

Clinton County



TITLE VI PLAN

November 2017

- * Adopted by the Clinton County Legislature by Resolution #625 on September 9, 2015
- * Amended by the Clinton County Legislature by Resolution #864 on November 8, 2017

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Policy Statement

Clinton County assures that no person shall on the grounds of race, color, national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Clinton 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 Clinton County distributes federal aid funds to another government entity, it will include Title VI language in all written agreements and will monitor for compliance.

NOTE: Clinton County acknowledges that additional classes of people are protected by other Federal laws and regulations, such as age, religion, sex, disability and others, but this document is focused on the classes protected under Title VI of the Civil Rights Act.

Additional Information:

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

Clinton County Deputy Administrator
Clinton County Legislature
137 Margaret Street – Suite 208
Plattsburgh, NY 12901
518-565-4600

Complaint Procedures:

Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin can file an administrative complaint with Clinton County under Title VI of the Civil Rights Act of 1964 and send to the above address. If desired, individuals and/or organizations may file a complaint by completing the attached Title VI complaint form (Appendix B). Complaints should be signed and include contact information. Reasonable accommodations shall be provided to any person when necessary to properly access and file a complaint with Clinton County under Title VI.

Posting of this Notice:

This notice shall be posted in the first floor lobby of the Clinton County Government Center, 137 Margaret Street, Plattsburgh, NY 12901, and in the Clinton County Planning Department, 135 Margaret Street, Plattsburgh, NY 12901.

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

If this information is needed in another language, please call 518-565-4600.

Authority

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

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

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

Title VI Assurances

A copy of Clinton County's Title VI Assurances Statement is attached as Appendix A. The Assurances Statement reflects the County's commitment to comply with Title VI of the Civil Rights Act of 1964, as amended, and the County's policy to ensure equal opportunity and to prevent and eliminate discrimination. Clinton County shall submit its Title VI Certification and Assurances whenever the County accepts funding from the Federal government.

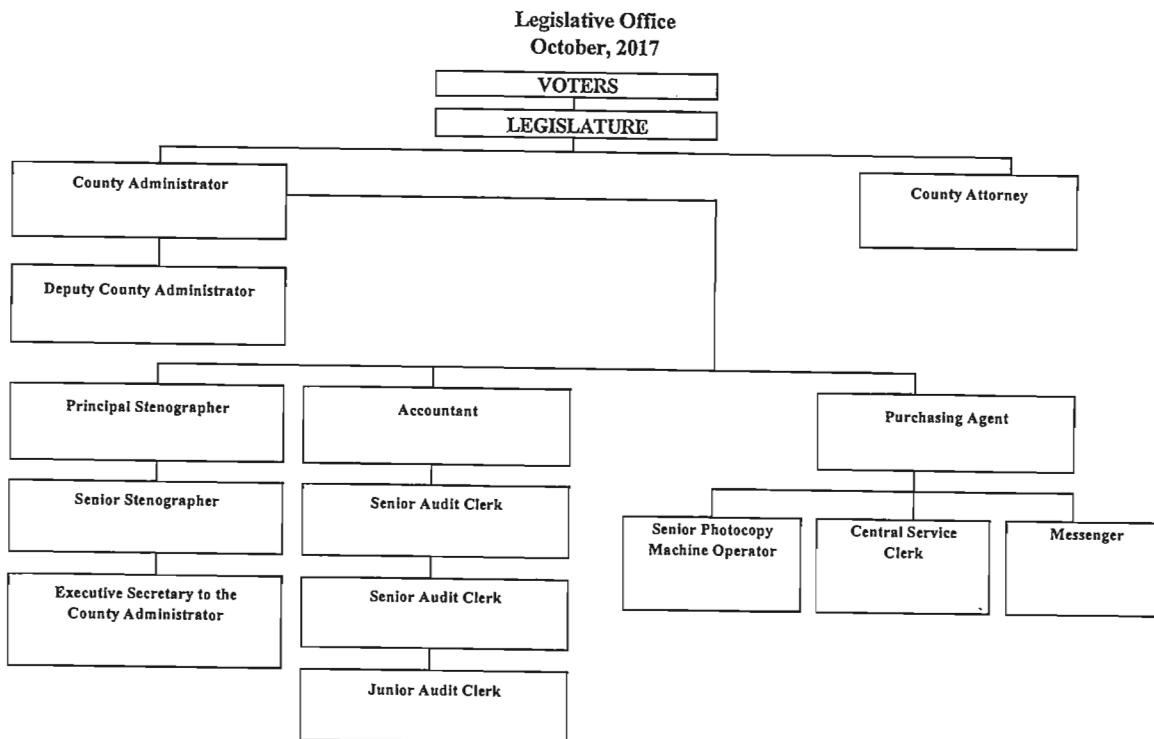
Title VI Coordinator

The Clinton County Legislature has designated the Clinton County Deputy County Administrator as the Title VI Coordinator for Clinton County by Resolution No. 468 dated July, 8, 2015. The Title VI Coordinator is responsible for initiating, monitoring, and ensuring Clinton County's compliance with Title VI requirements as follows:

- 1. Ensure that the County's Title VI Policy is posted according to the procedures outlined in this Program so that appropriate notice is provided to the general public.**
- 2. To review the County's Title VI Program annually to determine that it is up to date, and to make any recommendations for changes to the document to the Clinton County Legislature to ensure that it remains up to date.**
- 3. To keep such records and timely file such reports as required to comply with Title VI requirements.**

4. To process, review and investigate Title VI complaints received by the County in accordance with the Complaint Procedures established in this document.
5. To collect statistical data necessary to comply with Title VI requirements.
6. To conduct Title VI reviews when necessary of contractors and other recipients of federal aid from Clinton County.
7. To serve as a resource for technical assistance to other County Departments and employees for guidance on complying with Title VI.
8. To respond to inquiries of the County's Title VI Program, and to any notices of deficiency that might be received with regard to Title VI, in order to resolve issues of non-compliance.

Below is an Organization Chart depicting the hierarchy of employees and reporting protocols involving the Deputy County Administrator (the County's designated Title VI Coordinator.)



Note: The County administrator and Deputy County Administrator also oversee the Department Heads for twenty County Departments within Clinton County Government.

Title VI Complaint Procedures

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

1. Complete and Submit Complaint Form. In order to allow Clinton County to investigate an incident of alleged discrimination under Title VI, the individual who believes they may have been subjected to discrimination must complete and file a Complaint Form. (A copy of the Complaint Form is attached as Appendix B of this document, and can also be found on the Clinton County website at www.clintoncountygov.com.) The Complaint Form must be completed fully, and mailed or delivered to: Clinton County Legislature, Attention: Deputy County Administrator, 137 Margaret Street – Suite 208, Plattsburgh, NY 12901. Only complaints of incidents that allegedly occurred within 180 days from the receipt of the complaint form will be reviewed. If assistance is needed to complete the Complaint Form, please contact the County's Title VI Coordinator (Clinton County Deputy Administrator at 518-565-4600.)
2. Review of Complaint Form. Upon receipt, the Complaint Form will be reviewed to determine if the County has jurisdiction to review the alleged act of discrimination. The Complainant shall receive an acknowledgment letter informing him/her whether the complaint will be investigated by our office.
3. Investigation. Clinton County shall endeavor to investigate complaints within 60 calendar days from the receipt of a complaint form. If more information is needed to resolve the case, the County may contact the complainant. The complainant has 30 calendar days from the date of the letter from the County requesting additional information to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the requested information within the 30 day timeframe, the County can administratively close the case. A case can also be administratively closed if the complainant informs the County that he/she no longer wishes to pursue their case.
4. Informing Complainant of the results of the Investigation. After the investigator reviews the complaint, he/she will issue one of two letters to the complainant: a Closure Letter or a Letter of Finding. A Closure Letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. A Letter of Finding summarizes the allegations and the results of the investigation, and explains whether any disciplinary action, additional training of a staff member, or other action will occur.

5. Appeal of the Decision. If the complainant wishes to appeal the decision, he/she has 30 days after the date of the Investigation Letter to file an appeal. The appeal is filed to the attention of the Clinton County Administrator, 137 Margaret Street – Suite 208, Plattsburgh, NY 12901.

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

Title VI Investigations, Complaints, and Lawsuits

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

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

Limited English Proficiency (LEP) Plan

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

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

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

Public Participation Plan

All applicants for Federal Transit Administration (FTA) financial assistance are required to ensure that their programs, policies, and activities comply with U.S. Department of

Transportation (USDOT) Title VI of the Civil Rights Act of 1964. In order to comply with Title VI, Clinton County must develop and submit to New York State Department of Transportation (NYSDOT) a Public Participation Plan which includes information about outreach efforts to engage minority and Limited English Proficient Populations (LEP).

The goal of the Public Participation Plan is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

A copy of Clinton County's Public Participation Plan is attached as Appendix E.

Contract Compliance

Contractors and subcontractors for Clinton County are responsible for complying with the Title VI Program of the County. Clinton County shall be responsible for ensuring that contractors are aware of and comply with Title VI requirements. Appropriate language requiring compliance shall be included in each contract with the County.

Notification to Beneficiaries

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

Monitoring/Reporting

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

Additional Requirements for Clinton County Public Transit

Clinton County does operate a fixed route bus service with nine fixed route vehicles at peak service. As such, Clinton County is required to set “System-Wide Service Standards and Policies” to ensure that Clinton County does not discriminate on the grounds of race, color, or national origin.

Service Standards

- 1) Vehicle Load: Clinton County establishes a vehicle load (ratio of passengers to the number of seats on a vehicle) of 1.0 for all vehicles and bus routes at all times.
- 2) Vehicle Headway: For the more densely populated areas in and around the City of Plattsburgh, the maximum vehicle headway (amount of time between two vehicles travelling in the same direction on a given line or combination of lines) shall be established at one hour. For the more rural areas outside the City of Plattsburgh, the maximum vehicle headway shall be established at seven hours.
- 3) On-time performance: (a measure of runs completed as scheduled.) Clinton County considers “on time” to be any run that is completed within zero and five minutes late in comparison to the established schedule. Clinton County establishes a rate of 90% of all runs system-wide be completed within the on-time window.
- 4) Service availability: (a general measure of distribution of routes within a transit provider’s service area.) In the City of Plattsburgh, Clinton County shall provide routes such that 100% of the population lives within a quarter mile walk of an established route. In the rural areas of the County, Clinton County shall provide routes that service the extreme north, south, east and western portions of the County, including all four Villages, with the maximum distance from routes to unserved areas being eight miles.

Service Policies:

- 1) Distribution of transit amenities for each route: Clinton County deploys bus shelters at City bus stops that serve the greatest number of passengers, and strives to establish rural stops at locations where passengers have an opportunity to wait indoors (typically retail stores.)
- 2) Vehicle assignment: (the process for which transit vehicles are placed into service in depots and on routes throughout the transit provider’s system.) Clinton County only

has one depot, and strives to rotate vehicles among the routes unless a particular route demands a vehicle with a greater seating capacity.

APPENDIX A. Title VI Statement of Assurances for Clinton County

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252);
- 49 C.P.R. Part 21 (entitled *Non-discrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.P.R. Section 50.3 (*U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.*)

The preceding statutory and regulatory citations hereinafter are referred to as the “Acts” and “Regulations” respectively.

General Assurances

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

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

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

Specific Assurances

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

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

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

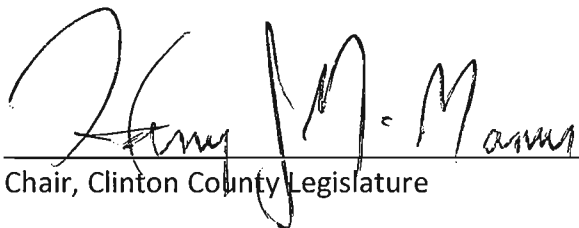
3. The Recipient will insert the clauses of Exhibit 1 of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Exhibit 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Exhibit 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties: a)for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and b)for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods: a)the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for

another purpose involving the provision of similar services or benefits; or b) the period during which the Recipient retains ownership or possession of the property.

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

By signing this ASSURANCE, Clinton County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. Clinton County also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA, or its designee in a timely, complete, and accurate way. Additionally, Clinton County must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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


Chair, Clinton County Legislature

11/29/17
Date

Exhibit 1

Contractors, Subcontractors, Suppliers, and Manufacturers

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

1. Compliance With Regulations

The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, Part 21, 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 during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, 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 Clinton County or the NYSDOT to be pertinent to ascertain compliance with such Regulations, orders and instructions. 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 the County, or the New York State Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Clinton County and the NYS Department of Transportation shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to: withholding of payments to the contractor under the contract until the contractor complies, and/or, cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the County or the Federal Highway Administration 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 the County enter into such litigation to protect the interests of the County and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Exhibit 1 (Continued)

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

Exhibit 2

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

GRANTING CLAUSE

NOW, THEREFORE, Clinton County, as authorized by law, and upon the condition that the State of New York will accept title to the lands and maintains the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, 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 (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 USC 2000d to 2000d--4) does hereby remise, release, quitclaim, and convey unto Clinton County all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

Pursuant to the provisions of Title VI Assurances: The purchaser, for itself, himself or herself, its, his or her heirs, personal representatives, successors in interest and assigns does hereby covenant and agree that in the event facilities are constructed, maintained or otherwise operated on the property being purchased, for a purpose for which a United States Department of Transportation (USDOT) program or activity is extended or for another purpose involving the provision of similar services or benefits, the purchaser shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, USDOT Subtitle A, office of the Secretary, part 21, Non-discrimination in federally assisted programs of the USDOT-Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

The purchaser, for itself, himself or herself, its, his or her heirs, personal representatives, successors in interest and assigns does hereby covenant and agree that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be 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 furnishings of services thereon, no person, on the grounds or race, color, sex or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the purchaser shall use the premises in compliance with all requirements imposed by, or pursuant to Title 49, Code of Federal Regulations, USDOT Subtitle A, office of the Secretary, part 21, Non-discrimination in federally assisted programs of the USDOT-Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

Exhibit 3

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Clinton County pursuant to the provisions of Assurances, number 7.

The LESSEE, or their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof does hereby covenant and agree 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 lease, 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 LESSEE 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, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the County shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Clinton County pursuant to the provisions of Assurances, number 7.

The LESSEE, or their personal representatives, successors in interest, and assigns, as a part of the consideration hereof does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be 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 furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises 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, and as said Regulations may be amended.

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

APPENDIX B. Title VI Complaint Form

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

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

Basis of Complaint

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

Who allegedly discriminated against you?

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

If an organization, what is its name?

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

How were you discriminated against?

Where did the alleged discrimination occur?

Date/s and times discrimination occurred?

First time _____
Second time _____
Third time _____

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

What can the Department do to resolve the complaint?

Have you filed your complaint with anyone else?

Who _____
When _____
Complaint number, if known _____

Did you have an Attorney in this matter?

Name _____
Address _____ City _____ Zip _____
When did you acquire _____

Signed _____ Date _____

Mail To: Title VI Coordinator/Deputy County Administrator
Clinton County Legislature
137 Margaret Street, Suite 208
Plattsburgh, New York 12901 or
Phone (518)565-4600 Email: Rodney.Brown@clintoncountygov.com

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

APPENDIX C. Title VI Complaint Log Form

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

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

AGENCY: _____

TITLE VI OFFICER: _____

E-MAIL: _____ **CONTACT:** _____

Calendar YEAR _____

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

APPENDIX D. Title VI Limited English Proficiency Plan

INTRODUCTION

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

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

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

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

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

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

The Clinton County staff reviewed the American Community Survey 5-Year Estimates (2009 – 2013) for Clinton County and determined that:

- a. 4,769 of a total population of 77,857 persons five years and over in Clinton County’s service area, comprising 6.1% of the population, speak a language other than English.

- b. Of those, 1,234 individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.” This is only 1.6% of the overall population in the service area.
- c. In Clinton County’s service area the following represents populations with Limited English Proficiency:

424/77,857 or 0.54% speak Spanish

162/77,857 or 0.21% speak French

132/77,857 or 0.17% speak Chinese

122/77,857 or 0.16% speak Russian

79/77,857 or 0.10% speak Polish

62/77,857 or 0.08% speak Italian

47/77,857 or 0.05% speak German

32/77,857 or 0.04% speak Tagalog

24/77,857 or 0.03% speak Korean

23/77,857 or 0.03% speak Gujarati

127/77,857 or 0.16% speak all other languages

2) The frequency with which LEP persons come into contact with Clinton County services.

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

- a. Clinton County transit system has never had a request for interpreters or translated program documents. The Clinton County Department of Social Services, which typically has the greatest number of interactions with the general public each year, averages approximately 8-10 interactions with LEP individuals on a yearly basis, with those individuals needing assistance in Spanish and French.
- b. The other staff of Clinton County has had very little contact with LEP persons.

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

There is no large geographic concentration of any type of LEP individuals in the service area for Clinton County. The overwhelming majority of the population 98.4% speaks only English, or at least speaks English “very well.” As a result, there are few social, service, or professional and leadership organizations with the Clinton County service area that focuses on outreach to LEP individuals.

4) The interpretation services available to Clinton County and overall cost to provide LEP assistance.

Clinton County has 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. Clinton County can use existing bilingual staff to provide interpretation to individuals that only speak Spanish or French (the two highest groups of individuals with LEP, making up 47% of the LEP population in Clinton County.) Other language translation options could be provided from a professional interpretation service for which the County would pay a fee.

LANGUAGE ASSISTANCE

Language assistance to LEP individuals can include interpretation (oral or spoken transfer of a message from one language into another language) and translation (the written transfer of a message from one language to another.)

Clinton County shall use the following measures to identify an LEP person in need of language assistance:

- 1) Post notices of the availability of interpretation or translation services free of charge in all LEP languages in which the total LEP population is at least 1% of the total population.
- 2) Periodically surveying Clinton County staff regarding their interaction with LEP persons at least annually.
- 3) Greeting participants at Clinton County sponsored informational meetings or events to determine the LEP needs for future events.

Language Assistance Measures

Although a very low percentage of LEP individuals reside in the Clinton County service area, the County will take the following reasonable steps to provide the opportunity for meaningful access to LEP individuals who have difficulty in communicating in English:

1. Posting important notices in a language other than English if the total LEP population for a language other than English is at least 1% of the total population; and
2. Provide bilingual interpreters for LEP individuals that speak only Spanish and French.
3. Language interpretation service for all other languages will be accessed through a professional telephone interpretation service.

STAFF TRAINING

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

1. Title VI Policy and LEP responsibilities
2. Description of language assistance services available to the public if required
3. Proper use of interpreter service
4. Documentation of language assistance requests
5. Handling of Title VI/LEP complaints
6. Obligation to require contractors to follow Title VI/LEP guidelines

TRANSLATION OF DOCUMENTS

Considering the low population of LEP groups in Clinton County, the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, the County has determined that it is an unreasonable burden to translate documents at this time.

Clinton County will continue to monitor the LEP population, and at such time as the population warrants the translation of critical documents, the County will provide these documents (meeting notices, complaint forms, route schedules, on-bus notices) in the appropriate non-English language(s).

MONITORING

Clinton County will monitor the LEP Plan as required. At a minimum, the plan will be reviewed and updated when more recent data from the U.S. Census Bureau and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the Clinton 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.
- Determination as to whether the need for translation services has changed.
- Determination of the effectiveness of language assistance efforts.
- Determination of Clinton County's financial resources to fund language assistance resources.
- Determination of Clinton County's full compliance with the goals of the LEP Plan.
- Explanation of Clinton County's processing of LEP complaints.

DISSEMINATION OF LEP INFORMATION

Clinton County will take the following steps to disseminate LEP Information to the general public:

- Post signs in public areas of the Clinton County office buildings to inform 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 notice would be placed on agendas and public notices.
- Post the LEP Plan on Clinton County's website.

END of LEP Plan

APPENDIX E. Title VI Public Participation Plan

INTRODUCTION

This Public Participation Plan is designed to provide an explanation of the steps that Clinton County will take in outreach efforts to the general public prior to making decisions on significant issues affecting the County's public transportation system, Clinton County Public Transit (or CCPT). The goal of this Plan is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. The Plan will also be used to provide opportunities to educate the public about major public transportation issues, solicit information, and provide a way for citizens to share their perspectives with County policy makers.

METHODS OF PUBLIC PARTICIPATION

- Public Information Meeting
 - Provides an opportunity to provide information on a topic or topics, and also provides an opportunity for the general public to ask questions and/or make comments.
 - Provides an opportunity for face-to-face interaction
 - Best forum for presenting information and obtaining immediate feedback
- Public Hearing
 - A formal proceeding that allows an opportunity for the general public to make comments, but typically no opportunity for answering questions or allowing discussion.
 - Typically included as a requirement for many grant programs
- Opportunity to Provide Written Comments
 - Provides an opportunity for soliciting comments without the member of the general public required to attend a meeting or hearing.
 - Can be accomplished on paper for mailing or delivery, or through electronic submission.
 - Can be used in conjunction with a public meeting or hearing or as a stand-alone method of obtaining public comments.
- Website, Newsletter, Survey, and Social Media
 - Each of these methods provides an opportunity to provide information and solicit input.

PRACTICES TO BE EMPLOYED DURING PUBLIC PARTICIPATION EFFORTS

- Public Meetings and Hearings shall take place at an accessible location that will allow access to the disabled community.
 - Clinton County has several public meeting rooms that are in accessible locations
- Utilizing different meeting sizes and formats
 - Meeting sizes will vary depending on the subject matter and objectives of the meeting.
 - Meeting format can include an open meeting that is open to all, or a committee meeting that includes invited participants to discuss regularly scheduled topics (ie. transportation coordination, Americans With Disabilities Compliance, etc.). The meeting could also be a combination of the two, such as a committee meeting that is open to the public where only committee members are allowed to speak during the meeting and the general public is allowed to speak at the end of the meeting.
- Advertising should be appropriate to the meeting topic.
 - Advertising of a meeting can take many forms, such as a legal advertisement in a newspaper, posters or written public notices posted in governmental and/or business venues, website advertising, social media advertising, and radio or television advertising.
 - The number of advertisements and length of time advertising is conducted in advance of a meeting should be commensurate to the importance of the topic to be discussed at the meeting.
 - If a reasonable accommodation is necessary by any individual to attend a meeting, the individual may contact the Clinton County Title VI Coordinator to discuss the matter and makes such a request.
- Outreach should specifically target low-income, minority and LEP (Low English Proficiency) populations as required.
 - The method of advertising a meeting should consider methods that specifically address the capability of these groups of individuals to gain access to and understand the advertising information (ie. alternative language notices, large print, advertisement in areas where these individuals may reside, etc.).
 - The location of a meeting(s) may vary to encourage participation by various groups of individuals.
- A sign-in sheet shall be distributed at the meeting to document those individuals in attendance. If individuals are unwilling to sign-in, a head count shall be performed and the meeting host shall sign the sign-in sheet confirming attendance.

- Meeting minutes should be kept and made available to the public.
- Concerns or questions raised at the meeting should be addressed, either at the meeting or after the meeting with both questions and answers made available to the public.
- Members of the general public should have an opportunity to leave their contact information if they desire to be contacted at the next opportunity for public participation, or to receive follow-up information from the meeting they attended.
- Document meeting discussion content, advertisement methods employed for the meeting, agendas utilized, attendance at the meeting, and meeting location, date and time.

WHEN PUBLIC PARTICIPATION SHALL TAKE PLACE

Prior to Major Public Transportation Decisions

Major Transportation Decisions generally consist of proposed actions that may have profound impact on access to public transportation. Examples include: proposed changes to fixed bus routes, proposed changes to frequency of bus routes, proposed changes to bus stops or placement of bus shelters, and proposed changes to dial-a-ride service or complementary paratransit service. Each of these proposed changes may have a profound impact on access to the transit system for certain individuals or groups of individuals. Unless the urgency of the matter prevents a formal public participation effort, prior to making decisions on major public transportation decisions the County will hold a public information meeting, as well as soliciting input on through other means such as a website link, telephone, or in person.

On a Continuous Basis

Even when major public transportation decisions are not being considered, there should be an opportunity for the general public to contact government officials to ask questions or express concerns or ideas for consideration. Contact information for appropriate government officials should be advertised so that members of the general public can contact an official as necessary.

End of Public Participation Plan

APPENDIX F. Title VI Public Notice

Policy Statement

Clinton County assures that no person shall on the grounds of race, color, national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Clinton 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 Clinton County distributes federal aid funds to another government entity, it will include Title VI language in all written agreements and will monitor for compliance.

Additional Information:

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

Clinton County Deputy Administrator (also Title VI Coordinator)
Clinton County Legislature
137 Margaret Street – Suite 208
Plattsburgh, NY 12901
518-565-4600

Complaint Procedures:

Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin can file an administrative complaint with Clinton County under Title VI of the Civil Rights Act of 1964 and send to the above address. If desired, individuals and/or organizations may file a complaint by completing a Title VI complaint form, which can be obtained at the address listed above. Complaints should be signed and include contact information. Reasonable accommodations shall be provided to any person when necessary to properly access and file a complaint with Clinton County under Title VI. If assistance is needed to complete the Title VI Complaint Form, please contact the County's Title VI Coordinator using the contact information listed above.

Posting of this Notice:

This notice shall be posted in the first floor lobby of the Clinton County Government Center, 137 Margaret Street, Plattsburgh, NY 12901, and in the Clinton County Planning Department, 135 Margaret Street, Plattsburgh, NY 12901.

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

If this information is needed in another language, please contact 518-565-4600.