

Chapter 1  
Section P  
Pages 1-33  
Date: 10/20/15  
Opr. Personnel  
Resolution 191-2015  
Rev. 4/19/16  
Resolution 101-2016

## COUNTY OF SARATOGA

### TITLE VI PLAN



REVISED: April 19, 2016

MARGARET MCNAMARA,  
DIRECTOR OF PERSONNEL  
TITLE VI COORDINATOR

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# **COUNTY OF SARATOGA**

## **I. TITLE VI/NONDISCRIMINATION CIVIL RIGHTS POLICY STATEMENT**

### **A. POLICY STATEMENT**

It is the policy of Saratoga County to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All County Departments shall plan, develop and implement their programs, services and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status, whether those programs, services and activities are federally funded or not.

This policy fully incorporates throughout all of Saratoga County's operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

Saratoga County's Title VI/Nondiscrimination Civil Rights Policy reflects Saratoga County's firm commitment to achieving equal opportunity in all programs, services and activities for which the County has direct and oversight responsibilities; and to achieve a workplace free from discrimination, where all employees have an equal opportunity to improve their employment status. The Director of Personnel/Title VI Coordinator is charged with monitoring the continued development and implementation of Saratoga County's external Civil Rights program for achieving our agency's goal to ensure equal opportunity for all. The Title VI Coordinator reports directly to the County Administrator on all matters regarding Title VI compliance and enforcement.

The Title VI/Nondiscrimination program shall have the full support of staff and managers. Additionally, all of Saratoga County's partners, contractors and consultants, sub-recipients, community based organizations, faith based organizations and advocacy groups are urged to give the County their full support and cooperation.

This policy shall be conspicuously placed on County bulletin boards, websites and made available to all organizations and entities doing business with Saratoga County. A copy shall be provided to contractors at County pre-construction and scope of service meetings. Any complaints involving allegations of discrimination should be sent to the Director of Personnel/Title VI Coordinator, Saratoga County Personnel Department, 40 McMaster Street, Ballston Spa, New York 12020.

## **B. POLICY SCOPE AND GUIDANCE**

Saratoga County's Civil Rights Policy Statement directs that the requirements of Articles 15-A of New York State Executive Law, Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as well as the Americans with Disabilities act, and all other relevant laws and executive orders are fully integrated into all of Saratoga County's and sub-recipient activities. State and Federal nondiscrimination laws are the cornerstones of Saratoga County's strategy to ensure equal opportunity and fair and equitable programs and services to the public.

All employees must assist in the prevention and elimination of any discriminatory practices and are encouraged to report allegations of discrimination to Saratoga County's Director of Personnel/Title VI Coordinator for review and appropriate action.

## **C. RELATED POLICY AND AUTHORITATIVE SOURCES**

### **New York State Laws**

**York State Human Rights Law Article 15** – Guarantees nondiscrimination in the State of New York on the basis of race, creed, color, national origin, sex, marital status, age, disability and/or sexual New orientation.

**New York State Executive Law Article 15-A (1988)** – Promotes equal opportunity in contracting for all persons, without discrimination from minority group members and women and business enterprises owned by them, and in eradicating the barriers that have impaired access by minority-owned and women-owned business enterprises (MWBE's to State contracting opportunities.

**Sexual Orientation Nondiscrimination Act (2003)** – This Act amended the Executive Law to include sexual orientation.

### **Federal Laws, Executive Orders**

**Civil Rights Act of 1964** – Prevents discrimination in federally assisted programs: provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional rights to vote. **Title VI** – Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance. **Title VI as amended by the Equal Employment Opportunity Act of 1972** – Makes it unlawful to discriminate in employment practices on the basis of race, color, religion, sex or national origin.

**Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1964** – Establishes Affirmative Action obligations of contractors and sub contractors for disabled veterans and veterans of the Vietnam era.

**Age Discrimination in Employment Act of 1967 as amended** – Applies to individuals age 40 and older, and specifies that it is unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment because of such individual's age.

**Section 503 of the Rehabilitation Act of 1973** – Requires that government contractors and subcontractors take affirmative action to employ and to advance in employment qualified disabled individuals, and that contractors, subcontractors and their representatives shall not discriminate against individuals because of their physical or mental disability in any employment practice (hiring, training, compensation, upgrading, etc.).

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

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

**Civil Rights Restoration Act of 1988** – Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding. It applies to all federal laws.

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

**Civil Rights Act of 1991** – Provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace; codifies the concepts of “business necessity” and “job related”; confirms statutory authority and provides statutory guidelines for the adjudication of disparate impact suits under Title VII of the Civil Rights Act of 1964; expands the scope of relevant civil rights statutes to provide adequate protection to victims of discrimination. The Act provides for compensatory and punitive damages and jury trials in cases of sex, religious or disability bias.

**Executive Order No. 11246** – Prohibits employers doing business with the federal government from discriminating in employment because of race, color, religion sex or national origin. Employers are required to take affirmative action in employment activities including hiring, promotion, transfers, training of minorities and women.

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

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

**APPROVED:**

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**County Administrator**

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**Date**

## **II. TITLE VI ASSURANCES**

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

### **III. IMPLEMENTATION AND RESPONSIBILITIES**

The Title VI Coordinator shall be responsible for overseeing the implementation of Saratoga County's external and internal Civil Rights program activities to ensure equal opportunity for all. This individual shall implement, monitor and ensure the County's compliance with Title VI and related nondiscrimination regulations. The Title VI Coordinator in Saratoga County shall be the Director of Personnel. Appendix B provides the County of Saratoga's Organizational Chart depicting a direct reporting line to the County Administrator.

The duties of the Title VI Coordinator shall include but are not limited to:

1. Processing Title VI/Discrimination complaints received by the County. When the County is identified as the complainant, the complaint will be forwarded to the USDOT entity that has jurisdiction over the program or activity.
2. Ensuring and monitoring the collection of statistical data of participants in, and the beneficiaries of, and any individual or group affected by the state highway programs.
3. Reviewing directives and operating manuals of County government operation and where applicable, including Title VI Language and related requirements.
4. Ensuring Title VI/Nondiscrimination reviews by appropriate County Department Heads of construction contractors, consultant contractors, suppliers, and other County sub-recipients of federal aid highway funds administered through the County.
5. Conducting training on Title VI/Nondiscrimination and other related statutes for employees and program areas within the County and sub-recipients.
6. Developing Title VI information for dissemination to the general public and, where appropriate, in languages other than English. This includes providing interpretation services when required. Title VI and related nondiscrimination guidance will be provided on the County's website for the general public to access.
7. Establishing procedures for promptly resolving Title VI/Nondiscrimination deficiencies within 90 days.

In support of this policy, the County of Saratoga affirms its right to take appropriate action if it or other duly constituted authority should determine that applicable Federal and State Equal Employment Opportunity laws and regulations have been violated, or that the effect or intent of this policy has been willfully or habitually abrogated.

## IV. COMMUNICATION AND PUBLICATION

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

### Internally

- A. Department Heads and other departmental contacts shall be informed by:
  - Written communications from County Administrator, and/or Title VI Officer.
  - The Title VI Plan shall be posted on Saratoga County Intranet Site under References, Policies and Procedures, Chapter 1, Section P.
  - Special meetings or conferences.
  - Distribution of educational materials.
  - Training sessions/seminars.
  
- B. All employees are informed by:
  - Bulletin board or memorandum from Title VI Officer.
  - Including Title VI information in employee orientation.
  - Copies of Title VI Plan available on Saratoga County Intranet Site.
  - Title VI/Nondiscrimination posters will be posted on general information bulletin boards throughout the County government offices and on the County's website at [www.saratogacountyny.gov](http://www.saratogacountyny.gov).
  - Title VI and related nondiscrimination training shall be provided to all employees a minimum of every three years. All new employees will receive Title VI and related nondiscrimination training within 45 days of employment.
  
- C. Sub-recipients shall be informed of the Title VI provisions on the Saratoga County website.

### Externally

- A. The Title VI Policy shall be available on the Saratoga County website.
- B. Title VI posters will be displayed as required by *23 CFR 200.9(b)(12)*; and *28 CFR 42.405(c)*
- C. Nondiscrimination clauses are included in contracts and agreements between outside vendors and Saratoga County.
- D. Saratoga County will enlist the assistance and support of recruiting sources such as:
  - The local veterans' employment representative or his or her designee in the State Employment Service Office nearest to the County, and any other offices of national and local veterans' groups active in the County.
  - Organizations who are likely to assist the County in identifying qualified individuals with disabilities for consideration in filling any vacancies which may arise.



- Other organizations or agencies likely to refer qualified women, minorities, individuals with disabilities, disabled veterans and veterans of the Vietnam area for consideration in filling any vacancies which may arise.

## **V. DATA COLLECTION, PLANNING AND PUBLIC OUTREACH**

Saratoga County promotes full and fair participation by all segments of the population including minority, low-income communities and populations that are limited English proficient.

Title VI, one of the primary federal nondiscrimination laws, prohibits discrimination on the basis of race or national origin in the provision of any services that are at all supported with federal funds. Title VI is a valuable tool not only to redress past discrimination, but also to monitor ongoing practices. Title VI provides a legal foundation for the collection of racial, ethnic and primary language data from recipients of federal financial assistance even when a specific statutory requirement to collect this data does not exist.

Public meetings are held in ADA accessible locations. Where possible, meetings are planned in locations that align with public transportation route schedules.

Minutes to all public meetings will be available on the Saratoga County website ([www.saratogacountyny.gov](http://www.saratogacountyny.gov)).

If a member of the public requests assistance with reading the minutes, understanding the content of the meeting or providing information for project planning and development, the individual should be referred to the Title VI Coordinator who will then make the necessary arrangements.

Saratoga County has an ADA Transition Plan that will be reviewed biannually by the Public Works department and updated as necessary. The ADA Transition Plan will be made available to the public on the County's website --[www.saratogacountyny.gov](http://www.saratogacountyny.gov) under Title VI plan. A copy of the ADA Transition Plan is attached as Appendix C.

Whenever there is a transportation project, planning and designing services will be provided by qualified consultants who are required to review and analyze demographic data including but not limited to race, color, national origin, sex, low income, and limited English proficiency. Projects designed must be in compliance with all ADA and Title VI regulations. These project designs will be reviewed and approved by state and federal agencies prior to construction.

## **VI. TITLE VI COMPLAINT PROCEDURE**

### **I. General**

As a recipient of Federal funding from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Rail Administration (FRA) and the Federal Aviation Administration (FAA) in accordance with 23 CFR Section 200.9, the County of Saratoga has developed a Title VI complaint procedure and maintains a complaints log.

This procedure covers all complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI), as amended, regarding any program or activity administered by the County of Saratoga as it relates to local agencies, contractors and other sub-recipients of United States Department of Transportation (USDOT) funds. This procedure applies to the County of Saratoga, but all Federal funded sub-recipients are required to have similar procedures in place as well.

### **II. Procedure**

#### **A. Timeline for Filing a Complaint**

The complainant must file the complaint no later than 60 days after:  
The date of the alleged act of discrimination; or  
Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

Information on filing a complaint, including the complaint form can be accessed at the Saratoga County website: [www.saratogacountyny.gov](http://www.saratogacountyny.gov). A copy of the complaint form is attached as Appendix D.

#### **B. Format of Complaint**

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 and provide supporting documentation.

When completed, the complaint must be sent to:

Director of Personnel/Title VI Coordinator  
Saratoga County Personnel Department  
40 McMaster Street  
Ballston Spa, NY 12020  
Phone: (518) 885-2225  
Fax: (518) 884-4752  
E-mail: [SaratogaCounty-TitleVI@saratogacountyny.gov](mailto:SaratogaCounty-TitleVI@saratogacountyny.gov)

In the event that a person makes a verbal complaint of discrimination

to an officer or employee of the County, the officer or employee shall notify in writing the Title VI Coordinator of the nature of the complaint. If necessary, the Title VI Coordinator or designee will assist the complainant to convert the complaint to writing and submit the written version of the complaint to the complainant for signature. The complaint shall then be handled as described herein.

C. Receiving Complaints.

All complaints received by the Title VI Coordinator's Office will be date-stamped and immediately forwarded to the Title VI Coordinator.

D. Acknowledgement of Complaint and Assessment for Completeness

Within ten (10) business days of the complaint being date-stamped, the Title VI Coordinator or designee will review the complaint to determine if it contains all the necessary information to be processed. If complete, the Title VI Coordinator will acknowledge, in writing, to the complainant that the complaint has been accepted and will be investigated. If the complaint is incomplete, the complainant will be contacted in writing or by telephone to obtain the additional information. The complainant will be given 15 calendar days to respond to the request for additional information

The Title VI Coordinator will also notify, in writing, the party being charged (as well as the original recipient of the complaint), that a complaint has been filed.

E. Record Keeping

The Title VI Coordinator or designee will maintain a Discrimination Complaints Log. The complaints log will identify the complainant by race, color, or national origin and include the following:

- the nature of the complaint;
- the date the complaint was filed;
- the date the investigation was completed and disposition;
- the date complainant and respondent were informed; and other pertinent information.

A copy of the Discrimination Complaint Log is attached as Appendix E.

F. Determination of Jurisdiction and Merit

Based on the information contained in the complaint and any additional information requested, the Title VI Coordinator will determine 1) if the County of Saratoga has jurisdiction to process the complaint and 2) if the complaint has sufficient merit to warrant an investigation.

G. Investigating A Complaint

The Title VI Coordinator will have 60 days from the date the complaint is date stamped to complete its investigation and forward the complaint and findings to the appropriate federal funding agency.

1. Developing an Investigative Plan (IP).

If the complaint is to be investigated, an Investigative Plan (IP) will be prepared by the Title VI Coordinator or designee. The IP shall be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues. The draft IP will include a narrative description of the alleged incident, identification of persons to be contacted and a list of persons to be interviewed.

2. Conducting the Investigation

As part of the investigation, the Title VI Coordinator or designee will gather and analyze all relevant documents and conduct interviews with the complainant, respondent, witnesses and third parties having information relevant to the complaint. During the interview or at a later time via a follow-up interview, the complainant will have an opportunity to refute information or allegations provided by the respondent.

3. Investigation Report.

Within five (5) days after the conclusion of the investigation, the Title VI Coordinator or designee will prepare an investigation report that includes all relevant information, findings, and recommendations. This report will include a summary of the complaint, a description of the investigation, findings and recommendations. The report will include as attachments all correspondence, reports, data, written statements from witnesses and third parties who were not interviewed, and other information collected and/or received during the course of the investigative process.

## H. Disposition of a Complaint

### 1. Approval and Notice of Finding.

If the investigation was not conducted by the Title VI Coordinator, he/she will approve or disapprove the findings and recommendations of the investigation report within ten (10) days of receiving the report. The disposition of the complaint will be provided to the complainant, the respondent, and the original recipient of the complaint (if different from the respondent) by registered letter within five (5) days of the Title VI Coordinator's decision.

A summary of the rationale supporting the disposition made and any recommendations to any party will be included in this Notice of Finding. The notification will advise the complainant of his/her appeal rights with the Department of Transportation, the Federal Highway Administration, or the Federal Transit Administration if the complainant is dissatisfied with County's decision.

### 2. Forward to appropriate Funding Agency

The Title VI Coordinator's final report of the investigation with the preliminary findings and a copy of the complaint will be forwarded to either FHWA (both, Washington Division Office and Headquarters Civil Rights [HCR]), FTA, FAA or FRA, within 60 calendar days of the acceptance of the complaint, per 23 CFR 200.9(b)(3). Note: The PTA, as well as the FAA and FRA, provides for complainants to directly submit discrimination complaints to them.

### 3. Dismissal of a Complaint

The Title VI Coordinator has the authority to dismiss a complaint when:

- a. The complainant requests the withdrawal of the complaint;
- b. The complainant fails to respond to three repeated requests for additional information needed to process the complaint, or otherwise, through inaction or refusal to cooperate in the investigation;
- c. After three attempts to contact the complainant, the complainant cannot be located.

## **VII. MONITORING AND REVIEW PROCESS**

Saratoga County will annually review its operations to ensure compliance with Title VI. In addition, all contracts with sub-recipients will be reviewed in the Saratoga County Attorney's Office which ensures all contracts include nondiscrimination clauses.

All complaints received during the previous year will be reviewed again by the Title VI Coordinator and County Attorney to determine whether there are any repetitive issues. If any repetitive issues are identified, the issues will be investigated again with attention given as to why there was a repetitive issue and what can be done to correct the issue. The County shall correct the issue and then evaluate whether the correction has eliminated or resolved the issue.

## **VIII. PUBLIC PARTICIPATION PLAN**

All applicants for Federal Transit Administration (FTA) financial assistance are required to ensure that their programs, policies, and activities comply with U.S. Department of Transportation (USDOT) Title VI of the Civil Rights Act of 1964. In order to comply with Title VI, Saratoga County has developed a Public Participation Plan, which is attached as Appendix F.

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

## **IX. NOTIFICATION TO BENEFICIARIES**

The County of Saratoga provides information to the public regarding the County's obligations under Title VI regulations and appraises the general public of the protections against discrimination afforded to them by Title VI. The County of Saratoga disseminates this information to the general public by posting the Title VI policy notice on the County's website and in County Departments. A copy of the Public Notice is attached as Appendix G.

## **APPENDIX A**

### **COUNTY OF SARATOGA TITLE VI/NON-DISCRIMINATION STATEMENT OF ASSURANCES**

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

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

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

#### **General Assurances**

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

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

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



programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### Specific Assurances

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

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

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

3. The Recipient will insert the clauses of Exhibit 1 of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Exhibit 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Exhibit 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b) for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the U.S. Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the County of Saratoga also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. The County of Saratoga also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA. The County of Saratoga shall keep records, reports, and submit the material for review

upon request to FHWA, or its designee, in a timely, complete, and accurate way. Additionally, the County of Saratoga shall comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

THE COUNTY OF SARATOGA

By: \_\_\_\_\_  
Arthur M. Wright, Chairman  
Saratoga County Board of Supervisors

DATE: \_\_\_\_\_

**Exhibit 1**  
**Contractors, Subcontractors, Suppliers, and Manufacturers**

- A. During the performance of this contract, the contractor, for itself, its assignees and successors in (hereinafter referred to as the “contractor”) agrees as follows:

**1. Compliance With Regulations**

The contractor (hereinafter includes consultants) shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252) (hereinafter referred to as the Acts) and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter USDOT), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

**2. Non-discrimination**

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of the Regulations.

**3. Solicitations for Subcontracts, including Procurement of Materials and Equipment**

In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to the Non-discrimination on the ground of race, color, sex, or national origin.

**4. Information and Reports**

The contractor shall provide all information and reports by the Acts, 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 the County of Saratoga or the New York State Department of Transportation (hereinafter NYSDOT) to be pertinent to ascertain compliance with such Acts, Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor

shall so certify to the County, or the NYSDOT 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 Non-discrimination provisions of this contract, the County of Saratoga, and the NYSDOT shall impose such contract sanctions as it, or the Federal Highway Administration 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 procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the County or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the County enter into such litigation to protect the interests of the County and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (45 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination on the basis of age);

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

## **Exhibit 2**

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

### **GRANTING CLAUSE**

**NOW, THEREFORE**, the County of Saratoga, as authorized by law, and upon the condition that the State of New York will accept title to the lands and maintains the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252:42 USC 2000d to 2000d--4) does hereby remise, release, quitclaim, and convey unto the County of Saratoga all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

### **HABENDUM CLAUSE**

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

The purchaser, for itself, himself or herself, its, his or her heirs, personal representatives, successors in interest and assigns does hereby covenant and agree that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishings of services thereon, no person, on the grounds or race, color, sex or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the purchaser shall use the premises in compliance with all requirements imposed by, or pursuant to Title 49, Code of Federal Regulations, USDOT Subtitle A, office of the Secretary, part 21, Non-discrimination in federally assisted programs of the USDOT-Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

### Exhibit 3

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

*The LESSEE, or their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.*

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

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

*The LESSEE, or their personal representatives, successors in interest, and assigns, as a part of the consideration hereof does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department*

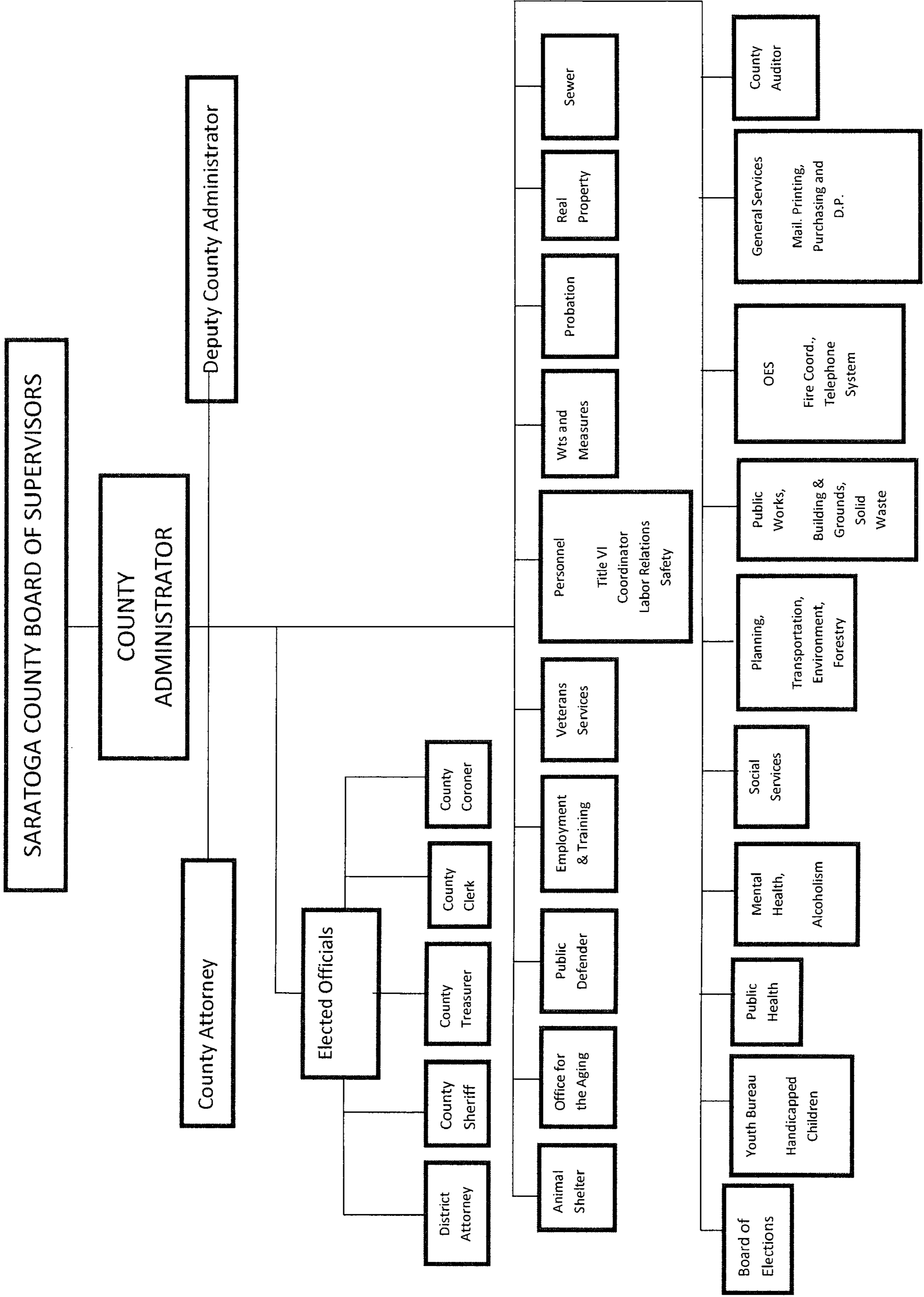


*of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation –Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.*

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

APPENDIX B

SARATOGA COUNTY ORGANIZATIONAL CHART



## APPENDIX C

### The County of Saratoga

#### **Americans with Disabilities Act (ADA) Transition Plan: Pedestrian Facilities in the Public Right-Of-Way**

##### INTRODUCTION:

The purpose of this Plan is to ensure that the County of Saratoga creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. The County of Saratoga has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The County's ADA Transition Plan will identify physical barriers and prioritize improvements that should be made to County-owned pedestrian facilities throughout the County of Saratoga. This Transition Plan will describe the existing policies and programs to enhance the overall pedestrian accessibility.

##### LEGAL REQUIREMENTS:

The federal legislation known as the American with Disabilities Act (ADA) enacted on July 26, 1990 provides comprehensive civil rights protections to persons with disabilities in the area of employment, state and local government services, and access to public accommodations, transportation and telecommunications. The County will follow ADA standards established by the State of New York.

Title II specifically applies to "public entities" (state and local governments) and the programs, services and activities they deliver. Title II Article 8, requires public entities to take several steps designed to achieve compliance. The County's ADA Transition Plan will, at a minimum, include:

1. A list of the physical barriers in County-owned pedestrian facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.

See attached list of County Owned Sidewalk/Crosswalk locations that are not ADA compliant.

2. A detailed outline of the methods to be utilized to remove these barriers and made the facilities accessible.

The non-compliant locations listed on the attachment referred to in item 1 will be reconstructed as required to be ADA compliant.

3. The schedule for taking the necessary steps to achieve compliance with Title II.

The non-compliant locations listed in Item 1 will be reconstructed to be ADA compliant within the next 1-5 years.

The name of the official responsible for the plan's implementation.

The Saratoga County Commissioner of Public Works

The County is in the process of identifying and assessing obstacles in the public right-of-way through the use of an Inventory Tool. Barrier Removal Priorities based on location priority and accessibility conditions will be a part of the inventory process. It is very important that the public be aware that their involvement in this plan is a valuable component to the County in compiling a workable plan of compliance. The Public's involvement is solicited in developing the ADA Transition Plan.\*

ADA COORDINATOR:

The ADA Coordinator for the County of Saratoga shall be the Saratoga County Commissioner of Public Works. The ADA Coordinator shall be responsible for implementing the County's ADA Transition Plan.

PUBLIC COMPLAINT:

Public Complaint, Suggestions and Comments can also be an integral part of the Transition Plan. Public comments may often drive the prioritization of improvements. To file a complaint, comment or request, please contact the ADA Coordinator for the County of Saratoga at the Department of Public Works, 3654 Galway Road, Ballston Spa, NY 12020, and (518)-885-2235.

PUBLIC INPUT:

Public Comment and Response Forms are available on the Saratoga County website [www.saratogacountyny.gov](http://www.saratogacountyny.gov). The County of Saratoga welcomes the Public's participation and unique outlook as to how the County can meet and exceed ADA requirements and recommendations. Public involvement in the County ADA Transition Plan has been a valuable component to the County in compiling a workable plan of compliance. The County of Saratoga continues to solicit the Public's additions to the ADA Transition Plan.

An inventory of the County-owned sidewalks is included with this Transition Plan.

The plan is to complete the ADA requirements systematically through annual appropriations for materials to bring the sidewalk intersections into compliance.

\*Public Comment and Response Form (located on the Saratoga County Website)

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Spencer Hellwig, County Administrator

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Date

# COUNTY OF SARATOGA

## Complaint of Discrimination - Affirmative Action/EEO/Title VI

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

### Basis of Complaint

Race

Age

Color

Disability (ADA)

Sex

Low-Income

National Origin

Limited English Proficiency

Who allegedly discriminated against you?

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

If an organization, what is its name?

Name of Organization \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Name of Contact \_\_\_\_\_

How were you discriminated against?

Where did the alleged discrimination occur?

Date/s and times discrimination occurred?

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

How would you like Saratoga County to resolve the complaint?

Have you filed your complaint with anyone else?

Who \_\_\_\_\_

When \_\_\_\_\_

Complaint number, if known \_\_\_\_\_

Do you have an Attorney in this matter?

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

When did you hire your attorney? \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Mail to: Director of Personnel (Title VI Coordinator)

Saratoga County

40 McMaster Street

Ballston Spa, New York 12020 or

Phone (518) 885-2225 Email: SaratogaCounty-TitleVI@saratogacountyny.gov

# APPENDIX E

## Discrimination Complaints Log

Date Complaint was filed	Name of Complainant & Contact Information	Basis of Complaint						Date Investigation Completed	Disposition	Date Complainant & Respondent Informed of Outcome	Other
		Race	Color	Sex	Religion	National Origin	Other				

**APPENDIX F**

**COUNTY OF SARATOGA  
TITLE VI PUBLIC PARTICIPATION PLAN**

**April 19, 2016**

**Title VI Coordinator:**

**Director of Personnel  
County of Saratoga  
40 McMaster Street  
Ballston Spa, NY 12020**



## COUNTY OF SARATOGA PUBLIC PARTICIPATION PLAN

When the County of Saratoga accepts funding for and undertakes a Federally Funded project, we comply with all Federal and State requirements with regard to Public Participation. All required environmental permits are applied for through a joint permitting process. Public information about the proposed action is distributed and posted, if required. Likewise, a Public Information Meeting is held if required by the proposed action.

The Public Participation Plan provides a philosophy around which to build a County wide transportation participation program that will accomplish the following goals:

- **Communicate effectively with appropriate audiences.** The County will disseminate information about programs and projects through a variety of conduits. Information will be presented in a manner that is clear and tailored to each of the County's constituencies.
- **Provide clear and open access to information and participation opportunities.** The County will work to improve access to technical and planning documents and, where appropriate, tailor these documents to be accessible to more constituencies. Opportunities for participation in County meetings and in committee meetings will be clearly defined and provided for at each meeting.
- **Gather input from diverse perspectives.** The County will continue to encourage participation from diverse constituencies and to provide forums for discussion about transportation issues that are responsive to the interests of different constituencies.
- **Respond meaningfully to public comment and feedback.** The County will provide information on how comments will be considered in the planning process, including the development of the County's Long Range Transportation Improvement Program, and acknowledge that comments were received and considered.
- **Promote a regional perspective.** The County will communicate how regional transportation planning plays a vital role in coordinating planning activities on many levels.

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Spencer Hellwig, County Administrator

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Date

**APPENDIX G  
COUNTY OF SARATOGA  
TITLE VI PUBLIC NOTICE**

It is the policy of Saratoga County to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All County Departments shall plan, develop and implement their programs, services and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status, whether those programs, services and activities are federally funded or not.

This policy fully incorporates throughout all of Saratoga County's operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

Saratoga County's Title VI/Nondiscrimination Civil Rights Policy reflects Saratoga County's firm commitment to achieving equal opportunity in all programs, services and activities for which the County has direct and oversight responsibilities; and to achieve a workplace free from discrimination, where all employees have an equal opportunity to improve their employment status. The Director of Personnel/Title VI Coordinator is charged with monitoring the continued development and implementation of Saratoga County's external Civil Rights program for achieving our agency's goal to ensure equal opportunity for all. The Title VI Coordinator reports directly to the County Administrator on all matters regarding Title VI compliance and enforcement.

The Title VI/Nondiscrimination program shall have the full support of staff and managers. Additionally, all of Saratoga County's partners, contractors and consultants, sub-recipients, community based organizations, faith based organizations and advocacy groups are urged to give the County their full support and cooperation.

**Additional Information:**

Individuals and/or organizations who would like more information concerning Saratoga County's nondiscrimination obligations under Title VI should contact:

Saratoga County Director of Personnel/Title VI Coordinator  
Saratoga County Personnel Department  
40 McMaster Street  
Ballston Spa, NY 12020

**Complaint Procedure:**

Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status can file a complaint by completing a Complaint of Discrimination Form which can be obtained at the address listed above or through the Saratoga website -- [www.saratogacountyny.gov](http://www.saratogacountyny.gov).

**Posting of this Notice:**

This notice shall be posted on the County's website and conspicuously in all County Departments.