BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION ADOPTING THE SARPY COUNTY POLICY ON AMERICANS WITH DISABILITIES ACT/SECTION 504 OF THE REHABILITATION ACT OF 1973, THE SARPY COUNTY TITLE VI PLAN, AND LIMITED ENGLISH PROFICIENCY PLAN

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, certain transportation facilities (roads, streets, etc.) in Sarpy County have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto; and,

WHEREAS, Sarpy County desires to continue to participate in Federal-Aid transportation construction programs; and,

WHEREAS, the Nebraska Department of Roads, as a recipient of said federal funds, is charged with oversight of the expenditures of said funds; and,

WHEREAS, Sarpy County, as a sub-recipient of said Federal-Aid funding, is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, and the Americans With Disabilities Act/Section 504, the Title VI Compliance Plan of Sarpy County and the Limited English Proficiency (LEP) Plan of Sarpy County; and,

WHEREAS, Sarpy County understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in Sarpy County being required to repay some or all of the federal funds expended for a project(s).

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board hereby binds itself to comply with all applicable federal laws, including the rules and regulations of the Federal Highway Administration, all applicable state laws and rules and regulations (Nebraska Administrative Code), and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads.

BE IT FURTHER RESOLVED that this Board approves and adopts Attachment "A" Sarpy County Policy on Americans With Disabilities Act/Section 504 and Attachment "B" Title VI Compliance Plan of Sarpy County and Attachment "C" Limited English Proficiency Plan for Sarpy County.

The above and foregoing Resolution was duly approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on this 24th day of January, 2012.

ATTEST:

DEBRA L. HOUGHTALING, COUNTY CLERK
SEAL
SARPY COUNTY, NEBRASKA

Sarpy County Board Chairman

Sarpy County Clerk

Attachment A

(ADA) PLAN
FOR SARPY COUNTY, NEBRASKA

SECTION 504 – REHABILITATION ACT OF 1973
AMERICANS WITH DISABILITIES ACT OF 1990

JANUARY 2012

POLICY STATEMENT

Sarpy County will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Sarpy County further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source. A disabled person is defined as any person who:

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a record of such impairment, or
- Is regarding as having such an impairment

AUTHORITIES

Section 504 of the Rehabilitation Act of 1973, as amended, provides that "No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

29 USC 794 (October 29, 1992 to the Rehabilitation Act of 1973) substitutes "a disability" for "handicaps" and "disability" for "handicap."

49 CFR Part 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, "This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance."

49 CFR Part 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, "This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States."

28 CFR Part 35 (Judicial Administration) states that: "The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.

49 CFR Part 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, "The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits or, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

49 CFR Part 28-140 (Employment) states that, "(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department," and "(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities.

29 CFR Part 1613 (Equal Employment Opportunity in the Federal Government) states that: "It is the policy of the Government of the United States...to provide equal opportunity in employment for all persons to prohibit discrimination in employment because of race, color, religion, sex, or national origin

and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency."

42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."

ORGANIZATION

Karen Buche, Human Resource Director will serve as Sarpy County's ADA and Section 504 Compliance Coordinator. The Human Resource Director will rely on other key staff members, including Facilities Management Director Ross Richards, County Engineer Denny Wilson, Deputy County Attorney John Reisz, and Deputy County Administrator Scott Bovick for assistance and support in the development, implementation, and monitoring of the County's Plan.

SECTION 504/ADA COORDINATOR RESPONSIBILITIES

1. Serve as principal coordinator for ADA programs, policies, and procedures;
2. Publicize the contact information of the designated ADA Coordinator;
3. Monitor and ensure compliance with ADA/504 and identify shortcomings and develop remedies
4. Coordinate complaint procedures to ensure due process and provide prompt resolutions
5. Conduct annual reviews and prepare annual reports of accomplishments and problem areas
6. Coordinate and conduct training programs and provide assistance to managers and employees
7. Identify, investigate, and eliminate ADA/504 discrimination when found to exist

SECTION 504/ADA NOTICE TO PUBLIC

Sarpy County does not discriminate on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations and also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator.

Name and Title: Karen Buche
Phone Number (Voice/TDD): (402) 593-4485
Office Address: 1210 Golden Gate Drive, Papillion, NE 68046
Days/Hours Available: 9:00 a.m. to 4:00 p.m., Monday through Friday

SECTION 504/ADA SELF-EVALUATION

Sarpy County will complete a self-evaluation by December 1, 2012

SECTION 504/ADA TRANSITION PLAN

Sarpy County will complete a transition plan by December 1, 2012

COMPLAINT PROCEDURES

1. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 60 days after:
   a) The date of alleged act of discrimination; or
   b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

   In either case, Sarpy may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of Sarpy, the person shall be interviewed by the ADA/504 Coordinator. If necessary, the ADA/504 Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to Sarpy's investigative procedures.
4. Within 15 calendar days, the ADA/504 Coordinator will acknowledge receipt of the allegation and inform the complainant of procedures to be followed.
5. Within 90 calendar days, the ADA/504 Coordinator will conduct an investigation of the allegation and will render a final decision for action in a report of findings. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings. The ADA/504 Coordinator will notify the complainant in writing of the final decision reached and will advise the complainant of his/her appeal rights.

REASONABLE ACCOMODATION PROCEDURES

Title I of the ADA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship. In general an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

Sarpy County will make reasonable accommodations for the impairments of qualified individuals with disabilities, consistent with the qualifications required for the essential functions of a particular job, unless the accommodation would cause undue hardship to the County.

ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Sarpy County, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified disable person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives benefits from this federal financial assistance.

Sarpy County further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35, and 42 USC 12101-12213.

ATTACHMENT B

TITLE VI PLAN
FOR SARPY COUNTY, NEBRASKA

JANUARY 2012

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I. POLICY STATEMENT, AUTHORITIES AND CITATIONS

A. Policy of Nondiscrimination

Sarpy County, Nebraska, the Local Public Agency (LPA), hereinafter referred to as "Sarpy," assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. Sarpy further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event Sarpy distributes Federal aid funds to another entity, Sarpy will include Title VI language in all written agreements and will monitor for compliance. The Title VI Coordinator, in the Sarpy County Human Resources Office, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

B. Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.
The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are Federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

C. Additional Citations

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3

II. ORGANIZATION, STAFFING AND STRUCTURE

A. Staffing and Structure

Title VI Coordinator: Karen Buche, Human Resources Director, serves as the Sarpy County Title VI Coordinator, responsible for performing the duties of the Title VI Coordinator and ensuring implementation of Sarpy County's Title VI Federally Funded Transportation Program.

Title VI Specialists: Additionally, Sarpy has designated Title VI Specialists (Specialists) to work in concert with the Title VI Coordinator. These key programs or department areas are subject to receiving Federal assistance through grants or other types of transportation related funding, or are responsible for implementing Sarpy directives and policies to ensure civil rights compliance and equal opportunity. The Specialists will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances, meet the objectives of the Title VI Plan, meet Federal and state reporting requirements, and provide adequate training opportunities for applicable staff.
Title VI Specialists will work with the Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Specialists will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, and sex of participants in, and beneficiaries of, federally funded transportation programs. Each of the Specialists will maintain data relative to their respective special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

Title VI Specialists and their Official Job Title:
Linda Welles, Senior Administrator, Human Resources Department
Dannielle McKulsky, Public Works Department

III. TITLE VI PLAN IMPLEMENTATION AND PROGRAM ADMINISTRATION

Title VI Coordinator's Responsibilities and Program Administration
The Title VI Coordinator is responsible for initiating, monitoring, and ensuring Sarpy compliance with Title VI requirements as follows:

1. **Program Administration.** Administer the Title VI program, coordinate implementation of the plan, ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required.
2. **Complaints.** Review written Title VI complaints following the adopted procedural guidelines (see Section IV – Complaint Procedures) and ensure every effort is made to resolve complaints informally at the local level.
3. **Data Collection**. Review the statistical data gathering process performed by Title VI Specialists periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration. (See Section VII - Special Emphasis Program Areas).
4. **Environmental Impact Statements.** Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) for projects receiving Federal Highway Administration or other Federal assistance.
5. **Training Programs.** Conduct or facilitate training programs on Title VI issues and regulations for LPA employees; and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update.
6. **Title VI Plan Update.** Review and update the Title VI Plan as needed or required. Present updated plan to the Board of Commissioners for approval; submit amended Plan to NDOR.
7. **Annual Accomplishment Report**. Prepare annual report of Title VI accomplishments and program changes in the preceding federal fiscal year, identify goals and objectives for the upcoming year, and submit by July 31.
8. **Public Dissemination.** Work with staff to develop and disseminate Title VI program information to employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the Title VI Policy Statement in newspaper(s) and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure full utilization of available minority publications or media and where appropriate provide written or verbal information in languages other than English.
9. **Elimination of Discrimination.** Work with other Sarpy offices to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Sarpy processes.
10. **Maintain Legislative and Procedural Information**. Federal laws, rules and regulations, NDOR guidelines, the current Sarpy Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of Sarpy's Title VI program will be maintained and updated by the Coordinator and made available to the public as requested or required.

IV. DISCRIMINATION COMPLAINT PROCEDURES – ALLEGATIONS OF DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with Sarpy. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to Sarpy's Title VI Coordinator for review and action.
2. In order to have the complaint considered the complainant must file the complaint no later than 180 days after:
   a) The date of alleged act of discrimination; or
   b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

   In either case, Sarpy may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed

discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of Sarpy, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to Sarpy's investigative procedures.

4. Within 15 calendar days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOR and USDOT.
5. Sarpy will advise NDOR, or Office of Civil Rights for non-transportation related issues, within 15 calendar days of receipt of the allegations. The following information will be included in every notification to NDOR:
   a) Name, address, and phone number of the complainant.
   b) Name(s) and address(es) of alleged discriminating official(s) and basis of complaint (i.e., race, color, national origin or sex)
   c) Date of alleged discriminatory act(s), date of complaint received by Sarpy, and a statement of the complaint.
   d) Other agencies (state, local or Federal) where the complaint has been filed.
   e) An explanation of the actions Sarpy has taken or proposed to resolve the issue raised in the complaint.
6. NDOR will forward the complaint to the FHWA Office of Civil Rights.
7. Within 90 calendar days, the Title VI Coordinator will conduct an investigation of the allegation and will render a final decision for action in a report of findings. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings. The Title VI Coordinator will notify the complainant in writing of the final decision reached and will advise the complainant of his/her appeal rights with NDOR, or USDOT. The Title VI Coordinator will also provide NDOR with a copy of this decision and summary of findings upon completion of the investigation.
8. In instances where it is inappropriate for Sarpy County to conduct its own investigation, the following Title VI administrative jurisdictions will conduct the investigation:

NDOR Human Resources, Title VI Program	FHWA Nebraska Division Office
1500 Highway 2, P.O. Box 94759	100 Centennial Mall North
Lincoln, NE 68509-4759	Lincoln, NE 68508
(402) 479-4870	(402) 437-5765

V. SUB-RECIPIENT REVIEW AND REMEDIAL ACTION PROCEDURES

1. **Title VI Review of Sub-recipients of Federal-Aid Highway Funds.** The Coordinator will assist NDOR to periodically conduct Title VI compliance reviews in which staff will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements (see Section VI). Sarpy will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.
2. **Post-Grant Reviews.** The Coordinator will collaborate with staff to conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements (see Section VI). Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.
3. **Remedial Action.** When irregularities occur in the administration of Federal-aid highway programs at either the Sarpy or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. Sarpy will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. Sarpy will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient. When conducting Title VI compliance reviews, Sarpy will reduce to writing any recommended remedial action agreed upon by Sarpy and sub-recipient, and provide a copy of the letter within a period not to exceed 45 calendar days.
4. Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 calendar days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Sarpy will submit to NDOR and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance.
5. A follow-up review will be conducted within 180 calendar days of the initial review to ascertain if the sub-recipient has complied with Title VI Program requirements in correcting deficiencies. If the sub-recipient refuses to comply, Sarpy and NDOR may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

VI. TITLE VI IMPLEMENTATION ACTIVITIES IN SPECIAL EMPHASIS PROGRAM AREAS

A. Planning & Location Activities

1. **Planning Process.** Sarpy County Public Works has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to Sarpy citizens. Sarpy County Public Works annually updates and coordinates Sarpy's One and Six Year Plan for transportation improvement programs and projects. The update also informs other Sarpy jurisdictions of the current planning direction for transportation needs. Projects included in the update are the result of evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from various divisions in Sarpy, cities, local jurisdictions and organizations, citizen groups, and private individuals.
2. **Public Involvement in Planning Activities & Title VI**
   a) Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning boards, and requesting involvement.
   b) Sarpy staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to Title VI Coordinator after each meeting.
   c) To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout Sarpy, translation services will be available if anticipated, and public meetings will be held in areas of high minority concentration when a project will specifically impact that area.

B. Consultant Contracts Activities

1. **Consultant Selection Process.** Sarpy County Public Works staff will request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to public works projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or SEPA documents for public works projects. Consultant selection from the certified list maintained by the Sarpy County Public Works adheres to Nebraska State regulations as established in the NDOR LPA Manual and is consistent with Sarpy vendor policies.
2. **Title VI Assurances and Provisions**
   a) Include Title VI assurances and provisions language in all federally funded consultant contracts. Periodically review documents and language to ensure compliance with current laws and regulations. Provide a copy of the form of the contract to the Coordinator, and any amendments or updates that may occur over time.

C. Design & Engineering / Environmental Activities

1. **Design /Environmental Review Process and Title VI**
   a) Depending on the scope, complexity, and impacts of a project, a National Environmental Policy Act (NEPA), NEPA Categorical Exclusion, NEPA Environmental Assessment, State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non Significance, or NEPA and/or SEPA Environmental Impact Statement will be completed.
   b) Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. Provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator; including updated summary lists as applicable. Incorporate into the review process adequate time for the Coordinator to review and comment, as applicable, on the draft EIS/EIA to ensure there are no violations of the Federal Civil Rights Act, as amended, as a result of the LPA's Federal-aid highway activities.
   c) In order to ensure dissemination of information and foster participation from affected populations, Sarpy staff will place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominantly minority communities. Ensure the public has

information pertaining to their rights to call or write Sarpy to view plans and discuss environmental problems.

d) Staff will obtain demographic data at community meetings and public hearings pertaining to the transportation design phase. Data will be gathered through use of a voluntary sign-up form which includes race, gender, and national origin. Copies of the voluntary self-reporting forms will be provided to the Coordinator after each meeting.

e) Staff shall provide a copy of the Annual Construction Report to the Title VI Coordinator in or around April of each year. The Coordinator shall work with Sarpy GIS to generate a map of the federally funded transportation projects to include demographic data of the neighborhoods affected by the projects.

D. Right-of-way Activities

1. **Real Property Services.** Sarpy County Public Works and Sarpy County Attorney's Office manages and coordinates the appraisal and acquisition of real property and relocation assistance services for projects. 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.
2. **Right-of-way Activities and Title VI**
   a) Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements.
   b) Follow adopted vendor procurement policies in the acquisition of contracted services.
   c) Utilize current directories identifying fee appraiser organizations and the Nebraska Department of Roads' list of certified fee appraisers when seeking services. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.
   d) 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.
   e) Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
   f) Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
   g) Maintain statistical data including race, color, national origin, and sex on all relocatees affected by federally funded projects and provide detailed data quarterly to the Title VI Coordinator.

E. Construction and Maintenance Activities

1. **Construction Management Section.** Sarpy County Public Works is responsible for administration of all new construction contracts, inspecting bridges, and for oversight and administration of transportation construction projects, as set forth by policy decisions and supervision of Sarpy staff.
2. **Maintenance.** Sarpy County Public Works is responsible for maintaining Sarpy roads, bridges, and parks/grounds by economically utilizing the resources of contractors, equipment, and materials.
3. **Construction and Maintenance Activities and Title VI**
   a) Review all federally funded projects for application of DBE goals. As appropriate, include DBE provisions in those projects with designated goals. Include Title VI language in bid announcements and applicable construction documents, as stipulated in Sarpy's Title VI Policy Statement (p. 2) and Assurances (Addendum 2, p. 11-12) herein.
   b) Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.
   c) Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.
   d) Monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.
   e) Coordinate the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report and provide to the Coordinator.

Addendum 1
Sarpy County Title VI Notice to the Public

Sarpy County hereby gives public notice that it is Sarpy 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 shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which Sarpy 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 Sarpy County. Any such complaint must be in writing and filed with the Sarpy County Title VI Coordinator within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Sarpy County Surveyor's Office and Highway Department at no cost to the complainant by calling (402) 339-4606.

Addendum 2
Sarpy County Standard DOT Title VI Assurances

Sarpy County, in the State of Nebraska, (hereinafter referred to as "Sarpy"), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, 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 Sarpy receives Federal financial assistance through the NDOR, including the U.S. Department of Transportation and Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

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

1. That Sarpy agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That Sarpy shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

   > Sarpy in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d---42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, 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, sex, or national origin in consideration for an award.
3. That Sarpy shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That Sarpy shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where Sarpy receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where Sarpy receives Federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.
7. That Sarpy shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by Sarpy with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this Assurance obligates Sarpy for the period during which Federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements there on, in which case the Assurance obligates Sarpy 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, of for another purpose involving the provision of similar services or benefits; or (b) the period during which Sarpy retains ownership or possession of the property.
9. Sarpy shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other

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

10. Sarpy agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to Sarpy by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of Sarpy.

APPENDIX A

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

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

(2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, 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 Sarpy County 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 Sarpy County, or the 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, Sarpy County 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 subcontract or procurement as Sarpy County 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 Sarpy County to enter into such litigation to protect the interests of Sarpy County, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

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

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that Sarpy County will accept title to the lands and maintain the project constructed thereon, in accordance with the current Surface Transportation Act , the Regulations for the Administration of the Federal Aid Highway Program and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Sarpy 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 Sarpy 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 shall be binding on Sarpy County, its successors and assigns.

Sarpy County, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, sex, age, and disability/handicap, 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 Sarpy County shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Sarpy County pursuant to the provisions of Assurance 6(a).

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

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

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

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Sarpy County pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permitee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color. or national origin, sex, age, and disability/handicap, shall be excluded from participation in, denied the benefits of, or he 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, and disability/handicap, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permitee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

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

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

Attachment C

LIMITED ENGLISH PROFICIENCY (LEP) PLAN FOR SARPY COUNTY, NEBRASKA

JANUARY 2012

I. Purpose and Authority

The purpose of this Limited English Proficiency (LEP) policy is to clarify the responsibilities of Sarpy County departments receiving federal financial assistance and to assist them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. This policy was prepared in accordance with Title VI of the Civil Rights Act of 1964; 42 U.S.C. §2000d *et seq*., and its implementing regulations (prohibiting national origin discrimination by recipient of federal financial assistance). This plan also serves to show Sarpy County's commitment to ensure meaningful access to all Sarpy County programs by persons with limited English proficiency.

II. General Policy Statement

It is the policy of Sarpy County to provide timely meaningful access for LEP persons to all Sarpy County programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the department will provide these services to them.

III. Plan Summary

Definition of LEP persons: individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

Sarpy County has developed this Plan to help identity reasonable steps to ensure LEP persons meaningful access to Sarpy County programs. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

To decide what reasonable steps Sarpy County departments should take to ensure meaningful access for LEP persons, Sarpy County considers the following:

1. The number or proportion of LEP persons eligible to be served or likely encountered by the Sarpy County program, activity or service;
2. The frequency with which LEP individuals come in contact with the Sarpy County program, activity or service;
3. The nature and importance of the program, activity or service provided by the County;
4. The resources available to Sarpy County and overall costs.

A brief description of the above considerations is provided in the following section.

IV. Four Factors

1. Number or proportion of LEP persons eligible to be served or likely encountered by the Sarpy County program, activity or service.

   Sarpy County and Sarpy County departments will use various methods to identify LEP persons with whom they have contact. These may include:

   - Current and past experiences with LEP persons encountered by the department's staff: The number and type of such encounters will be periodically analyzed to determine the breadth and scope of the language services required.
   - Most recent U.S. Census Bureau data: Sarpy County and Sarpy County departments shall analyze data from the most recent U.S. Census Bureau data, regarding languages spoken in Sarpy County as well as those who self-identified that they spoke English less than "very well".

Sarpy County has examined the U.S. Census Bureau's 2010 American Community Survey data for Sarpy County, Nebraska, and was able to make the following approximations:

- 7.68 % of the Sarpy County population age 5 and older speaks a language other than English at home. 6.4% of the population age 5 and older reported that they do not speak English very well.
- People speaking Spanish at home comprised the largest language group speaking a language other than English at home. 3.76.% of the population age 5 and older speak Spanish at home. Of those, 35.1% reported they do not speak English very well.
- 1.24% of the Sarpy County population 5 and older speaks Other Indo-European languages at home. There is no US Census data available yet for those in this category who reported they do not speak English very well.
- 0.48% of the population 5 and older speaks an unspecified or other language at home. There is no US Census data available yet for those in this category who reported they do not speak English very well.

2. Frequency with which LEP individuals come in contact with the Sarpy County program, activity or service.
   In addition to research conducted to identify LEP persons in Sarpy County, Sarpy County departments shall also annually compile information regarding the frequency of contact with LEP persons. The more frequent the contact and or the number of requests for other languages other than English, the more likely that language services for a specific language will be needed. Actions taken for a department that serves a LEP person one time or occasionally will be different from those that serve LEP persons every day. Sarpy County departments will assesses the frequency at which staff has or could possibly have contact with LEP persons. This includes documenting phone inquires and in person inquires for LEP assistance or materials, requests for language interpreters or translated material, and may include surveying public meeting attendees.

3. Nature and importance of the program, activity or service provided by the County.
   Sarpy County recognizes that within the range of programs and services it provides, the nature of some programs and services may be more important to LEP persons than others. It is Sarpy County's intent to provide meaningful access to all participants and eligible persons; however, the availability of resources may limit the provision of language services in some instances and in some departments.

4. The resources available to Sarpy County and overall costs.
   Sarpy County departments shall assess their available resources that could be used for providing LEP assistance. This shall include identifying what staff and volunteer language interpreters are readily available; how much a professional interpreter and translation service would cost; which documents should be translated; which organizations the department could partner with for interpreter and translation services or outreach efforts; which financial resources could be used to provide assistance; and what level of staff training is needed.

   After analyzing the four factors, Sarpy County developed the LEP Plan outlined in the following section for assisting LEP persons.

V. <u>How To Identify An LEP Person Who Needs Language Assistance</u>

Below are tools that may be used by Sarpy County departments to help identity persons who may need language assistance:

- When records are normally kept of past interactions with members of the public, the language of an LEP person may be included as part of the record.
- Have language identification cards or Census Bureau "I speak cards" at customer service counters in Sarpy County departments which invite LEP persons to identity their language needs to staff. While staff may not be able to provide translation assistance at the initial contact with an LEP person, the cards are an excellent tool to identity language needs for future contacts.
- Posting notices in commonly encountered languages notifying LEP persons of language assistance to encourage LEP to self-identify.

VI. Language Assistance Measures

When an interpreter is needed, in person or on the telephone, staff should first determine what language is required. Staff may be able to assist with written communications from LEP persons. If staff cannot, private interpreter services can provide translation services for a fee.

Use of informal interpreters, such as family or friends of the LEP person seeking service, or other customers, is discouraged, with minor children generally prohibited from acting as interpreters. The use of informal interpreters shall be allowed at the insistence of the LEP person or in emergencies, but shall be documented and subject to approval of a supervisor.

No staff may suggest or require an LEP person provide an interpreter in order to receive services.

VII. Staff Training

All staff will be provided with the LEP Plan and will be educated on procedures and services available. LEP Plan information will also be a part of the staff orientation process for new employees. Training topics may include the following:

- Sarpy County LEP policy and procedures;
- Understanding Title VI LEP responsibilities;
- What language assistance services Sarpy County offers;
- Use of LEP language identification cards or "I speak cards";
- How to use interpretation and translation services and which services are available;
- Documentation of language assistance requests; and
- How to handle a complaint

VIII. Providing Notice of Available Language Services to LEP Persons

- Posting signs that language assistance is available in public areas such as intake areas, customer service areas and other entry points to Sarpy County departments.
- Statements may be placed in outreach documents indicating that language services are available from Sarpy County. Such statements could be placed in announcements, brochures, booklets, fliers, notices, advertisements, agendas or recruitment information.
- If a Sarpy County department is presenting a topic that could be of potential importance to an LEP person or if a Sarpy County department is hosting a meeting or a workshop in a geographic location with a known concentration of LEP person, the department may have notices, fliers, advertisements, and agendas printed in an alternative language or provide notices on non-English language radio stations or media outlets about the available language assistance services and how to get them.

IX. Monitoring and Updating the LEP Plan

Sarpy County and Sarpy County departments will reevaluate the LEP Plan on a regular basis. Consideration shall be given to changes in demographics, types of services, or other needs when

determining the frequency of LEP Plan reevaluation. Each reevaluation should examine all Plan components and assesses the following:

- How many LEP persons were encountered and what languages?
- Were their needs met?
- What is the current LEP population in Sarpy County?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified Sarpy County programs? Are there other programs that should be included?
- Has Sarpy County's or a specific Sarpy County department's available resources, technology, staff, and financial costs changed?
- Has Sarpy County or a specific department fulfilled the goals of the LEP Plan?
- Were complaints received?
- Are identified sources of assistance still available and viable?

X. Dissemination of the Sarpy County Limited English Proficiency Plan

Sarpy County will post the LEP Plan on its website at www.Sarpy.com. Copies of the LEP Plan will be provided to any person or agency requesting a copy. Any questions or comments regarding this LEP Plan should be directed to the Sarpy County Title VI Coordinator.

XI. Complaints

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. As a recipient of federal financial assistance, Sarpy County, Nebraska has in place a Title VI complaint procedure.

1. Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with Sarpy County. A complaint may also be filed by a representative on behalf of such a person. All Title VI complaints will be referred to Sarpy County's Title VI Coordinator for review and action.
2. In order to have the Title VI complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
   a) The date of the alleged act of discrimination; or
   b) If there has been a continuing course of conduct the date on the conduct discontinued.
   In either case the Sarpy County Title VI Coordinator or his/her designee may extend the time for filing or waive the time limit in the interest of justice specifying in writing the reason.
3. Title VI complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of Sarpy County, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person making a complaint in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to Sarpy County's investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise him/her of other avenues of redress available.
5. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to Sarpy County's governing body. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Sarpy County Board of Commissioners

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ADMINISTRATOR Mark Wayne
DEPUTY ADMINISTRATOR Scott Bovick
FISCAL ADMIN./PURCHASING AGT. Brian Hanson

COMMISSIONERS
Rusty Hike District 1
Jim Thompson District 2
Tom Richards District 3
Jim Nekuda District 4
Jim Warren District 5

January 24, 2012 MEMO

TO: Sarpy County Board of Commissioners

FROM: Scott Bovick, Deputy County Administrator

RE: Resolution adopting the Sarpy County American with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Plan ("ADA"), Title VI Plan, and Limited English Proficiency Plan ("LEP")

Every agency receiving federal aid road funds is required by the Federal Highway Administration (FHWA) and Nebraska Department of Roads (NDOR) to have an ADA, Title VI, and LEP plan adopted and on file. Staff members from Administration, Fiscal, Public Works, County Attorney, and Human Resources Departments have worked over the past year to develop these three plans. We relied on sample plans provided by the NDOR along with plans adopted by Douglas and Lancaster County to develop Sarpy's policy.

1. ADA Plan: County's statement that it will not discriminate against people with disabilities in compliance with Section 504 of the 1973 Rehabilitation Act and 1990 Americans with Disabilities Act. We are also required to complete a "Self-Evaluation" and "Transition Plan" which we intend to complete by the end of 2012.
2. Title VI Plan: County's statement that it will not discriminate against any person based on race, color, national origin, age, disability/handicap or sex in compliance with Title VI of the Civil Rights Act of 1964 and Civil Rights Restoration Act of 1987.
3. LEP Plan: County's plan for fulfilling its responsibilities under Title VI of the Civil Rights Act of 1964 to assist and engage "limited English proficiency" persons.

Karen Buche, Human Resource Director, will serve as the Title VI and ADA Coordinator as outlined in the plans and will be responsible for implementation, education, reporting, updating and handling complaints as outlined in the plans.

Please feel free to contact me if you have any questions. Thank you.

Scott Bovick, Deputy County Administrator

Cc: Deb Houghtaling, Mark Wayne, Brian Hanson, Karen Buche, John Reisz, Denny Wilson