. HAVE YOU FILED ANY OTHER DISCRIMINATION COMPLAINTS AGAINST THE COUNTY?

_____ YES _____ NO

IF YES, WHEN AND WHO WERE THEY FILED AGAINST?

Date: _____

Agency: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number(s): _____

13. PLEASE SIGN AND DATE THIS FORM BELOW. YOU MAY ATTACH ANY WRITTEN MATERIALS OR OTHER INFORMATION THAT YOU THINK IS RELEVANT TO YOUR COMPLAINT.

Complainant's Signature

Date

If this form was completed by someone other than the complainant, please provide information about who assisted the employee with this document:

SECTION ELEVEN

HOW TO HANDLE A COMPLAINT

1. Any complaints, verbal or written, formal or informal, should be handled with the same professionalism, regardless of the level of complaint. Title VI complaints can lead to serious legal and financial implications to Dakota County and must be handled appropriately.
2. Written materials are available to provide information of rights and process to citizens. They are available at County Clerk and County Attorney offices, and on the County's website. We are required to produce this written explanation if it is requested by a citizen.
3. Any employee who knows of a claim of discrimination should contact Dakota County's Attorney as Title VI Coordinator. Citizens making the claim have the right to either work with Dakota County informally to resolve the issue or file a formal written complaint. Both have procedures that must be followed and documented so reporting to the Title VI Coordinator is important.
4. The Dakota County Attorney will inform the NDOR of the claim of discrimination and will, if possible, work informally to resolve the issue, with documentation of the informal process and discussions and with a final report made to the NDOR stating whether the issue was resolved or not.
5. If a formal written claim of discrimination is filed with the Dakota County Attorney, the formal process spelled out in the Title VI Nondiscrimination Agreement with the Nebraska Department of Roads will be followed. This process includes immediate contact with the Nebraska Department of Roads Civil Rights Coordinator. In addition to filing the written complaint with the Nebraska Department of Roads, Dakota County will conduct an investigation of the claim (unless otherwise directed by NDOR or FHWA). If the claim is directly against Dakota County, the investigation will be done by Dakota County for internal use and purposes only.

SECTION TWELVE

Non-Elected Boards or Commissions – DATA COLLECTION FORM
To be completed in _____ (month) of each year

Name of Board or Commissions	Number	Duration of Term	# White	# Black	# Hispanic	# All Other	# Female	