

AGENDA
MANAGEMENT & FINANCE COMMITTEE
TUESDAY, MARCH 23, 2021 AT 1:00 PM
In Room 120 at the Human Services Complex

COMMITTEE MEMBERS: Barnes-Chair, Lausell, Howell, Rondinaro.
ALSO PRESENT: Timothy O’Hearn, County Administrator
STAFF ADVISOR/MINUTES: Stacy Husted, Clerk

- I. TREASURER – Holley Sokolowski
 - A. Sales Tax Report
 - B. Financial System Update.
 - C. Resolution – Authorize amending the 2019-2024 contract with Tyler Technologies, Inc. to remove the Student Activity Accounting and Central Property File SaaS Services (see attached)

- II. REAL PROPERTY TAX AGENCY – Tom Bloodgood
 - A. Report of the corrections, refunds and credits processed
 - B. Motion – Authorize renewing the contract with the County of Chemung for Tax Mapping Services at a cost of \$17,000, an increase of \$1,000 over 2020, for the term January 1, 2021 through December 31, 2021.

- III. PERSONNEL OFFICE - Lorry Johnson
 - A. Resolution – Authorize update of a Title VI Policy Statement and Title VI Plan in Compliance with the New York State Department of Transportation Office of Civil Rights (see attachments)

- IV. COUNTY ATTORNEY – Steven J. Getman
 - A. Resolution – Recognizing and Commemorating May 1, 2021 as “Law Day” in Schuyler County (see attached)

- V. LEGISLATURE – Stacy Husted
 - A. No business.

- VI. PURCHASING – Elizabeth Guild
 - A. Nothing submitted.

- VII. COUNTY CLERK/DMV - Theresa Philbin
 - A. Nothing submitted.

- VIII. ELECTIONS – Carolyn Elkins & Joseph Fazzary
 - A. Nothing submitted.

- IX. RECORDS MANAGEMENT – Peggy Tomassi
 - A. Nothing submitted.

- X. INFORMATION TECHNOLOGY – Chris Caccia
 - A. Nothing submitted.

- XI. COUNTY ADMINISTRATOR – Timothy O’Hearn
 - A. American Recovery Plan Update.

- XII. OTHER
 - A. Discussion: Alternative Work Arrangement Policy and when will buildings be open to the public and staff be reporting back to the office.
 - B. Discussion: Other Shared Services with Yates County (Jail, EMS Coordinator, etc.)

RE: AUTHORIZE AMENDING THE 2019-2024 CONTRACT WITH TYLER TECHNOLOGIES, INC. TO REMOVE THE STUDENT ACTIVITY ACCOUNTING AND CENTRAL PROPERTY FILE SAAS SERVICES – TREASURER’S DEPARTMENT

WHEREAS, the Treasurer’s Department currently has an existing contract with Tyler Technologies, Inc. for a new financial system, and

WHEREAS, during implementation it was discovered that the Student Activity Accounting and Central Property File SaaS Services were not going to be needed for the Treasurer’s Department, reducing the contract amount by \$4,262 for the Student Activity Accounting and \$810 for the Central Property File, and

WHEREAS, credit has been issued for the SaaS fees paid to Tyler Technologies, Inc. for Citizen Self Service for the period December 1, 2019 to November 30, 2020 in the amount of \$2,534 to be used on future invoices.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Legislature be hereby authorized to execute an amendment to the 2019-2024 contract with Tyler Technologies, Inc. to reduce the contract amount by a total of \$7,606.00, effective December 1, 2020, approved by the Schuyler County Attorney.

RE: AUTHORIZE UPDATE OF A TITLE VI POLICY STATEMENT AND TITLE VI PLAN IN COMPLIANCE WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION OFFICE OF CIVIL RIGHTS – HUMAN RESOURCES DEPARTMENT

WHEREAS, Schuyler County has received grant funds from the Federal Highway Administration, and
WHEREAS, these grant funds are referred to as FHWA funding, and

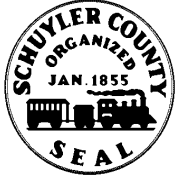
WHEREAS, there are specific Title VI policies that are required to be in place per New York State Department of Transportation (NYSDOT) for all funding recipients, and

WHEREAS, the Schuyler County Legislature agreed to adopt the Title VI Policy Statement and Plan to be in compliance with the NYSDOT Office of Civil Rights per Res 116-08 on May 9, 2018, and

WHEREAS, the Title VI Policy Statement and Plan are to be reviewed and updated as needed every three years.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature hereby adopts the aforesaid updated Policy Statement and Plan, to be on file in the Human Resources Department, effective immediately, and

BE IT FURTHER RESOLVED, that Personnel Officer acting as the Title VI Coordinator will post and publish the notices as set forth by policy.



Schuyler County Title VI Nondiscrimination Policy Statement

It is the policy of Schuyler County to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All Department, Divisions, Offices, and Bureaus will plan, develop and implement their programs and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status, or Vietnam era veteran status.

This policy fully incorporates throughout all of **Schuyler County's** operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

Schuyler County is committed to maintaining an agency which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach their own potential.

This policy will be placed on all **Schuyler County's** bulletin boards and made available to all organizations and entities doing business with the **Schuyler County**. Any complaints involving allegations of discrimination should be sent to:

**Schuyler County Human Resources Department
Attn: Lorry G. Johnson
Personnel Officer/Title VI Coordinator
105 Ninth St., Unit 32
Watkins Glen, NY 14891**

RELATED POLICY AND AUTHORITATIVE SOURCES

New York State Laws

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

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

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

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

New York State Executive Orders

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

Executive Order No. 6, 1983 (N.Y. Comp. Codes R. & Regs. Title 9 § 4.6) – Insures equal employment opportunities for minorities, women, disabled persons and Vietnam era Veterans in State government. The order clarifies and expands the power of the President of the Civil Service Commission and the Governor’s Executive Committee for Affirmative Action to ensure that agencies develop and implement effective affirmative action plans.

Federal Laws and Executive Orders

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

Section 503 of the Rehabilitation Act of 1973 – Prohibits discrimination on the basis of physical or mental disability in every federally assisted program or activity in the country.

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

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

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

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

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

Carl H. Blowers, Chairman of the Legislature

Date

Schuyler County

TITLE VI PLAN

Prepared by: Lorry G. Johnson, Personnel Officer

ADOPTED BY RESOLUTION NO. 116-18

Effective May 9, 2018

Revised April 12, 2021 by Res. No. ____-21

By: _____
Carl H. Blowers, Chairman

Dated: _____

Title VI Plan

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Title VI/Nondiscrimination Policy Statement

Schuyler County assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Schuyler County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that Schuyler County distributes federal aid funds to another governmental entity, Schuyler County will include Title VI language in all written agreements and will monitor for compliance. Schuyler County 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.

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 sex 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, subrecipients, 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.

Title VI Reporting

Schuyler County has appointed Lorry G. Johnson, Personnel Officer, as Title VI Coordinator.

Schuyler County is required to appoint a Title VI Coordinator who will have easy access to the agency's Chief Executive Officer.

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

Name: Lorry G. Johnson, Title VI Coordinator
Mailing Address: Schuyler County Human Resources
105 Ninth St., Unit 32
Watkins Glen, NY 14891
Telephone Number: 607-535-8179
Email Address: ljohnson@co.schuyler.ny.us

Special Emphasis Program Areas

Appointment of Title VI Program Specialists

In addition to appointing a Title VI Coordinator, Schuyler County has appointed several Title VI Program Specialists to annually monitor the County emphasis program areas. The emphasis program areas are: Planning, Environmental Services, Design, Right-of-Way, Construction, Maintenance, Safety, and Research. The personal contact information for each Title VI Specialist is as follows:

Planning:

Kristin VanHorn
kvanhorn@co.schuyler.ny.us
(607) 535-8211

Environmental Services

Annmarie Flanagan
aflanagan@co.schuyler.ny.us
(607) 535-8140

Design

County Engineer
*per agreement

Right of Way

Kenneth Thurston
kthurston@co.schuyler.ny.us
(607) 535-6850

Construction

Kenneth Thurston
kthurston@co.schuyler.ny.us
(607) 535-6850

Maintenance

Kenneth Thurston
kthurston@co.schuyler.ny.us
(607) 535-6850

Traffic Safety

Kenneth Thurston
kthurston@co.schuyler.ny.us
(607) 535-6850

Research

Stacey Smith
ssmith@co.schuyler.ny.us
(607) 535-6847

Title VI Public Notification Process

Title VI Information Dissemination

Title VI information shall be prominently and publicly displayed in Schuyler County facilities. The Title VI Coordinator's name, Title VI Plan and appendices, and the Title VI complaint form will be posted on the County website at www.schuylercounty.us.

Additional information relating to nondiscrimination obligation can be obtained from the Schuyler County Human Resources.

Title VI Community Outreach

As an agency receiving federal financial assistance, Schuyler County makes significant community outreach efforts. These efforts include open access to public meetings, social media, print media, television, radio, billboards, press releases, the County webpage (www.schuylercounty.us) and others. In addition, the public is invited to attend and participate in the legislative process, Title VI statements are posted in all County facilities for public viewing, and Schuyler County's Title VI plan is available to the community on the website.

Title VI Limited English Proficiency Strategies

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

- Applying the “four factor analysis” process provided as a guideline from the U.S. Department of Justice to determine LEP needs. This process includes determining the number and proportion of LEP individuals within the population, the frequency with which LEP individuals will come in contact with the program, the nature and importance of the program to people's lives, and the resources available to provide translation services. The results of this analysis will be used to outreach and engage LEP persons in the transportation planning process.
- Developing a demographic assessment for the impacted area to determine if there is a 5% or more minority population requiring special language assistance, and address the needs.
- Developing a written policy to ensure the implementation of LEP measures that identify and assess the language needs of its LEP population. Provide for a range of language assistance options, including notices to LEP persons in a language they can understand regarding their right to free language assistance.

- Training to ensure that staff are knowledgeable and aware of LEP policies and procedures, and are trained to work effectively in the facilitation of the process.
- Providing translation services for public documents and competent interpreters at public hearings.
- Increasing opportunities for public involvement, particularly by historically underserved populations including LEP individuals by advertising in local and local minority newspapers.
- Monitoring the program to ensure that LEP persons have meaningful access to the transportation planning and implementation process.
- *See also* Schuyler County's *Language Access Plan (Appendix F)*, available on the Schuyler County website.

Title VI Responsibilities

- Monitor compliance with Title VI requirements in all aspects of the environmental process, including Environmental Justice and Limited English Proficiency requirements.
- Conduct meetings to review the project impact.
- Disseminate to the public their right to call or write the department to view plans and discuss environmental problems.
- Ensure DBE goal attainment.
- Coordinate the gathering of environmental information for the Annual Title VI Update Report including awards to DBE firms.
- Notify protected group residents of public meetings or hearings regarding a proposed project.
- Ensure time and location for public meetings or hearings is accessible.
- Maintain mechanisms to identify population affected by a project.
- Ensure participation of all segments of the impacted population in the location selection process.
- Ensure that all federally funded consultant contracts administered by this section have the appropriate Title VI Appendix enclosed.
- Review guidelines and procedures to ensure Title VI compliance.
- Maintain and update necessary data and documentation, including demographic data mapping ethnicity by area as required for completion of the department's internal annual Title VI Annual Report.

Title VI Coordinator's Responsibilities

As authorized by the Chairman of the Legislature, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring Schuyler County's compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by Schuyler County in accordance with the 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 Schuyler County. It is the goal of Schuyler County to resolve complaints informally at the lowest managerial level.
2. Collect statistical data (race, color, income, gender, and national origin) of participants in and beneficiaries of, Schuyler County highway programs (i.e., relocatee's, impacted citizens, and affected communities). Each of the Title VI special emphasis program area will maintain data to be incorporated in the Title VI updates. Procedures will be reviewed regularly to ensure the data is sufficient in meeting the Title VI program administration requirements.
3. Review special emphasis program areas to determine the effectiveness of program area activities at all levels. In addition to the day-to-day monitoring, all special emphasis program areas will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator and Title VI Program Specialists will coordinate efforts to ensure equal participation in their program areas and activities at all levels.
4. Conduct Title VI reviews when necessary of contractors and other recipients of federal aid highway funds.
5. Work with special emphasis program staff to ensure the fundamental principles of Environmental Justice 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. Develop Title VI and Limited English Proficiency information for Public Dissemination. Ensure dissemination to the general public and, where appropriate, in languages other than English. The County will disseminate Title VI Program information to County employees, contractors, subcontractors, consultants, and sub consultants as well as the general public. Public dissemination will include posting of public statements and inclusion of Title VI language in contracts. The Title VI/Nondiscrimination Policy Statement will be published in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.
7. Prepare an Annual Title VI Update Report. The update will report on any accomplishments and changes to the program occurring during the preceding year. The update will include goals and objectives for the upcoming year.
8. Schedule training for Title VI related statutes for Schuyler County employees. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. All directives providing operational guidelines to all subrecipients, and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.
9. Identify and eliminate discrimination when found to exist. Work with all Schuyler 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. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period of 90 days. Schuyler County 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.

Subrecipients 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.

Schuyler County will seek the cooperation of the subrecipient in correcting deficiencies found during the Title VI compliance reviews. Schuyler County will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily.

When a subrecipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Schuyler County will submit a copy of the case file to NYSDOT's Office of Civil Rights or the FHWA and a recommendation that the subrecipient be found in noncompliance.

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

11. Maintain updated legislative and procedural information regarding Schuyler County's Title VI Program. This will include federal laws, rules and regulations, NYSDOT guidelines, Schuyler County Plan and updates, and other resource information pertaining to Title VI issues.

Title VI Complaint Procedures

These 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 activity administered by the City, as well as to subrecipients, consultants, and contractors. These procedures apply to complaints filed against a program or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA).

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

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

Any person who believes that they or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities prohibited under Title VI based upon race, color, sex, age, national origin or disability may file a written complaint with Schuyler County.

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 complained of incident.

Upon receipt of the complaint, Schuyler 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 Schuyler County's subrecipients of federal highway funds, Schuyler County will assume jurisdiction and will investigate and adjudicate the case. Complaints against Schuyler County will be referred to the New York State Department of Transportation's Office of Civil Rights for proper disposition. In special situations warranting intervention to ensure equity, the NYSDOT Office of Civil Rights 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, subrecipient, or contractor; or, in the case of ADA allegations, an entity open to the public;
- The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority;

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.

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

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

Within 40 calendar days of the acceptance of the complaint, Schuyler County or NYSDOT investigator will prepare an investigative report for Schuyler County's Title VI Coordinator and the Chairman of the Legislature. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. Schuyler County's Title VI Coordinator and Chairman of the Legislature will have 10 calendar 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 Schuyler County Attorney for review. The Schuyler County Attorney will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the Schuyler County Attorney will be reviewed by the Chairman of the Legislature. There will be a period of 10 calendar days for the Chairman of the Legislature to discuss the report and any recommendations with Schuyler County's Title VI Coordinator, and to have the Title VI Coordinator address any modifications before the report's release to the corresponding United States Department of Transportation (USDOT) modality (FHWA, FTA, FAA).

Schuyler County's final investigative report and a copy of the complaint will be forwarded to either NYSDOT, FHWA, FTA, or FAA, within 60 calendar days of the acceptance of the complaint.

Schuyler County will notify the parties of its preliminary findings which are subject to the corresponding USDOT modality's concurrence.

The corresponding USDOT modality will issue the final decision to Schuyler County based on the investigative report.

USDOT will analyze the facts of the case and will issue its conclusion to the complainant according to their procedures. Once the corresponding USDOT modality issues its final decision, Schuyler County will notify all parties involved about such determination. USDOT's final determination is not subject to an appeal.

Title VI Complaint Form

Name _____

Address _____ City _____ Zip _____

Telephone: Home _____ Work _____ Cell _____

Basis of Complaint

Race

Color

Sex

National Origin

Age

Disability (ADA)

Low-Income

Limited English Proficiency

Who allegedly discriminated against you?

Name _____

Address _____ City _____ Zip _____

Telephone _____

If an organization, what is its name?

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

How were you discriminated against?

Where did the alleged discrimination occur?

Date/s and times discrimination occurred?

First time _____

Second time _____

Third time _____

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

What can Schuyler County do to resolve the complaint?

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** _____

Mail to: **Lorry G. Johnson, Title VI Coordinator**
 Schuyler County Human Resources
 105 Ninth St., Unit 32
 Watkins Glen, NY 14891
 or
 Phone (607) 535-8179
 Email: ljohnson@co.schuyler.ny.us

Title VI Complaint Log

Case Number	Name of Complainant	Address of Complainant	Date Complaint Filed	Basis of Complainant	Status of Complaint	Disposition of Complaint

Title VI Contract Compliance

Contract compliance ensures that Schuylers County is complying with standards regarding nondiscrimination and equal opportunity employment. It includes provisions that Schuylers County may not discriminate in any programs or services on the basis of race, color, sex, or national origin; must accept applications from women and minorities, must solicit bids for contract work from minority-and-women-owned businesses, and follow fair hiring, retention, and promotion policies. Further information on contract policies can be found in Section 2 of the Schuylers County Purchasing Policies and Procedures as passed by Resolution # 11-18 on January 3, 2018. Additionally, Schuylers County Highway has a System User Agreement with NYSDOT Equitable Business Opportunities (EBO) for use in tracking all contracts entered into. This ensures Schuylers County is following policies and procedures as required, including the contract goal of 7% for MWBE.

Title VI Employee Training

Schuylers County offers a Title VI training in accordance to Title VI and ADA requirements. This training will be reviewed and updated as necessary by the Title VI Coordinator. It is a requirement for current Schuylers County staff to participate and refresh themselves in the Title VI training annually. It is a requirement for new employees to participate in the Title VI training or watch a training video within 60 days of hire with Schuylers County. Implementation of this plan will begin June 1, 2018 for all new and current employees.

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
- Proper use of interpreter service provider's language identification cards
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints

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

Attachment 1

Title VI Notice to Public

Schuyler County hereby gives public notice that it is Schuyler 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 Schuyler 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 Schuyler 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 this office at no cost to the complainant on our website at www.schuylercounty.us or by calling (607) 535-8179.

Attachment 2

Standard Title VI/Non-Discrimination Assurances

Schuyler County (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *New York State Department of Transportation (NYSDOT)*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted highway programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all highway programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

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

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

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

By signing this ASSURANCE, the Recipient also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing Schuyler 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 the NYS DOT. You must keep records, reports, and submit the material for review upon request to NYS DOT, or its designee in a timely, complete, and accurate way.

Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Schuyler County gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the highway program. 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 in the highway program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

(County of Schuyler)

By: _____
Carl H. Blowers, Chairman

Dated: _____

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

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

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient 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, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

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:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that Schuyler County will accept title to the lands and maintain the project constructed thereon in accordance with the Schuyler County Legislature, the Regulations for the Administration of Schuyler County Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the

Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Schuyler County all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

Schuyler County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [.]

[and]* (2) that Schuyler County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

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 Schuyler County pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Schuyler County will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, Schuyler County will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of Schuyler County) and its assigns.*

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

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 Schuyler County pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, Schuyler County will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Schuyler County will there upon revert to and vest in and become the absolute property of Schuyler County and its assigns.*

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.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 sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP

persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

APPENDIX F

Limited English Proficiency Plan

INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address Schuyler County's 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 Act 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 understands English is a type of national origin discrimination which is covered under Title VI. It directs each agency (e.g., FHWA) 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.

Plan Summary

Schuyler 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, Schuyler County used the Federal Highway Administration (FHWA) Four-Factor LEP analysis:

1. The number or proportion of LEP persons in the service area who may be served by Schuyler County.
2. The frequency with which LEP persons come in contact with Schuyler County services.

3. The nature and importance of services provided by Schuyler County to the LEP population.
4. The interpretation services available to Schuyler 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

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

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

- a. ~~538~~ **569** individuals in Schuyler County service area comprising ~~3.1~~ **3.3%** of the population speak a language other than English;
- b. Of those, ~~160~~ **247** individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.” This is only ~~0.9~~ **1.5%** of the overall population in the service area;
- c. In Schuyler County service area, of those persons with limited English proficiency:

_____ % speak German	_____ % speak Vietnamese
<u>0.6</u> % speak Spanish	_____ % speak French
_____ % speak African Language	_____ % speak Tagalog
_____ % speak Chinese	<u>0.3</u> % speak Asian/Pacific Islander
_____ % speak Serbo-Croatian	<u>0.6</u> % speak Indo-European
_____ % speak Scandinavian	Languages
_____ % speak Japanese	_____ % speak Native North American
_____ % speak Russian	Languages
_____ % speak other Indic Languages	_____ % speak all other languages

2. The frequency with which LEP persons come in contact with Schuyler County services

Schuyler County reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits.

- a. Schuyler County staff have had minimal contact with LEP persons.

3. The nature and importance of services provided by Schuyler County to the LEP population

There is no large geographic concentration of any type of LEP individuals in the service area for

Schuyler County The overwhelming majority of the population, ~~_96.9_~~ **96.7%**, speaks only English. As a result, there are few social, service, or professional and leadership organizations within the Schuyler County service area that focuses on outreach to LEP individuals. Schuyler County staff is most likely to encounter LEP individuals through office visits, phone conversations, notifications from department staff regarding the results of service delivery, and attendance and participation at public meetings.

4. The resources available to Schuyler County and overall cost to provide LEP assistance

Schuyler County reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises.

Schuyler County language translation options could be provided by bilingual staff or by telephone from a professional interpretation service for which Schuyler County would pay a fee.

LANGUAGE ASSISTANCE

A person who does not speak English as 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 to language assistance with respect to Schuyler 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 Schuyler County staff can identify an LEP person in need of language assistance:

- Post notices of the LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Providing Schuyler County staff with language identification cards to assist in identifying the language interpretation services needed if the occasion arises.
- Periodically surveying Schuyler County staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually).
- Greeting participants at Schuyler County sponsored informational meeting or event. Conversational interaction with participants can help determine LEP needs for future events.

Language Assistance Measures

Although there is a very low percentage of LEP individuals in Schuyler County service area, (i.e., persons who speak English less than “very well” or “not at all”,) Schuyler County will take the following actions:

1. Schuyler County staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.

2. The following resources will be available to accommodate LEP persons:

- Volunteer Spanish language interpreters will be provided within a reasonable time period.
- Language interpretation services for all other languages will be accessed through a professional telephone interpretation service.

STAFF TRAINING

Schuyler County offers a Title VI training in accordance to Title VI and ADA requirements. This training will be reviewed and updated as necessary by the Title VI Coordinator. It is a requirement for current Schuyler County staff to participate and refresh themselves in the Title VI training annually. It is a requirement for new employees to

participate in the Title VI training or watch a training video within 60 days of hire with Schuyler County. Implementation of this plan will begin June 1, 2018 for all new and current employees.

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
- Proper use of interpreter service provider’s language identification cards
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints

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

TRANSLATION OF DOCUMENTS

Schuyler 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, Schuyler County has determined that it is an unreasonable burden to translate documents at this time.

Due to the very small LEP population, Schuyler 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, Schuyler County will consider the following options:

- When staff prepares documents or schedules public meeting whose audience is expected to include LEP individuals, Schuyler County will provide meeting notices, flyers, and agendas in the appropriate non-English language(s).
- Schuyler 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 – Schuyler 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 Schuyler County service area. Updates to the LEP Plan will include the following:

- The number of documented LEP contacts encountered annually.
- 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 Schuyler County financial resources to fund language assistance resources.
- Determination of Schuyler County full compliance with the goals of the LEP Plan.
- Determination of Schuyler County processing of LEP complaints

DISSEMINATION OF THE SCHUYLER COUNTY LEP PLAN

- Post signs in Schuyler County public areas informing LEP persons of the LEP Plan and how to access language services.

- Notify LEP persons of the availability, upon request, of documents in other languages. This should be placed on agendas and public notices and in the language that LEP persons would understand.
- On the Schuyler County website, post the LEP Plan and procedure to access language services.

APPENDIX G

Environmental Justice Plan

“Environmental justice” is the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, national origin, or educational level with respect to the development, implementation and enforcement of environmental laws, regulations and policies. For the purpose of this Schuyler County Plan, fair treatment means that no population is forced to bear a disproportionate burden of the negative human health and environmental impacts, including social and economic effects, resulting from transportation decisions, programs and policies made, implemented and enforced at the Federal, State, local or tribal level.

Guiding Principles: The Schuyler County Environmental Justice Plan is guided by the following

3 principles:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

To ensure compliance with these Guiding Principles, Schuyler County will:

- Continuously monitor its programs, policies, and activities to ensure that disproportionately high and adverse effects on minority populations and low-income populations are avoided, minimized or mitigated in a manner consistent with these principles
- Actively administer and monitor its operations and decision-making to assure that nondiscrimination and the prevention of disproportionately high and adverse effects are an integral part of its programs, policies, and activities
- Train staff to identify and report incidences of observed service denial or reduction of any capacity in the day to day activities of all County departments
- Make efforts to ensure services are equally available to all populations regardless of race, age, socioeconomic status, and other factors, and indicate so on publications and our website as necessary

- Revisit the County’s Equal Employment Opportunity Policy Statement from time to time and update as necessary
- Immediately investigate and rectify any complaints received (from all populations which include minorities and those of low-income) from the public as they relate to the denial or reduction in services received.

APPENDIX H

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

ADA Transition Plan

This ADA Transition Plan reflects Schuyler County's long-term commitment to ADA compliance, and details the stages of Schuyler 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.

This plan also incorporates by reference, Schuyler County's ADA Policy, per Schuyler County Policies and Procedures Manual, approved by the Schuyler County Legislature on June 12, 2006.

This Draft ADA Transition Plan will be revised and updated as the steps of the Plan are completed.

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, Schuyler County has made a significant and long-term commitment to improving the accessibility of its public facilities. The purpose of this Plan is to ensure that Schuyler 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 Transition 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 SCHUYLER COUNTY’S

FACILITIES

The first phase of the ADA Transition Plan is to evaluate Schuyler County’s public facilities for accessibility. Officials from Planning, Buildings and Grounds, 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 Schuyler 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 Schuyler 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.

Schedule for Completion

Schuyler County officials from its Planning, Buildings and Grounds, and Human Resources Departments will be coordinating over the next several months to evaluate public buildings, parking lots, sidewalks, crosswalks, and curb ramps. Numerous facilities will be subject to this evaluation, and consequently this will be a substantial undertaking for the reviewing officials. The evaluations will be scheduled so as to evaluate all facilities and complete Step 1 by September 1st of this year.

STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS

The second phase of Schuyler 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 the Schuyler County Legislature’s Public Works committee. It is Schuyler County’s practice to provide public notice of the dates and agendas of these meetings on Schuyler County’s website. 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 Schuyler County’s facilities – and will be incorporated into the ADA Transition Plan after completion of Step 1. Any improvements that Schuyler 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 Schuyler 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 Schuyler 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 Schuyler County Code Enforcement Officer is that Schuyler 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, the Schuyler 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, Schuyler 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. Schuyler County, however, reiterates its commitment to making its public facilities accessible to all persons, regardless of disability. Schuyler County ADA Transition Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect Schuyler County commitment to ADA compliance.

ADA COORDINATOR

Schuyler County ADA Coordinator is:

Name of ADA Coordinator – Lorry G. Johnson, Personnel Officer

Name of Agency – Schuyler County

Address – 105 Ninth St., Unit 32, Watkins Glen, NY 14891

Telephone Number: 607-535-8179

Email Address: ljohnson@co.schuyler.ny.us

RE: RECOGNIZING AND COMMEMORATING MAY 1, 2021 AS “LAW DAY” IN SCHUYLER COUNTY – COUNTY ATTORNEY’S DEPARTMENT

WHEREAS, Law Day is an occasion of public acknowledgement of our Nation’s heritage of justice, liberty, and equality under the law, and

WHEREAS, the United States Congress has statutorily designated May 1 as the annual day for commemoration of Law Day, and

WHEREAS, the American Bar Association has designated the 2021 Law Day theme to be “Advancing the Rule of Law Now,” the Rule of Law being a fundamental concept underpinning justice, freedom, and representative government that can be traced through history from various systems of law, through the Magna Carta and the United States Constitution, and

WHEREAS, the Rule of Law rests upon the idea that no one is so important as to be above the law and conversely no one is so insignificant to be beneath the law, and

WHEREAS, the United States was founded on the principle that adherence to the Rule of Law expands, rather than limits, the opportunities for freedom, and

WHEREAS, promoting public understanding of the roots of our freedom is an important component in the civic education of the citizens of the United States, the State of New York and the County of Schuyler.

NOW, THEREFORE, BE IT RESOLVED, that the Schuyler County Legislature recognizes and commemorates May 1, 2021, as Law Day in Schuyler County, New York.