



M E M O

**Board of County
Commissioners**

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Stanley Township,
North Dakota

TO: Cass County Commission

FROM: Heather Worden, Administrative Assistant
Cass County Board of Commissioners

DATE: November 25, 2019

SUBJECT: Title VI Documents for Federal Highway Funding

Attached are documents for Title VI, which is a federal program to ensure the county is meeting non-discrimination and Americans with Disabilities (ADA) requirements in order for the county to be eligible to receive funding for highway projects.

The North Dakota Department of Transportation has developed a template with the necessary documents that need to be completed by each county.

SUGGESTED MOTION:

Move to authorize the Commission Chair and County Administrator to sign Title VI documents, which ensures the county will comply with federal requirements to be eligible for federal funding of highway projects.

Heather Worden
Commission Assistant

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FFATA SUB-RECIPIENT INFORMATIONNorth Dakota Department of Transportation, Local Government
SFN 60982 (8-2017)**AGENCY/INSTITUTION NAME AND ADDRESS**

Name Cass County Government			
Address 211 9th Street South	City Fargo	State ND	ZIP Code 58103
Sub-Recipient DUNS Number		Sub-Recipient SAM Registration Number	
CFDA No. 20.205 Highway Planning & Construction will apply for all temporary ER projects. The CFDA No. will be identified on the contract for all other projects.			
Sub-Recipients Annual gross Revenues Exceed 80% or more in Federal Awards		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Sub-Recipients Annual gross Revenues Equal or Exceed \$25,000.000 in Federal Awards		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Sub-Recipients Highly Compensated Officer	Officer Name	Officer Compensation	
Comments			
Prepared by			Date
Title	Email Address		

NDDOT'S TITLE VI/NONDISCRIMINATION AND ADA PROGRAM REQUIREMENTS, GUIDANCE, AND TEMPLATES FOR SUB RECIPIENTS

- I. Title VI/Nondiscrimination and ADA Program Requirements
 - A. DOT ORDER 1050.2A, DOT Standard Title VI Assurances and Non-Discrimination Provisions, signed by Secretary Ray LaHood on April 24, 2013
 1. Standard Title VI/Non-Discrimination Assurances signed by NDDOT
 - a. Includes Methods of Administration (MOAs)-Requirements to be set out in an Implementation Plan.
 - b. Gives reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance will comply with all requirements.
 - B. Title VI/Nondiscrimination and ADA Program Implementation Plan
 1. Implementation Plans are the process documents outlining recipients, sub recipients, and others Title VI/Nondiscrimination and ADA Program.
 2. Implementation Plans ensures compliance with Title VI of the Civil Rights Act of 1964, and gives sub recipient's employees, members of the general public, NDDOT, FHWA, and FTA a consistent and easy to understand "roadmap" of their Title VI/Nondiscrimination and ADA Program.
- II. Title VI/Nondiscrimination and ADA Program Guidance and Templates
 - A. Key Elements of a Title VI/Nondiscrimination and ADA Program Implementation Plan
 1. Title VI/Nondiscrimination and ADA Policy Statement
 - a. Express commitment to Title VI/Nondiscrimination and ADA Program
 - b. Specific programs and activities covered by the Title VI and ADA Program
 - c. The Agency Title VI and ADA Program Coordinator
 - d. A delegation of authority and responsibilities to appropriate Division Managers
 - e. Policy Statement signed by Chief Executive Officer
 - f. Policy statement circulated throughout organization and made available to the public.

NDDOT has written their Title VI/Nondiscrimination and ADA Policy Statement according to federal regulations and FHWA and FTA guidance. It is included in NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation Plan on page 2. It can be electronically accessed at the following location.

<http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

NDDOT has developed a template. The required Title VI/Nondiscrimination and ADA Policy Statement can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program information web page.

<https://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm>

2. Standard Title VI/Non-Discrimination Assurances
 - a. Required prior to approval of federal financial assistance
 - b. Require Methods of Administration (MOAs) in an Implementation Plan
 - c. Signed by your Chief Executive Officer
 - d. Legal contractual obligation
 - e. Attach current signed assurances including Appendices (USDOT ORDER 1050.2A (April 2013); formatted for sub recipients; Appendix A and E are included in all applicable contracts.
 - f. Refusal to furnish/comply required assurances – may refuse/terminate funds

NDDOT's Standard Title VI/Non-Discrimination Assurances are included in NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation Plan on pages 3-11. It can be electronically accessed at the following location.

<http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

The required Standard Title VI/Non-Discrimination Assurances template (USDOT ORDER 1050.2A (April 2013); formatted for sub recipients can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program information web page.

<https://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm>

3. Organization and Staffing
 - a. Include a description of the relationship between the Title VI Coordinator Unit and the head of the Agency.
 - b. Include a description of the Title VI Coordinator Unit along with an organizational chart that identifies their placement in the agency.
 - c. Outline the roles and responsibilities of the Title VI Coordinator, Title VI Specialist/Manager & staff, and ADA Coordinator.

Refer to NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation Plan, pages 12-15, posted on the Civil Rights Division, Title VI/Nondiscrimination and ADA Program web page. <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

4. Program Area Review and Compliance Procedures
 - a. Describe the pertinent program areas and the Title VI responsibilities of each program area along with the process for conducting yearly reviews of the program areas. (Pertinent programs are defined as any program that intersects with Title VI/LEP/EJ.) The process should define:
 - 1) The type of reviews and their objectives.
 - 2) What activities will be reviewed for the program?
 - 3) What data will be sought from the program area(s)?
 - 4) How the data obtained will be analyzed?
 - 5) How will the review determine effectiveness?
 - b. Describing the processes for conducting the program area reviews, sub recipients should include how they will determine the effectiveness of each program areas' pre-grant and post-grant approval reviews.
 - 1) Ensures that all federal-aid contracts include the required Title VI/nondiscrimination language. Use of Appendix A & E in contracts.

- 2) Ensures that contractors, subcontractors, consultants, and sub consultants are clearly aware of their responsibilities to comply with Title VI/Nondiscrimination and ADA Program requirements.
- 3) Review records must be maintained in the sub recipient's files. These include Review Schedules, review questionnaires and answers, sub recipient pre-authorization checklists and answers, and other documentation gathered during the review documenting compliance with Title VI/nondiscrimination and ADA requirements.

NDDOT has described their Program Area Review Procedures. It is included in the NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation Plan, pages 15-16, posted on the Civil Rights Division, Title VI/Nondiscrimination and ADA Program web page. <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

5. Sub Recipient Review and Compliance Procedures

- a. Describe the process for conducting reviews of your sub recipients. The process should define:
 - 1) A schedule or amount of reviews anticipated per year
 - 2) The types of reviews and their objectives
 - 3) Where and when the outcome of the reviews will be reported?
 - 4) What activities will be reviewed, and
 - 5) How will the review determine effectiveness?
 - 6) Review records must be maintained in the sub recipient's files. These include Review Schedules, review questionnaires and answers, sub recipient pre-authorization checklists and answers, and other documentation gathered during the review documenting compliance with Title VI/nondiscrimination and ADA requirements.
- b. Review Selection and Procedures
 - 1) Provides for a specific process to conduct reviews in a nondiscriminatory manner and to ensure compliance with Title VI
 - 2) Records must be maintained in the sub recipient's files. These records document that the Review Selection and Procedures was followed to ensure reviews are conducted in a nondiscriminatory manner. These records include a written step process to select sub recipients for review and to bring their programs into compliance within the required timeframes. Maintain other documentation as set out in your Review and Selection Process.

NDDOT has described their Sub Recipient Review Procedures and Review Selection and Procedures according to federal regulations and FHWA and FTA guidance. It is included in NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation Plan on pages 41-44. It can be electronically accessed at the following location. <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

6. Data Collection

- a. The collection, analysis, and reporting of data on recipients are key elements of a successful Title VI enforcement strategy.
- b. Data collection is the primary means by which an agency can monitor whether its program funds are reaching the communities that need the assistance.
- c. Data collection records must be maintained in the sub recipient's files. These records document the processes used to collect data using various data collection tools along with an analysis of the gathered information.
- d. The data collected needs to be directly related to the specific processes in a Program Area.
- e. A data collection and analysis might include using a demographic survey at a public meeting or event and comparing the attendance results with 2010 Census demographic information of the same area. The comparison would show what percentage of each demographic area was reached at the public meeting or event. A determination can be made whether the results were satisfactory or if additional steps need to be taken to improve the reach of your program to additional beneficiaries/individuals.
- f. The Office of Right-of-Way should analyze the data to determine if property valuations were conducted in a non-discriminatory manner, if property owners were negotiated in a non-discriminatory manner, and if Relocation Benefits were calculated in a non-discriminatory manner.

NDDOT has described their Data Collection process according to federal regulations and FHWA and FTA guidance. It is included in NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation Plan on pages 44-45. It can be electronically accessed at the following location.

<http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

NDDOT has developed templates for public meetings; a Sign-In Sheet, Public Participation Survey and Instructions, and a Request For Reasonable Accommodations that can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI information web page.

<https://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm>

7. Training Program for Staff and Sub Recipients

- a. Provides training for local program staff
- b. Provides training for sub recipients and stakeholders
- c. Training records must be maintained in the sub recipient's files. These records include training schedules, agendas, sign-in sheets, and training materials such as PowerPoint's, and handouts, etc. Maintain a training report listing the name of your training events, date, location, and the number of attendees for each training event held during the reporting period.

NDDOT has described their Training program for staff and employees, sub recipients, and stakeholders according to federal regulations and FHWA and FTA guidance. It is included in NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation

Plan on pages 46-47. It can be electronically accessed at the following location.

<http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

NDDOT has developed a webpage with numerous training materials. Materials cover Title VI, ADA and Section 504, and LEP. Materials include online videos and text formats, and links to "Other Resources" are available on NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program Training Resources web page.

<http://www.dot.nd.gov/divisions/civilrights/titlevi-training.htm>

8. External Complaints of Discrimination Procedures
 - a. Describe your procedures for prompt processing, investigation, and resolution of Title VI and related nondiscrimination statutes complaints
 - b. Procedures must include the following:
 - 1) A description of the complaint process identifying how and where a complaint would be filed, with which department or person, and all applicable timeframes.
 - 2) A statement that investigations will be conducted by personnel trained in compliance investigations.
 - 3) A description of the process by which the sub recipient will track the complaints and keep the required data for each complaint received.
 - 4) Procedure by which each complaint received by the Sub Recipient along with the sub recipient report of investigation will be sent to the NDDOT within the required 60 day time period.
 - c. Informs beneficiaries of their right to file a complaint.

NDDOT has described their External Complaints of Discrimination process and form with instructions and Complainant Consent/Release with the Notice About Investigatory Uses of Personal Information according to federal regulations and FHWA and FTA guidance. It is included in NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation Plan on page 47. It can be electronically accessed at the following location. <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

NDDOT has developed templates for the External Complaints of Discrimination process that can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program information web page.

<https://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm>

9. Dissemination of Title VI Information
 - a. Describe your processes and procedures to:
 - 1) Elicit and solicit public participation and involvement
 - 2) Educate the public of their Title VI program rights and obligations in the transportation decision-making process
 - b. Include the tools, techniques and strategies to involve and educate the public including LEPs
 - 1) public statements, written documents
 - 2) meetings with community organizations and the media
 - (a) Provides opportunity for public input

- (b) Includes efforts to ensure participation by traditionally underserved
- c. Endeavor to develop a public involvement plan or identify a link or linkage where one already exists.

NDDOT has described their Dissemination of Title VI Information process according to federal regulations and FHWA and FTA guidance. It is included in NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation Plan on page 47-48. It can be electronically accessed at the following location.

<http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

NDDOT's Public Involvement Plan outlines the processes for outreach and education of the public. The Public Involvement Plan can be accessed in NDDOT's Design Manual, Chapter II Section 3.

<http://www.dot.nd.gov/manuals/design/designmanual/Chapter%202.pdf>

10. Limited English Proficiency Plan

- a. Describe how the sub recipient reaches populations with Limited English Proficiency. This is often done through a Language Access Plan. To develop a Language Access Plan, the following steps may be used:
- b. Perform a Self-Assessment to determine which personnel interact with members of the public
- c. Identify LEP populations state-wide using US Census data and American Survey www.census.gov/acs
- d. Conduct a Four Factor Analysis:
 - 1) Demography- Number and/or proportion of LEP's served and language spoken in a service area.
 - 2) Frequency- Rate of contact with a service or program
 - 3) Importance- nature and importance of program/service to people's lives (transportation)
 - 4) Resources- available resources including language assistance services (limited or wide ranging)
- e. Develop a LEP Plan; additional information at www.lep.gov
- f. Records must be maintained in the sub recipient's files. These records document efforts to reach the public including LEP, low-income, and other traditionally underserved populations.

NDDOT has described their Limited English Proficiency Plan according to federal regulations and FHWA and FTA guidance. It is included in NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation Plan on page 48, with the full plan at Exhibit G. It can be electronically accessed at the following location.

<http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

NDDOT has developed a template for an LEP Plan that can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI information web page.

<https://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm>

11. Environmental Justice (EJ)

- a. Describe the process by which EJ requirements will be met. In the description include how EJ will be integrated into each program area. This can be done in the following ways:
 - 1) Describe how sub recipient is collecting minority (race) and low-income population data in addition to the other nondiscrimination population data i.e., color, national origin, sex, age, disability, LEP.
 - 2) Describe how the affected program area is using the minority (race) and low-income data to further evaluate impacts to these populations according to the EJ Executive Order and available Federal guidance i.e. identify disproportionate and highly adverse impacts, conduct a benefits and burdens analysis, etc.
 - 3) Describe how the affected program area is effectively including the EJ populations in all Public Participation activities;
 - 4) Include EJ populations as applicable groups in the sub recipient external complaint form.

NDDOT has described Environmental Justice according to federal regulations and FHWA and FTA guidance. It is included in NDDOT's 2017 Title VI/Nondiscrimination and ADA Program Implementation Plan on page 48-49. It can be electronically accessed at the following location. <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

NDDOT's "Environmental Documentation" process is located in the NDDOT Design Manual, Chapter II, Section 2 at <http://www.dot.nd.gov/manuals/design/designmanual/Chapter%202.pdf>

B. Metropolitan Planning Organization (MPO)

1. MPO's must meet the Title VI requirements in the FTA Circular 4702.1B dated October 2012 and located at https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf

North Dakota Department of Transportation Sub Recipient Audit Checklist

Name of Sub Recipient _____

Audit Checklist: All sub recipients participating in Title VI audits will be required to complete, sign, and return this Audit Checklist, with all supporting documentation, to the North Dakota Department of Transportation (NDDOT), Cass County Highway Department, prior to the audit meeting. Compliance with these requirements is necessary to assure non-discrimination in the (insert sub recipient's name) projects/programs. This Audit Checklist also serves as a preview to you as to the processes, procedures, policies, and documentation that will be expected in the annual compliance report.

You may provide electronic documents or a link to your website for documents and materials as an alternative to providing a paper copy during the audit process. When paper copies of documentation are provided, please label them relative to the following questions.

Compliance with these requirements is necessary to assure non-discrimination in sub recipient transportation projects/programs.

- This checklist serves as a preview to the processes, procedures, policies, and documentation that must be in place prior to authorization of Federal funds.
- This checklist covers a reporting period of the most recent July 1 to June 30 period.
- A "No" answer does not necessarily mean the sub recipient is in "non-compliance" but a written explanation must be provided for any "NO" or "N/A" responses.

A compliance or non-compliance determination will be made by the NDDOT after submittal of the checklist and the narrative explanation relative to "No" or "N/A" responses.

Copies of this information must be provided either in the annual compliance report or during a Title VI Audit.

This Audit Checklist covers the period of 1-1-2020 through 12-31-2020.

I. Title VI Sub Recipient Audit Checklist	YES	NO	N/A
1. Did they expend \$750,000 in federal funds in their most recently completed fiscal year?			
a. If no, skip b and c.			
b. If yes, was an audit conducted in accordance with 2 CFR 200?			
c. If yes, has the audit report been sent to NDDOT-Audit Services Division for review?			
1) If no, can they provide a copy of this audit report?			

II. Metropolitan Planning Organization (MPO) Refer to FTA Circular 4702.1B for Title VI guidance	YES	NO	N/A
1. MPOs and other planning entities must submit the following: <ul style="list-style-type: none"> a. The requirements set out in Chapter VI (Transit Provider) if the MPO is a provider of fixed route public transportation. b. Demographic profile of the metropolitan area c. A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process. d. Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects. e. Analysis of the MPO's transportation system investments that identifies and addresses any disparate impacts. f. Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance (if requested). g. Description of the procedures the agency uses to provide assistance to potential sub recipients in a nondiscriminatory manner (if requested). 			

b. Did they specify which members are appointees?			
1) And, what is the process for making those appointments?			
c. Did they outline the steps taken to increase diversity on their commissions, councils, boards, or committees?			
4. Are recruiting opportunities for both vacancies and promotions documented?			
a. Does the documentation include race and sex of the applicants?			
b. Does the documentation include race and sex of the persons hired or promoted?			
c. Are recruitment efforts made to hire minority or female applicants?			
1) <u>If yes</u> , are these efforts documented?			
d. Are vacancies advertised both internally and externally?			
e. Did they provide information on how the recruitment was done? (Where were vacancies posted, advertised, etc.)			

NDDOT has developed a sample EEO Cover letter, Employer Information, and EEO Survey templates that can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program web page. <http://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm>

IV. AMERICANS WITH DISABILITIES ACT (ADA)	YES	NO	N/A
Sub recipients with 50 or more employees are required by Title II to develop and implement an Americans with Disabilities Act (ADA) Transition Plan. Sub recipients with 49 or fewer employees are required by Title II to develop and implement an ADA Program Access Plan.			
1. Do they have 50 or more employees? (<i>Note: Comments on Page 2, Employment, Question 1</i>)			
a. <u>If no</u> , go to question 2.			
b. Do they have an ADA Transition Plan?			
2. Do they have 49 or fewer employees?			
a. Do they have an ADA Program Access Plan?			
3. Can they summarize progress towards meeting the plan's schedule of ADA corrections by: number and type of corrections made; number of deficiencies reduced by percentage, etc.?			
4. Do they have an ADA Coordinator?			
5. Does the ADA plan include the name, title, office address, and office phone number of the ADA Coordinator?			

<p>a. Is the ADA plan posted externally for access by the public?</p>			
<p>6. Is there a process available so a member of the public can request a reasonable accommodation?</p>			

NDDOT has developed a Request For Reasonable Accommodations template that can be obtained at the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program web page.
<http://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm>

V. TITLE VI/NONDISCRIMINATION AND ADA PROGRAM	YES	NO	N/A
<p>1. Do they have a Title VI/Nondiscrimination and ADA Program Implementation Plan?</p>			
<p>a. <u>If yes</u>, does their Title VI/Nondiscrimination and ADA Program include the federal requirements?</p>			
<p>b. <u>If no</u>, the Title VI/Nondiscrimination and ADA Program Requirements, Guidance, and Templates are provided to assist you in developing your Title VI/Nondiscrimination and ADA Program to meet the federal requirements located at http://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm</p>			
<p>2. Did they provide documentation demonstrating dissemination of the Title VI/Nondiscrimination and ADA Program both internally for employees and externally for the public?</p>			
<p>3. Do they have the Standard Title VI/Non-Discrimination Assurances signed by their chief executive officer?</p>			
<p>4. Do they have a Title VI/Nondiscrimination and ADA Policy Statement?</p>			
<p>5. Do they have a Title VI Coordinator or Specialist?</p>			
<p>6. Is their Title VI and/or ADA Coordinator's name, title, office address, and office phone number included in the Title VI/Nondiscrimination and ADA Policy Statement and posted both internally for employees and externally for the public?</p>			

NDDOT has developed a Standard Title VI/Non-Discrimination Assurance; and Title VI/Nondiscrimination and ADA Policy Statement templates that can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program web page at <http://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm>

VI. LIMITED ENGLISH PROFICIENCY	YES	NO	N/A
<p>1. Do they have a Limited English Proficiency (LEP) plan?</p>			

<p>a. Using the most current data (US Census or North Dakota census data), did they provide the population demographics within their service area? Resources:</p> <ul style="list-style-type: none"> • See www.lep.gov • See www.census.gov <p>b. Did they conduct a Four Factor Analysis in their LEP Plan?</p>			
<p>4. How do you provide oral interpretation for LEP? a. What languages are available for oral interpretation?</p>			
<p>5. Did they identify their program's vital documents in their LEP Plan?</p> <p>a. What documents were identified as vital documents?</p> <p>b. Was their vital documents, translated in any other languages?</p> <p>c. If yes, which vital documents and what languages?</p> <p>d. How were the translated documents disseminated?</p>			
<p>NDDOT has developed a template Limited English Proficiency Plan that can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program web page at http://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm</p>			
<p>VII. PUBLIC OUTREACH AND EDUCATION</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>
<p>1. Did they provide documentation describing any public outreach activities related to activities conducted for <u>federally funded transportation project(s)/programs</u> undertaken during the reporting period? <i>(For example: public announcements and/or communications for meetings, hearings, and project notices directed by their representative?)</i></p>			
<p>2. Did they provide copies of ads, posters, or public notices?</p>			
<p>3. Were language assistance needs assessed? a. <u>If yes</u>, did they provide documentation listing the language assistance needs assessment(s) conducted and examples of those assessment(s)? <i>(Should include service provided, date, number of persons served, and any other relevant information.)</i></p>			

<p>4. Were outreach efforts made to ensure that minority, disabled, low income, and Limited English Proficiency population groups, were provided equal opportunity to participate in any outreach activities? <i>(For example: provided written materials in languages other than English, met with local social services agencies, or advertised in a minority publication.)</i></p>			
<p>5. Were demographics gathered from attendees at public meeting, hearing, etc.? a. Describe your data collection process.</p>			
<p>7. Did they provide documentation regarding the demographics gathered?</p>			
<p>8. Did public meeting ads, public notices, or posters have a contact person and telephone number, for attendees to contact, when accommodations for disabilities or language assistance were needed?</p>			
<p>9. Was an effort made to hold meetings in ADA compliant facilities?</p>			
<p>10. Were offices where they provided services ADA compliant?</p>			
<p>VIII. TRAINING</p>	<p>YES</p>	<p>NO</p>	<p>N/A</p>
<p>1. Have all their employees received Title VI/Nondiscrimination and ADA Program related training?</p>			
<p>a. <u>If no</u>, will training be completed by September 30 of this year?</p>			

	YES	NO	N/A
IX. EXTERNAL COMPLAINTS OF DISCRIMINATION PROCESS			
<p>1. Do they have an External Complaints of Discrimination form, instructions, and process for filing a complaint based on Title VI of the Civil Rights Act of 1964 (race, color, national origin) or Other Nondiscrimination Statutes/Executive Orders (sex, age, disability, limited English proficiency, or income status) including a Complainant Consent/Release form with a Notice About Investigatory Uses of Personal Information; and an External Complaints of Discrimination Complaint Log for recording current complaints?</p> <p>a. Did they describe how the complaint form, instructions, and process for filing a complaint are disseminated to employees and the public?</p> <p>b. Did they provide a copy of their complaint form, instructions, process, consent/release and notice, and complaint log?</p> <p>c. Did they provide their External Complaints of Discrimination Log listing all External Complaints of Discrimination filed during the requested timeframe of this Audit?</p>			
<p>NDDOT has developed a template External Complaints of Discrimination form, instructions, and process; Complainant Consent/Release form with a notice About Investigatory Uses of personal Information; and External Complaints of Discrimination Log that can be obtained from the NDDOT Civil Rights Division, Title VI/Nondiscrimination and ADA Program, Sub Recipient Title VI/Nondiscrimination and ADA Program web page at http://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm</p>			
X. CONTRACTS AND AGREEMENTS	YES	NO	N/A
<p>1. During the reporting period, were <u>all</u> federally funded transportation projects/programs either bid or procured through NDDOT's processes?</p> <p>a. <u>If yes</u>, skip to Section XI.</p>			
<p>2. Did contracts, let through their bidding or procurement process, contain the required Title VI statements similar to those bid or procured through the NDDOT?</p>			
<p>a. Did contracts for consultant agreements for planning, design, engineering, environmental, research, maintenance, etc. contain the required Title VI statements?</p>			
<p>b. Were Disadvantaged Business Enterprise firms notified of and afforded the opportunity to bid or propose on the federally funded transportation related projects/programs?</p>			
<p>1) Any efforts other than normal advertising?</p>			

2) Did they provide documentation to support this?			
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3. List and provide copies of all the federally funded transportation related contracts, which were executed, during the reporting period, by the sub recipient. Include construction, consultant agreements for planning, design, engineering environmental, research, maintenance, etc. For each contract provide:

- List subcontracts/agreements issued by primes.
- Identify the contracts/agreements that were awarded to DBE
- Include dollar value of each DBE or non-DBE subcontract/agreement.

XI. MONITORING AND COMPLIANCE	YES	NO	N/A
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1. Did they have monitoring and compliance procedures in place to monitor Title VI activities and responsibilities for their organization?			
a. Does their monitoring and compliance provide for the following?			
Procedures to conduct Title VI reviews of pertinent program areas.			
<ul style="list-style-type: none"> ▪ List their pertinent program areas and describe each areas' Title VI responsibilities <ul style="list-style-type: none"> ▪ Define the process to review their pertinent program areas. ▪ State if they have training scheduled for their Title VI staff and other employees? • Include if and how a project or program area is monitored by them weekly, monthly, or annually. • State if they have plans for bringing discriminatory programs into compliance within a specified time period. 			
b. Have they scheduled and conducted an annual Title VI review of their program areas to determine the effectiveness of program area activities at all levels?			
c. Did they have any sub recipients of federal-aid highway funds?			
1) If no, skip to Section XII.			
2) <u>If yes</u> , do they have monitoring and compliance procedures in place to monitor Title VI activities and responsibilities of their sub recipients?			

3) If yes, have they scheduled and conducted Title VI reviews of their sub recipients? (For example: cities, counties, colleges, planning agencies, and other recipients of federal-aid highway funds)

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XII. ENVIRONMENTAL IMPACTS

YES NO N/A

1. During the reporting period, was there a Documented Categorical Exclusion (DCE), Environmental Assessment (EA), or Environmental Impact Statement (EIS) prepared for any federally funded transportation-related projects/programs?

a. If no, skip to Section XIII.

b. If yes, did they summarize comments provided on Project Concept Report or Environmental Documents where race, color, sex, age, national origin, disability, and income status were adversely impacted?

c. If yes, did they document what those impacts were and how they were minimized or mitigated?

2. How many public meetings were held and were Title VI Public Participation Surveys provided?

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3. Total number of cultural resource compliance studies, archaeological studies, and Tribal consultation were conducted during the reporting period.

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XIII. RIGHT OF WAY

YES NO N/A

1. During the reporting period, was right of way acquired for any federally funded transportation related project?

a. If no, skip to signature blocks.

b. If yes, How many non-NDDOT appraisers were utilized during the reporting period?

2. Does their documentation demonstrate how many negotiations were completed during the reporting period?

a. If yes, does the documentation report the collection of data by race, sex, color, national origin, age, disability, or income status?

3. Were there any concerns raised by minorities or women as landowners concerning their options in the negotiation phase?

a. If yes, did they document what action was taken to correct those concerns?

4. List of negotiations when professional interpreters were used to aid the property owner in understanding the sub recipient's proposed action.				
5. How many business were displaced and how many residences were displaced during the reporting period?				
6. Were there any Title VI concerns raised by minorities or women concerning their options in the relocation process? Explain				
7. Does documentation of relocation assistance activities reflect any disparities in providing relocation assistance?	<table border="1"> <tr> <td></td> <td></td> <td></td> </tr> </table>			
8. If relocations occurred, did they collect data by, race, color, national origin, sex, age, disability, or income status, or LEP?	<table border="1"> <tr> <td></td> <td></td> <td></td> </tr> </table>			

Person(s) who submitted information for the checklist, please indicate by signing below. By signing below you are stating that the answers above are true and accurate.

Name	Title	Date
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Name	Title	Date
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The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

Cass County Government **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effetuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites 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 be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

Cass County Government,, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B 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 Appendix C and Appendix D 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 will 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 or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Cass County Government 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 Federal Highway Administration's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Cass County Government gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on Cass County Government other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Chad Peterson

Cass County Government

Cass County Commission Chair

Date

**CASS COUNTY GOVERNMENT
APPENDIX A OF THE TITLE VI ASSURANCES**

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

**CASS COUNTY GOVERNMENT
APPENDIX B OF THE TITLE VI ASSURANCES**

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 U.S. Department of Transportation as authorized by law and upon the condition that Cass County Government will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S 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 Cass County Government all the right, title and interest of the U.S. 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 Cass County Government 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 Cass County Government its successors and assigns.

Cass County Government 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 Cass County Government 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, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. 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 U.S. 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 make clear the purpose of Title VI.)

**CASS COUNTY GOVERNMENT
APPENDIX C OF THE TITLE VI ASSURANCES**

**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 Cass County Government pursuant to the provisions of Assurance 7(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 U.S. 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, color, or national origin, 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, Cass County Government 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, Cass County Government will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of Cass County Government and its assigns.*

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

**CASS COUNTY GOVERNMENT
APPENDIX D OF THE TITLE VI ASSURANCES**

**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 Cass County Government pursuant to the provisions of Assurance 7(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, color, or national origin, 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, 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, Cass County Government 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, Cass County Government will there upon revert to and vest in and become the absolute property of Cass County Government and its assigns.*

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

**CASS COUNTY GOVERNMENT
APPENDIX E OF THE TITLE VI ASSURANCES**

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (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. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- 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.*).

Cass County Government

TITLE VI/NONDISCRIMINATION AND ADA POLICY STATEMENT

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Specifically, 42 USC 2000d states that "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." In addition to Title VI, there are other Nondiscrimination statutes which include: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/ADA of 1990 (disability). Taken together, these requirements define an over-arching Title VI/Nondiscrimination and ADA Program. Title VI and the additional Nondiscrimination requirements are applicable to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

There are two Presidential Executive Orders that place further emphasis upon the Title VI protections of race and national origin. Executive Order 12898 ensures nondiscrimination 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 directs recipients of Federal financial assistance that to ensure compliance with Title VI, they must take reasonable steps to ensure that limited English proficiency persons have meaningful access to their programs.

I, as County Administrator of Cass County Government am personally committed to and support taking all steps to ensure that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by Cass County Government, its recipients, sub recipients, and contractors.

The County Administrator is appointed as the Title VI Coordinator and the Human Resources Director is appointed ADA Coordinator and is granted the authority to develop, administer, and monitor the Title VI/Nondiscrimination and ADA Program as promulgated.

Further, I sub-delegate and charge the Human Resources Director with the responsibilities to ensure compliance with Title VI/Nondiscrimination and ADA Program requirements in their respective program areas.

Anyone who believes that he or she has been discriminated against should contact the County Administrator, Title VI Coordinator and the Human Resources Director, ADA Coordinator, Robert Wilson, County Administrator at 701-241-5770 or Human Resources Director Cindy Stoick at 701-241-5736. TTY users may call Relay North Dakota at 711 or 1-800-366-6888 (toll free).

Robert Wilson, County Administrator

Date