


Cattaraugus County

2021 Civil Rights Title VI Plan


Howard V. VanRensselaer, Chairman
Cattaraugus County Legislature
Date Signed 12-13-21

Authorized by Act 468-2021 of the Cattaraugus County Legislature

Table of Contents

Section 1. Civil Rights Title VI/Nondiscrimination Policy Statement	3
Section 2. Definitions.....	5
Section 3. Title VI Assurances.....	6
Section 4. Title VI Organization and Staffing	6
Section 5. Communication, Publication and Notification to Beneficiaries.....	8
Section 6. Data Collection & Public Participation Plan.....	8
Section 7. Title VI Sub-Recipient Monitoring and Guidance.....	12
Section 8. Complaint Procedures	12
Section 9. Environmental Justice	14
Appendix A. Title VI Assurances Statement	15
Appendix B. County Attorney's Organizational Chart	17
Appendix C. Title VI Notice to Public	19
Appendix D. Title VI Sub-Recipient Monitoring and Guidance	20
Appendix E. Discrimination Complaint Form	27
Appendix F. Discrimination Complaint Log	32
Appendix G. DPW Special Emphasis Area & Federal Funded Contract Supplemental Documents	35
Appendix H-1. Standard Title VI/Non-Discrimination Assurances	36
Appendix H-2. Title VI Program Specialists	39
Appendix H-3. Supplemental Title VI Provisions (Civil Rights Act)	43
Appendix H-4. Deed Clauses.....	45
Appendix H-5. Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility or Program.....	46
Appendix H-6. Clauses for Construction/Use/Access to Real Property Acquired Under the Activity, Facility or Program.....	47
Appendix H-7. Federal Aid Contract Language	48

Section 1: Civil Rights Title VI/Nondiscrimination Policy Statement

A. Policy Statement.

It is the policy of Cattaraugus County that no person shall on the grounds of race, color, national origin, age, disability, gender, income or English proficiency as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Executive Order 11246 Affirmative Action in Employment, Executive Order 12898 Environmental Justice (EJ), and Executive Order 13166 Limited English Proficiency (LEP), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. Additionally every effort will be made to ensure nondiscrimination in all of Cattaraugus County programs and activities, whether those programs and activities are federally funded or not.

Our policy of inclusion is meant for all individuals residing within, receiving services from, or employed by Cattaraugus County to enjoy an equal opportunity. Discriminatory practices, procedures and policies are prohibited. As such, all County Departments shall plan, develop, implement, operate and monitor their programs, services, activities so that no person is subjected to unlawful discrimination. Additionally, Cattaraugus County expects all of our partners, contractors, consultants, sub-recipients, community-based organizations, faith-based organizations and advocacy groups to fully support this policy.

In the event that Cattaraugus County distributes federal aid funds to another entity, the County will include Title VI language in all written agreements and will monitor for compliance. Cattaraugus County's Title VI Non-Discrimination Policy applies to all of our programs, activities and services, regardless of funding source.

This policy shall be conspicuously placed on County bulletin boards, website, and made available to all organizations and entities doing business with Cattaraugus County. Any complaints involving allegations of discrimination should be sent to:

Cattaraugus County Compliance Officer/Civil Rights Coordinator
303 Court Street
Little Valley, New York 14755

B. Policy Scope and Guidance

Federal and State nondiscrimination laws, regulations, and Executive Orders are the framework of Cattaraugus County's policy to ensure equal opportunity to everyone we serve. County personnel are expected to apply this spirit of inclusion to their daily work activities. This includes abstaining from, preventing and reporting any discriminatory practices without fear of retaliation or intimidation.

C. Related Policy and Authoritative Sources

New York State Laws

NYS Historic Preservation Act;
NY Smart Growth Public Infrastructure Policy Act;
NYS Fire Code; and
NYS Vehicle and Traffic Law.

Federal Laws, Executive Orders

Civil Rights Act of 1964 – Prevents discrimination in federally assisted programs: provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public

education; enforces the constitutional rights to vote. Title VI – Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 – Prohibits discrimination on the basis of physical or mental disability in every federally assisted program or activity in the country.

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

Civil Rights Restoration Act of 1987 – Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding.

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

Executive Order No. 12898 – Requires federal agencies to make achieving environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations.

Executive Order No. 13166 – Requires each federal agency to examine the services it provides and to develop and to implement a system by which persons with Limited English Proficiency (LEP) can meaningfully access those services; and work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

APPROVED:



Howard V. VanRensselaer, Chairman

Cattaraugus County Legislature

Authorized by Act 468-2021 of the Cattaraugus County Legislature

Section 2. Definitions

As used in this Title VI Plan the following are further defined:

Affected Parties: persons protected against discrimination because of race, color, national origin, age, disability, gender, or income under Title VI and related requirements.

Applicant: person who submits an application, request, or plan required to be approved by the Secretary, or by a primary recipient, as a condition to eligibility for Federal financial assistance.

Facility: includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

Federal Assistance: shall include: 1) grants and loans of Federal funds; 2) grants or donations of Federal property and interests in property; 3) the sale and lease of, and the permission to use Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the County, or in recognition of the public interest to be served by such sale or lease to the County; and 4) any agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance by the Federal government.

Limited English Proficiency (LEP): Limited English Proficiency individuals who do not speak English as their primary language, and who therefore have limited ability to read, write, speak, or understand the English language.

Primary Recipient: any recipient that is authorized or required to extend Federal financial assistance to another recipient.

Program or Activity: all of the operations of any entity or any part of which is extended Federal financial assistance.

Proposed Project: a project or program that receives direct or indirect federal funds and is subject to Title VI requirements.

Public Participation Plan: A plan that outlines policies and procedures for public involvement in County Programs and Activities.

Recipient: any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.

Secretary: refers to the Secretary of a Federal Agency, or any person to whom this position has delegated authority in the matter concerned.

Sub-recipient: a person or entity that received federal funds from the County to be used by the entity to further the objectives of the federal funds. The County in many cases is the "Sponsor", "Contractor" or "Recipient" of the federal funds and the person or entity is a Sub-recipient of those federal funds.

Title VI Assurances: requirements imposed upon sub-recipients as a result of federal funding being directly or indirectly provided to the County.

Title VI Requirements: the non-discrimination provisions contained in Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, and Executive Orders 11246, 12898, and 13166.

Discrimination under Title VI:

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

Section 3. Title VI Assurances

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. Cattaraugus County shall submit its Assurances Statement whenever the County accepts funding from the Federal government. A copy of Cattaraugus County’s Title VI Assurances Statement is attached as Appendix A.

In support of this policy, Cattaraugus County affirms its right to take appropriate action if it or another duly constituted authority should determine that applicable Federal and/or State laws, regulations, Executive Orders have been violated; or that the effect or intent of this policy has been willfully or habitually ignored.

Section 4. Title VI Organization and Staffing

It is the collective responsibility of the County Legislature, Elected Officials, Department Heads, staff, contractors, sub-recipients and public in general to create and foster an environment of equality. Discrimination is prohibited. The Cattaraugus County Organizational Chart and County Administrator’s Office Organizational Chart can be found in Appendix B.

A. Cattaraugus County Legislature

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

B. County Administrator

The County Administrator’s Office is charged with oversight responsibility for ensuring the County’s compliance with Title VI Requirements. The County Administrator supervises Department Heads.

C. Civil Rights Coordinator

Per Act No. 469-2021, the Cattaraugus County Chairman of the Legislature designated and appointed the County Compliance Officer as the Civil Rights Coordinator; who is directly accountable to the County Attorney. The Civil Rights Coordinator shall be responsible for the following:

- a. coordinating, implementing and enforcing all civil rights programs applicable to Cattaraugus County;
- b. attending and conducting trainings regarding Title VI, Limited English Proficiency (LEP), Environmental Justice (EJ) and Americans with Disabilities Act (ADA);
- c. assisting in civil rights compliance, investigations, auditing, monitoring, and reporting obligations for each County department;
- d. reviewing program area policies, announcements, manuals and written procedures, and making recommendations to the County Legislature regarding the implementation of such policies and plans;
- e. acting as the liaison between the County and public and private agencies, organizations and individuals in the development of programs affecting people's civil rights;
- f. providing a means of communication among people with disabilities and people of protected classes, the County, public and private agencies and the community at large;
- g. assisting in compiling demographic and statistical data regarding the number of people with disabilities, LEP, or of protected classes within the County in order to develop appropriate policies and programs;
- h. accepting, logging, investigating and responding to all complaints or grievances alleging an adverse impact suffered by a person interacting with the County based on a protected factor;
- i. in conducting investigations, the Civil Rights Coordinator is authorized to review documents, systems, and communications, and question employees in order to complete reports and recommendations; and
- j. providing assistance to people with civil rights issues through the provision of information and referral services, and by facilitating the resolution of complaints concerning services and the administrative actions of County departments and others.

D. Departments and Department Heads

Department Heads are charged with the day to day management of Title VI requirements within their respective Departments, thereby ensuring equitable opportunity and treatment to everyone they serve. Those we serve include but is not limited to their staff, the general public and current and/or future sub-recipients.

Department Heads will designate one or more Department Liaisons within their respective departments to work with the Civil Rights Coordinator. Department-specific Title VI information and language can be found in the Appendices. Currently the Department of Public Works (DPW) information is in Appendix G.

E. County Personnel

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

Section 5. Communication, Publication & Notification to Beneficiaries

The following communication and publication procedures will be used regarding dissemination of Title VI policies:

Internally:

1. All employees are informed by:
 - Bulletin board posting or memorandum from the Civil Rights Coordinator.
 - Training provided during new employee orientation. Training of all County employees will be conducted annually.
 - Copies of the Title VI Plan shall be posted on the Cattaraugus County intranet under County policies. Hard copies may be requested of any Department Head and/or representative, County Administrator's Office or the Civil Rights Coordinator.

Externally:

1. The Title VI Policy shall be available on the Cattaraugus County website under the County Administrators Page and the County policy page.
2. Title VI Posters will be displayed as required by 28 CFR 42.405(c).
3. Nondiscrimination clauses are included in contracts and agreements between outside vendors and Cattaraugus County.

Notification to Beneficiaries:

Cattaraugus County recognizes the importance of informing the public of its Title VI rights and of the County's obligations under Title VI laws and regulations. We disseminate information by posting the Title VI Policy Notice on the County's Website and in County Departments. A copy of this Public Notice is attached as Appendix C.

Section 6. Data Collection & Public Participation Plan

Data Collection

Cattaraugus County promotes full and fair participation by all segments of the population including but not limited to minority, low-income communities and populations that are Limited English Proficient.

Title VI, one of the primary federal nondiscrimination laws, prohibits discrimination in the provision of any services that are at all supported with federal funds. Title VI provides a legal foundation for the collection of racial, ethnic and primary language data from recipients of federal financial assistance even when a specific statutory requirement to collect this data does not exist.

Cattaraugus County shall collect and review relevant data and information in order to assess its implementation of and compliance with its Title VI Program. The County shall also provide data and information to federal or state agencies as required by law or regulations.

Upon request, the County shall provide agencies from which it receives federal funding/assistance access to data and information necessary to ascertain its Title VI compliance, including access to pertinent books, records, accounts, facilities, and other sources of information. The County shall also provide data and information as required by 28 CFR § 42.406 as requested in conjunction with a new application for federal

funding, an application for continuance or renewal of funding with specific projects or significant changes, and at other times appropriate under the regulation.

The County shall reasonably gather, analyze, and retain statistical data on the race, color, national origin, sex, age, income, disability status and LEP status of beneficiaries of its services and programs. The County shall identify the programs and services most appropriate for analysis. The County shall analyze the data to determine whether benefits from County services are fairly distributed, especially among minority and low-income populations.

To assist the County in analyzing fair distribution of benefits and burdens, each department within the County shall maintain relevant data on identified programs appropriate for analysis. Additionally, if the County extends federal funding/assistance to a sub-recipient, the sub-recipient shall collect, retain, and submit such data to the County in order to enable the County to carry out its civil rights compliance obligations. Data submitted by sub-recipients shall also be incorporated into the County's comprehensive analysis.

Self-Identification

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

Race and Ethnicity Codes

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

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

All surveys shall note that participants may include multiple responses.

Public Participation Plan

We encourage public participation through several means. Public events (meetings, hearings, etc.) are held in ADA accessible locations. If a person requires a reasonable accommodation to attend a meeting, (s)he may contact the department or the Compliance Officer/Civil Rights Coordinator/ADA Coordinator to discuss the matter and make a request for accommodation. A sign-in sheet shall be distributed at the event to document those individuals in attendance. If the individuals are unwilling to sign-in, a head count will be performed and the event host shall sign the sign-in sheet confirming attendance.

Minutes of all public Legislature meetings will be available on the Cattaraugus County website (www.cattco.org). Agendas and/or minutes of departmental public events may be reviewed on an individual, scheduled basis after the event occurs.

If a member of the public requests assistance with reading the minutes, understanding the content of the meeting or providing information for project planning and development, the individual can arrange this with the department itself or the Compliance Officer/Civil Rights Coordinator who will then make the necessary arrangements.

For the individuals whose primary language is not English, the County can provide interpretation or translation on a requested basis. There is more information on this below and in our appendices.

Members of the public may leave their contact information if they want to be contacted at the next opportunity for public participation, or to receive follow-up information from the event they attended.

The public may also participate by providing written comments or utilizing our website feedback option or answering surveys.

ADA Transition Plan

ADA Transition Plan: A written plan updated annually which outlines identified physical barriers and a schedule of activities to remove those barriers and improve program accessibility. By definition, a transition plan must:

- a. Identify physical barriers that limit accessibility to county programs, activities and services;
- b. Outline the methods which will be used to remove the barriers and make the facility more accessible;
- c. Contain a schedule for the necessary steps to achieve improved compliance;
- d. State the name of the management staff responsible for the plan's implementation.

A copy of the Cattaraugus County ADA Transition Plan is available for inspection during regular business hours at the office of the County Administrator.

Limited English Proficiency (LEP)

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, states that differing treatment based upon a person's inability to speak, read, write or understands English is a type of national origin discrimination which is covered under Title VI.

It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to its sub-recipients.

The County Limited English Proficiency (LEP) Plan is a stand-alone document. It can be reviewed in person with the office of County Administration or County Attorney or via the County's website.

Cattaraugus County strives to serve its population to the best of its ability. We reviewed the American Community Survey 2015-2020, 5-Year Estimates for the county and determined that:

- a. Cattaraugus County's service area 184 individuals of the overall population speak a language other than English;
- b. Of those, 36 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is less than 1% of the overall population in the service area;
- c. The Limited English speaking households speak the following languages primarily: Spanish, "Other Indo-European languages", Asian and Pacific Island languages and "other". See below.

HOUSEHOLD LANGUAGE BY HOUSEHOLD LIMITED ENGLISH SPEAKING STATUS

Survey/Program: American Community Survey

Product: 2015 ACS 5-Year Estimates Selected Populatio... ▼

CUSTOMIZE TABLE

TableID: B16002

Universe: Households

		Cattaraugus County (part); New York (part); Salamanca, NY Urban C...	
		Total population	
Label		Estimate	Margin of Error
▼ Total:		2,205	±119
English only		2,021	±111
▼ Spanish:		64	±19
Limited English speaking household		23	±16
Not a limited English speaking household		41	±19
▼ Other Indo-European languages:		44	±19
Limited English speaking household		3	±5
Not a limited English speaking household		41	±18
▼ Asian and Pacific Island languages:		5	±6
Limited English speaking household		5	±6
Not a limited English speaking household		0	±16
▼ Other languages:		71	±25
Limited English speaking household		5	±4
Not a limited English speaking household		66	±23

To accommodate these individuals, Cattaraugus County provides, upon request, services to assist the LEP population including translation of vital documents, interpretation services, and a website that allows users to select their language using google translator services. Language identification cards have been provided to our departments for assistance in providing services to LEP individuals.

Safe Harbor

The following actions will be considered strong evidence of compliance with the County’s written-translation obligations:

- a. The County provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- b. If there are fewer than 50 persons in a language group that reaches the 5% trigger in (a), the County does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Section 7. Title VI Sub-Recipient Monitoring and Guidance

Contracts with sub-recipients of federal funding will be reviewed by the Cattaraugus County Attorney's Office which ensures all contracts include nondiscrimination clauses.

Cattaraugus County will monitor and provide assistance to sub-recipients regarding their responsibility for complying with Title VI requirements.

Please see Appendix D for Cattaraugus County's Title VI Sub-Recipient Monitoring and Guidance.

Section 8. Complaint Procedures

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

Intimidatory or retaliatory acts are prohibited per Title 49, Code of Federal Regulations, Part 21.11(e). This regulation also states the identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

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

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

Procedures

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

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

Time Limits for Filing

A formal complaint must be filed within 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person became aware of the alleged discrimination; or

- There has been a continuing or the latest instance of the discriminatory conduct.

Form of Complaints

A formal complaint must meet the following requirements:

- Must be in writing and signed by the person or their representative and include the complainant's name, address and telephone number. A formal complaint of discrimination will also be acknowledged and processed if received by fax or e-mail.
- A formal complaint of discrimination received by telephone will be written down and provided to the complainant for confirmation or revision before processing.
- Must provide a detailed description of the issues including names, dates, and job titles of witnesses or those individuals perceived as parties in the complained of incident.

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

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

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

Acceptance of a complaint will be determined by:

- Whether the complaint is timely filed;
- Whether the allegations involve a covered basis such as race, color, national origin, age, disability, gender, income, or English proficiency;
- Whether the allegations involve a program or activity of a County sub-recipient, or contractor;

A complaint may be dismissed for the following reasons

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

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

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

Within 40 calendar days of the acceptance of the complaint, the investigator will prepare an investigative report for the Cattaraugus County Civil Rights Coordinator and/or the County Administrator. The report will include a narrative description of the incident, identification of persons interviewed, findings and

recommendations for disposition. The Cattaraugus County Civil Rights Coordinator and/or County Administrator will have 30 calendar days to prepare the final investigative report.

The County's final investigative report and a copy of the complaint will be forwarded to the appropriate Federal or State agency if required by law or by the terms of any grant agreement or other contract to which the County is a party .

The County will provide a copy of the final investigative report to the complainant within 10 calendar day after its completion.

If the final investigative report establishes that a County employee has discriminated against a person or class of persons, the County Administrator may direct the commencement of disciplinary action pursuant to NYS Civil Service Law Secs. 75 and 76 unless the employee is a member of a Collective Bargaining Unit. Employees who are members of a Collective Bargaining Agreement will be treated pursuant to negotiated disciplinary procedures of their respective Collective Bargaining Units.

See Appendices E and F, respectively, for our Complaint Form and the Complaint Log.

Section 9. Environmental Justice

Environmental justice and Title VI are both rooted in the same basic principle that no person should bear an unfair share of harm on account of their race, color or national origin. At its core, Title VI requires recipients of federal funding to ensure that their programs operate in a nondiscriminatory manner.

APPENDIX A

Cattaraugus County Title VI Assurances Statement

Cattaraugus County hereby gives the following assurances:

Elimination of Discrimination

That no person shall on the grounds of race, color, national origin, age, disability, gender, income or English proficiency, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by Cattaraugus County regardless of whether those programs and activities are federally funded or not. Additionally, Cattaraugus County programs and activities include, but are not limited to, monitoring and reporting of Minority/Women/Disadvantaged Business Enterprises (MW/DBE) participation, providing translations through our Limited English Proficiency (LEP) Program, and conducting public outreach and involvement in County projects.

Public Dissemination of Information

The Cattaraugus County Civil Rights Coordinator will disseminate the Title VI program information to County employees and the general public. County Departments are responsible for informing their sub-recipients, contracts and affected parties. Public dissemination efforts may include, but not limited to: posting public statements setting forth the County's nondiscrimination policy; inclusion of Title VI Assurances in County contracts and grant agreements; publishing our Title VI Policy Statement on the County's website; and including a Title VI Policy Statement in announcements of hearings and meetings.

Departmental Responsibilities

Each County Department is responsible for Title VI compliance for individual federal, state, and/or local programs, facilities, or projects. Compliance activities include, but are not limited to:

1. Ensuring each program and each facility will operate in compliance with all requirements imposed by or pursuant to Laws, Regulations or Executive Orders.

2. Ensuring that the following notification in all solicitations for bids for work or material subject to Title VI, and in adapted form, in all proposals for negotiated agreements:

“Cattaraugus County, in accordance with Title VI of the Civil Rights Act of 1964, and related Federal and State Laws, Regulations, and Executive Orders, hereby notifies all bidden that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged, women and 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, national origin, age, disability, gender, income or English proficiency.”

3. Ensure when Cattaraugus County receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

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

5. Specific to Cattaraugus County DPW federal aid projects, the DPW will include any and all required clauses related to Title VI, contracts, covenants running with the land, any deed from the United

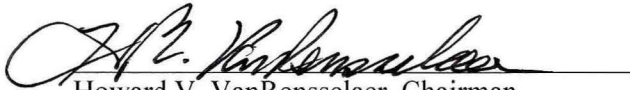
States effecting or recording a transfer of real property, structures, use or improvements, future deeds, leases, licenses, permits or similar instruments, as necessary.

6. Cattaraugus County will provide such methods of administration for the program to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, sub- contractors, 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.

7. Cattaraugus County agrees that the United States has the right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

By signing this ASSURANCE, Cattaraugus 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 Federal access to records, accounts, documents, information, facilities or staff. Cattaraugus County also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by a Federal or State agency. Cattaraugus County shall keep records, reports, and submit the material for review upon the request of a Federal or State agency, or its designee, in a timely, complete and accurate way. Additionally, Cattaraugus County shall comply with all other reporting, data collection, and evaluation requirements, as prescribed by law, regulation or detailed in program guidance.

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 Cattaraugus County and is binding on it, other recipients, sub-recipients, contractors, sub-contractors, transferees, successors in interest and assignees. The person whose signature appears below is authorized to sign this assurance on behalf of Cattaraugus County.



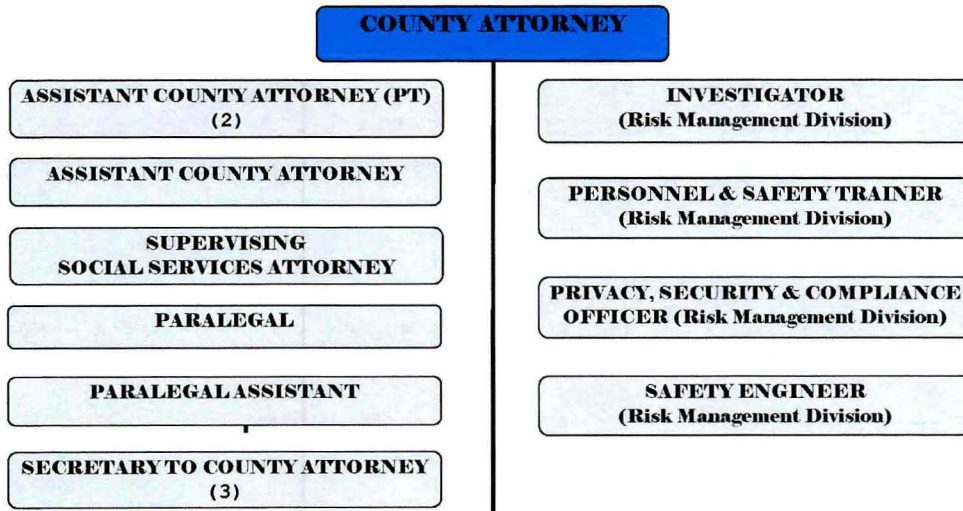
Howard V. VanRensselaer, Chairman
Cattaraugus County Legislature
Authorized by Act 468-2021 of the Cattaraugus County Legislature

Date 12-13-21

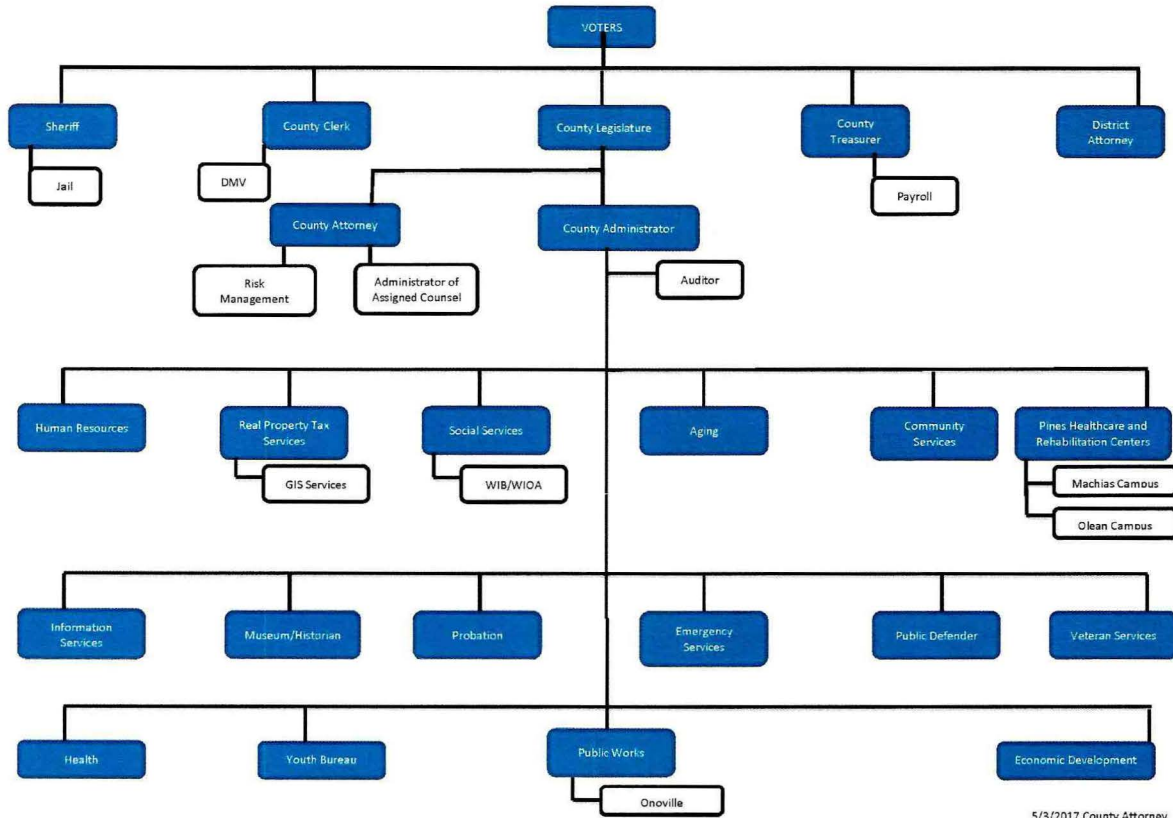
APPENDIX B
Cattaraugus County Organization Chart and
County Attorney's Office Organizational Chart

COUNTY ATTORNEY'S OFFICE

12 FULL-TIME and 2 PART-TIME POSITIONS



Cattaraugus County Organization Chart



5/3/2017 County Attorney

APPENDIX C
Cattaraugus County Title VI Notice to Public

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

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Cattaraugus County. Any such complaint must be in writing and filed with the Civil Rights Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office (303 Court St., Little Valley, NY 14755) at no cost to the complainant, or on our website at www.cattco.org, or by calling (716) 938-2280.

APPENDIX D

Cattaraugus County Title VI Sub-Recipient Monitoring and Guidance

The following information is to be provided to any and all sub-recipients, contractors, subcontractors, transferees, successors in interest and other participants that receive federal funding assistance through Cattaraugus County.

Dear Cattaraugus County Sub-Recipient,

Congratulations on being awarded federal funding through Cattaraugus County!

This document outlines the Nondiscrimination Title VI requirements that are a condition of receiving federal funding through Cattaraugus County. The federal regulatory authority for requiring nondiscrimination has its basis in Title VI of the Civil Rights Act of 1964, Executive Order 12898 {Environmental Justice (EJ)}, and Executive Order 13166 {Limited English Proficiency (LEP)}.

Cattaraugus County's Title VI Policy Statement

It is the policy of Cattaraugus County that no person shall on the grounds of race, color, national origin, age, disability, gender, income or English proficiency as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Executive Order 11246 Affirmative Action in Employment, Executive Order 12898 Environmental Justice (EJ), and Executive Order 13166 Limited English Proficiency (LEP), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. Cattaraugus 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.

Our policy of inclusion is meant for all individuals residing within, receiving services from, or employed with Cattaraugus County to enjoy an equal opportunity. Discriminatory practices, procedures and policies are prohibited. As such, all County Departments shall plan, develop, implement, operate and monitor their programs, services, activities so that no person is subjected to unlawful discrimination. Additionally, Cattaraugus County expects all of our partners, contractors, consultants, sub-recipients, community-based organizations, faith-based organizations and advocacy groups to give the County their full support and cooperation.

In the event that Cattaraugus County distributes federal aid funds to another entity, the County will include Title VI language in all written agreements and will monitor for compliance. Cattaraugus County's Title VI Non-Discrimination Policy applies to all of our programs, activities and services, regardless of funding source.

This policy shall be conspicuously placed on County bulletin boards, website, and made available to all organizations and entities doing business with Cattaraugus County. Any complaints involving allegations of discrimination should be sent to:

Cattaraugus County Compliance Officer/Civil Rights Coordinator
303 Court Street
Little Valley, New York 14755

Overview of Monitoring Requirements

As per Cattaraugus County's Title VI Policy and federal regulations regulating Cattaraugus County, Title VI provisions are a standard part of all agreements between Cattaraugus County and sub-recipients of federally funded programs. Cattaraugus County's Title VI monitoring process begins at the time of Agreement execution, continues during the duration of the project, and is completed when the project wraps up and the Agreement is expired.

During this time, Cattaraugus County monitors information provided by each sub-recipient, retaining the right to conduct an audit should Cattaraugus County suspect the sub-recipient is not in compliance. If Cattaraugus County determines that a sub-recipient is not in compliance with Title VI, the Civil Rights Coordinator and assigned staff will work with the sub-recipient to correct the deficiency. This may include providing technical assistance.

If the sub-recipient does not correct the deficiency, Cattaraugus County may take corrective action or implement other remedies as provided in the executed agreement. Specific requirements are detailed below:

- Complete a Post-Contracting Stage Title VI questionnaire at the completion of the project. Cattaraugus County uses the questionnaires to assess the [SUB-RECIPIENT]'s compliance with Title VI requirements.
- [SUB-RECIPIENT] shall provide Cattaraugus County with any additional information that Cattaraugus County requests in regard to Title VI compliance.
- [SUB-RECIPIENT] shall also permit Cattaraugus County to access its records up to and including accounting records that are pertinent to Cattaraugus County substantiating [SUB-RECIPIENT]'s compliance with Title VI.

Non-discrimination Policy, Statement, and Assurance

In order to reduce the administrative burden associated with this requirement, sub-recipients may adopt the Title VI agency/organization-wide nondiscrimination policy after the one developed by Cattaraugus County; however, sub-recipients that chose to adopt their own Title VI agency/organization-wide nondiscrimination policy must provide assurances that the agency/organization will not discriminate against any person in the performance of any federally assisted program on the basis of race, color, national origin, age, disability, gender, income or English proficiency.

Sub-recipient Statements of Nondiscrimination must include:

- The Statement of Nondiscrimination must state: "[SUB-RECIPIENT] assures that no person shall, on the grounds of race, color, national origin, age, disability, gender, income or English proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance."
- The Statement of Nondiscrimination may be more inclusive than the language listed above, but it cannot be more exclusive.
- If your agency/organization has not adopted the Title VI Nondiscrimination policy developed by Cattaraugus County and does not have an agency specific non-discrimination policy as stated in a Statement of Nondiscrimination, then [SUB-RECIPIENT] must notify Cattaraugus County prior to execution of the Agreement. If [SUB-RECIPIENT] does not develop and/or adopt such a policy and statement prior to the execution of the Agreement, then [SUBRECIPIENT] must use and adhere to Cattaraugus County's nondiscrimination policy and statement.

- Provide a written copy of [SUB-RECIPIENT]'s Statement of Nondiscrimination to Cattaraugus County upon completion of the post-contracting stage questionnaire.

Title VI Plan and Complaint Procedures

In order to reduce the administrative burden associated with this requirement, sub-recipients may adopt the Title VI Plan and Complaint Procedures after the one developed by Cattaraugus County; however, sub-recipients that chose to adopt their own Title VI Plan that includes a Public Participation Plan (PPP), a Limited English Proficiency (LEP) Plan, and a Title VI Complaint Procedure. The Title VI Plan, and its attendant parts, must comply with Federal guidelines regarding such plans. Sub-recipient Title VI Plan and Complaint Procedures must include:

- Provide a copy of the Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure and Complaint Form upon completion of the Post Contracting Stage Title VI Questionnaire.
- Make the Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure and Complaint Form publicly available, which includes posting each of these documents to [SUB-RECIPIENT]'s website if it has one, and informing attendees at any public meetings, hearings, or other events related to the work under the Agreement of their rights under Title VI and the procedures for filing a Title VI complaint.

If [SUB-RECIPIENT] does not have a federally compliant Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure, and Complaint Form then [SUB-RECIPIENT] must notify Cattaraugus County of this prior to the execution of the Agreement, and [SUB-RECIPIENT] must use Cattaraugus County's Title VI Plan, PPP, LEP Plan, and Complaint Procedure and Complaint Form.

[SUB-RECIPIENT] must notify Cattaraugus County in writing if a Title VI complaint is filed against it, within five (5) business days of [SUB-RECIPIENT] being notified of such complaint. The notification must be provided to Cattaraugus County even if the complaint is not in regard to work that [SUB-RECIPIENT] performed under the Agreement. The notification shall include the following information:

- Date complaint was filed
- Nature of complaint
- Who was involved
- What action has been taken to date
- Any outcome(s) to date, if applicable

Procurement - RFPs, RFQs, and Subcontracts

- If [SUB-RECIPIENT] has a federally compliant, competitive procurement process, the [SUBRECIPIENT] is required to provide a copy of the written procurement procedures to Cattaraugus County.
- If [SUB-RECIPIENT] does not have a federally compliant, competitive procurement process, the [SUBRECIPIENT] is required to follow Cattaraugus County procurement procedures.
- If, as part of the Agreement, the [SUB-RECIPIENT] enters into any subcontracts, leases, or other sub-agreements regarding the work under the Agreement, [SUB-RECIPIENT] must follow the requirements listed below. Include the [SUB-RECIPIENT]'s Statement of Nondiscrimination in all procurement documents, such as Request for Proposals (RFP), Request for Qualifications (RFQ), and other procurement documents that it issues under the Agreement.

- Include the [SUB-RECIPIENT]'s Statement of Nondiscrimination in all subcontracts, including those for materials and leases that it enters into under the Agreement.
- Include the following statement in all procurement documents, such as RFPs, RFQs, subcontracts, including those for materials and leases, and other similar documents that it issues under this Agreement.
- [SUB-RECIPIENT] is prohibited from excluding any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract made under the Agreement on the basis of race, color, gender, disability or national origin.

The provisions listed in this Attachment apply to every subcontractor hired by [SUBRECIPIENT] to perform work under the Agreement. [SUB-RECIPIENT] will ensure that all of its subcontractors are made aware of these requirements and will include these provisions as a part to any subcontract that [SUB-RECIPIENT] enters into under the Agreement.

If the Agreement does not call for subcontracted services, these requirements do not need to be followed.

Community/Public Engagement or Outreach

If [SUB-RECIPIENT] is required to perform any public meetings, engagement, or other community outreach as part of the work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to these events.

- Ensure that the meeting location, date, and time are selected in such a way as to not exclude a person from participation on the basis of race, color, national origin, gender, or disability.
- Inform attendees of their rights under Title VI.
- Ensure that all attendees are provided the opportunity to participate without regard to their race, color, national origin, age, disability, gender, income, or English proficiency.
- [SUB-RECIPIENT] shall submit to Cattaraugus County after every public meeting, engagement, or other community outreach a one-page summary that provides the following information:
 - Description of the purpose of the event.
 - Time, date, and location of the event.
 - Methods used to advertise the event.
 - Building, time and room where the event was held.
 - Note any special accommodations that were requested prior to or during the event. How the attendees were informed of their rights under Title VI including complaint procedures.
 - Number of attendees.

Websites

If [SUB-RECIPIENT] is required to develop or create a website as part of its work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to the website.

- [SUB-RECIPIENT] must design or create any website such that it includes a translator function so that the material included on the website can be translated into other languages.
- [SUB-RECIPIENT] must design or create any website so that it is in compliance with the Rehabilitation Act, 29 U.S.C. §§ 794 et seq., as amended, and the Americans with Disabilities

Act, 42 U.S.C. §§ 12101 et seq., as amended, and their implementing regulations, and that it adheres to the accessibility requirements set forth by the Federal government.

- [SUB-RECIPIENT] must design or create any website in adherence with Section 504 Standards of the Rehabilitation Act.

Printed Materials

If [SUB-RECIPIENT] is required to develop or create printed informational materials as part of its work under the Agreement, then [SUB-RECIPIENT] must ensure that all persons, including Limited English Proficiency (LEP) persons, are provided meaningful access, as it is defined under Title VI and related provisions, to the information contained in the printed materials.

- [SUB-RECIPIENT] will be required to develop any printed materials intended for public informational purposes (i.e. brochures and other promotional items) in such a way that these documents can readily be translated into other languages and/or formats upon request.

Sub-Recipient Deadlines

Provide the following documents to Cattaraugus County at the time indicated below:

- Project End
Completed Post-Contracting Stage Title VI Questionnaire
If [SUB-RECIPIENT] choose to follow their own (e.g.; Not Cattaraugus County's) Title VI Program and procurement process:
 - Statement of Nondiscrimination
 - Title VI Plan, including the PPP, LEP Plan, and Complaint Procedure and Complaint Form
 - Written procurement procedures
- After Each Public Meeting or Other Public Outreach Event
Submit one-page summary with required information outlined above.

POST-CONTRACTING STAGE TITLE VI QUESTIONNAIRE

As a recipient of Federal grant funding, Cattaraugus County is required to ensure that all of its sub-recipients on each of its projects are in compliance with Title VI and the rules, regulations, and executive orders that govern Title VI on federally funded projects. In order to ensure that the sub-recipients receiving funding from Cattaraugus County are in compliance, your organization must complete the following questionnaire in its entirety.

If you have any questions regarding this questionnaire, please contact Cattaraugus County's Civil Rights Coordinator at the address or phone number provided below. Please submit your completed questionnaire and all additional materials to Cattaraugus County's Civil Rights Coordinator:

Cattaraugus County Compliance
Officer/Civil Rights Coordinator
303 Court Street
Little Valley, New York 14755
Phone: (716) 938-2280

Cattaraugus County Sub-Recipient Title VI Questionnaire

As a recipient of Federal grant funding, Cattaraugus County is required to ensure that all of its subrecipients on each of its projects are in compliance with Title VI and the rules, regulation and executive orders that govern Title VI on federally funded projects. In order to ensure that the subrecipients that receive funding from Cattaraugus County are in compliance, your organization must complete the following questionnaire in its entirety. Please submit your completed questionnaire and all additional materials to Cattaraugus County's Civil Rights Coordinator within thirty (30) business days of completion of the project. If you have any questions regarding this questionnaire, please contact the Cattaraugus County Civil Rights Coordinator at the address or phone number provided below.

Cattaraugus County Compliance Officer/Civil Rights Coordinator
 303 Court St.
 Little Valley, NY 14755
 (716) 938-2280

DIRECTIONS: Please answer the following sections completely. If the question asks you to provide additional information please include it in the space provided or attach additional sheets with the section labeled. Attach all requested material to this questionnaire.

Section A: Title VI Discrimination Complaints

How many complaints were filed against your organization during the course of the project:

- | | | | |
|---------------------------|--------------|------------------|-------------------------------|
| _____ Age | _____ Color | _____ Disability | <input type="checkbox"/> None |
| _____ English Proficiency | _____ Gender | _____ Income | |
| _____ National Origin | _____ Race | | |

Please describe for each complaint:

N/A

Date	Nature of complaint (see above)	Who was involved	Action taken	Outcome

Cattaraugus County Sub-Recipient Title VI Questionnaire Con't.

Section B: Public Engagement/Outreach

Describe the public engagement process, community outreach activities or similar public events as part of work under the Agreement. Include attachments and supplemental information as necessary.

Please describe for each event:

None

Purpose of Event	Date/Time/Location	Advertising Method(s)	Special Accommodation(s) Requested	# Attendees

Section C: Subcontracting, Leasing, Purchasing

Identify if you had any subcontractors, leases or other sub agreements that were entered into regarding the work under this Agreement. Include attachments and supplemental information as necessary.

Please describe for each Sub-Recipient:

None

Sub-Recipient Name & Contact Info	DBE			MBE			WBE		
	Contract Goal	Actual #	Certified Registered	Contract Goal	Actual #	Certified Registered	Contract Goal	Actual #	Certified Registered

Section D: Non-Discrimination Policy, Statement and Assurance

Adopt Cattaraugus County Nondiscrimination Policy: Yes No

If no, did you adopt your own Nondiscrimination Policy with assurances you will not discriminate against any person on the basis of race, color, national origin, age, disability, gender, income or english proficiency? Yes No

Project Name: _____

Project Completion Date: _____

Printed Name: _____

Title: _____

Signature: _____

Date: _____

APPENDIX E
Cattaraugus County Discrimination Complaint Form

(English and Spanish versions)

CATTARAUGUS COUNTY

Discrimination Complaint Form

Section 1		
Name:	Phone #:	
Address:	Email:	
Accessible Format Requests: <input type="checkbox"/> Large Print <input type="checkbox"/> Audio Tape <input type="checkbox"/> Other:		
Section 2		
Are you filing this complaint on your own behalf?	<input type="checkbox"/> Yes* <input type="checkbox"/> No	*If yes, go to Section 3.
If you answered No, please write the Name and Relationship of the person for whom you are complaining:		
Please explain why you have filed for a third party:		
Please confirm that you have obtained permission from the aggrieved party if you are filing on behalf of a third party:		<input type="checkbox"/> Yes <input type="checkbox"/> No
Section 3		
I believe the discrimination I experienced was based on (Check all that apply and fill out):		
<input type="checkbox"/> Race/Color or Ethnicity Please Specify:	<input type="checkbox"/> National Origin Please Specify:	
<input type="checkbox"/> Age Date of Birth:	<input type="checkbox"/> Disability Please Specify:	
<input type="checkbox"/> Sex/Gender Please Specify:	<input type="checkbox"/> Income Please Specify:	
<input type="checkbox"/> English Proficiency Please Specify:	<input type="checkbox"/> Retaliation/Other Please Specify:	
Date(s)/Time(s) of Alleged Discrimination (Month, Day, Year): _____		
Who allegedly discriminated against you?		
Name	Title (if applicable)	Contact Info
If an organization, what is its name?		
Name of Organization	Contact Info	Name of Contact

CATTARAUGUS COUNTY

Discrimination Complaint Form Con't.

Section 3 Con't.		
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known). You may write any witnesses and their contact information in here or list below. Please describe the location of the alleged discrimination. If more space is needed, please use the back of this form.		
Please list any witnesses to the alleged discrimination:		
Name	Title	Contact Info
Section 4		
Have you previously filed a Title VI complaint with us?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you filed this complaint with any other Federal, State or local agency or Court?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, please list, with contact information: _____		
Do you have an attorney in this matter?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, please list, with contact information: _____		
What is the resolution you are seeking in this matter? _____		

You may attach any written materials or other information you think is relevant to your complaint.

Signature

Date

Please submit this form in person or via mail to the address below:

Cattaraugus County Civil Rights Coordinator
303 Court St.
Little Valley, NY 14755
(716) 938-2280

Condado de Cattaraugus

Formulario de Queja de Discriminación

Sección 1			
Nombre:	Teléfono #:		
Dirección:	Correo electrónico:		
Solicitud de formato accesible: <input type="checkbox"/> Impresión grande <input type="checkbox"/> Cinta de audio <input type="checkbox"/> Otro			
Sección 2			
¿Está presentando esta queja en su propio nombre?	<input type="checkbox"/> Sí	<input type="checkbox"/> No	* En caso afirmativo, vaya a la Sección 3.
Si respondió No, por favor escriba el Nombre y la Relación de la persona por quien usted se está quejando:			
Por favor, explique por qué ha presentado un tercero:			
Por favor, confirme que ha obtenido el permiso de la parte agraviada si está presentando en nombre de un tercero:			<input type="checkbox"/> Sí <input type="checkbox"/> No
Sección 3			
Creo que la discriminación que experimenté se basó en (Marque todas las que apliquen y rellene):			
<input type="checkbox"/> Raza / Color o Etnia Por favor específica:	<input type="checkbox"/>	<input type="checkbox"/> Origen Nacional Por favor específica:	
<input type="checkbox"/> Años Fecha de nacimiento:		<input type="checkbox"/> Discapacidad Por favor específica:	
<input type="checkbox"/> Sexo / Género Por favor específica:		<input type="checkbox"/> Ingresos Por favor específica:	
<input type="checkbox"/> Dominio del Inglés Por favor específica:		<input type="checkbox"/> Represalias / Otros Por favor específica:	
Fecha (s) / Hora (s) de Presunta Discriminación (Mes, Día, Año):			
¿Quién supuestamente discriminó contra usted?			
Nombre	Título (si procede)	Datos de contacto	
Si una organización, ¿cuál es su nombre?			
Nombre de la organización	Datos de contacto	Nombre del contacto	

Condado de Cattaraugus

Formulario de Queja de Discriminación

Sección 3 Continuación		
Explique lo más claramente posible lo que sucedió y por qué cree que fue discriminado. Describa a todas las personas involucradas. Incluya el nombre y la información de contacto de la persona (s) que discriminó (si se conoce). Puede escribir cualquier testigo y su información de contacto aquí o en la lista a continuación. Describa la ubicación de la supuesta discriminación. Si necesita más espacio, utilice la parte posterior de este formulario.		
Por favor escriba cualquier testigo de la discriminación que se alega:		
Nombre	Título	Datos de contacto
Sección 4		
¿Ha presentado anteriormente una queja de Título VI con nosotros?	<input type="checkbox"/> Sí	<input type="checkbox"/> No
¿Ha presentado esta queja ante cualquier otra agencia o tribunal federal, estatal o local?	<input type="checkbox"/> Sí	<input type="checkbox"/> No
En caso afirmativo, sírvase enumerar, con información de contacto: _____		
¿Tiene un abogado en este asunto?	<input type="checkbox"/> Sí	<input type="checkbox"/> No
En caso afirmativo, sírvase enumerar, con información de contacto: _____		
¿Cuál es la resolución que está buscando en este asunto?		

Usted puede adjuntar cualquier material escrito u otra información que considere relevante para su queja.

Firma

Fecha

Por favor envíe este formulario en persona o por correo a la siguiente dirección: Coordinador de Derechos Civiles del Condado de Cattaraugus
303 Court St.
Little Valley, NY 14755 (716) 938-2280

APPENDIX F
Cattaraugus County Discrimination Complaint Log

Cattaraugus County Title VI Complaint Log

				Reporting Year
Case #	Name	Address		
Status of Complainant:				
Race/Color or Ethnicity		National Origin		Age
Disability	Sex/Gender	Income	English Proficiency	
Nature of Complaint (If more space is needed, attach additional sheets)				
Recipient (Processor of Complaint)	Date Filed	Date Investigation Completed	Date of Disposition	
Disposition (If more space is needed, attach additional sheets)				

Case #	Name	Address		
Status of Complainant:				
Race/Color or Ethnicity		National Origin		Age
Disability	Sex/Gender	Income	English Proficiency	
Nature of Complaint (If more space is needed, attach additional sheets)				
Recipient (Processor of Complaint)	Date Filed	Date Investigation Completed	Date of Disposition	
Disposition (If more space is needed, attach additional sheets)				

Cattaraugus County Title VI Complaint Log Con't.

Page ____ of ____

Case #	Name	Address	
Status of Complainant:			
Race/Color or Ethnicity		National Origin	Age
Disability	Sex/Gender	Income	English Proficiency
Nature of Complaint (If more space is needed, attach additional sheets)			
Recipient (Processor of Complaint)	Date Filed	Date Investigation Completed	Date of Disposition
Disposition (If more space is needed, attach additional sheets)			

Case #	Name	Address	
Status of Complainant:			
Race/Color or Ethnicity		National Origin	Age
Disability	Sex/Gender	Income	English Proficiency
Nature of Complaint (If more space is needed, attach additional sheets)			
Recipient (Processor of Complaint)	Date Filed	Date Investigation Completed	Date of Disposition
Disposition (If more space is needed, attach additional sheets)			

APPENDIX G
DPW Special Emphasis Area & Federal Funded Contract Supplemental Documents

(Applies to DPW only)

APPENDIX H-1

Standard Title VI/Non-Discrimination Assurances

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

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these 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 projects.

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

"Cattaraugus County in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C. § 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the *grounds of race, color, or national origin in consideration for an award.*"

3. The Recipient will insert the clauses of Appendix H-3 and H-7 of this Assurance in every contract or agreement subject to the Acts and the Regulations.

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

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

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

7. That the Recipient will include the clauses set forth in Appendix H-5 and Appendix H-6 of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

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

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

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

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

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

By signing this ASSURANCE, Cattaraugus 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 NYS DOT access to records, accounts, documents, information, facilities, and staff.

You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the NYS DOT. You must keep records, reports, and submit the material for review upon request to NYS DOT, or its designee in a timely, complete, and accurate way.

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

Cattaraugus County gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-aid program. This ASSURANCE is binding on the State of New York, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-aid program.

The person signing below is authorized to sign this ASSURANCE on behalf of Cattaraugus County.

CATTARAUGUS COUNTY



Howard V. VanRensselaer, Chairman

Cattaraugus County Legislature

Authorized by Act 468-2021 of the Cattaraugus County Legislature

Dated 12-13-21

APPENDIX H-2

Title VI Program Specialists

In addition to appointing a Civil Rights Coordinator, Cattaraugus County has proactively assigned several Title VI Program Specialists to monitor the Cattaraugus County Department of Public Works (DPW) special emphasis program areas. The emphasis program areas of DPW are: Planning, Environment, Design, Right-of-Way, Construction, Maintenance, and Safety. The County personnel to contact for these areas are noted below.

Contract Compliance – This will be the responsibility of the DPW Commissioner or his or her designee.

Consulting/Professional Services (Consisting of Engineering Services, Design, Construction, Maintenance, Right-of-Way, and Environmental Services) will be handled by the Engineering Division staff of Cattaraugus County DPW.

Safety will be handled by the Risk Management staff with Cattaraugus County's Human Resource Department.

Special Emphasis Program Areas

A. Planning

1. Planning and Program Development

Develop near-term and long-term strategies to maintain and enhance the quality and safety of Cattaraugus County's transportation and infrastructure. The County staff person responsible for this is the DPW Commissioner or his or her designee.

2. Title VI Responsibilities

- Ensure that all aspects of the transportation planning process comply with Title VI.
- Ensure participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information, where possible, to minority media and ethnic organizations and participating in roundtable meetings in minority and low-income communities when applicable.
- Work with community based organizations (CBOs) and/or Faith Based Organizations (FBO) to ensure equal participation. If an organization collects information regarding their selection process for members and to furnish information on membership make up (race, gender, and position within the organization) for evaluation, request documentation of it.
- Visit CBO and FBO public meetings, when appropriate, to verify the level of participation of Title VI protected group members when offered in predominantly minority or low-income communities.
- Assist the Civil Rights Coordinator in gathering and organizing information for internal annual Title VI Update Reports.

B. Environmental Services

1. Consultant Contracts Administration

Identify the needs for each federally-funded project, ensure they are met in the contract, and ensure consultant compliance to the satisfaction of Cattaraugus County. The County staff person responsible for this is the DPW Commissioner or his or her designee.

2. Authorities:

48 CFR 31; 23 CFR 172

National Environmental Policy Act of
1969, 42-USC-4321 23 CFR Part 771

40 CFR Part 1500
49 CFR Part 622
EO 12898

3. Consultant Selection Process

Utilizing a qualification-based selection process, Cattaraugus County selects the appropriate consultants for the project. Title VI nondiscrimination provisions will be incorporated into all written contracts and materials in this process.

4. Environmental Process

Work with neighborhood stakeholders and community groups to ensure that all affected residents have opportunities to participate in the planning, design and construction of transportation projects.

5. Environmental Justice Outreach

Public Involvement in the area of Environmental Justice will be achieved through outreach measures that assure meaningful involvement of minority and low-income populations. This will be achieved through a variety of measures, including but not limited to:

- Obtaining U.S. Census Data and data from the local School District to identify minority and low-income populations to determine impacts during the initial stages of project planning. Further analyze this data using additional sources, including area community, religious, and business associations, school districts, senior citizen groups, and economic development organizations.
- Inviting a cross section of the populace from social, economic, and ethnic groups in the planning process through written information in local newspapers and where possible, minority news media. Create notices that attract attention and are in layman's terms.
- Holding meetings at a variety of times during the day and providing various locations to facilitate access and participation by target populations.
- When necessary, translate documents, notices and hearings for limited English-speaking populations.
- Document all evidence to support conclusions regarding Environmental Justice issues. Detail all efforts taken to identify minority or low-income populations affected by transportation planning activities.

6. Title VI Responsibilities

- Comply with Title VI requirements in all aspects of the environmental process, including Environmental Justice and Limited English Proficiency requirements.
- Conduct meetings to review the project impact.
- Disseminate to the public their right to call or write the department to view plans and discuss environmental problems.
- Ensure DBE goal attainment.
- Notify protected group residents of public meetings or hearings regarding a proposed project. Ensure time and location for public meetings or hearings is accessible.
- Ensure participation of all segments of the impacted population in the location selection process.
- Ensure that all federally funded contracts administered by this section have the appropriate Title

VI documents enclosed. See Appendix H for these documents.

- Assist the Civil Rights Coordinator in gathering and organizing information for internal annual Title VI Update Reports.

C. Engineering Services

1. Engineering Services

Engineering services assess Cattaraugus County's infrastructure and prepares plans for construction, design, and repair. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers, when available, and selection of accessible location and time for public hearings or meetings. The County staff person responsible for this is the DPW Commissioner or his or her designee.

2. Authorities

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law,; Title 23, U.S.C 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); among others.

3. Design Process

Economic, social, topographic, and environmental impacts of a proposed project are key factors weighed in the location consideration. Special efforts in the area of Environmental Justice will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

4. Construction Engineering

Construction engineering deals with the designing, planning, construction, and management of infrastructures such as highways, bridges, airports, railroads, buildings, and utilities. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

5. Authorities

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, , among others.

6. Construction Process

Construction Engineering is responsible for new construction and maintaining Cattaraugus County roads and bridges by using the resources of contractors, equipment, and materials in the most economical way. Construction Engineering provides guidance and oversight for the administration of transportation construction projects. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

7. Title VI Responsibilities

- Ensure that all aspects of the location selection process comply with the Title VI requirements.
- Consult and seek input from affected populations.
- Develop mechanisms to identify affected populations.
- Provide notice of public meetings in minority newspapers and newsletters when appropriate.
- Maintain required Title VI compliance documentation and statistical data. Gather statistical data on race, color, national origin, age, disability, gender, income, and English proficiency for program requirements.
- Ensure through reviews that prime contractors with DBE requirements award previously committed work to proper DBEs and that DBEs actually perform commercially useful functions on contracts.
- Assist the Civil Rights Coordinator in gathering and organizing information for internal annual Title VI Update Reports.

D. Right-of-Way

1. Right-of-Way Programming

Right-of-way programming involves monitoring and administering construction and obstructions in the right-of-way. Right-of-Way programming is handled by the Cattaraugus County Department of Public Works and involves inspections and compliance measures in the right-of-way. The County staff person responsible for this is the DPW Commissioner or his or her designee.

2. Authorities:

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, 23 CFR 130, 49 CFR 24, among others.

3. Acquisition Process

The guidelines in the NYS Highway Law, NYSDOT Procedures for Locally Administered Federal Aid Projects, and Eminent Domain Procedure Law are followed for property acquisition as well as all applicable laws and regulations, including Title VI and Section 504. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management.

4. Title VI Responsibilities

- Implement Title VI provisions within the real estate acquisition process.
- Incorporate Title VI language and assurance statements in all surveys of property owners and

tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.

- Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- Maintain statistical data including race, color, national origin, age, disability, gender, income, and English proficiency on all relocatees affected by federally funded projects.
- Assist the Civil Rights Coordinator in gathering and organizing information for internal annual Title VI Update Reports.

E. Contract Compliance

1. Contract Compliance

Contract compliance ensures that that Cattaraugus County's contractors are complying with standards regarding nondiscrimination and equal opportunity employment. It includes provisions that Cattaraugus County may not discriminate in any programs or services on the basis of race, color, national origin, age, disability, gender, income or English proficiency; must accept applications from women and minorities; must solicit bids for contract work from Disadvantaged Business Enterprise (DBE) businesses; and follow fair hiring, retention, and promotion policies. The County staff person responsible for this is the DPW Commissioner or his or her designee.

2. Authorities:

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, NYS Civil Service Law, Cattaraugus County Civil Service Law, Rules of the Classified Service of Cattaraugus County, among others.

3. Title VI Responsibilities

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

APPENDIX H-3 SUPPLEMENTAL TITLE VI PROVISIONS (CIVIL RIGHTS ACT)

(To be included in all Federal Aid contracts)

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

1. Compliance with Regulations: The contractor shall comply with the Regulation relative to nondiscrimination in Federally assisted programs of the Department of Transportation of the United States, Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter

“FHWA”) Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, religion, age, color, sex or national origin, sex, age, and disability/handicap 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 49 CFR, 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, sex, age, and disability/handicap.

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 NYSDOT or the FHWA 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 NYSDOT's Office of Civil Rights or FHWA, 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, NYSDOT shall impose such contract sanctions as it or the FHWA 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 directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as NYSDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: 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 NYSDOT to enter into such litigation to protect the interests of NYSDOT, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX H-4 DEED CLAUSES

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interests when Federal aid is utilized, pursuant to the provisions of the Title VI Assurances.

GRANTING CLAUSE

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that Cattaraugus County will accept title to the lands and maintain the project constructed thereon in accordance with the Cattaraugus County Legislature, the Regulations for the Administration of Federal Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Cattaraugus County all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

HABENDUM CLAUSE

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

Cattaraugus County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that

- no person will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]*
- (2) that Cattaraugus County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and
- (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

APPENDIX H-5
CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by Cattaraugus County pursuant to the provisions of the Title VI Assurances.

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

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

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

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

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

APPENDIX H-6
CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY
ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by Cattaraugus County pursuant to the provisions of the Title VI Assurances.

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

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

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

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

APPENDIX H-7

FEDERAL AID CONTRACT LANGUAGE

The following language will be included in all federal aid contracts:

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

- 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 non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).