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LANCASTER COUNTY
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF ADOPTING FEDERAL AID FUNDING REQUIREMENTS, ADOPTING THE LANCASTER COUNTY, NEBRASKA TITLE VI PLAN, AGREEING TO THE ASSURANCES CONTAINED IN THE LANCASTER COUNTY, NEBRASKA TITLE VI PLAN, AND DESIGNATING A TITLE VI COORDINATOR AND TITLE VI SPECIALIST	)	RESOLUTION NO. R-13-0010

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

WHEREAS, Lancaster County, Nebraska, 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, Lancaster County, Nebraska, 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 Lancaster County, Nebraska, Title VI Plan; and

WHEREAS, Lancaster County, Nebraska, 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 Lancaster County, Nebraska, being required to repay some or all of the federal funds expended for a project(s).

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that Lancaster County, Nebraska, does hereby adopt and bind itself to comply with all applicable federal laws regarding Federal Aid funding for transportation construction projects, including the rules and regulations of the Federal Highway Adminsitration, all applicable state laws and rules and regulations (Nebraska Administrative Code) regarding Federal-Aid funding for transportation construction projects, the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Lancaster County, Nebraska Title VI Plan; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners of Lancaster County, Nebraska, that the Lancaster County, Nebraska Title VI Plan is adopted as provided in Attachment "A", and that Lancaster County, Nebraska, agrees to the Assurances contained in the Lancaster County, Nebraska Title VI Plan; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners of Lancaster County, Nebraska, hereby designates the Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners as the Title VI Coordinator for the management and implementation of the Lancaster County, Nebraska Title VI Plan; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners of Lancaster County, Nebraska, hereby designates the Lancaster County Engineer and/or his designees to perform the duties of Title VI Specialist for the Lancaster County Engineering Department.

DATED this 26 day of February, 2013, at the County-City Building, Lincoln, Lancaster County, Nebraska.

APPROVED AS TO FORM
this 26 day of
February, 2013.

for JOE KELLY
Lancaster County Attorney

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

Schorr Absent

ATTACHMENT "A"

LANCASTER COUNTY, NEBRASKA

Title VI Plan

March 5, 2013

Lancaster County, Nebraska Title VI Plan

I. Policy Statement, Authorities and Citations

A. Policy of Nondiscrimination

Lancaster County, Nebraska, a Local Public Agency, hereinafter referred to as the "LPA," 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. The LPA 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 LPA distributes Federal aid funds to another entity, LPA will include Title VI language in all written agreements and will monitor for compliance.

The LPA's Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners, 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.

Chair, Lancaster County Board of Commissioners — Date: 2/26/13

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. Organizational Chart – Reporting Relationships

Pursuant to Neb. Rev. Stat. §23-103, the powers of Lancaster County, Nebraska as a body corporate or politic, shall be exercised by the Board of County Commissioners of Lancaster County, Nebraska.

Lancaster County Department Heads report to the Board of Commissioners or Lancaster County, Nebraska.

The Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners reports directly to the Chief Administrative Officer of the Lancaster County Board of Commissioners. However, the Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners shall have an indirect reporting relationship and access to the Board of County Commissioners of Lancaster County.

B. Staffing and Structure

Local Public Agency Governing Body

The Board of Commissioners of Lancaster County is authorized to ensure compliance with provisions of Lancaster County's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. Lancaster County's grants compliance function and Title VI coordination shall be performed under the authority of the Board of Commissioners of Lancaster County.

Title VI Coordinator

LPA's Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners shall perform the duties of the Title VI Coordinator and ensure implementation of the LPA's Title VI Federally Funded Transportation Program. The Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners has other duties and responsibilities in addition to Title VI. The Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners reports directly to the Chief Administrative Officer of the Lancaster County Board of Commissioners. However, the Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners shall have an indirect reporting relationship and access to the Board of County Commissioners of Lancaster County, Nebraska, the LPA's governing body.

Title VI Specialists

Additionally, the LPA has designated Title VI Specialists (Specialists) in departmental special emphasis program areas. The Specialists, designated below, shall 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 LPA 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 Title VI 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 Title VI Coordinator to obtain statistical data on race, color, national origin, handicap/disability, and sex of participants in, and beneficiaries of Federally funded Lancaster County transportation programs. Each of the Specialists will maintain data relative to their respective special emphasis program area, designated below. The Title VI Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

The following office/positions are Title VI Specialists:

Lancaster County Engineer and/or his designees.

III. Title VI Plan Implementation and Program Administration

Title VI Coordinator's Responsibilities and Program Administration

As authorized by the Board of County Commissioners of Lancaster County, Nebraska, the LPA's governing body, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring LPA's compliance with Title VI requirements as follows:

A. **Program Administration.** Administer the Title VI program and 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 to the LPA Governing Body.

B. **Complaints.** Review written Title VI complaints that may be received by LPA following the adopted procedural guidelines (see Section V – Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.

C. **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 VI - Special Emphasis Program Areas).

D. **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.

E. **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.

F. **Title VI Plan Update.** Review and update the LPA Title VI Plan as needed or required. Present updated plan to the LPA Governing Body for approval; submit amended Plan to the Nebraska Department of Roads (NDOR).

G. **Annual Accomplishment Report**. Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required; and submit by July 31.

H. **Public Dissemination.** Work with LPA staff to develop and disseminate Title VI program information to LPA 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 LPA's Title VI Policy Statement in newspaper(s) having a general circulation, 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. Utilize available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

I. **Elimination of Discrimination.** Work with other LPA offices to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any LPA processes.

J. **Maintain Legislative and Procedural Information**. Federal laws, rules and regulations, NDOR guidelines, the current LPA Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the LPA's Title VI program will be maintained and updated by the Title VI Coordinator. Information will be made available to other LPAs or 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 the LPA. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the LPA's Title VI Coordinator for review and action.
2. In order to have the complaint consideration under this procedure, 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, the LPA 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 for so doing.
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 the LPA, 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 the LPA'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 the complainant of other avenues of redress available, such as NDOR and United States Department of Transportation (USDOT).
5. The LPA will advise NDOR within 10 days of receipt of the allegations. Generally, 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).
   c) Basis of complaint (i.e., race, color, national origin or sex)
   d) Date of alleged discriminatory act(s).
   e) Date of complaint received by the LPA.
   f) A statement of the complaint.
   g) Other agencies (state, local or Federal) where the complaint has been filed.
   h) An explanation of the actions the LPA has taken or proposed to resolve the issue raised in the complaint.
6. NDOR will forward the complaint to FHWA. FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.
7. 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 the head of the LPA. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

8. Within 90 days of receipt of the complaint, the LPA will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOR, or USDOT, if they are dissatisfied with the final decision rendered by the LPA. The Title VI Coordinator will also provide NDOR with a copy of this decision and summary of findings upon completion of the investigation.

9. Any complaints received against the LPA should immediately be forwarded to NDOR for investigation. The LPA will not investigate any complaint in which it has been named in the complaint.

10. Contracts for the different Title VI administrative jurisdictions are as follows:

    Nebraska Department of Roads
    Human Resources, Title VI Program
    1500 Highway 2, P.O. Box 94759
    Lincoln, NE 68509-4759
    (402) 479-4870

    Federal Highway Administration
    Nebraska Division Office
    100 Centennial Mall North
    Lincoln, NE 68508
    (402) 437-5765

V. Sub-Recipient Review and Remedial Action Procedures

A. **Title VI Review of Sub-recipients of Federal-Aid Highway Funds.** The Title VI Coordinator will assist NDOR to periodically conduct Title VI compliance reviews. LPA staff will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements (see Section VI). The LPA 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.

B. **Post-Grant Reviews.** The Title VI Coordinator will collaborate with Lancaster County Engineering Department 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.

C. **Remedial Action.** When irregularities occur in the administration of Federal-aid highway programs at either the LPA or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. LPA will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. LPA will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, the LPA will reduce to writing any recommended remedial action agreed upon by the LPA and sub-recipient, and provide a copy of the letter within a period not to exceed 45 days.

   Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, LPA will submit to NDOR and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

   A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, LPA 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.** The Lancaster County Engineer has responsibility for providing long-range planning, program development, and capital programming necessary to provide efficient transportation services to LPA citizens. The Lancaster County Engineer annually updates and coordinates LPA's one and six-year plan for transportation improvement programs and projects. The update also informs other LPA Department 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 the LPA, cities, local jurisdictions and organizations, citizen groups, and private individuals. All one and six-year plans must be consistent with the adopted Comprehensive Plan and the MPO Transportation Improvement Plan.

2. **Public Involvement in Planning Activities & Title VI**

   a) LPA will 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 media and ethnic organizations, and by providing announcements in local media or posting such announcements on the LPA's website, when forming citizen advisory committees or planning boards,

   b) LPA 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, LPA shall select accessible locations and times for public hearings or meetings in Lancaster County, Nebraska, and ensure translation services are available if anticipated.

B. Consultant Contracts Activities for Federally Funded Projects

1. **Consultant Contracts Administration**. The Lancaster County Engineering Department is responsible for recommending consultant firms to the LPA's governing body for final selection, negotiation and award. The Lancaster County Engineer and/or his designee administers awarded consultant contracts.

2. **Consultant Selection Process.** For Federally Funded contracts, the Lancaster County Engineering Department 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 Nebraska Department of Roads adheres to Nebraska State regulations and is consistent with LPA vendor policies.

3. Title VI Assurances and Provisions

a) LPA will include Title VI assurance and provision language in all Federally funded consultant contracts. LPA will periodically review documents and language to ensure compliance with current laws and regulations. LPA will provide a copy of the form of the contract to the Title VI Coordinator, and any amendments or updates that may occur over time.

C. Design & Engineering / Environmental Activities for Federally Funded Projects

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) The Lancaster County Engineering Department will monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements or Assessments. The Lancaster County Engineering Department will provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Title VI Coordinator; including updated summary lists as applicable. The Lancaster County Engineering Department will incorporate into the review process adequate time for the Title VI 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, the LPA 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. LPA will ensure the public has information pertaining to their rights to call or write the LPA to view plans and discuss environmental problems.

d) LPA 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 Title VI Coordinator after each meeting.

e) Lancaster County Engineering Department staff shall provide a copy of the Annual Construction Report to the Title VI Coordinator in or around April of each year. The Title VI Coordinator shall work with the Lancaster County Engineering Department to generate a map of the Federally funded transportation projects to include demographic data of the neighborhoods effected by the projects.

D. Right-of-way Activities for Federally Funded Projects

1. **Real Property Services.** The Lancaster County Engineering Department manages and coordinates the appraisal and acquisition of real property and relocation assistance services for public works 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**

The Lancaster County Engineering Department will:

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 demographic data quarterly to the Title VI Coordinator.

E. Construction and Maintenance Activities for Federally Funded Projects

1. **Construction Management Section.** This section is located in the Lancaster County Engineering Department and is responsible for administration of all new construction contracts and inspecting bridges. The Lancaster County Engineering Department is responsible for oversight and the administration of transportation construction projects, as set forth by policy decisions and supervision of the Lancaster County Engineer.

2. **Maintenance.** The Lancaster County Engineering Department is responsible for maintaining LPA roads, bridges, and parks/grounds by economically utilizing the LPA resources, equipment and materials and the resources of contractors.

3. **Construction and Maintenance Activities and Title VI**

a) The Nebraska Department of Roads reviews all Federally funded projects and establishes DBE goals. As appropriate, the Nebraska Department of Roads will include DBE provisions in those projects with designated goals. The Nebraska Department of Roads will include Title VI language in bid announcements and applicable construction documents, as stipulated in the LPA's Title VI Plan, Section I (A) Policy of Nondiscrimination and LPA's Standard DOT Title VI Assurances herein.

b) The Nebraska Department of Roads will award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE requirements. The Nebraska Department of Roads will include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.

c) The Lancaster County Engineering Department will ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.

d) The Lancaster County Engineering Department will monitor all maintenance and construction operations to ensure nondiscrimination throughout all operations.

e) The Lancaster County Engineering Department will coordinate and assist in the gathering of maintenance and construction information regarding DBE participation for the Annual Title VI Report; and provide to the Title VI Coordinator.

LPA Title VI Notice to the Public

The County of Lancaster, Nebraska, hereby gives public notice that it is Lancaster 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 Lancaster 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 Lancaster County. Any such complaint must be in writing and filed with the Lancaster 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 Board of County Commissioners of Lancaster County, Nebraska, office at no cost to the complainant by calling (402) 441-7447 or from the Board of County Commissioners of Lancaster County, Nebraska website.

LPA Standard DOT Title VI Assurances

The County of Lancaster in the State of Nebraska, (hereinafter referred to as the "LPA"), 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 the LPA 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, the LPA hereby gives the following specific assurances to its Federal Aid Highway Program:

1. That the LPA 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 the LPA 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:

   > Lancaster County, Nebraska, 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 the LPA shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That the LPA 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 the LPA 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 the LPA 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 the LPA shall include the appropriate clauses set forth in Appendix C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the LPA 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 the LPA 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 the LPA 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 the LPA retains ownership or possession of the property.
9. The LPA 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. The LPA 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 the LPA 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 the LPA.

On this _____ date of _____, 2013

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

_____

_____

_____

_____

_____

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, record, accounts, other sources of information, and its facilities as may be determined by the (*Recipient*) 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 the (*Recipient*), 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, the (*Recipient*) 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 or 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 the (*Recipient*) 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 the (*Recipient*) to enter into such litigation to protect the interests of the (*Recipient*), 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, on interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the (*Name of Recipient*) will accept title to the lands and maintain the project constructed thereon, in accordance with (*Name of Appropriate Legislative Authority*), the Regulations for the Administration of (*Name of Appropriate 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 the (*Name of Recipient*) 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 (*Name of Recipient*) 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 the (*Name of Recipient*), its successors and assigns.

The (*Name of Recipient*), inconsideration or the conveyance of said lands and interests in lands, does hereby convenant 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 the (*Name of Recipient*) 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 the (*Name of Recipient*) pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, 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 and "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, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, 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, (*Name of Recipient*) 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 deed.]*

That in the event of breach of any of the above nondiscrimination covenants, (*Name of Recipient*) 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 (*Name of Recipient*) and its assigns.

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

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