

ORDINANCE NO. 2020 - 05

MARSHALL COUNTY BOARD OF COMMISSIONERS

**AN ORDINANCE ADOPTING THE MARSHALL COUNTY, INDIANA
TITLE VI NONDISCRIMINATION IMPLEMENTATION PLAN & POLICY**

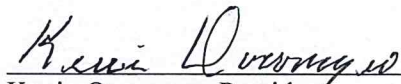
WHEREAS the County of Marshall, Indiana adopted the Marshall County, Indiana Title Nondiscrimination Implementation Plan & Policy on September 17, 2018 under Ordinance 2018-18 and on July 18, 2016 under Ordinance 2016-12.

WHEREAS it is the intent of Marshall County, Indiana to comply with applicable federal and State of Indiana laws and regulations.

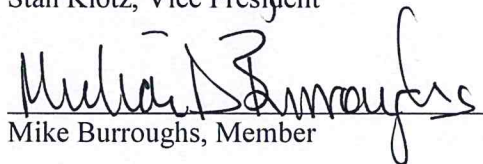
NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE COUNTY OF MARSHALL, INDIANA BOARD OF COMMISSIONERS THAT:

The attached Marshall County, Indiana Title VI Nondiscrimination Implementation Plan & Policy is hereby adopted this 6th day of January, 2020; and shall be in full force and effect upon adoption, and shall supersede and repeal existing oral or written Marshall County Title VI Nondiscrimination Implementation Plan & Policy.

BOARD OF COMMISSIONERS
MARSHALL COUNTY, INDIANA


Kevin Overmyer, President


Stan Klotz, Vice President


Mike Burroughs, Member

ATTEST:


Julie A. Fox
Marshall County Auditor

ORDINANCE 2020 - 05
MARSHALL COUNTY, INDIANA
TITLE VI
NONDISCRIMINATION IMPLEMENTATION
PLAN & POLICY

TABLE OF CONTENTS

1. Policy Statement.....	Page 3
2. Title VI Coordinator.....	Page 3
3. Employer/Employee Dissemination Training.....	Page 4
4. Contractors, Subcontractors, Vendors & Consultants.....	Page 4
5. Concerns/Complaint Process.....	Page 6
6. Public Dissemination.....	Page 6
7. Community Involvement & Outreach.....	Page 7
8. Data Collection.....	Page 7
9. Section 504/Americans with Disabilities (ADA).....	Page 7
10. Limited English Proficiency (LEP) Plan.....	Page 8
11. Marshall County, Indiana, Title VI Assurances.....	Page 10

Appendix A: Contractor Assurances

Appendix B: Clauses for deeds effecting or recording the transfer of real property, structures or improvements

Appendix C: Clauses for deeds, licenses, leases, permits or similar instruments entered into by Marshall County

Appendix D: Liaison Team

Appendix E: Employee Acknowledgement Form

Appendix F: External Complaint of Discrimination Form

Appendix G: Annual Report of Claims and Investigations

Appendix H: Voluntary Public Survey

Appendix I: I-speak Cards (Language Identification Flashcards)

MARSHALL COUNTY, INDIANA
TITLE VI NONDISCRIMINATION PLAN & POLICY

1. POLICY STATEMENT

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance” (42 U.S.C. Section 2000d).

Pursuant to Title VI of the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, Marshall County, Indiana, hereinafter referred to as “Marshall County.”

2. TITLE VI COORDINATOR

Human Resources Administrator
112 W. Jefferson Street, Room 300
Plymouth, IN 46563
574-935-8572
E-mail: hr@co.marshall.in.us

The Marshall County Title VI Coordinator will:

- Administer and implement Marshall County’s Title VI plan and policy.
- Develop and Maintain a Title VI liaison team (Appendix D) to ensure departments are implementing, monitoring and complying with Marshall County’s Title VI plan and policy.
- Conduct Title VI yearly reviews with liaisons in an effort to assist in identifying, addressing and eliminating discrimination concerns in every department.
- Conduct or facilitate Title VI training programs with department liaisons for dissemination to employees.
- Work with liaisons to develop and disseminate Title VI information to contractors, subcontractors, vendors and consultants.
- Works with liaisons to ensure community involvement and outreach is in compliance with Title VI and provides equitable opportunities for participation.
- Ensure Title VI language is included in Marshall County contracts.
- Collect, review and preserve statistical data (race, color, national origin, language, gender, etc.) of participants in activities and programs to ensure Marshall County’s continued compliance with Title VI.

- Collect, review and preserve data regarding the number of federally funded projects awarded or ongoing for the past three (3) years.
- Maintain all Title VI records and correspondence, including but not limited to, signed employee acknowledgements, complaints and all correspondence regarding such, requests for language services, demographic statistics, department compliance reviews and all Title VI federal agency correspondence and records.
- Address all Title VI discrimination complaints.
- Review and update the Title VI plan and policy as needed or required.
- Prepare and submit the annual Title VI update report.

3. EMPLOYER/EMPLOYEE DISSEMINATION TRAINING

Title VI plan and policy education and literature will be provided to all Marshall County employees. Marshall County employees will be required to sign an acknowledgement (Appendix E) of receipt indicating they have received and reviewed Title VI policy guidelines. New employees will be provided with education and literature at time of hiring. Employees will be provided with updated education and literature as Marshall County deems necessary.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, Marshall County employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences and immediately notify the Title VI Coordinator, in writing, of any questions, complaints or allegations of discrimination.

4. CONTRACTORS, SUBCONTRACTORS, VENDORS & CONSULTANTS

All contractors, subcontractors and vendors who receive payments from Marshall County where funding originates from any Federal assistance programs are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. Marshall County will include Title VI language, as per the Standard U.S. DOT Title VI Assurances Appendices A, B & C, as relevant and appropriate, in written agreements and bid notices. Written agreements relevant to Title VI shall not contain any form of discrimination, either written or implied.

5. CONCERNS/COMPLAINT PROCESS

Marshall County will take prompt and reasonable actions to thoroughly investigate concerns and complaints. Any individual, who believes they have been subjected to discrimination, may file a complaint with the Marshall County Title VI Coordinator. External Complaint of Discrimination forms (Appendix F) can be found on Marshall County's website: www.co.marshall.in.us, or by contacting the Marshall County Title VI

Coordinator. In order for the complaint to be considered, the complainant must file the appropriate documentation:

1. Within 180 days of the alleged act of discrimination; or
2. Where there has been a continuing course of alleged discriminatory conduct, on the date in which the alleged conduct was discontinued.

Complaints shall be made in writing and shall be signed by the complainant and/or the complainant's representative. Complaints must contain the following and describe as completely as possible the facts and circumstances surrounding the alleged discrimination:

- Name of the complainant;
- Contact information of the complainant (telephone number, address, email address);
- The full name and address of the respondent, individual, agency, department, or program that allegedly discriminated against the complainant;
- A description of the alleged discriminatory act(s) that violated Title VI (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age, or disability). The description must include the date of the incident, and how, where and why the complainant believes they were discriminated against;
- Names and contact information of all witnesses; and
- Any other information that is deemed significant.

If the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the Marshall County Title VI Coordinator. Under these circumstances, the complainant will be interviewed and the Marshall County Title VI Coordinator will assist the complainant in completing a written statement.

Within fifteen (15) calendar days after receipt of the complaint, the Title VI Coordinator will arrange to speak or meet with the complainant to discuss the complaint and the possible resolutions if applicable. If a complaint is deemed incomplete, additional information will be requested. The complainant has sixty (60) business days to respond to the request for additional information. A complainant's failure to respond to the request within sixty (60) business days may result in the administrative closure of the complaint.

If Marshall County does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate local, state or federal agency holding such jurisdiction. The Title VI Coordinator will notify the complainant or their representative, in writing, that the complaint is outside of Marshall County's jurisdiction and where the complaint has been referred for further handling.

The Title VI Coordinator will conduct a complete and thorough investigation of complaints inside Marshall County's jurisdiction and based upon the information obtained will render a final written response letter to the complainant or their representative by registered mail or hand delivery within sixty (60) business days. The final written response will include a description of the complaint, a summary of the investigation and the findings of such, summaries of all individuals interviewed, and if appropriate recommendations and resolutions. All written complaints, investigations and responses will be retained by Marshall County for at least three (3) years (Appendix G).

A complainant's identity shall be kept confidential except to the extent necessary to complete the investigation. If it is necessary to disclose the complainant's identity to the alleged person who may have discriminated or a third-party, Marshall County must first obtain the complainant's written consent. Marshall County must also obtain the complainant's written consent before providing a copy of the complaint to any other individual(s) involved with the investigation.

If a complainant is dissatisfied with the final resolution of the complaint, they have the right to file a complaint with:

Department of Justice
Federal Coordination and Compliance Section – NWB
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

6. PUBLIC DISSEMINATION

Title VI information shall be displayed in Marshall County buildings and all places in which public meetings are held. The name and contact information of the Marshall County Title VI Coordinator will be displayed on the Title VI information.

The Marshall County Title VI plan and policy, which includes the ADA/Section 504 plan, Limited English Proficiency (LEP) plan and complaint procedures, is available on the Marshall County website at www.co.marshall.in.us. Copies of any of these plans will be provided upon request. LEP individuals may obtain translated copies of these plans upon request. Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

7. COMMUNITY INVOLVEMENT & OUTREACH

Marshall County is committed to ensuring that community involvement and outreach is done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs and activities will provide equitable opportunities for participation.

The Marshall County Council meet on the second Monday every month and the Marshall County Board of Commissioners meet on the first and third Monday of every month. All meetings are open to the public, as well as other various Marshall County meetings. Any meetings that are open to the public are published on the Marshall County website and distributed to local media outlets. All Marshall County public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made within forty-eight (48) hours in advance.

Also published on the Marshall County website are various meeting agenda's, meeting minutes, Marshall County notices, events and news. Some departments within Marshall County utilize signage, media and social media websites as another avenue to communicate with the community.

8. DATA COLLECTION

Pursuant to 23 CFR 200.9(b) (4), Marshall County shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

Marshall County shall utilize a voluntary Title VI public involvement survey (Appendix H) that will be available at all public hearings and meetings. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income and if they are disabled. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics and department compliance reviews.

9. SECTION 504/AMERICANS WITH DISABILITIES (ADA)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended, and the Americans with Disabilities Act of 1990, as well as any other local, federal and state laws and regulations, Marshall County will make every reasonable effort to ensure that no individual with a disability will be excluded from the

participation in, be denied the benefits of, or be subjected to discrimination under any of Marshall County's programs or activities.

For more information regarding Marshall County's ADA policy, please visit Marshall County's website at www.co.marshall.in.us to view Marshall County's ADA Transition Plan and compliance statement. ADA complaint forms can also be obtained on Marshall County's website or by contacting the Marshall County ADA Coordinator or the Human Resources Department.

Questions, concerns, comments or requests regarding ADA should be made to Marshall County's ADA Officer:

Doug Masterson
Maintenance Supervisor
112 W. Jefferson Street
Marshall County Building, Room 205
Plymouth, IN 46563

10. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Marshall County has prepared this plan in accordance with Title VI of the Civil Rights Act of 1964, as amended, which states that no person shall be subjected to discrimination on the basis of race, color or national origin. The purpose of this plan is to help identify reasonable steps for providing language assistance to individuals with limited English proficiency who wish to access services provided by Marshall County.

Presidential Executive Order No. 13166, title "Improving Access to Services for Persons with Limited English Proficiency," indicates that individuals treated differently based upon their inability to speak, read, write or understand English is a type of national origin discrimination. Presidential Executive Order 13166 defines limited English proficiency persons as those individuals who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

In order to prepare this plan, Marshall County utilized the U.S. Department of Transportation four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Marshall County program, activity or service.
2. The frequency with which LEP persons come in contact with Marshall County programs, activities or services.
3. The nature and importance of programs, activities or services provided by Marshall County to LEP population.
4. The resources available to Marshall County and the overall costs to provide LEP assistance.

1. Using 2010 census data, it has been estimated that 11.9% of Marshall County's population, age five (5) years and older, speak a language other than English. Therefore, it is estimated that 88.1% of Marshall County's population, age five (5) years and over, speak only English. Approximately 6.8% of the population speak Spanish or Spanish Creole, 4.4% speak other Indo-European languages, 0.5% speak Asian and Pacific Island languages and 0.2% speak other languages. Of those reporting that they speak a language other than English, 95.1% report that they speak English very well. Marshall County will be accommodating those individuals upon request of access to information in other languages. Marshall County offers Spanish interpretation in the courtroom as needed. A court interpreter is present for all Spanish court hearings.
2. Marshall County assesses the frequency with which LEP individuals come in contact with any of our programs, activities or services. This has been accomplished by utilization of the Voluntary Title VI Public Involvement Survey (Appendix H), surveying the staff, documenting phone calls and other correspondence in which language barriers existed, and tracking inquiries or requests for language assistance. Based on the results of our research Marshall County has minimal contact with LEP individuals. The minimal times we have had contact with LEP individuals, we have been able to accommodate the language barrier.
3. Marshall County is responsible for all roads, bridges, and small structures (less than 20-foot span) within Marshall County which are not state highways and which are not within the corporate limits of a city or town. They are also responsible for bridges which have a span of 20 or more feet on all roads in Marshall County which are not state highways. Marshall County has ten townships with approximately 921 miles of roadway and rights-of-way, 117 bridges, and over 66 small structures to maintain. Marshall County strives for safe and accessible roadways, and continues to work to improve the transportation infrastructure for the citizens of Marshall County. Transportation in Marshall County is critical to the public as it provides access to emergency services (fire, police, etc.), health care, employment and other essential individual needs. If this information is not accessible to people with limited English proficiency, or if language services in these areas are delayed, the consequences to the individuals relying on these services could be life-threatening.
4. The analyses of the four factors suggest that LEP services are not substantiated at Marshall County at this time. Marshall County, however, has committed to the following:

- Continue offering, upon request, translators free of charge for Marshall County public meetings, programs and activities if requested within forty-eight (48) hours in advance.
- Continue offering Spanish interpretation for court hearings.
- Provide access to information and documents in other languages in those areas if identified with limited English proficiencies.
- Continually monitor our website and make adjustments as necessary to ensure information is accessible to LEP individuals.

Marshall County is aware that the community profile is ever-changing; therefore, this LEP plan and the four factor analysis will be re-evaluated on an annual basis to ensure that the plan remains reflective of the community's needs. Individuals requiring special language services or accommodations should contact Marshall County's Title VI Coordinator.

11. MARSHALL COUNTY, INDIANA TITLE VI ASSURANCES

Marshall County (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title 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 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that is in accordance with the Act, Regulations, and other pertinent directives, 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 the "appropriate Grantor(s)" and, HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) of the regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the "appropriate Grantor(s)":

1. That the Recipient agrees that each "program" and each "facility" as defined in 49 CFR subsections 21.23(3) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the "appropriate Grantor(s)" and, in adapted form in all proposals for negotiated agreements:

Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat, 252, 42 U.S.C. (2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Sub Title 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 bidden that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisitions of real property or an interest in real property, the Assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance as a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the "appropriate Grantor(s)" and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the "appropriate Grantor(s)."
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 in in the form of personal property, or real property or

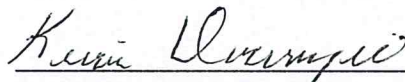
interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another 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, and other participants of the Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

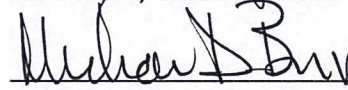
This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the "appropriate Grantor(s)" and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the "appropriate Grantor(s)." The person or persons who signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

Executed: January 6, 2020

MARSHALL COUNTY BOARD OF COMMISSIONERS


Kevin Overmyer, President


Stan Klotz, Vice President


Mike Burroughs, Member

ATTEST:


Julie A. Fox
Marshall County Auditor

Appendix A

Contractor Assurances

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 shall comply with the Regulation 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 by it during the contract, shall 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 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 subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Marshall County and _____ (Contractor) 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 Marshall County and _____ (Contractor) 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, Marshall County shall impose such contract sanctions as it and the _____ (Contractor) may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b. cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directive issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as Marshall County and _____ (Contractor) 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 directions, the contractor may request Marshall County to enter into such litigations to protect the interests of Marshall County and, in addition, the contractor may request the United States to enter into such litigations to protect the interests of the United States.

Appendix B

**Clauses for deeds effecting or recording the
transfer of real property, structures or
improvements**

APPENDIX B

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

GRANTING CLAUSE

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that Marshall County will accept Title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of _____ and the policies and procedures prescribed by the _____ 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, sub Title 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 1954 (78 Stat 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey until Marshall County all the right, Title and interest to the Department of Transportation in and said lands described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto Marshall 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 the Federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on Marshall County, it's successors or assigns.

Marshall County, in consideration of the conveyance of said lands and interests in land, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed[,] (and)* (2) that Marshall County shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination of 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 [,] and (3) that in the event of breach of any of the above mentioned non-discrimination conditions, the department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.¹

¹ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Appendix C

**Clauses for deeds, licenses, leases, permits or
similar instruments entered into by Marshall
County**

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Marshall County pursuant to the provisions of Title VI Assurances, item 7(a).

The _____ (grantee, licensee, lessee, permittee, etc., as appropriate), for himself, his heirs, personal representatives, successors in interest and assigns, as a part of consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this _____ (deed, license, lease, permit, etc.) for a purpose of which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the _____ (grantee, licensee, lessee, permittee, etc.,) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title 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 1963, and as said Regulations may be amended.

The following shall be included in all licenses, leases, permits, etc.:

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

The following shall be included in all deeds:

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

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Marshall County pursuant to the provisions of Title VI assurance 7(b).

The _____ (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that (1) no person on the ground of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color or national origin shall be excluded from participation in, denied the benefits of, or otherwise by subjected to discrimination, (3) that the _____ (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title 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.

Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Acts of 1964.

The following shall be included in all licenses, leases, permits, etc.:

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

The following shall be included in deeds:

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

Appendix D

Liaison Team

MARSHALL COUNTY, INDIANA

TITLE VI LIAISON TEAM

Title VI Coordinator: Human Resources Administrator

<u>DEPARTMENT</u>	<u>MEMBER</u>
Assessor	Assessor
Auditor	Auditor
Building & Grounds	Maintenance Supervisor
Building Inspector	Director
Clerk	Clerk
Commissioners	Commissioner Representative
Community Corrections	Director
Coroner	Coroner
Council	Council Representative
Courts	Circuit Court Judge
Emergency Management	Director
Health Department	Administrator/Chief Environmentalist
Highway Department	Highway Superintendent
Information Technologies	Director
Museum	Director
Plan Commission	Director
Probation Department	Chief Probation Officer
Prosecutor	Prosecutor
Recorder	Recorder
Sheriff Department	Sheriff
Soil & Water	District Coordinator
Surveyor	Surveyor
Treasurer	Treasurer
Veterans Services	Veterans Service Officer
Weights & Measures	Inspector

Appendix E

Employee Acknowledgement Form

MARSHALL COUNTY TITLE VI EMPLOYEE ACKNOWLEDGEMENT

County of Marshall, Indiana
An Equal Opportunity Employer

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance" (42 U.S.C. Section 2000d).

Pursuant to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 Marshall County will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the grounds of race, color, or national origin.

All Marshall County employees are expected to consider, respect and observe this policy in their daily work responsibilities and interactions with other employees and the public. Marshall County employees should work to prevent and alleviate any barriers to service or public use that would restrict public access or usage and take prompt and reasonable action to avoid or minimize discrimination incidences. If another employee or citizen approaches with a question, concern or complaint regarding discrimination, please refer them to Marshall County's Title VI Coordinator:

Marshall County Title VI Coordinator
112 West Jefferson Street, Room 300
Plymouth, Indiana 46563
Telephone: 574-935-8572
Email: hr@co.marshall.in.us

Employee Name: _____

Employee Signature: _____ Date: _____

****Employee signature confirms receipt and understanding of Title VI plan and policy****

Appendix F

External Complaint of Discrimination Form

APPENDIX D: EXTERNAL COMPLAINT PROCEDURE
EXTERNAL COMPLAINT OF DISCRIMINATION

INSTRUCTIONS:

The purpose of this form is to help any person interested in filing a discrimination complaint with Marshall County. You are not required to use this form. You may write a letter with the same information, sign it, and return it to the address below. All bold items must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, national origin, sex, age, disability/handicap, or income status in connection with programs or activities receiving federal financial assistance for the United States Department of Transportation, Federal Highway Administration, and/or Federal Transit Administration. These prohibitions extend to Marshall County as a sub-recipient of federal financial assistance.

Upon request, assistance will be provided if you are an individual with a disability or have limited English proficiency. Complaints may also be filed using alternative formats such as computer disk, audiotape, or Braille.

You also have the right to file a complaint with other state or federal agencies that provide federal financial assistance to Marshall County. Additionally, you have the right to seek private counsel.

Marshall County is prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address below.

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

****Your complaint cannot be processed without your signature.**

TITLE VI COMPLAINT FORM

County of Marshall, Indiana
An Equal Opportunity Employer

COMPLAINANT INFORMATION		
Name (first, middle, and last)		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Name of complainant		Date (month, day, year)

[illegible]

Name of complainant	Date (month, day, year)
---------------------	-------------------------

Provide the names of any individuals with additional information regarding your complaint:		
Name of witness 1 (first, middle, and last)		Title
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		

Name of witness 2 (first, middle, and last)		Title
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		

Name of witness 3 (first, middle, and last)		Title
Name of company		
Address (number and street, city, state and ZIP code)		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complaint of discrimination.		

How would you like your complaint to be resolved?		

Name of complainant	Date (month, day, year)
---------------------	-------------------------

Have you filed a complaint alleging the same discrimination with another state or federal agency? ☐ Yes ☐ No
--

If yes, please provide the following information for each agency:

Name of the agency	Date complaint filed (month, day, year)
--------------------	---

Case number assigned to your complaint	Current status of your complaint
--	----------------------------------

How did you learn about your right to file a discrimination complaint with INDOT?

----- -----

Signature	Date signed (month, day, year)
-----------	--------------------------------

Appendix G

Annual Report of Claims & Investigations

List of Title VI Complaints & Investigations

County of Marshall, Indiana
An Equal Opportunity Employer

[illegible]

VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY
Marshall County, Indiana

Marshall County Title VI Coordinator

Phone 574-935-8572

Fax: 574-936-4863

e-mail: hr@co.marshall.in.us

112 West Jefferson Street, Room 300

Plymouth, IN 46563

www.co.marshall.in.us

Marshall County ADA Officer

Doug Masterson

112 West Jefferson Street

Plymouth, IN 46563

(574) 935-8720

www.co.marshall.in.us

As a recipient of federal funds, Marshall County is required to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid programs and activities (23 CFR §200.9(b)(4). Marshall County is distributing this voluntary survey to fulfill that requirements together information about the populations affected by Marshall County activities.

Submittal of this information is voluntary. You are not required to complete this survey. This form is a public document that Marshall County will use to monitor its programs and activities for compliance with Title VI of the civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding Marshall County's responsibilities under Title VI of the Civil Rights Act of 1964 please contact the Marshall County Title VI Coordinator.

If you have any questions regarding Marshall County's responsibilities under the Americans with Disabilities Act, please contact the Marshall County ADA Officer, Douglas Masterson.

You may return the survey by folding it and placing it on the registration table (if you received it at a public hearing or meeting) or by mailing or faxing it to the address above.

Appendix H

Voluntary Public Survey

Date (month, day, year):

Meeting:

____ Drainage Board ____ County Commissioners ____ County Council
____ Plan Commission ____ Highway Department ____ Election Board
____ Other: _____

Proposed project location (if applicable):

Gender ____ Female Ethnicity: ____ Hispanic or Latino ____ Not Hispanic or Latino
____ Male National Origin: ____ USA ____ Other _____

Race: ____ American Indian or Alaska Native ____ Asian ____ Black or African-American
____ Native Hawaiian or Other Pacific Islander ____ White ____ Multiracial

Age: ____ 1-21 ____ 22-40 ____ 41-65 ____ 65+ Disability: ____ Yes ____ No

Household Income:

____ 0 - \$12,000 ____ \$12,001 - \$24,000 ____ \$24,001 - \$36,000
____ \$36,001 - \$48,000 ____ \$48,001 - \$60,000 ____ \$ 60,001 +

CONFIDENTIAL
VOLUNTARY TITLE VI
PUBLIC INVOLVEMENT SURVEY

RETURN TO:
MARSHALL COUNTY TITLE VI COORDINATOR
MARSHALL COUNTY
112 W. JEFFERSON STREET, ROOM 300
PLYMOUTH, IN 46563
(574) 936-4863 FAX

Appendix I

I-speak Cards (Language Identification Flashcards)

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

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

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