RESOLUTION
R-12-C -2016

A RESOLUTION BY THE BOARD OF COMMISSIONERS, ST. JOSEPH COUNTY, INDIANA, APPROVING AND ADOPTING A TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 PLAN FOR ST. JOSEPH COUNTY

WHEREAS, the federal government enacted Title VI of the Civil Rights Act of 1964, as amended, to prevent discrimination on the grounds of race, color, sex, age, disability or national origin and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, sex, age, disability or national origin;

WHEREAS, throughout the years, additional regulations, statutes, directives, cases and executive orders have been passed which expand the breadth of Title VI;

WHEREAS, it is a requirement of the Indiana Department of Transportation and the United States Department of Transportation that communities receiving federal financial assistance adopt a Title VI Program, Implementation Plan, a Limited English Proficiency Plan, and an Environmental Justice Policy.

NOW THEREFORE BE IT RESOLVED, that the St. Joseph County Board of Commissioners hereby approves and adopts the attached Title VI Program, Implementation Plan, Limited English Proficiency Plan, and Environmental Justice Policy.

APPROVED THIS 16 DAY OF AUGUST, 2016
THE BOARD OF COMMISSIONERS
ST. JOSEPH COUNTY, INDIANA

President Andrew T. Kostielney

Vice-President Dave Thomas

Member Deborah A. Fleming, D.M.D.

ATTEST:
St. Joseph County Auditor Michael J. Hamann

EXHIBIT A—Title VI Program

Title VI

Title VI Notice

St. Joseph County, Indiana is committed to inclusiveness, fairness, and accessibility in all its programs, activities, and services.

St. Joseph County adheres to equality in access as expressed by Title VI of the Civil Rights Act of 1964:

> No person in the United States shall on the basis of race, color, or national origin be excluded from participation in, or be denied the benefit of, or otherwise be subjected to discrimination in any program, service or activity receiving Federal financial assistance.

This Equality of opportunity also includes freedom from discrimination based on age, gender and disability.

If you believe you are a victim of discrimination in County programs, activities, or services contact:

Queenie Evans
Attn: Title VI Coordinator
7th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, Indiana 46601
Phone: 574-235-9547
Fax: 574-245-6602

Title VI and General Non-Discrimination Policy for St. Joseph County, Indiana

Policy Statement

St. Joseph County, Indiana (the "County") is committed to a policy of inclusiveness, fairness, and accessibility of its programs, activities and services to all persons in the County. As provided by Title VI of the Civil Rights Act of 1964 and all related statutes, the Cuonty assures that no person shall on the grounds of race, color, national origin, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any County program, activity or service. In the event the County distributes Federal aid funds to another entity, the County will include Title VI language in all written agreements.

Definition of Federal Financial Assistance and Recipients Affected

Federal financial assistance is defined as any Federal dollars that are assigned to the County to support any program, activity, or service by way of grant, loan, or contract, other than a contract of insurance or guaranty.

Specific Forms of Discrimination Prohibited

County efforts to prevent discrimination are, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation of persons in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities or services related to a highway, infrastructure, or facility built or repaired in whole or in party with Federal funds.
- Discrimination in any employment resulting from a program or services, the primary purpose of which is to provide employment.

Title VI Coordinator and Complaint Process

The Title VI Coordinator for the County shall be Queenie Evans, the Human Resources Director for the County. Title VI Complaints shall be processed in the same manner and under the same rules as those established for the County's ADA compliance program.

EXHIBIT B—Title VI IMPLEMENTATION PLAN

IMPLEMENTATION PLAN

This plan was developed to guide St. Joseph County, Indiana in its administration and management of Title VI-related activities.

ORGANIZATION AND STAFFING

Queenie Evans, the Human Resources Director for St. Joseph County, Indiana shall serve as the Title VI Coordinator for St. Joseph County, Indiana, and is responsible for the overall management of the Title VI Program to ensure compliance with provisions of the County's policy of nondiscrimination with the law.

TITLE VI COORDINATOR RESPONSIBILITIES

The Title VI Coordinator is responsible for implementing, monitoring, and ensuring the County's compliance with Title VI regulations and the overall administration of the Title VI Program and Standard U.S. Title VI Assurances (Exhibit __). This includes the completion of the following activities:

1. Program Administration – Administer the Title VI Program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI Program review to assess and update administrative procedures, staffing, and resources; provide recommendations, as required, to the Board of Commissioners;

2. Data Collection – Review and analyze the statistical data gathering process performed by the Title VI Liaisons (Department Heads) periodically to ensure sufficiency of data for meeting the requirements of the Title VI program administration;

3. Training Programs – Conduct or facilitate training programs on Title VI current and new regulations for County employees, and facilitate Title VI training for contractors, and sub-recipients;

4. Title VI Plan Update – Review and update the Title VI Plan as needed or required. Present updated plan to the Board of Commissioners for approval; submit amended to INDOT as required;

5. Reporting – Conduct review of the County's Title VI Program to assess Title VI compliance to assure effectiveness in compliance with Title VI provisions. The Title VI Coordinator and the Department Heads will coordinate efforts to ensure the requirements of Title VI are met;

6. Public Dissemination – Work with the Department Heads to develop and disseminate Title VI Program information to the City employees and sub-recipients, including contractors, subcontractors, consultants, sub-consultants and the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and/or publication of the County's Title VI Policy Statement in the newspaper. The Title VI Coordinator shall ensure adherence to Indiana's Open Door laws, and where reasonable requests are submitted, provide written or verbal information in languages other than English;

7. Complaints – Administer the complaint procedure, including the filing process, review and investigate Title VI complaints that may be received by the County, and follow procedural guidelines. Ensure every effort is made to resolve complaints;

8. Maintenance – Maintain a log of all complaints;

9. Elimination of Discrimination – Work with the Department Heads to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in the County's processes;

10. LEP Plan – Develop and implement the County's Limited English Proficiency (LEP) Plan. Train Department Heads on the procedure to follow when a person requests an interpreter;

11. Contract Compliance – Establish procedures for reviewing contracts with sub-recipients, special interest programs and activities to include the Title VI Assurances;

12. Collection of Data – Collect statistical data, where available, on the impact of applicable construction projects on the different classes described in the Policy Statement;

13. Continuing Education – Attend Title VI Training as necessary.

DEPARTMENT HEAD RESPONSIBILITIES

Each Department Head within St. Joseph County, Indiana is responsible for the following, under Title VI:

1. Ensuring applicable County contract documents contain the appropriate Title VI provisions;

2. Consulting with the Board of Commissioners and the Title VI Coordinator when Title VI complaints are received or issues arise;

3. Comply with the Policy Statement;

4. Develop and update internal policies and procedures to ensure Title VI compliance during all phases of projects, activities, etc.;

5. Ensure all business pertaining to the selection, negotiation, and administration of applicable consultant contracts and agreements is accomplished without discrimination as set out herein;

6. Provide information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

DEPARTMENT HEAD REPORTING

The Department Heads must submit Title VI Compliance Review Forms to the Title VI Coordinator to be used as an assessment tool to determine whether the departments are in compliance with Title VI and to ascertain instances where the Title VI Coordinator may provide training to help the Department Heads achieve its Title VI goals. The Title VI Coordinator will review the data collection procedures for each department periodically to ensure compliance with the County's Title VI Program requirements. The Department Heads should prepare the report and submit it annually on or before June 30th of each year.

The following information should be included in each annual report submitted:

1. Number of federally funded projects awarded during the past year;
2. Number of Title VI complaints received during the past year;
3. Affirmation that staff understands the Title VI Policy and procedures set in place for the County;
4. Statistical data collected on ethnicity, race, gender and disability for all right-of-way relocates;
5. Information related to the public dissemination of the Title VI Policy Statement or Plan;
6. Information on number of individuals who received Title VI training in each department including attendees, dates and locations;
7. Information on number of LEP persons needing assistance including service used, related cost, and a description of the communication needs of LEP persons.

TRAINING

The Title VI Coordinator will attend Title VI training provided by the Indiana Department of Transportation. Attendance will occur within the next six (6) months. Utilizing training materials similar to those developed by the Indiana Department of Transportation, St. Joseph County, Indiana's Title VI Coordinator will make Title VI Program training available to employees, contractors, sub-recipients, and Department Heads. Initial training of staff on Title VI requirements is anticipated to be completed prior to December 31, 2016. Training records will be retained by the Title VI Coordinator demonstrating attendance and training dates and documenting the agendas and training materials. The training will be documented on the Training Log (Appendix A). The training will provide information on Title VI provisions and operation, and identify Title VI issues and resolution of complaints.

APPENDIX A

TRAINING LOG

Training Program: _____

Instructor: _____

NAME	TITLE	DATE

EXHIBIT C--ASSURANCES

ST. JOSEPH COUNTY TITLE VI ASSURANCES

St. Joseph County, Indiana hereby agrees that as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, 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 all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectual of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the "Regulations") and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of race, color, or national origin, sex (23 USC 324), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) 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 the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a)(1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

   > The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby

notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, lease, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federal Aid Highway Program.

8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other

participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

APPROVED THIS 16 DAY OF August, 2016
THE BOARD OF COMMISSIONERS
ST. JOSEPH COUNTY, INDIANA

President

Vice-President

Member

ATTEST:
St. Joseph County Auditor

APPENDIX A – [TO BE INSERTEDIN ALL FEDERAL-AID CONTRACTS]

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

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.

3. **Solicitation 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 shall be notified by the contractor of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to INDOT or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

    a. Withholding payments to the contractor under the contract until the contractor complies and/or

b. Cancellation, termination, or suspension of the contract, in whole or in party.

6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as INDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request INDOT to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to entire into such litigation to protect the interests of the United States.

APPENDIX B – TRANSFER OF PROPERTY

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

(GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that St. Joseph County, Indiana, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the "Regulations") pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.SC. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto St. Joseph County, Indiana all the right, title, and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

St. Joseph County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, sex, age, and disability/handicap, and low income 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 party on, over or under such lands hereby conveyed [,] (and) (2) that St. Joseph County, Indiana shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination

conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

APPENDIX C

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

The (grantee, licensee, lessee, permitee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permitee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]

That in the event of breach of any of the above nondiscrimination covenants, St. Joseph County, Indiana, shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed]

That in the event of breach of any of the above nondiscrimination covenants, St. Joseph County, Indiana shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of St. Joseph County, Indiana and its assigns.

The following shall be included in all deeds, licenses, permits, or similar agreements entered into by St. Joseph County, Indiana pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, permitee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, sex, age, disability/handicap, and low income shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on,

over, or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin, sex, age, disability/handicap, and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permitee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]

That in the event of breach of any of the above nondiscrimination covenants, St. Joseph County, Indiana shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]

That in the event of breach of any of the above nondiscrimination covenants, St. Joseph County, Indiana shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of St. Joseph County, Indiana and its assigns.

APPENDIX D

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 nondiscrimination statutes and authorities, including, but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, 78 State. 252),(prohibits discrimination on the basis of race, color, national origin); and 49 C.F.R. 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 C.F.R. 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 U.S.C. § 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 of 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 49 C.F.R. Parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination 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 against 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 for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

EXHIBIT D

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

This Limited English Proficiency Plan has been prepared to address St. Joseph County, Indiana's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, U.S.C. 2010. It implements regulation that provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency,* indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all St. Joseph County, Indiana departments and divisions receiving federal grant funds.

1. Language Assistance

A person who does not speak English as their 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 entitled to language assistance with respect to the County's programs and activities. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language. The County will determine when interpretation and/or translation are needed and are reasonable. The County staff shall consider the following to identify if an interpreter is needed or if an LEP person needs language assistance:

a. Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events.

b. Have Language Identification Flashcards (see Appendix A) available at the County-City Building and other County venues near customer service areas easily accessible to the staff. Individuals self-identifying as persons not proficient in English may not be able to be accommodated with translation assistance at the time, but it will assist in identifying language assistance needs for future events.

2. Language Assistance Measures

St. Joseph County, Indiana will strive to offer language assistance using the following measures:

a. If an individual asks for language assistance and the County determines that the individual is an LEP person and if language assistance is necessary to provide meaningful access, the County has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.

b. When an interpreter is needed, in person or on the telephone, staff will attempt to determine what language is required and access the language interpreting service to be used.

c. The County will periodically assess the need for language assistance based on requests for interpreters and/or translation.

APPENDIX A—Language Identification Flashcards

2004 Census Test

United States Census 2010

LANGUAGE IDENTIFICATION FLASHCARD

☐ ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
☐ Խնդրում ենք նշում դնել այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:	2. Armenian
☐ যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
☐ សូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
☐ Motka i kalahon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
☐ 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
☐ 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
☐ Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
☐ Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
☐ Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
☐ Mark this box if you read or speak English.	11. English
☐ اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بزنيد.	12. Farsi

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☐ Cocher ici si vous lisez ou parlez le français.	13. French
☐ Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
☐ Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
☐ Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
☐ अगर आप हिन्दी बोलते या पढ़ सकते हों तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
☐ Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
☐ Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
☐ Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
☐ Marchi questa casella se legge o parla italiano.	21. Italian
☐ 日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
☐ 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
☐ ให้ลายใส่ช่องนี้ ถ้าท่านอ่านหรือสามารถลาว.	24. Laotian
☐ Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

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☐ Assinale este quadrado se você lê ou fala português.	26. Portuguese
☐ Însemnaţi această căsuţă dacă citiţi sau vorbiţi româneşte.	27. Romanian
☐ Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
☐ Обележите овај квадратић уколико читате или говорите српски језик.	29. Serbian
☐ Označte tento štvorček, ak vlete čítať alebo hovoriť po slovensky.	30. Slovak
☐ Marque esta casilla si lee o habla español.	31. Spanish
☐ Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
☐ ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
☐ Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
☐ Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.	35. Ukranian
☐ اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
☐ Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
☐ באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

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EXHIBIT E

ENVIRONMENTAL JUSTICE (EJ) POLICY

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving federal funds. This obligation will be met by St. Joseph County, Indiana in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project;
- If a disproportionate effect is anticipated, follow mitigation procedures;
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The County will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the County will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.;
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low-income or minority populations.

The following steps will be taken to assess the impact of projects on minority and/or low-income population groups:

STEP ONE: Determine if a minority or low-income population is present within the project area. If a conclusion is that no minority and/or low-income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low-income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low-income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix A. If it is determined that there are disproportionately high and adverse impacts to minority and low-income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and off-setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low-income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low-income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social, economic, or environmental impacts that are more severe than those of the proposed action or (B) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

APPENDIX A—POTENTIAL IMPACTS AND QUESTIONS

Potential Impacts—All reasonably foreseeable adverse social, economic, and environmental effects on minority populations and low-income populations must be identified and addressed. Adverse effects include, but are not limited to:

- Bodily impairment, infirmity, illness, or death.
- Air, noise, and water pollution; and soil contamination.
- Destruction or disruption of man-made or natural resources.
- Destruction or diminution of aesthetic values.
- Destruction or disruption of community cohesion or a community's economic vitality.
- Destruction or disruption of the availability of public and private facilities and services.
- Vibration.
- Adverse employment effects.
- Displacement of person, businesses, farms, or nonprofit organizations.
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community.
- The denial of, reduction in, or significant delay in the receipts of benefits of DOT programs, policies, or activities.

Questions to Consider:

- Are there potential environmental justice concerns associated with environmental stressors affected by the proposed action for population groups of concern in the baseline?
- Are there potential environmental justice concerns associated with environmental stressors affected by the proposed action for population groups of concern for each proposed option under consideration?
- For each proposed option under consideration, are potential environmental justice concerns created or mitigated compared to the baseline?
- What demographic and population groups are most relevant from a risk perspective for the environmental stressor in question?
- Are there population-specific effect assessments for minority populations, low-income populations, or indigenous peoples?
- Are there known or identified effect modifiers?
- For identified factors that modify hazards of interest, how are they distributed among minority populations, low-income populations, or indigenous peoples?
- Are effect modifiers distributed differently among various life stages within population groups?