

GENESEE COUNTY



TITLE VI PLAN

**RESOLUTION NO. 404 REVISED – GENESEE COUNTY TITLE VI PLAN –
APPROVAL OF**

Legislator Young offered the following resolution:

WHEREAS, The Assistant County Manager did present revisions and updates to the Genesee County Title VI Plan, and

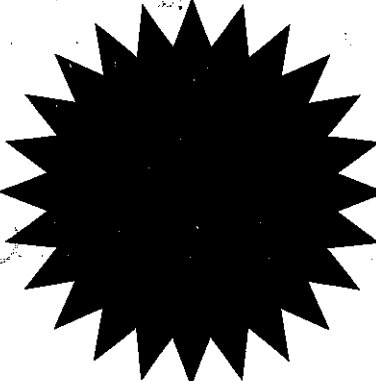
WHEREAS, The Committee on Ways and Means did review the Genesee County Title VI Plan and does recommend approval at this time. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature does hereby approve the Genesee County Title VI Plan, Be it further

RESOLVED, That the Chair of the Genesee County Legislature is hereby authorized and directed to execute any and all documentation related to this plan.

Budget Impact: None

Legislator Maha seconded the resolution which was adopted by 326 votes.



**State of New York
County of Genesee**

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Genesee County Legislature on the 28 day of October 2020.

Dated, Batavia, New York

October 29, 2020

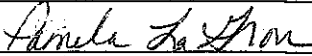

Clerk of the Genesee County Legislature

Table of Contents

Title VI/Nondiscrimination Policy Statement	3
Organization & Staffing.....	4
Responsibilities	5
Complaint Procedures	8
Data Collection.....	11
Public Participation & Notifications.....	13
Deficiencies & Violations	15
Education & Training.....	16
Special Emphasis Program Areas.....	17
Standard Title VI/Non-Discrimination Assurances	21
Appendix A: Limited English Proficiency (LEP) Plan.....	31
Appendix B: Americans with Disabilities (ADA) Plan	35
Appendix C: Environmental Justice (EJ) Plan	39
Appendix D: Complaint Procedure & Form	40

Title VI/Nondiscrimination Policy Statement

The County of Genesee assures that no person shall on the grounds of race, color, national origin, or gender 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. The County of Genesee 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.

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, and part 21.11(e).

In the event that the County of Genesee distributes federal aid funds to another governmental entity, the County of Genesee will include Title VI language in all written agreements and will monitor for compliance. The County of Genesee's Compliance Officer is responsible for initiating and monitoring Title VI activities, preparing required reports and other County responsibilities as required by 23 CFR 200 and 49 CFR 21. In the absence of a Compliance Officer, the Assistant County Manager shall immediately assume these roles and responsibilities.

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or gender be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21).

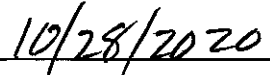
The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted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

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3; EO 13166.



Rochelle Stein, Legislature Chair
Genesee County, NY

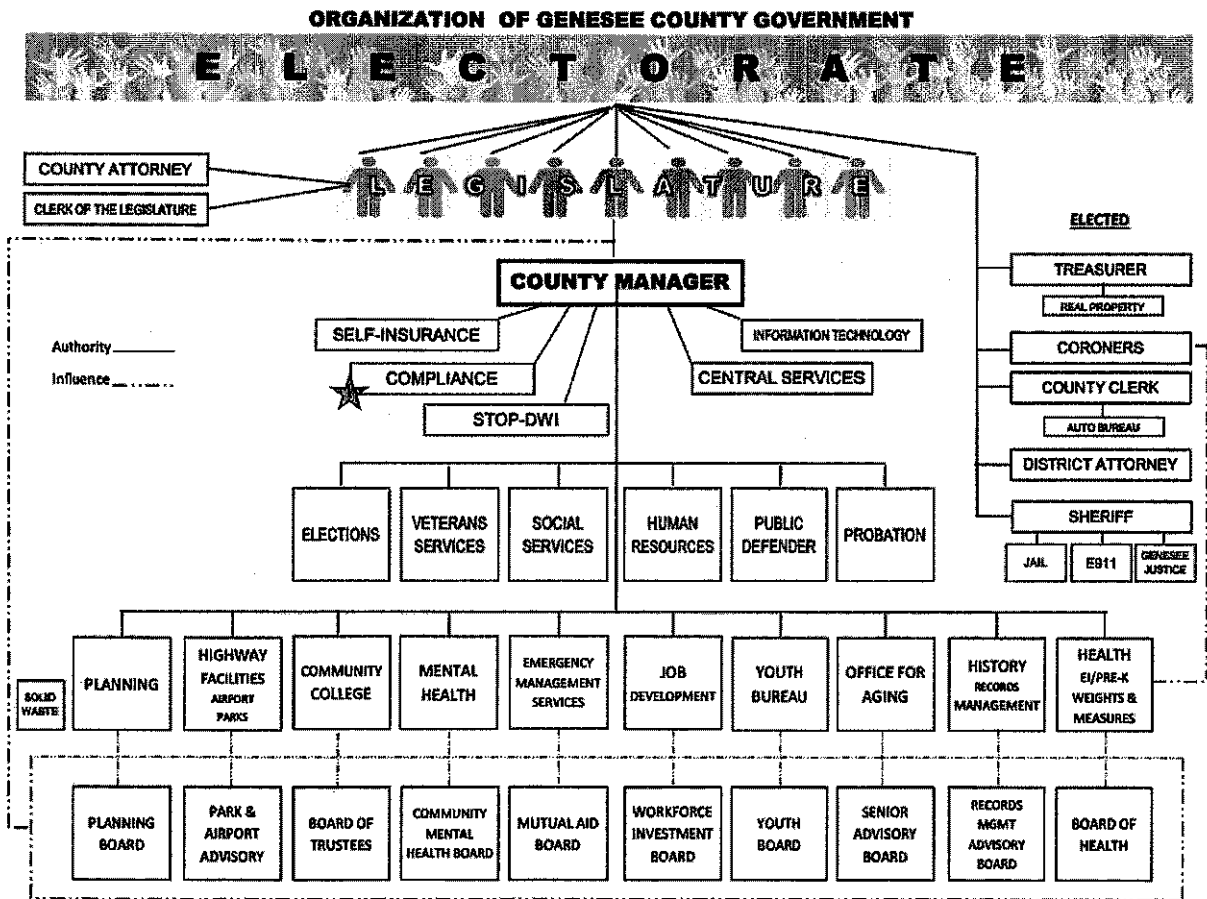


Date

Organization & Staffing

It is the collective responsibility of the County Legislature, Department Heads, elected Officials, staff, contractors, sub-recipients and public in general to create and foster an environment of equality. Discrimination is prohibited. The County of Genesee is required to appoint a Title VI Coordinator under 23 CFR 200.9 (b) (1) who will have easy access to the County Manager.

The County of Genesee has appointed its Compliance Officer as Genesee County's Title VI Coordinator. In the absence of a Compliance Officer, the Assistant County Manager shall immediately assume these roles and responsibilities. In Genesee County, the Compliance Officer and Assistant County Manager are a part of the County Manager's Office giving both positions easy and direct access to both the County Manager and County Legislature, as denoted with the (★) in the Organizational Chart below.



Revised 10.2020

The contact information for Genesee County's Title VI Coordinator is as follows:

Genesee County Compliance Officer
 7 Main Street • Batavia, NY 14020
 (585) 344-2550 ext. 2212
Compliance@co.genesee.ny.us

Responsibilities

Genesee County Legislature

Consistent with applicable laws, rules, regulations, Executive Orders, ultimate responsibility for the achievement of equal opportunity in Genesee County lies with the Genesee County Legislature.

County Manager

The County Manager's Office is charged with oversight responsibility for ensuring the County's compliance with Title VI requirements. The County Manager supervises the Assistant County Manager, the County's Compliance Officer/ Title VI Coordinator and Department Heads.

Title VI Coordinator

As authorized by the Legislature Chair, the Title VI Coordinator is responsible for initiating, coordinating, monitoring, and ensuring Genesee County's compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by Genesee County in accordance with Genesee County's Complaint Procedures. If any individual believes they or any other program beneficiaries have been subject to unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, national origin, or gender, they may file a complaint with Genesee County. It is the goal of Genesee County to resolve complaints informally at the lowest managerial level.
2. Attend trainings regarding Title VI, Limited English Proficiency (LEP), Environmental Justice (EJ) and Americans with Disabilities Act (ADA).
3. Conduct Title VI reviews when necessary of contractors and other recipients of federal funds.
4. Review special emphasis program areas to determine the effectiveness of program area activities at all levels. In addition to the day-to-day monitoring, special emphasis program areas will be reviewed to assure effectiveness in their compliance of Title VI provisions.
5. Work with special emphasis program staff to ensure the fundamental principles of Environmental Justice (EJ) outlined below:
 - Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
 - Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.
6. Compile and/or develop Title VI, Limited English Proficiency (LEP), Environmental Justice (EJ) and Americans with Disabilities Act (ADA) information for Public Dissemination. Ensure dissemination to the general public and, where appropriate, in languages other than English. Public dissemination will include posting of public statements, inclusion of Title VI language in contracts and publishing the Title VI/Nondiscrimination Policy Statement in newspapers having a general circulation in the vicinity of proposed projects.
 7. Assist Departments in disseminating Title VI Program information to employees, contractors, subcontractors, consultants, and sub consultants. Directives providing operational guidelines to all sub-recipients and special emphasis program areas will be reviewed to include Title VI language and provisions and related requirements, where applicable.
 8. Assist the Human Resources Director with the development and coordination of Title VI training for employees. Trainings will provide information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints.
 9. Identify and eliminate discrimination when found to exist. Work with all Genesee County Offices and Departments to establish procedures for promptly resolving deficiencies. Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to utilization of disadvantaged business enterprises, public involvement and property acquisition.
 10. Assist County agencies in compiling demographic and statistical data regarding the number of people with disabilities, LEP, or of protected classes within the County in order to develop appropriate policies and programs.
 11. Maintain updated legislative and procedural information regarding Genesee County's Title VI Program. This will include Federal and State laws, rules and regulations, Genesee County's Plan and updates, and other resource information pertaining to Title VI issues.

Departments and Department Heads

Department Heads are charged with the day to day management of Title VI requirements within their respective Departments, thereby ensuring equitable opportunity and treatment to everyone they serve. Those served include, but is not limited to, staff, the general public and both current and/or future sub-recipients. Each Department shall designate one or more department liaisons within their respective Department to work with the Title VI Coordinator.

County Personnel

All County personnel are expected to foster an environment of inclusion and equality over discrimination when conducting County business. County personnel are responsible to report suspected acts of discrimination.

Complaint Procedures

The following procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, (including its Disadvantaged Business Enterprises (DBE)), Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any transportation or Public Works program or other activity administered by the County, as well as to sub-recipients, consultants, and contractors.

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

These procedures are part of an administrative process, which does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest managerial/administrative level possible. The option of informal mediation meeting(s) between the affected parties and the investigator may be used for resolution, at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

The following persons may file a written complaint with Genesee County:

- (1) Any person who believes that they or any specific class of persons in which they are included has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities prohibited under Title VI based upon race, color, national origin, or gender;
- (2) Any person who believes that another individual on whose behalf they are acting has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities prohibited under Title VI based upon race, color, national origin, or gender.

Time Limits for Filing

A formal complaint must be filed within 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person became aware of the alleged discrimination; or
- There has been a continuing or the latest instance of the discriminatory conduct.

Form of Complaints

A formal complaint must meet the following requirements:

- Must be in writing and signed by the person or their representative and include the complainant's name, address and telephone number. A formal complaint of discrimination will also be acknowledged and processed if received by fax or e-mail.
- A formal complaint of discrimination received by telephone will be written down and provided to the complainant for confirmation or revision before processing.

- Must provide a detailed description of the issues including names, dates, and job titles of witnesses or those individuals perceived as parties in the complaint.

Genesee County will post the Title VI Complaint Procedures and Complaint Form on their website at www.co.genesee.ny.us to ensure the public has easy and direct access. A copy of the Complaint Procedures and Complaint Form are attached as Appendix D.

Upon receipt of the complaint, Genesee County will determine its jurisdiction, acceptability, need for additional information and the investigative merit of the complaint.

In cases where the complaint is against one of Genesee County's sub-recipients, the County will assume jurisdiction and will investigate and adjudicate the case.

Complaints against Genesee County will be referred to the appropriate Federal or State agency for proper disposition to the extent required by law or by the terms of any grant agreement or other contract to which the County is a party. In special situations warranting intervention to ensure equity, a Federal or State agency may assume jurisdiction and either complete or obtain services to review or investigate matters.

Acceptance of a complaint will be determined by

- Whether the complaint is timely filed;
- Whether the allegations involve a covered basis such as race, color, national origin, gender, disability, or retaliation;
- Whether the allegations involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor; or, in the case of ADA allegations, an entity open to the public;

A complaint may be dismissed for the following reasons

- The complainant requests the withdrawal of the complaint;
- The complainant fails to respond to repeated requests for additional information needed to process complaint;
- The complainant cannot be located after reasonable attempts.

Genesee County has sole authority for accepting complaints for investigation. Once the County decides to proceed with the investigation, the complainant and the respondent will be notified in writing of the determination within ten (10) business days. The complainant will receive a case number and be logged into the County's records identifying its basis, alleged harm, the race, color, national origin, age, disability, gender, income or English proficiency of the complainant(s).

In cases where Genesee County assumes investigation of the complaint, the County will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) business days from the date of the County's written notification of acceptance of the complaint to furnish their response to the allegations.

Within 40 business days of the acceptance of the complaint, the investigator will prepare an investigative report for the Genesee County Title VI Coordinator and the Genesee County Manager. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The Genesee County Title VI Coordinator and County Manager will have 10 business days to review and provide comments to the investigator.

Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the Genesee County Attorney for review. The County Attorney will review the report and associated documentation and will provide input within 10 business days.

Any comments or recommendations from the Genesee County Attorney will be reviewed by the County Manager. There will be a period of 10 business days for the County Manager to discuss the report and any recommendations with the County's Title VI Coordinator, and to have the Title VI Coordinator address any modifications before the report's release to the appropriate Federal or State agency.

The County's final investigative report and a copy of the complaint will be forwarded to the appropriate Federal or State agency, within 60 business days of the acceptance of the complaint.

The County will notify the parties of its preliminary findings which are subject to the appropriate federal or state agency's concurrence.

The appropriate Federal or State agency will issue the final decision to the County based on the investigative report.

The appropriate Federal or State agency will analyze the facts of the case and will issue a conclusion to the complainant according to the appropriate Federal or State procedures. Once the appropriate Federal or State agency issues its final decision, Genesee County will notify all parties involved about the determination. The appropriate Federal or State agency's final determination is not subject to an appeal.

Data Collection

Genesee County promotes full and fair participation by all segments of the population including but not limited to minority, low-income communities and populations that are Limited English Proficient. Title VI, one of the primary Federal nondiscrimination laws, prohibits discrimination in the provision of any services supported with Federal funds. Title VI provides a legal foundation for the collection of racial, ethnic and primary language data from recipients of Federal financial assistance even when a specific statutory requirement to collect this data does not exist.

Genesee County shall collect and review relevant data and information in order to assess its implementation of and compliance with its Title VI Program. The County shall also provide data and information to Federal or State agencies as required by law or regulations. Upon request, the County shall provide agencies from which it received Federal funding/assistance access to data and information necessary to ascertain its Title VI compliance, including access to pertinent books, records, accounts, facilities, and other sources of information. The County shall also provide data and information as required by 28 CFR § 42.406 as requested in conjunction with a new application of Federal funding, an application for continuance or renewal of funding with specific projects or significant changes, and at other times appropriate under the regulation.

The County shall reasonably gather, analyze, and retain statistical data on the race, color, national origin, gender, age, income, disability status and LEP status of beneficiaries of its services and programs. The County shall identify the programs and services most appropriate for analysis. The County shall analyze the data to determine whether benefits from County services are fairly distributed, especially among minority and low-income populations. To assist the County in analyzing fair distribution of benefits and burdens, each Department within the County shall maintain relevant data on identified programs appropriate for analysis. Additionally, if the County extends Federal funding or assistance to a sub-recipient, the sub-recipient shall collect, retain, and submit such data to the County in order to enable the County to carry out its civil rights compliance obligations. Data submitted by sub-recipients shall also be incorporated into the County's comprehensive analysis.

Self-Identification

From time to time, the County may find it necessary to request voluntary identification of racial, ethnic, or other relevant information from those who participate in its public events or utilize County services. This information will assist the County in improving its targeted outreach and measures of effectiveness. Self-identification of personal information to the County will always be voluntary and anonymous. Moreover, the County will not release or otherwise use this data in any manner inconsistent with Federal and State regulations.

Race & Ethnicity Codes

Self-identification surveys shall include the following race and ethnicity codes, in the combined format as structured by the Federal Office of Management and Budget:

- American Indian or Alaska Native
- Asian or Pacific Islander
- Black or African American
- Caucasian (not of Hispanic origin)
- Hispanic or Latino
- Native Hawaiian or other Pacific Islander
- Multiracial or Other

All surveys shall note that participants may include multiple responses.

Public Participation & Notifications

Genesee County adheres to the Title VI of the Civil Rights Act of 1964 Compliance Plan. Genesee County carries out its project planning processes without regard to race, color, gender or national origin. For more information or to file a complaint or concern, please contact the Genesee County Title VI Coordinator, at (585) 344-2550 ext. 2212.

Genesee County also hosts public meetings and open houses in facilities allowing access to all citizens. Genesee County will accommodate anyone who may need special requests with adequate notification, preferable 48 hours before a scheduled meeting or open house.

Genesee County is committed to a policy of non-discrimination in conducting its business, including its Title VI responsibilities. Genesee County recognizes its responsibilities to the citizens for whom it carries out its project planning processes and to the society it serves.

Public Participation

Public participation is encouraged. Public events (meetings, hearings, etc.) are to be held in ADA accessible locations. If a person requires a reasonable accommodation to attend a meeting, they may contact the Department of the Compliance Officer/ Title VI Coordinator/ ADA Coordinator or Human Resources Director to discuss the matter and make a request for accommodation.

Minutes of all public Legislature meetings will be available on the Genesee County website (www.co.genesee.ny.us).

Agendas and/or minutes of Departmental public events may be reviewed on an individual, scheduled basis after the event occurs. If a member of the public requests assistance with reading the minutes, understanding the content of the meeting or providing information for project planning and development, the individual can arrange this with the Department itself or the Compliance Office/ Title VI Coordinator/ ADA Coordinator who will then make the necessary arrangements.

For individuals whose primary language is not English, the County can provide interpretation or translation on a requested basis.

Members of the public may leave their contact information if they want to be contacted at the next opportunity for public participation, or to receive follow-up information from the event they attended. The public may also participate by providing written comments or by emailing Compliance@co.genesee.ny.us.

Dissemination of Information

The Title VI Coordinator shall assist County staff in the creation and dissemination of Title VI Program information to County employees, sub-recipients, contractors, affected parties, and the general public. Public dissemination efforts may include: posting public statements for the County's non-discrimination policy; inclusion of Title VI Assurances in County contracts and grants; and publishing a Title VI Policy Statement in a newspaper of general circulation in the County; posting a Title VI Policy Statement in vicinity of proposed County projects; and including a Title VI Policy Statement in announcements of hearings and meetings; and providing notice of County proposed projects to all communities.

Notice to Public

Genesee County hereby gives public notice of Genesee County's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, gender, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which Genesee County receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Genesee County. Any such complaint must be in writing and filed with the County Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the County Manager's Office (7 Main Street ▪ Batavia, NY 14020) at no cost to the complainant, from the following website, www.co.genesee.ny.us, or by calling (585) 344-2550 ext. 2212.

Deficiencies & Violations

Genesee County administration will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements.

When irregularities occur in the administration of the program's operation, procedures will be implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period of 90 days.

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. Genesee County will seek the cooperation of the sub-recipient in correcting deficiencies found during the Title VI compliance reviews. Genesee County will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Genesee County will submit a copy of the case file to the appropriate federal or state agency and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

Education & Training

Title VI of the 1964 Civil Rights Act provides 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 (Sec. 601).”

The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

Genesee County shall provide Title VI training in accordance to Title VI and ADA requirements. The Genesee County Title VI Coordinator will assist the Human Resources Director with the development and dissemination of Title VI training for employees. Trainings will provide information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. These function will be carried out in order to address Genesee County’s responsibility to provide Title VI training to all of its current employees.

The Title VI Coordinator and the Human Resources Director shall be responsible for advising Genesee County staff about available training in support of Title VI. It is the responsibility of the Human Resources Director to schedule training in such a way that appropriate notices and announcements are made to Genesee County staff.

Training materials will be reviewed and updated as necessary by the Title VI Coordinator. It is a requirement for current Genesee County staff to participate and refresh themselves in the Title VI training annually. All employees are encouraged to participate in professional development training within and outside of Genesee County.

Special Emphasis Program Areas

Program Specialists: Genesee County will appoint a Human Resources Director and Title VI Coordinator, who will proactively monitor several special emphasis program areas. The emphasis program areas are: Planning, Environment, Design, Right-of-Way, Construction, Maintenance, and Traffic Safety.

Planning: Develop near-term and long-term strategies to maintain and enhance the quality and safety of Genesee 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.*
- *Assist the Human Resources Director in gathering and organizing information for internal annual Title VI Update Reports.*

Environmental Services: Identify the needs for each federally-funded project, ensure they are met in the contract, and ensure consultant compliance to the satisfaction of Genesee 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 a qualification-based selection process, Genesee County selects the appropriate consultants for the project. Title VI nondiscrimination 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:

- Inviting a cross section of the populace from social, economic, and ethnic groups in the planning process through written information in local newspapers. Create notices that attract attention and are in layman's terms.
- Holding meetings that facilitate access and participation by target populations.

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

Title VI Responsibilities

- *Comply 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 time and location for public meetings or hearings is accessible.*
- *Ensure that all federally funded contracts administered by this section have the appropriate Title VI documents.*
- *Assist the Human Resources Director in gathering and organizing information for internal annual Title VI Update Reports.*

Engineering Services: Engineering Services assess Genesee County's infrastructure and prepares plans for construction, design, and repair.

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,, 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.

Construction Engineering

Construction Engineering deals with the designing, planning, construction, and management of infrastructures such as highways, bridges, airports, railroads, buildings, and utilities.

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, among others.

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.*
- *Assist the Human Resources Director in gathering and organizing information for internal annual Title VI Update Reports.*

Right-of-Way: Right-of-way programming involves monitoring and administering construction and obstructions 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 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, 23 CFT 130, 49 CFR 24, among others.

Acquisition Process

Eminent Domain Procedure Law is 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

- *Implement 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.*
- *Assist the Human Resources Director in gathering and organizing information for internal annual Title VI Update Reports.*

Contract Compliance: Contract compliance ensures that Genesee County's contractors are complying with standards regarding nondiscrimination and equal opportunity employment. It includes provisions that Genesee County may not discriminate in any programs or services on the basis of race, color, national origin, or gender; must accept applications from women and minorities; must solicit bids for contract work from Disadvantaged Business Enterprise (DBE) 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, NYS Civil Service Law, Genesee County Civil Service Law, Rules of the Classified Service of Genesee County, among others.

Title VI Responsibilities

- *Include Title VI special provisions in the federal-aid contracts. Award of construction contracts shall be granted on the basis of the lowest responsible bidder including DBE requirements.*
- *Assist the Human Resources Director in gathering and organizing information for internal annual Title VI Update Reports.*

Standard Title VI/Non-Discrimination Assurances

The County of Genesee, NY (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as the Act), and other pertinent directives, to the end that in accordance with the Act, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurances that it will promptly take any measure necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, gender, 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,"

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances:

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.
2. The Recipient will insert the following notification in all solicitations for bids, requests for proposals for work, or material subject to the Acts:

"Genesee County, 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), 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.
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 so as 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 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 and this Assurance.

By signing this ASSURANCE, the County of Genesee, NY 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 County 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 applicable Federal and State agencies. The County will keep records, reports, and submit the material for review upon request to applicable Federal or State agencies, or its designee in a timely, complete, and accurate way. Additionally, the County will comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The County of Genesee 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.

This ASSURANCE is binding on the State of New York, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.



Rochelle Stein, Legislature Chair
Genesee County, NY



Date

Assurances Appendix A: For Contractors, Subcontractors, Suppliers & 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 relative to non-discrimination in Federally-assisted programs 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, gender 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, 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 relative to Non-discrimination on the grounds of race, color, gender or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts 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 Genesee County to be pertinent to ascertain compliance with such Acts 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 Genesee County, 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 nondiscrimination provisions of this contract, Genesee County will impose such contract sanctions as it 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 and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as Genesee County 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 Genesee County enter into any litigation to protect the interests of Genesee County. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Assurances Appendix B: 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:

Granting Clause

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the County of Genesee will accept title to the lands and maintain the project constructed thereon in accordance with FHWA/NYS DOT, the Regulations for the Administration of the Locally Administered Federal Aid program and the policies and procedures prescribed by the FHWA/NYS DOT, also in accordance with 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 the County of Genesee all the right, title and interest of the U.S. Department of Transportation in and to said lands.

Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto the County of Genesee 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 the County of Genesee, its successors and assigns.

The County of Genesee, 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 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.

Assurances Appendix C: 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 the County of Genesee 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 an 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 (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.

Assurances Appendix D: 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 (*Title of Recipient*) 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, as amended, set forth in this Assurance.

Assurances Appendix E: Non-Discrimination Statutes & Authorities

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 gender);
- 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 § 4 71, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or gender);
- 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.P.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 gender);
- 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 gender in education programs or activities (20 U.S.C. 1681 et seq).

Appendix A: Limited English Proficiency (LEP) Plan

This Limited English Proficiency Plan (The Plan) has been prepared to address Genesee County's (The County) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency. The Plan has been prepared in accordance with Title VI of the Civil Rights Acts of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, states that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination which is covered under Title VI. It directs each agency to publish guidance for its respective recipients (e.g., NYSDOT) clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to its sub-recipients.

Summary

Genesee County has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) 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 outlines 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.

In order to prepare this plan, Genesee County used a Four-Factor LEP analysis:

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

A summary of the results of the four-factor analysis is found in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to require Genesee County services.

Genesee County staff reviewed the American Community Survey 5-Year Estimates for New York State and determined that:

1. 1,812 individuals in Genesee County's service area, comprising 3.016% of the population speak a language other than English;
2. Of those, 576 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 0.959% of the overall population in the service area;
3. In Genesee County's service area, of those persons with limited English proficiency
 - .634% (381) speak Spanish
 - .070 (42) speak French
 - .067% (40) speak German
 - .033% (20) speak Portuguese
 - .027% (16) speak Russian
 - .025% (15) speak Tagalog
 - .023% (14) speak Italian
 - .022% (13) speak Polish
 - .058% (35) speak Other Languages

1. The frequency with which LEP persons come in contact with Genesee County services.

Our employees report minimal interaction or contact with LEP persons. We are developing internal procedures to better track this data to aide in assisting this population. We will consider putting in place a log for our employees to use should they come into contact with an LEP person. This log would include the employee's name, LEP person's name, date, their proficient language, as well as the contact location. It is our hope that this data would help us to better analyze the frequency of our interaction with LEP populations as well as possible outreach opportunities should LEP persons have common contact locations.

2. The nature and importance of services provided by Genesee County to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for Genesee County. The overwhelming majority of the population speaks only English. As a result, there are few social, service, or professional and leadership organizations within Genesee County's service area that focuses on outreach to LEP individuals. Genesee County staff is most likely to encounter LEP individuals through office visits, phone conversations, and notifications from department staff regarding the results of service delivered, and attendance and participation at public meetings.

3. The resources available to Genesee County, and the overall cost to provide LEP assistance

Our current budget does not include any items for communicating with LEP persons in their language about services that are available to them. We have decided to research the possibility of allocating funds for these services in the future. Given our limited LEP population, we believe the costs associated with such a service would be minimal. One option would be to provide a telephone interpretation service for Genesee County.

Language Assistance

A person who does not speak English as his/her primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be eligible for language assistance with respect to Genesee County Services. Language assistance can include interpretation (that means oral or spoken transfer of a message from one language into another language) and translation (that means the written transfer of a message from one language into another language).

How Genesee County staff can identify an LEP person in need of language assistance:

- Periodically surveying county staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually).
- Greeting participants at county sponsored informational meeting or event. Conversational interaction with participants can help determine LEP needs for future events.

Language Assistance Measures

Although there are a very low percentage of LEP individuals in Genesee County's service area, (i.e., persons who speak English less than "very well" or "not at all",) the county will take the following actions:

1. Genesee County staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. Genesee County will research the possibility of offering language interpretation services for other languages through a telephone interpretation service.

Staff Training

The information below will be disseminated to staff. Training opportunities on these topics also will be provided:

- Title VI Policy and LEP responsibilities
- Description of language assistance services offered to the public
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints

All contractors or subcontractors performing work for Genesee County are required to follow the Title VI/LEP guidelines.

Translation of Documents

Genesee County weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating documents, the likelihood of frequent changes in documents and other relevant factors, the County has determined that it is an unreasonable burden to translate documents at this time.

Due to the very small LEP population, Genesee County does not have a formal outreach procedure in place as of 2018. Translation resources have been identified and are limited in this region. However, if the need arises to conduct outreach to LEP individuals, the County will consider the following options:

- When staff prepares documents or schedules public meetings whose audience is expected to include LEP individuals, the county will provide meeting notices, flyers, and agendas in the appropriate non-English language(s).
- The county will assess requests for the translation of documents based on the potential effect and known LEP population.

Monitoring

Monitoring and Updating the LEP Plan – Genesee County will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when recent data from the U.S. Census and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the county’s service area. Updates to the LEP plan will include the following:

- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area (census data, surveys, information from community-based organizations, and other sources).
- Determination as to whether the need for translation services has changed.
- Determination of the effectiveness of language assistance efforts.
- Determination of the adequacy of county financial resources to fund language assistance resources.
- Determination of the county’s full compliance with the goals of the LEP Plan.
- Determination of the county processing of LEP complaints.

Dissemination of Genesee County’s LEP Plan

- Maintain a copy of Genesee County’s LEP Plan online as well as with the Title VI coordinator that is available upon request.
- Prepare and post Press Release in non-English languages as necessary.



Rochelle Stein, Legislature Chair
Genesee County, NY



Date

Appendix B: Americans with Disabilities (ADA) Plan

This ADA Plan reflects Genesee County's long-term commitment to ADA compliance, and details the stages of the County's plan and timeline for: (1) evaluating accessibility by identifying any structural barriers associated with public facilities; (2) identifying accommodations and/or modifications that can be provided to make programs and services accessible; and (3) prioritizing the remediation of any deficiencies and formulating a budget and schedule for those improvements.

Introduction

ADA regulations prohibit discrimination against individuals on the basis of disability and require state and local governments to make their programs and services accessible to persons with disabilities. These requirements focus on providing accessibility by addressing and eliminating structural barriers associated with public facilities.

As detailed below, Genesee County has made a significant and long-term commitment to improved accessibility of its public facilities. The purpose of this Plan is to ensure that Genesee County identifies prohibited structural barriers to its public facilities, and, where structurally feasible, schedules and implements ADA-required improvements in order to remove those barriers. The ADA requires that the Plan include the following components:

- 1) Identification of physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- 2) Identification of the methods to be used to remove any barriers limiting accessibility;
- 3) A schedule for completion of the necessary steps to achieve accessibility in public facilities; and
- 4) The name of the public entity's ADA Coordinator

STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN GENESEE COUNTY FACILITIES

The first phase of the ADA Plan is to evaluate Genesee County's public facilities for accessibility. Officials from Planning, Highway, and Human Resources Departments will coordinate to conduct accessibility evaluations of the following facilities:

- Sidewalks, crosswalks, and curb ramps
- Publicly accessible buildings
- Parking lots serving publicly accessible buildings

For each facility evaluated, a Survey of Genesee County's Public Facilities ("the Survey") will be completed. Any deficiencies, suggested improvements, and observations relating to structural feasibility of improvements will be noted and recorded on the Survey. An Inventory of Public Facilities ("the Inventory") will also be created, and will serve as the central database for identified structural barriers, suggested improvements, and comments relating to structural feasibility of improvements.

Evaluation of Sidewalks, Crosswalks, and Curb Ramps

The Survey will contain the following ratings to assess the condition of each Genesee County sidewalk, crosswalk, and curb ramp:

Rating 1 – Not Applicable: A facility not considered to require accessibility, for example, limited-access highways.

Rating 2 – Not Accessible: Significant discontinuity such as steps, no ramps, more than 100 feet of unpaved walkway, heaving, vertical displacement, other severe distress, flooding, etc.

Rating 3 – Partially Accessible: Not designed to current standards, problems with geometry of sidewalks, ramps and landings, no detectable warnings, handrails, etc.

Rating 4 – Accessible: May need additional improvements, for example circuitous routes, insufficient width, etc.

Rating 5 – Fully Accessible: Designed to current standards, but reasonable accommodations may still be required for individual cases.

Evaluation of Parking Lots and Publicly Accessible Buildings

For the evaluation of publicly accessible buildings and the parking lots serving those buildings, the Survey will incorporate relevant portions of the ADA Checklist for Existing Facilities (based on the 2010 ADA Standards for Accessible Design), produced by the Institute for Human Centered Design.

STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS

The second phase of Genesee County's ADA Transition Plan is to develop a method to remove barriers. This includes identification of the nature of needed improvements and a determination regarding structural feasibility of improvements under the ADA standards, and prioritization of necessary improvements.

Once the necessary improvements have been identified and prioritized, this information, along with a list of any improvements determined to be physically unfeasible, will be presented at a public meeting of Genesee County's Compliance Committee. It is Genesee County's practice to provide public notice of the dates and agendas of Compliance Committee meetings. This will provide the public with an opportunity to participate in the formulation of the ADA Transition Plan.

A. Nature of Improvements and Structural Feasibility

The nature of necessary improvements will be determined during Step 1 – the accessibility evaluation of Genesee County facilities – and will be incorporated into the ADA Transition Plan after completion of Step 1. Any improvements that Genesee County Officials determine are not structurally feasible, based on ADA regulations, will also be incorporated into the Plan.

B. Priority of Improvements

Sidewalks; Crosswalks; Curb Ramps

With respect to sidewalks, crosswalks and curb ramps, the primary focus of this ADA Transition plan is to address all ADA noncompliant facilities, defined as those locations that have a rating of "2" and "3" on the scale discussed above.

The priority of improvements to these facilities will be as follows:

- 1) Those serving publicly accessible Genesee County facilities;
- 2) Those serving commercial and employment centers; and
- 3) Those serving other areas

Parking Lots and Publicly Accessible Buildings

The priority of improvements to parking lots and publicly accessible spaces in Genesee County buildings will be based on the severity of the accessibility barrier and the frequency of public presence at the facility. Notably, the general assessment of the Genesee County Code Enforcement Officer is that Genesee County facilities where public meetings take place are in substantial compliance with the ADA. All new construction or renovations to existing facilities have complied with ADA standards. As such, Genesee County does not expect that its publicly accessible buildings and parking lots will require major structural improvements.

STEP 3: SCHEDULE FOR COMPLETION OF NECESSARY IMPROVEMENTS

Once the Inventory of Public Facilities has been completed, and necessary improvements have been prioritized as provided above, Genesee County will formulate an estimated budget for the improvements. The schedule for improvements will depend heavily upon the number and severity of the deficiencies identified during the accessibility evaluation, and the costs associated with the improvements. Genesee County however, reiterates its commitment to making its public facilities accessible to all persons, regardless of disability. Genesee County's ADA Transition Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect Genesee County's commitment to ADA compliance.

ADA COORDINATOR

The Genesee County has appointed the Genesee County Compliance Officer as the County's ADA Coordinator. In the absence of a Compliance Officer, the Assistant County Manager shall immediately take on the roles and responsibilities of the ADA Coordinator.

Genesee County ADA Coordinator
7 Main Street ▪ Batavia, NY 14020
(585) 344-2550 ext. 2212
Compliance@co.genesee.ny.us



Rochelle Stein, Legislature Chair
Genesee County, NY



Date

ADA Appendix A: ADA Coordinator Responsibilities

As authorized by the County Manager, the ADA Coordinator is responsible for initiating, monitoring, and ensuring Genesee County's compliance with disability non-discrimination laws as follows:

1. The County Administration is responsible for ensuring the County's compliance with disability non-discrimination laws regarding access. Under the law, the County is required to have at least one designated ADA Coordinator. Genesee County's ADA Coordinator facilitates the County's efforts to comply with disability non-discrimination laws regarding access.
2. Department heads and officials shall cooperate with the County ADA Coordinator to ensure compliance with the requirements of disability nondiscrimination laws regarding access, and with this policy and related procedures. Compliance-related activities include documenting:
 - a. Disability accessibility accommodations made within their departments;
 - b. Participation in the evaluation of programs, services, activities, and physical facilities to identify potential barriers to accessibility;
 - c. The preparation of necessary Disability Corrective Action Plans and/or Disability Transition Plans; and
 - d. The coordination of budget approval to implement such plans.
3. The ADA Coordinator will provide technical assistance to County personnel on disability access issues.
4. The ADA Coordinator shall establish and implement internal grievance procedures to receive and resolve grievances from the public alleging non-compliance with disability non-discrimination laws regarding access. The County Manager will serve as the point of appeal regarding ADA grievances.
5. The ADA Coordinator shall also develop such other policies and procedures necessary to improve accessibility of programs, services, activities, and physical facilities of Genesee County government.

Appendix C: Environmental Justice (EJ) Plan

It is the policy of Genesee County to ensure that all of its programs, policies, and other activities do not have disproportionate adverse effects on minority and low-income populations.

Genesee County identifies minority and low income communities through the use of Census data. Genesee County takes a proactive approach to engage these communities and ensures their full and fair participation in the transportation decision-making process.

Executive Order 12898: Genesee County follows Executive Order (EO) 12898 which outlines; Each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health, environmental, economic and social effects of its programs, policies, and activities on minority and low income populations, particularly when such analysis is required by NEPA. The EO emphasizes the importance of NEPA's public participation process, directing that each Federal agency shall provide opportunities for community input in the NEPA process. Agencies are further directed to identify potential effects and mitigation measures in consultation with affected communities.

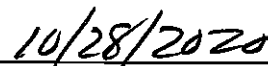
The EO requires agencies to work to ensure effective public participation and access to information. The NEPA process and through other appropriate mechanisms, each federal agency should translate crucial public documents, notices and hearings, relating to human health or the environment for limited English speaking populations when it is practical and appropriate.

Goals and Objectives: Genesee County is committed to the following goals and objectives for achieving environmental justice:

- Protect environmental quality and human health in all conditions.
- Avoid disproportionate adverse impacts on minority and low-income populations.
- Enhance the public involvement process and strengthen relationships with community organizations.
- Provide minority and low-income populations with the opportunity to learn more about the transportation planning process.
- Improve the quality of transportation in their lives.
- Make sure all projects go through an Environmental and Title VI checklist to ensure environmental issues are considered and appropriate actions are followed.
- Promote and protect community members' rights to participate meaningfully in decisions that may affect them.
- Make the process of filing environmental justice complaints easy through readily available forms and by designating an identified staff member as the Title VI Coordinator that citizens can contact.



Rochelle Stein, Legislature Chair
Genesee County, NY



Date

Appendix D: Complaint Procedure & Form

This complaint procedure meets the requirements of the Civil Rights Act of 1964 and its amendments. This procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of race, color, or national origin in the provision of services, activities, programs, or benefits by Genesee County. Complaints of any type can be filed with the New York State Human Rights Commission.

Should a citizen have a complaint about access to public services, the attached complaint form should be completed. At a minimum, the written complaint should contain information about the alleged discrimination such as name, address, phone number of complainant, location, date, and description of the problem. The complaint should be submitted by the complainant or their designee as soon as possible but no later than 180 business days after the alleged violation to:

Genesee County Compliance Officer
7 Main Street
Batavia, NY 14020

Within 30 business days after receipt of the complaint, the Title VI Coordinator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 business days of the meeting, the Title VI Coordinator in consultation with the County's Attorney, will respond in writing. The response will explain the position of the Title VI Coordinator and other options for substantive resolution of the complaint.

If the response by the Title VI Coordinator does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 business days after receipt of the response. The appeal should take the form of a written letter describing the initial complaint, the initial response, and the ways in which the initial response does not satisfactorily address the complaint. The appeal should be sent to the same address the initial complaint was delivered to.

The Title VI Appeals Committee will consist of representatives from three Departments not involved in the complaint. The Departments will be chosen at random. The three representatives will choose one individual among them to serve as chair of the committee. The County Attorney will serve to advise the committee.

Within 30 business days after receipt of the appeal, Genesee County Title VI Appeals Committee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 business days after the meeting, Genesee County's Title VI Appeals Committee will respond in writing.

All complaints received by the Title VI Coordinator or their appeals to Title VI Appeals Committee, and responses from these two offices will be retained by the County Clerk's Office for at least five years.

Title VI Complaint Form

Name _____

Address _____ City _____ Zip _____

Telephone: Home _____ Work _____ Cell _____

Basis of Complaint (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Age |
| <input type="checkbox"/> Color | <input type="checkbox"/> Disability (ADA) |
| <input type="checkbox"/> Gender | <input type="checkbox"/> Income |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Limited English Proficiency |

Who allegedly discriminated against you?

Name _____

Address _____ City _____ Zip _____

Telephone _____

If an organization, what is its name?

Name _____

Address _____ City _____ Zip _____

Telephone _____

How were you discriminated against?

Where did the alleged discrimination occur?

If complainant is unable to fill out this form, please call (585) 344-2550, ext. 2212

Date/s and times discrimination occurred?

1st Occurrence _____ 2nd Occurrence _____ 3rd Occurrence _____

What can Genesee County do to resolve the complaint?

Were there any other witnesses to the discrimination?

Name _____ Title _____ Phone _____

Name _____ Title _____ Phone _____

Have you filed your complaint with anyone else?

Who _____ When _____

Complaint number, if known _____

Do you have an Attorney in this matter?

Name _____

Address _____ City _____ Zip _____

When did you acquire _____

Signed _____ Date _____

SEND COMPLETED FORMS TO:

Genesee County Compliance Officer
7 Main Street • Batavia, NY 14020
(OR email)
Compliance@co.genesee.ny.us

If complainant is unable to fill out this form, please call (585) 344-2550, ext. 2212