


<p style="text-align: center;">CHEMUNG COUNTY POLICY</p>	<p>TITLE: CIVIL RIGHTS POLICY STATEMENT</p>
<p>Approved:</p>  <p>Thomas J. Santulli Date: 5/9/2017 County Executive</p>	<p>PERSON RESPONSIBLE FOR INTERPRETATION:</p> <p style="text-align: center;">Chemung County Director of Personnel and Labor Relations</p>

I. POLICY STATEMENT

It is the policy of Chemung County (County) to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All Departments and Offices shall plan, develop and implement their programs 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.

This policy fully incorporates throughout all of the 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.

The County's Civil Rights Policy reflects my 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. I have charged the Director of Personnel and Labor Relations to oversee the continued development and implementation of the County's external Civil Rights program for achieving our agency's goal to ensure equal opportunity for all. The Chemung County Director of Personnel and Labor Relations reports directly to my office on civil rights matters.

Both programs shall have the full support of our agency and managers. Additionally, all of our partners including, contractors and consultants, sub-recipients, community-based organizations, and advocacy groups are urged to give their full support and cooperation.

This policy shall be conspicuously placed on the County's bulletin board on the Second Floor lobby of the Hazlett Building, 203 Lake Street, Elmira, New York, and made available to all organizations and entities doing business with the County. A copy shall also be provided to contractors at County pre-construction and scope of service meetings. Any complaints involving allegations of discrimination, including complaints filed by employees and applicants involving employment discrimination should be sent to the Chemung County Director of Personnel and Labor Relations, 203 Lake Street, P.O. Box 588, Elmira, NY 14902-0588.

Title: CIVIL RIGHTS POLICY STATEMENT

II. POLICY SCOPE AND GUIDANCE

The County's Civil Rights Policy Statement directs that the requirements of Articles 15 and 15-A and Article 17-B 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 the County's and sub-recipient activities. State and Federal non-discrimination laws are the cornerstones of the County's strategy to ensure equal opportunity and fair and equitable programs and services to the public.

This policy statement primarily covers the County's Civil Rights responsibilities.

All employees must assist in the prevention and elimination of any discriminatory practices and are encouraged to report allegations of discrimination to the County's Director of Personnel and Labor Relations for review and appropriate action.

III. RELATED POLICY AND AUTHORITATIVE SOURCES

New York State Laws

New York State Human Rights Law Article 15 (1945) - Guarantees non-discrimination in the State of New York on the basis of race, creed, color, national origin, sex, marital status, age, disability and or sexual orientation.

New York State Law Article 15-A (1988) - An act to amend the executive law and the state Finance law, in relation to participation by minority group members and women with respect to state contracts.

New York State Law Article 17-B (2014) An Act to amend the executive law, in relation to expanding opportunities for service-disabled veteran-owned business enterprises.

Sexual Orientation Non-Discrimination Act (2003) - This Act amends the Executive Law to include sexual orientation.

On January 1, 2011, Governor Cuomo issued Executive Order 2 that authorized the continuation of certain prior Executive Orders related to equal opportunity and non-discrimination in all State programs.

Executive Order No. 6 (Governor Cuomo, 1983) - Insures equal employment opportunities for minorities, women, disabled persons and Vietnam Era Veterans in State government. The order clarifies and expands the power of the President of the Civil Service Commission and the Governor's Executive Committee for Affirmative Action to ensure that agencies develop and implement effective affirmative action plans.

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Executive Order No. 17 (Governor Cuomo, 1983) - Directs that State officials and employees shall not sponsor, organize, attend or participate in any meeting or other activity, the purpose of which is related to State business, in any private establishment or facility that does not afford full membership rights and privileges to any person because of age, race, creed, color, national origin, sex, disability or marital status.

Executive Order No. 96 (Governor Cuomo, 1987) - Promotes a New York State policy against age discrimination in the workplace. It requires that all employers within the Executive Branch of State government evaluate and examine their hiring and job retaining standards to ensure their compliance with the age discrimination law.

Federal Laws, Executive Orders .

Civil Rights Act of 1964- Prevents discrimination in federally assisted programs; provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional right to vote. Title VI - Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance. Title VII as amended by the Equal Employment Opportunity Act of 1972- Makes it unlawful to discriminate in employment practices on the basis of race, color, religion, sex, or national origin.

Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1964 - Establishes Affirmative Action obligations of contractors and subcontractors for disabled veterans and veterans of the Vietnam Era.

Age Discrimination in Employment Act of 1967 as amended - Applies to individuals age 40 and over, and specifies that it is unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's age.

Section 503 of the Rehabilitation Act of 1973, - Requires that government contractors and subcontractors take affirmative action to employ and advance in employment qualified disabled individuals, and that contractors, subcontractors and their representatives shall not discriminate against individuals because of their physical or mental disability in any employment practice (hiring, training, compensation, upgrading, etc.).

Section 504 of the Rehabilitation Act of 1973 - Prohibits discrimination on the basis of physical or mental disability in every federally assisted program or activity in the country.

Age Discrimination Act of 1975 - Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Civil Rights Restoration Act of 1988 - Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding. It applies to all federal laws.

Americans with Disabilities Act (ADA) of 1990 - Federal Law prohibiting discrimination against people with disabilities in employment, public access to services, transportation, public accommodations, and telecommunication services.

Civil Rights Act of 1991 - Provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace; codifies the concepts of "business necessity" and "job related"; confirms statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under Title VII of the Civil Rights Act of 1964; expands the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination. The Act provides for compensatory and punitive damages and jury trials in cases of sex, religious, and disability bias.

Executive Order No. 11246 - Prohibits employers doing business with the Federal Government from discriminating in employment because of race, color, religion, sex or national origin. Employers are required to take affirmative action in employment activities including hiring, promotion, transfers, training and minorities and women.

Chemung County



TITLE VI PLAN

May 2017

* Adopted by the Chemung County Legislature by Resolution No. 17-301 on May 8, 2017

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Policy Statement

Chemung County assures that no person shall on the grounds of race, color, national origin 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. Chemung 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. In the event that Chemung County distributes federal aid funds to another government entity, it will include Title VI language in all written agreements and will monitor for compliance.

Additional Information:

Individuals and/or organizations who would like more information concerning Chemung County's non-discrimination obligations under Title VI should contact:

Chemung County Director of Personnel and Labor Relations
203 Lake Street, P.O. Box 588
Elmira, NY 14902-0588
607-737-2812

Complaint Procedures:

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, color, or national origin can file an administrative complaint with Chemung County under Title VI of the Civil Rights Act of 1964 and send to the above address. If desired, individuals and/or organizations may file a complaint by completing the attached Title VI complaint form (Appendix B). Complaints should be signed and include contact information. Reasonable accommodations shall be provided to any person when necessary to properly access and file a complaint with Chemung County under Title VI.

Posting of this Notice:

This notice shall be posted on the second floor lobby of the Chemung County Administration Office, Hazlett Building, 203 Lake Street, Elmira, New York.

Chemung County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

Authority

Title VI of the Civil Rights Act of 1964 is the Federal Law that protects individuals from discrimination on the basis of his or her race, color or national origin in programs that receive Federal financial assistance.

The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI.

- a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
- b. Federal Transit Laws, Title 49, United States Code, Chapter 53
- c. 49 CFR § 1.51
- d. 49 CFR part 21
- e. 28 CFR § 42.401 et seq.
- f. 28 CFR § 50.3
- g. 70 FR 74087, December 14, 2005

Title VI Assurances

A copy of Chemung 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. Chemung County shall submit its Title VI Certification and Assurances whenever the County accepts funding from the Federal government.

Title VI Coordinator

The Chemung County Legislature has designated the Chemung County Director of Personnel and Labor Relations as the Title VI Coordinator for Chemung County by Resolution No. 17-301 adopted May 8, 2017. The Title VI Coordinator is responsible for initiating, monitoring, and ensuring Chemung County's compliance with Title VI requirements as follows:

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

6. To conduct Title VI reviews when necessary of contractors and other recipients of federal aid from Chemung County.
7. To serve as a resource for technical assistance to other County Departments and employees for guidance on complying with Title VI.
8. To respond to inquiries of the County's Title VI Program, and to any notices of deficiency that might be received with regard to Title VI, in order to resolve issues of non-compliance.

Attached hereto as Appendix "F" is an Organization Chart depicting the hierarchy of employees and reporting protocols involving the Chemung County Director of Personnel and Labor Relations (the County's designated Title VI Coordinator.)

Title VI Complaint Procedures

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

1. Complete and Submit Complaint Form. In order to allow Chemung County to investigate an incident of alleged discrimination under Title VI, the individual who believes they may have been subjected to discrimination must complete and file a Complaint Form. (A copy of the Complaint Form is attached as Appendix B of this document, and can also be found on the Chemung County website at www.chemungcounty.com). The Complaint Form must be completed fully, and mailed or delivered to: Chemung County Director of Personnel and Labor Relations, 203 Lake Street, P.O. Box 588, Elmira, NY 14902-0588. Only complaints of incidents that allegedly occurred within 180 days from the receipt of the complaint form will be reviewed. If assistance is needed to complete the Complaint Form, please contact the County's Title VI Coordinator (Chemung County Director of Personnel and Labor Relations at 607-737-2812). If the complaint involves the Director or any member of his/her department, the complaint should be directed to: New York State Department of Transportation, Office of Civil Rights, 50 Wolf Rd., Albany, NY 12232, Telephone: 518-457-8804.
2. Review of Complaint Form. Upon receipt, the Complaint Form will be reviewed to determine if the County has jurisdiction to review the alleged act of discrimination. The Complainant shall receive an acknowledgment letter informing him/her whether the complaint will be investigated by our office.
3. Investigation. Chemung County shall endeavor to investigate complaints within 60 calendar days from the receipt of a complaint form. If more information is needed to resolve the case, the County may contact the complainant. The complainant has 30 calendar days from the date of the letter from the County requesting additional information to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the requested information within the 30-day timeframe, the County can administratively close the case. A case can also be administratively closed if the complainant informs the County that he/she no longer wishes to pursue their case.
4. Informing Complainant of the results of the Investigation. After the investigator reviews the complaint, he/she will issue one of two letters to the complainant: a Closure Letter or a Letter of Finding. A Closure Letter summarizes the allegations and states that there

was not a Title VI violation and that the case will be closed. A Letter of Finding summarizes the allegations and the results of the investigation, and explains whether any disciplinary action, additional training of a staff member, or other action will occur.

5. Appeal of the Decision. If the complainant wishes to appeal the decision, he/she has 30 days after the date of the Investigation Letter to file an appeal. The appeal is filed to the attention of NYS Department of Transportation, Office of Civil Rights, 50 Wolf Road, Albany, NY 12232; Telephone: 518-457-8804

If the complaint pertains to a transit or transportation related matter, a person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590, and/or the Federal Highway Administration (FHWA), New York Division Office, Leo W. O'Brien Federal Building, Room 719, 11A Chemung Avenue, Albany, NY 12207.

Title VI Investigations, Complaints, and Lawsuits

Chemung County shall keep a log of all Investigations, Complaints and Lawsuits under Title VI, including the date that the investigation, complaint or lawsuit was filed, a summary of the allegation(s); the status of the investigation, complaint or lawsuit; and actions taken by the County in response, or final findings related to the investigation, complaint or lawsuit. A copy of the Complaint Log for Chemung County is attached as Appendix C.

The log shall be included in a report submitted to New York State Department of Transportation or the Federal Transit Administration as required.

Limited English Proficiency (LEP) Plan

Title VI and its implementing regulations require FTA subrecipients take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) by developing a Limited English Proficiency Plan.

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

A copy of Chemung County's Limited English Proficiency (LEP) Plan is attached as Appendix D.

Notification to Beneficiaries

Under Title VI Chemung County is required provide information to the public regarding the County's obligations under Title VI regulations and apprise the general public of the protections against discrimination afforded to them by Title VI. Chemung County shall disseminate this information to the general public by posting the Title VI policy notice on the County's website and in public areas of the County's offices, including the public meeting room, bulletin boards, transit buses, and the County Planning Department. A copy of the Public Notice is attached as Appendix F.

Monitoring/Reporting

Chemung County is responsible for complying with Title VI regulations and also ensuring that any contractors to the County are in compliance. Accordingly, Chemung County shall regularly monitor contractors for compliance and shall prepare annually a Title VI Program outlining the efforts of Chemung County to comply with Title VI.

Special Emphasis Program Areas

Planning

Planning and Program Development

Develop near-term and long-term strategies to maintain and enhance the quality and safety of Chemung County transportation and infrastructure.

Title VI Responsibilities

Ensure that all aspects of the transportation planning process comply with Title VI.

Ensure participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic organizations and participating in roundtable meetings in minority and low-income communities when applicable.

Assist the Title VI Coordinator in gathering and organizing information for internal annual Title VI Update Reports.

Review the Program Development work program and other directives to ensure compliance with Title VI program requirements.

Ensure equal participation on Citizens Advisory Committees (CAC) by requesting the CAC provide information regarding their selection process for members and to furnish information on membership make up (race, gender, and position within the organization) for evaluation. Visit CAC and public meetings to verify the level of participation of Title VI protected group members when offered in predominantly minority or low-income communities.

Gather statistical data on program participation regarding race, color and national origin.

Environmental Services

Consultant Contracts Administration

Identify the needs for each project, ensure they are met in the contract, and ensure consultant compliance to the satisfaction of the Chemung County.

Authorities:

48 CFR 31 ; 23 CFR 172

National Environmental Policy Act of 1969, 42-USC-4321

23 CFR Part 771

40 CFR Part 1500

49 CFR Part 622

EO 12898

Consultant Selection Process

Utilizing the request for proposal and competitive bidding processes, the Chemung County selects the appropriate contractors and vendors for the project. Title VI non-discrimination provisions will be incorporated into all written contracts and materials in this process.

Environmental Process

Work with neighborhood stakeholders and community groups to ensure that all affected residents have opportunities to participate in the planning, design and construction of transportation projects.

Environmental Justice Outreach

Public involvement = in the area of Environmental Justice will be achieved through outreach measures that assure meaningful involvement of minority and low-income populations. This will be achieved through a variety of measures, including but not limited to:

Obtaining U.S. Census Data and data from the local School Districts to identify minority and low-income populations to determine impacts during the initial stages of project planning. Further analyze this data using additional sources, including area community, religious, and business associations, school districts, senior citizen groups, and economic development organizations.

Inviting a cross section of the populace from social, economic, and ethnic groups in the planning process through written information in local newspapers and where possible, minority news media. Create notices that attract attention and are in layman's terms.

Holding meetings at a variety of times during the day and providing various locations to facilitate access and participation by target populations.

When necessary, translate documents, notices and hearings for limited English-speaking populations.

Obtaining demographic data at applicable community meetings and public hearings. Data will be gathered through the use of voluntary self-reporting forms which include race, gender, and national origin. Copies of these forms will be sent to the Title VI Coordinator after each meeting.

Document all evidence to support conclusions regarding Environmental Justice issues. Detail all efforts taken to identify minority or low-income populations affected by transportation planning activities.

Limited English Proficiency Strategies

Strategies to provide meaningful access to LEP persons to ensure that they can communicate effectively will be achieved by measures including but not limited to:

Applying the "four factor analysis" process provided as a guideline from the U.S. Department of Justice to determine LEP needs. This process includes determining the number and proportion of LEP individuals within the population, the frequency with which LEP individuals will come in contact with the program, the nature and importance of the program to people's lives, and the resources available to provide translation services. The results of this analysis will be used to outreach and engage LEP persons in the transportation planning process.

Developing a demographic assessment for the impacted area to determine if there is a 5% or more minority population requiring special language assistance, and address the needs.

Developing a written policy to ensure the implementation of LEP measures that identify and assess the language needs of its LEP population. Provide for a range of language assistance options, including notices to LEP persons in a language they can understand regarding their right to free language assistance.

Training to ensure that staff are knowledgeable and aware of LEP policies and procedures, and are trained to work effectively in the facilitation of the process.

Providing translation services for public documents and competent interpreters at public hearings.

Increasing opportunities for public involvement, particularly by historically underserved populations including LEP individuals by advertising in local and local minority newspapers.

Monitoring the program to ensure that LEP persons have meaningful access to the transportation planning and implementation process.

See also the name Chemung County Language Access Plan, available on the Chemung County website.

Title VI Responsibilities

Monitor compliance with Title VI requirements in all aspects of the environmental process, including Environmental Justice and Limited English Proficiency requirements. Conduct meetings to review the project impact.

Disseminate to the public their right to call or write the department to view plans and discuss environmental problems.

Ensure DBE goal attainment.

Coordinate the gathering of environmental information for the Annual Title VI Update Report including awards to DBE firms.

Notify protected group residents of public meetings or hearings regarding a proposed project. Ensure time and location for public meetings or hearings is accessible.

Maintain mechanisms to identify population affected by a project.

Ensure participation of all segments of the impacted population in the location selection process.

Ensure that all federally funded consultant contracts administered by this section have the appropriate Title VI Appendix enclosed.

Review guidelines and procedures to ensure Title VI compliance.

Maintain and update necessary data and documentation, including demographic data mapping ethnicity by area as required for completion of the department's internal annual Title VI Update Report.

Engineering Services

Engineering Services

Engineering services assess Chemung County's infrastructure and prepares plans for construction, design, and repair. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

Authorities

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Municipal Code of the City of Rochester; Title 23, U.S.C 109(d), 14(a), 217,315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); among others.

Design Process

Economic, social, topographic, and environmental impacts of a proposed project are key factors weighed in the location consideration. Special efforts in the area of Environmental Justice will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

Construction Engineering

Construction engineering deals with the designing, planning, construction, and management of infrastructures such as highways, bridges, airports, railroads, buildings, and utilities. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

Authorities

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection

of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Municipal Code of the City of Rochester, among others.

Construction Process

Construction Engineering is responsible for new construction and maintaining Chemung County roads and bridges by using the resources of contractors, equipment, and materials in the most economic way. Construction Engineering provides guidance and oversight for the administration of transportation construction projects. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

Title VI Responsibilities

Ensure that all aspects of the location selection process comply with the Title VI requirements.

Consult and seek input from affected populations.

Develop mechanisms to identify affected populations.

Assure public participation in the selection process.

Provide notice of public meetings in minority newspapers and newsletters when appropriate.

Maintain required Title VI compliance documentation and statistical data. Gather statistical data on race, color and national origin for program requirements.

Monitor program components for compliance with the Title VI requirements.

Review activities associated with public hearings to enhance the participation of targeted communities.

Develop and update operational manuals and guidelines to ensure the inclusion of Title VI language and provisions.

Gather program area data to be included in the internal annual Title VI Update Report.

Right-of-Way

Right-of-Way Programming

Right-of-way programming involves monitoring and administering construction and obstructions in the right-of-way. Right-of-Way programming is handled by the Permitting Department of DES and involves inspections and compliance measures in the right-of-way.

Authorities:

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection

Municipal Code of the City of Rochester, 23 CFR 130, 49 CFR 24, among others.

Acquisition Process

The guidelines in the Right-of-Way Manual are followed for property acquisition as well as all applicable laws and regulations, including Title VI and Section 504. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management.

Title VI Responsibilities

Ensure equal opportunity for disadvantaged businesses to participate in Personal Services Contracts. The contracts are typically appraisal contracts but can cover all services of real estate including negotiation, relocation, and property management. Ensure equal opportunity for disadvantaged business appraisers to participate by using current directories identifying fee appraiser organizations and the NYSDOT's list of certified fee appraisers. Apprise all affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.

Conduct annual implementation reviews of Title VI provisions within the real estate acquisition process.

Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.

Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.

Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.

Maintain statistical data including race, color, national origin, and sex on all relocatees affected by federally funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.

Gather the statistical data required for completion of Chemung County's Annual Title VI Update Report including awards to minority and female appraisers.

Contract Compliance

Contract Compliance

Contract compliance ensures that Chemung County is complying with standards regarding nondiscrimination and equal opportunity employment. It includes provisions that Chemung County may not discriminate in any programs or services on the basis of race, color, sex, or national origin; must accept applications from women and minorities; must solicit bids for contract work from minority-and-women-owned businesses; and follow fair hiring, retention, and promotion policies.

Authorities:

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive

Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Municipal Code of the Chemung County, among others.

Title VI Responsibilities

Review all projects for application of DBE goals. Gather statistical data on DBE utilization.

Include DBE general special provisions in those projects with goals. Include Title VI language in contract award letters to encourage utilization of DBE firms. Award of construction contracts shall be granted on the basis of the lowest responsive bidder including DBE requirements.

Ensure through reviews that prime contractors with DBE requirements award previously committed work to proper DBEs and that DBEs actually perform commercially useful functions on contracts.

Review activities to ensure maintenance and construction efforts and resources are applied uniformly and fairly.

Maintain program documentation necessary for internal annual Title VI updates.

APPENDIX A. Title VI Statement of Assurances for Chemung County

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252);
- 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 assurance that it will promptly take any measures necessary to ensure that:

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

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respects 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 programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

Chemung County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC subsections 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act) hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration of award.

3. The Recipient will insert the clauses of Exhibit 1 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 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, Chemung County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, SUCCESSORS, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. Chemung County also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA, or its designee in a timely, complete, and accurate way. Additionally, Chemung County must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Chemung County gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts or other federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this ASSURANCE on behalf of the Recipient.

Dated: May 9, 2017



Chemung County Executive
Resolution No. 17-301

EXHIBIT 1
CONTRACTORS, SUBCONTRACTORS SUPPLIERS, AND MANUFACTURERS

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E thereof, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Chemung County or the **Federal Highway Administration** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to Chemung County or the **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, Chemung County will impose such contract sanctions as it or the **Federal Highway Administration** may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request Chemung County to enter into any litigation to protect the interests of Chemung County. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

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:

- 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, (42 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. § 194 *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);
- Titles 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 non-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 74087 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

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that Chemung County will accept title to the lands and maintain the project constructed thereon in accordance with the Chemung County Legislature, the Regulations for the Administration of Federal Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Chemung County all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

Chemung County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed[,] [and]* (2) that Chemung County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

EXHIBIT 3

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by Chemung County pursuant to the provisions of Assurance 8(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her 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:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will 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 (equates to minority), 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.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Chemung County will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, Chemung County will have the right to enter one-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 Chemung 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.)

EXHIBIT 4

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Chemung County pursuant to the provisions of Assurance 8(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her 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 (1) no person on the ground of race (equates to minority), 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, (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, disability, low-income, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will 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.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Chemung County will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Chemung County will there upon revert to and vest in and become the absolute property of Chemung 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.)

APPENDIX B. Title VI Complaint Form

Chemung County
Complaint of Discrimination Form
(Under Title VI of Civil Rights Act)

Name _____
Address _____ City _____ Zip _____
Telephone: Home _____ Work _____ Cell _____

Basis of Complaint

Race	D
Color	D
Sex	D
National Origin	D
Age	D
Disability	D
Low-Income	D
Limited English Proficiency	D

Who allegedly discriminated against you?

Name _____
Address _____ City _____ Zip _____
Telephone: Home _____ Work _____ Cell _____

If an organization, what is its name?

Name of Organization _____
Address _____ City _____ Zip _____
Telephone _____
Name of Contact _____

How were you discriminated against?

Where did the alleged discrimination occur?

Date/s and times discrimination occurred?

First time _____

Second time _____

Third time _____

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

What can the Department do to resolve the complaint?

Have you filed your complaint with anyone else?

Who _____

When _____

Complaint number, if known _____

Did you have an Attorney in this matter?

Name _____

Address _____ City _____ Zip _____

When did you acquire _____

Signed _____ Date _____

Mail To: Chemung County Director of Personnel
and Labor Relations
203 Lake Street
P.O. Box 588
Elmira, NY 14902-0588 or
Phone (607) 737-2812 Email: mmucci@co.chemung.ny.us

Note: If assistance is needed to complete this Title VI Complaint Form, please contact the Chemung County Title VI Coordinator referenced above.

APPENDIX C. Title VI Complaint Log Form

<p>Chemung County Title VI INVESTIGATIONS, COMPLAINTS & LAWSUITS LOG</p>

In order to comply with 49 CFR Section 21.9(b), Chemung County shall prepare and maintain a list of any active investigations conducted by entities other than FTA, including lawsuits, or complaints naming Chemung County and/or subrecipient that allege discrimination on the basis of *race*, color, or national origin.

Chemung County shall complete this log at the end of each Calendar Year, providing the requested information.

AGENCY: _____

TITLE VI OFFICER: -----

E-MAIL: ----- CONTACT: -----

Calendar YEAR _____

1. Were any investigations, lawsuits or complaints filed during this time period? _____
2. If YES, please provide the following information for each investigation, lawsuit or Complaint received during this time period:
 - Date the investigation, lawsuit or complaint was filed, and
 - Summary of the allegation(s) and status if resolved.
3. Based on the investigations, lawsuits or complaints filed during the stated Year, please provide a Status of each allegation. (Report on separate paper at the end of the year).
4. Please indicate if or what actions were taken by Chemung County in the response to the Investigation, lawsuit or complaint. (Report on separate paper at the end of the year).

APPENDIX D. Title VI Limited English Proficiency Plan

INTRODUCTION

Consistent with Title VI of the Civil Rights Act of 1964, U.S. Department of Transportation's implementing regulations, and Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), Chemung County is required to take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). Chemung County has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance for persons with limited English proficiency who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan identifies how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

In order to prepare this plan, Chemung County used the Federal Highway Administration *Four-Factor LEP Analysis*:

- 1) The number or proportion of LEP persons in the service area who may be served or are likely to require services by Chemung County.
- 2) The frequency with which LEP persons come into contact with Chemung County services.
- 3) The nature and importance of services provided by Chemung County to the LEP population.
- 4) The interpretation services available to Chemung County and overall cost to provide LEP assistance.

A summary of the results of the Four-Factor LEP Analysis is found below.

- 1) The number or proportion of LEP persons in the service area who may be served or are likely to require services by Chemung County.

Chemung County has limited diversity in its population and has a very small percentage of persons with Limited English Proficiency. The percentage with linguistically isolated households is around ½ of 1 percent. Those persons are located in the two New York State and one County correctional facility in the County. In most cases, English-speaking family members are likely to be available to help with translation the information needed to use the County services when needed by LEP persons. For these reasons, our analysis is limited.

Analysis Using Four Factor Framework

Chemung County has conducted the following analysis using the four factors identified in the DOT LEP Guidance:

- I. **Factor 1: The number and proportion of LEP persons served or encountered in the eligible service population**

The 2010 Census describes the languages spoken in Chemung County and number speaking each language as follows:

Language	Number of persons
English only	79,882
Spanish	1,209
Indo-European	1,297
Asian\Pacific	541
Other	35

The data for households that are linguistically isolated, presented below, shows that even these low percentages of persons who speak another language tend to overstate the LEP population that needs language assistance to use the County services.

Identify the geographic boundaries of the area that your agency serves.

The boundary is defined as Chemung County.

Obtain Census data on the LEP population in your service area.

This Appendix contains census data on English proficiency in Chemung County, listing population by language of origin and the numbers of those speaking English *very well, well, not well, or not at all.*

APPENDIX E. Title VI Public Notice

Policy Statement

Chemung County assures that no person shall on the grounds of race, color, national origin 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. Chemung 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. In the event that Chemung County distributes federal aid funds to another government entity, it will include Title VI language in all written agreements and will monitor for compliance.

Additional Information:

Individuals and/or organizations who would like more information concerning Chemung County's non-discrimination obligations under Title VI should contact:

Chemung County Director of Personnel and Labor Relations
Title VI Coordinator
203 Lake Street, P.O. Box 588
Elmira, NY 14902-0588
607-737-2812

Complaint Procedures:

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, color, or national origin can file an administrative complaint with Chemung County under Title VI of the Civil Rights Act of 1964 and send to the above address. If desired, individuals and/or organizations may file a complaint by completing a Title VI complaint form, which can be obtained at the address listed above. Complaints should be signed and include contact information. Reasonable accommodations shall be provided to any person when necessary to properly access and file a complaint with Chemung County under Title VI. If assistance is needed to complete the Title VI Complaint Form, please contact the County's Title VI Coordinator using the contact information listed above.

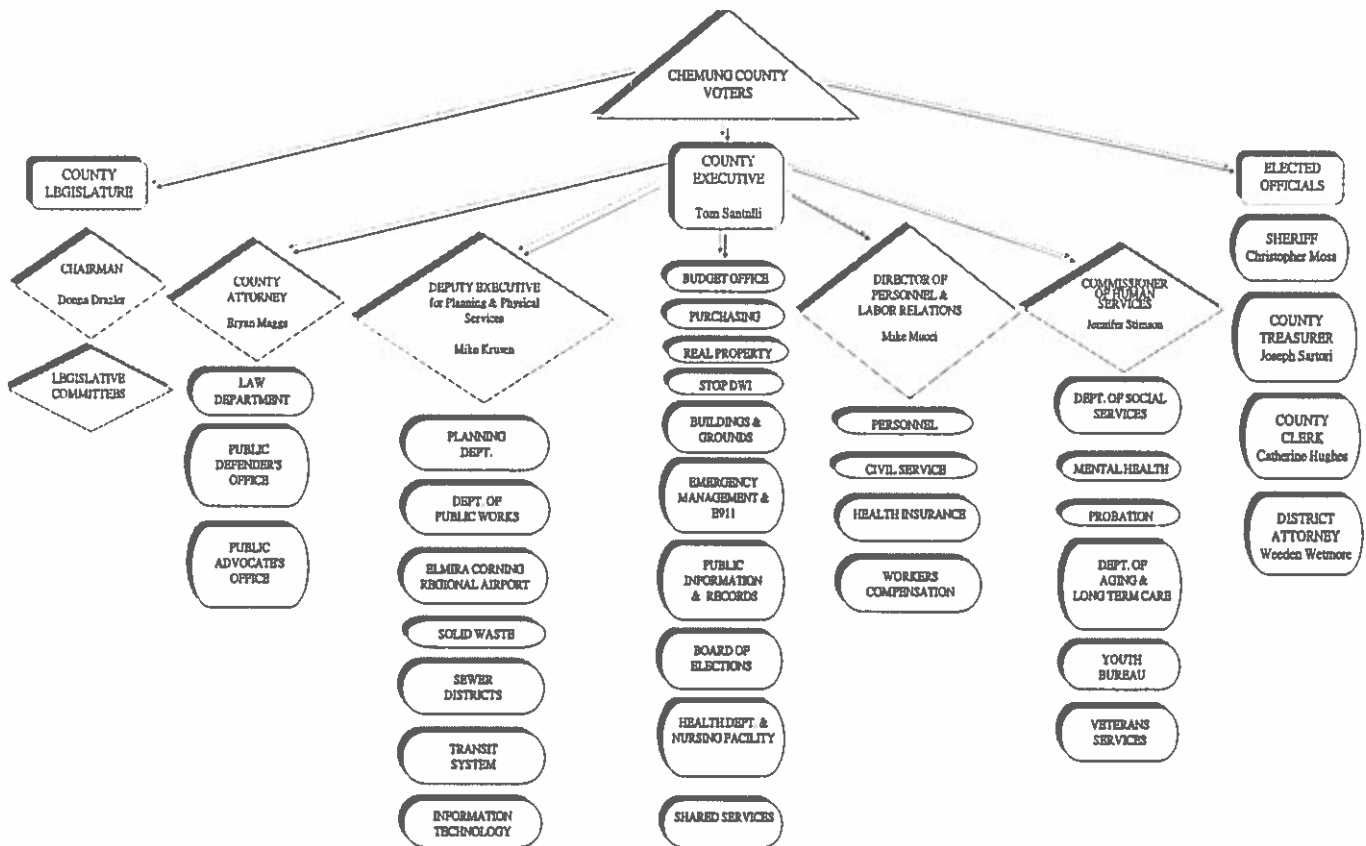
Posting of this Notice:

This notice shall be posted in the second-floor lobby of the Chemung County Administration Office, Hazlett Building, 203 Lake Street, Elmira, New York.

Chemung County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

APPENDIX F.

CHEMUNG COUNTY ORGANIZATIONAL CHART



RESOLUTION NO. 17-301

RESOLUTION AMENDING THE CHEMUNG COUNTY ADMINISTRATIVE POLICY
MANUAL (Section "XXXI" County-wide Title VI Plan)

By: Pastrick

Seconded by: Collins

WHEREAS, by Resolution No. 92-182, the Chemung County Legislature adopted the Chemung County Administrative Policy Manual; and

WHEREAS, the Chemung County Executive has presented to this Legislature an amendment to the Chemung County Administrative Policy Manual to incorporate a new section entitled County-wide Title VI Plan (the "Policy") to be further identified as Section XXXI; and

WHEREAS, Section XXXI gives public notice of Chemung County's non-discrimination policy ensure compliance with Title VI of the Civil Rights Act of 1964; and

WHEREAS, the County Executive and the Multi-Services Committee have reviewed the proposed Policy and have recommended that the Chemung County Legislature approve the amendment to the Chemung County Administrative Policy Manual to incorporate Section XXXI, i.e., the Policy; now, therefore, be it

RESOLVED, that the Chemung County Legislature does hereby approve the amendment of the Chemung County Administrative Policy Manual to incorporate the Policy, Section XXXI, as presented to the Chemung County Multi-Services Committee on April 24, 2017, incorporated herein by reference as if fully set forth at length herein; and, be it further

RESOLVED, that all other terms and conditions of the Chemung County Administrative Policy Manual as enacted by Resolution No. 92-182 as amended, are hereby ratified and confirmed and shall remain in full force and effect.

Ayes: Pastrick, Manchester, Sweet, Brennan, Hyland, Milliken, Woodard, Fairchild, Chalk, Jackson, Collins, Strange, Draxler (Chair) (13); Excused: Miller, Madl (2); Opposed: None; CARRIED.

STATE OF NEW YORK)
COUNTY OF CHEMUNG) SS:

THIS IS TO CERTIFY, that I the undersigned Clerk of the Chemung County Legislature, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Chemung County Legislature on the 8th day of May 2017, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Chemung County Legislature this 9th day of May 2017.

Linda D. Palmer
Linda D. Palmer, Clerk
Chemung County Legislature

