

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: June 7, 2022

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present:

Dewey Severson, Eric Johnson, Robert Burns, and Greg Myhre

Others Present:

Auditor/Treasurer Donna Trehus, Reporter Craig Moorhead, Reporter Charlene Selbee, Finance Director Carol Lapham, Board Clerk/EDA Director Allison Wagner, Public Health and Human Services Director John Pugleasa, Interim Recorder Mary Betz

Presiding: Chairperson Myhre

Call to order.

Pledge of Allegiance.

Motion was made by Commissioner Johnson, seconded by Commissioner Severson, motion unanimously carried to approve the agenda.

Motion was made by Commissioner Burns, seconded by Commissioner Johnson, motion unanimously carried to approve the meeting minutes from May 24, 2022.

Public Comment: No public comments were made.

APPOINTMENTS

None.

CONSENT AGENDA

Motion was made by Commissioner Severson, seconded by Commissioner Burns, motion unanimously carried to approve the consent agenda. Items approved are listed below.

- 1) Consider approving the 2022 State of MN Boat and Water Safety Grant in the amount of \$5,310.00 for the Houston County Sheriff's Department.
- 2) Change the employment status of Heidi Lapham, Deputy Auditor/Treasurer – License Center Clerk, from probationary to regular, effective 6/14/2022.
- 3) Hire Alex Goergen as a probationary Maintenance Specialist, B23 Step 2, effective 06/13/2022, conditioned upon successful completion of background check.

- 4) Confirm receipt of Tricia Laganieri Sand's resignation as a probationary Child Protection Social Worker, effective 05/12/2022.
- 5) Approve initiating a competitive search for a Probationary Child Protection Social Worker.
- 6) Approve initiating a competitive search for a temporary/casual employee (14 hours or less per week) – Tech Clerk I (to fill a recent vacancy).
- 7) Rehire Kurt Zehnder as a temporary 67 day Sheriff's Deputy for boat patrol.

ACTION ITEMS

File No. 1 – Commissioner Severson moved, Commissioner Johnson seconded, motion unanimously carried to approve Resolution No. 22-32: A resolution of and by Houston County, Minnesota supporting the creation of the statistical boundaries of the Northern Grain Belt Port Statistical Area. See resolution below.

RESOLUTION NO. 22-32

A resolution of and by Houston County, Minnesota supporting the creation of the statistical boundaries of the Northern Grain Belt Port Statistical Area.

WHEREAS, the collection of waterborne commerce statistics pertaining to rivers, harbors, and waterways and the compilation and publication of such data by the U.S. Army Corps of Engineers are required by federal law; and

WHEREAS, creation of the statistical boundaries of the Northern Grain Belt Port Statistical Area more accurately reflect the regional waterborne commerce activity and increase tonnage recorded by the Waterborne Commerce Statistics Center and the U.S. Army Corps of Engineers Navigation and Civil Works Decision Support Center, allowing for the ranking of the Port Statistical Area among the inland ports in the United States further supporting local economic development and regional transportation planning; and

WHEREAS, creation of the Northern Grain Belt Port Statistical Area would better differentiate the Upper Mississippi River and Great Lakes Ports data in both Wisconsin and Minnesota; and

WHEREAS, the proposed creation of the statistical boundaries will provide the opportunity for marketing and investment opportunities which could lead to job creation and economic growth for Houston County, Minnesota; and

NOW, THEREFORE BE IT RESOLVED that Houston County, Minnesota supports the port statistical boundary creation of the Northern Grain Belt Port Statistical Area between the Upper Mississippi River Confluence with the St. Croix River and the Wisconsin River to include the entire riverfront of Houston County on the Upper Mississippi River. Said support extends for statistical data reporting purposes only and not to any waterways organization or further control of the Upper Mississippi River, nor does the port statistical area designation impact any existing or future public port, terminal, or economic development authorities, nor does it require commitment of any county resources.

File No. 2 – Commissioner Burns moved, Commissioner Johnson seconded, motion unanimously carried to approve an EDA Revolving Loan for Tamiko Hubka and Elsie and Lee Babler for building renovations at 111 E. Grove Street in Caledonia in the amount of \$37,500 at the 2022 set rate and terms (2.25% for 10 years). The building would house three separate businesses: Tamiko’s Hair Salon and Boutique, a vintage antique store (in the adjacent barn), and vacation Airbnb apartments above the commercial space.

File No. 3 – Commissioner Severson moved, Commissioner Burns seconded, motion unanimously carried to approve a letter of support for a MnDOT grant application that if awarded would pay for an active transportation corridor plan from the new trail bridge in La Crescent to the Miller’s Corner intersection for a potential future bike trail.

File No. 4 – Commissioner Johnson moved, Commissioner Severson seconded, motion unanimously carried to approve a Peddler License for Todd Schmieg of Stump Jumpers, LLC for stump removal and clean-up.

File No. 5 – Commissioner Severson moved, Commissioner Burns seconded, motion unanimously carried to approve the contract as presented by Public Health & Human Services Director John Pugleasa regarding the Electronic Document Management System (EDMS) project. The Board had previously approved the use of ARPA funds for the project.

DISCUSSION ITEMS

Commissioners discussed recent meetings they had attended including Hiawatha Valley Mental Health Meeting, Economic Development Meeting, Water Plan Meeting, and Extension Meeting.

Commissioners Burns said he had received a call from one of the school superintendents in Houston County asking if the Commissioners would possibly consider supporting part of the funding for an officer for each school in the County. The general consensus of the Commissioners was that they would consider helping in some way.

Closing Public Comment: None.

Commissioner Serverson moved, Commissioner Burns seconded, motion unanimously carried to adjourned the meeting at 9:52 a.m. The next meeting would be a regular meeting on June 14, 2022.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____
Greg Myhre, Chairperson

Attest: _____
Donna Trehus, Auditor/Treasurer

**HOUSTON COUNTY
AGENDA REQUEST FORM
June 14, 2022**

**Date Submitted: June 9, 2022,
By: Tess Kruger, HRD/Facilities Mgr.**

ACTION

- **Consider approval of a County Title VI Policy (non-discrimination in programming and contracts)**

APPOINTMENT REQUEST

- **CLOSED SESSION pursuant to Minn. Stat. 13D.05, subdivision 1 (d), attorney – client privilege to consider the recent MAPE arbitration results (S. Jandt)**

HR CONSENT AGENDA REQUEST

Information Systems

- **Confirm the resignation of Lucas Kuntz, IT Network/Help Desk Technician, effective June 30, 2022**
- **Approve a competitive search for an Information Technology Network/Help Desk Technician, C42 (Confidential employee)**

PHHS

- **Hire Brittany Anderson as a probationary Child Protection Social Worker, C41, Step 1, effective 06/22/2022, conditioned upon successful completion of background check**

| | | |
|-------------------------------|--|--|
| <u>Reviewed by:</u> | <input checked="" type="checkbox"/> HR Director | <input type="checkbox"/> Sheriff |
| | <input checked="" type="checkbox"/> Finance Director | <input checked="" type="checkbox"/> Engineer |
| | <input type="checkbox"/> IS Director | <input checked="" type="checkbox"/> |
| | <input checked="" type="checkbox"/> County Attorney | PHHS (indicate other dept) |
| | <input type="checkbox"/> Environmental Svcs | |
| <u>Recommendation:</u> | | |
| <u>Decision:</u> | | |

Houston County Title VI of the Civil Rights Act of 1964 Non-Discrimination Policy

Adopted

June , 2022

Effective Date

June , 2022

Policy Review

This policy's next scheduled review is due June 1, 2023.

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I. Non-Discrimination Policy Statement and Notice of Rights Against Discrimination

It is the policy of Houston County that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Houston County as provided by Title VI of the Civil Rights Act of 1964 and related statutes. This policy is available at the County's website www.co.houston.mn.us or by request by calling the Personnel Office at 507-725-5822.

Federal and state law prohibit discrimination on the basis of race, color, national origin, sex, disability, age, low-income status, creed, religion, marital status, sexual orientation, gender identity, and status with regard to public assistance be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation or program on the basis of the above protected classes for any program, service, or activity administered by the County and its contractors as provided by The Minnesota Human Rights Act, Title VI of the Civil

Rights Act of 1964; 49 CFR Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964) and related statutes and regulations. The County of Houston is committed to ensuring that all of its programs incorporate access for people with limited English proficiency. Additionally, Executive Order No. 12898, 59 Fed. Reg. 7629 (Feb. 11, 1994) requires Houston County to ensure fair treatment and meaningful involvement of low-income populations in all programs and activities, and Executive Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000) requires agency programs to incorporate access for people with limited English proficiency.

Nondiscrimination laws are also found in other statutes, regulations, and Executive Orders. The Federal-Aid Highway Act of 1973 prohibits discrimination based on sex. Disability was added as a protected class through Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. Age was subsequently added in 1975 under the Age Discrimination Act. In addition, Executive Order 12898 (1994), also known as environmental justice, requires recipients of federal financial assistance to achieve environmental justice by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. Executive Order 13166 (2000), limited English proficiency or LEP, requires federal agencies to ensure that recipients of federal financial assistance provide meaningful access to their programs and activities to LEP beneficiaries.

Enforcement

The Office of Civil Rights conducts the following activities to enforce Title VI:

- Providing Title VI training and technical support to staff, contractors, local governments and other MnDOT subrecipients of federal funds
- Processing Title VI complaints
- Conducting internal and external compliance reviews
- Reporting on Title VI compliance activities

II. Scope of Coverage

Title VI compliance is a condition for the receipt of federal funds. This policy applies to all operations of Houston County, including anyone who acts on behalf of Houston County. All county elected officials, employees, consultants, contractors, and volunteers must comply with Houston County policies.

The Title VI Compliance Officer and the Department Coordinators are authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* and related statutes, and the requirements of 23 C.F.R.) Part 200 and 49 C.F.R. Part 21. The Civil Rights Restoration Act of 1987 defined “program” with the clear expectation that discrimination is prohibited throughout the entire entity or agency if any part of the organization receives federal financial assistance. State and local government, corporations, partnerships, and other private organizations or sole proprietorships are subject to Title VI in their entirety if such entity receives any federal financial assistance (FHWA Notice N 4720.6,

September 2, 1992). Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

The following types of actions are prohibited under Title VI protections:

- Excluding individuals or groups from participation in programs or activities;
- Denying program services or benefits to individuals or groups;
- Providing a different service or benefit, or provide them in a manner different from what is provided to others;
- Denying an opportunity to participate as a member of a planning, advisory or similar body that is an integral part of the program;
- Retaliating against an individual for filing a discrimination complaint or participating in an investigation into a complaint.

III. Title VI Compliance Officer and Title VI Coordinators

The Title VI Compliance Officer and the Title VI Coordinators are responsible for ensuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes as applicable to County operations.

The Houston County Title VI Compliance Officer is the Human Resources Director/Facilities Mgr. The Title VI Compliance Officer is responsible for identifying Title VI issues, supplying Title VI guidance and connecting Coordinators to resources and training.

Title VI Coordinators for the Houston County are the individual department directors who shall ensure appropriate implementation of Houston County of this policy to pertinent department programs and activities. To that end, the Title VI Coordinators are responsible for identifying Title VI issues within their department, coordinating Title VI guidance and training with the Title VI Compliance Officer and reporting on Title VI implementation.

The following is contact information for the Houston County Title VI Compliance Officer:

Theresa Arrick-Kruger:

Houston County HR Director/Facilities Mgr.

304 South Marshall Street

Caledonia, MN 55921

theressa.arrick-kruger@co.houston.mn.us

Phone: (507) 725-5822

Shared Responsibilities

The County Title VI Compliance Officer and the Title VI Coordinators will coordinate their respective responsibilities as related to the following:

- Submission of required Title VI plans and annual reports on behalf of the County and a reporting department;
- Ensure County staff receive necessary Title VI training;
- Develop procedures for the prompt processing and disposition of complaints;
- Investigate complaints;
- Develop procedures for the collection and analysis of statistical data; and
- Develop program review protocols and conduct Title VI annual assessments of apposite program areas.

In addition to responsibilities set forth above the Title VI Compliance Officer shall:

- Meet with individual Title VI Coordinators to review and recommend amendments as appropriate to this policy each year prior to the submission of any requisite Title VI Implementation Plan reporting;
- Process Title VI complaints received by Title VI Coordinators;
- Work with Title VI Coordinator to develop and provide annual Title VI training programs for their respective areas;
- Conduct internal compliance reviews; and
- Attend Title VI trainings.

In addition to responsibilities set forth above Title VI Coordinators shall:

- Develop and implement requisite individual departmental Title VI Programs;
- Ensure department specific policy/programs remains current;
- Ensure Title VI training is timely delivered to department employees;
- Maintain records of Title VI compliance activities for inclusion in annual reports;
- Prepare information for department specific, requisite state and federal reports;
- Consult and work with the Title VI Compliance Officer on Title VI related questions and concerns;
- Ensure all Title VI complaints or issues are routed to the Title VI Compliance Officer in a timely manner;
- Timely respond to requests for information from the Title VI Compliance Officer;
- Implement procedures and guidelines to adequately monitor and administer department programs and projects in compliance with Title VI; and
- Attend Title VI trainings.

IV. Data Collection

Reliable data sources will be utilized to complete a demographic profile of Houston County, and update the profile periodically. Data sources may include, but are not limited to:

- U.S. Census Data
- American Community Survey
- EPA EJSCREEN
- MPCA Environmental Justice Map
- Minnesota Compass
- Minnesota State Demographic Center
- Internal sources including surveys during public engagement activities, and right of way activities.

Data will be used to determine whether public engagement is reaching all demographics and communities in Houston County, and assist in decisions on adjustments to public engagement strategies accordingly.

V. Limited English Proficiency (LEP) & Language Access Plan

Houston County will take reasonable steps to provide language assistance to persons with Limited English Proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

The LEP & Language Access Plan is attached in Appendix B. This plan describes how persons who may need language assistance will be identified, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

Houston County will use the four-factor LEP analysis which considers the following factors:

- The number or proportion of LEP persons in Houston County.;
- The frequency with which LEP persons come in contact with Houston County department programs or services;
- The nature and importance of programs or services provided by Houston County Department to the LEP population; and
- The resources and interpretation services available to Houston County and overall cost to provide LEP assistance.

The following sources of information were used in the Four Factor Analysis to determine LEP needs:

- U.S. Census American Community Survey (ACS) data
- Reports from County Staff about contact with LEP persons
- Internal Survey results, when and if available

VI. Title VI Complaint Procedures

Federal law prohibits discrimination on the basis of race, color, national origin, sex, disability, age, low-income status, creed, religion, marital status, sexual orientation, gender identity, and status with regard to public assistance in any Houston County program, services, benefits or activities.

If assistance is needed to file complaints or interpretation services are needed, please contact individual department director who is the Title VI Compliance Officer or the specific department Title VI Coordinator for that division.

Who is eligible to file a complaint?

Persons who believe that they, individually, or as a member of any specific class of persons, have been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, low-income status, creed, religion, marital status, sexual orientation, gender identity, or status with regard to public assistance may file a discrimination complaint with Houston County.

Discrimination includes, but is not limited to, lack of access, harassment, retaliation and disparate impacts from a program or activity.

Lack of access means being denied the opportunity to utilize eligible programs or services or being excluded from agency activities to which others have access.

Harassment includes a wide range of abusive and humiliating verbal or physical behaviors.

Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated in a discrimination investigation.

Disparate impacts are adverse outcomes for a particular protected class that others do not experience in regards to an agency program or activity, regardless of whether the adverse outcome was intentional.

How to file a complaint

All complaints received by a department Title VI Coordinator will be promptly routed to the County Title VI Compliance Officer in the Personnel Office. Complaints must be submitted in writing using the "Title VI Discrimination Complaint Form" within 180 days from the last date of the alleged discrimination. Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact the department Title VI Compliance Officer:

Theresa Arrick-Kruger:
Houston County HR Director/Facilities Mgr.
304 South Marshall Street
Caledonia, MN 55921
Phone: (507) 725-5822
theressa.arrick-kruger@co.houston.mn.us

Complaints may also be filed with :

Minnesota Department of Human Rights
Griggs Midway Building
540 Fairview Ave North, Suite 201
St. Paul, Minnesota 55104
651-539-1100 or 1-800-657-3704
Info.mdhr@state.mn.us

What happens after a complaint is filed?

Title VI complaints must be investigated within sixty (60) days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also request relevant information such as written records, electronic information, and other sources of information from all involved parties.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Resources

- [MnDOT FHWA Title VI Implementation Plan](#)
- [MnDOT FTA Title VI Implementation Plan](#)
- [MnDOT's Title VI website](#)
- [Federal-Aid Highway Act of 1973](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [Americans with Disabilities Act of 1990](#)
- [Age Discrimination Act](#)
- [Executive Order 12898](#)
- [Executive Order 13166](#)
- [Civil Rights Restoration Act of 1987](#)
- [FHWA Notice N 4720.6](#)
- [Minnesota Human Rights Act](#)

APPENDIX A – HOUSTON COUNTY BOARD OF COMMISSIONERS RESOLUTION

RESOLUTION NO. 22-33

WHEREAS, it is the policy of Houston County that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Houston County as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

NOW THEREFORE BE IT RESOLVED, by the Houston County Board of Commissioners that, the Houston County Title VI Non-Discrimination Policy and the Title VI Highway Department Plan for MnDOT FHWA Subrecipient and associated Title VI/Non-Discrimination Assurances required per the U.S. DOT Order No. 1050.2A, are hereby approved.

*****CERTIFICATION*****

STATE OF MINNESOTA

COUNTY OF HOUSTON

I, Donna Trehus, do hereby certify that the above is a true and correct copy of a resolution adopted by the Houston County Board of Commissioners dated _____.

WITNESS my hand and the seal of my office this ____ day of _____, 2022.

(SEAL)

Donna Trehus, Houston County Auditor-Treasurer

APPENDIX B – LIMITED ENGLISH PROFICIENCY (LEP) & LANGUAGE ACCESS PLAN (2022)

The following general plan outlines how persons who may need language assistance will be identified, the ways in which assistance may be provided, potential staff training, and how to notify LEP persons that assistance is available. This plan will be reviewed/updated annually.

NOTICE: The Houston County Public Health and Human Services Department (PHHS) provides programs that may involve immediate, or emergency assistance and basic needs services, such as food or shelter. As such PHHS has a specific LEP and language access plan that complies with the Minnesota Department of Human Service Limited English (LEP) & Access Plan criteria. Please contact the PHHS Department for further information regarding LEP and PHHS service access.

The Houston County four-factor LEP analysis for 2022:

Factor 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.

Based on the 2020 data, 483 of 17,593 persons in Houston County (older than the age of 5) speak a language other than English. Of those 483 persons, 156 speak English less than “very well”.

The overwhelming majority of the population 5 years and over (17,110 or 97.3%) in Houston County speak only English. Houston County staff, and Houston County contractors or sub recipients are most likely to contact LEP individuals through public meetings and other general public involvement opportunities.

Houston County staff cannot absolutely determine whether LEP population in any given language is underserved by the recipient due to language barriers. No LEP populations are over the 1,000 or 5%, translating vital documents into other languages is not required at this time; however, Houston County will continue to monitor, evaluate and provide outreach to LEP persons of any given language in the Houston County area.

Factor 2. The frequency with which LEP persons come in contact with programs, activities, or services.

Houston County Title VI Compliance Officer and Coordinators will monitor the frequency with which reporting department’s staff, and contractors have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits.

Factor 3. The nature and importance of programs, activities, or services provided to the LEP population.

Houston County uses federal funds for County programs and projects. While those projects are important, they do not involve immediate, or emergency assistance, such as medical treatment,

or any programs, activities, or services involving basic needs, such as food or shelter. And, while it is encouraged, involvement in Houston County planning and decision-making process by residents is entirely voluntary. Anyone can participate in the planning and decision-making process simply by contacting Houston County staff. Houston County does not require residents to complete application forms or to submit to interviews prior to their participation in Houston County planning and decision-making process. Planning and decision-making impacts all residents within the planning area, Houston County encourages input and involvement from all residents and makes every effort to make the planning and decision-making process as inclusive as practicable.

Factor 4. The resources available to Houston County and the overall cost to provide language assistance.

Houston County does not serve significant number of LEP persons. For this reason, Houston County weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, Houston County will consider the translation of documents (or portions thereof) on a case by case basis, as requested. In addition, web-based translations services such as Google Translate can also provide limited assistance. Spanish language assistance is available through the Minnesota Department of Commerce Spanish relay. This service is provided free of charge. The communications assistant relays call between a Spanish speaking person with a hearing or speech disability and a Spanish speaking hearing person. To place a Spanish Relay call: 1-877-627-5448 (voice, TTY, ASCII).

Language Assistance Measures

There is a low percentage of LEP individuals in Houston County, that is, persons who speak English “less than very well”. Houston County will strive to offer the following measures:

- Houston County staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
- The following resources will be available to accommodate LEP persons: Interpretive services, within reason, will be provided for public meetings, if advance notice is provided to Houston County and such services are readily available; Houston County will make translated versions (or provide for the interpretation of relevant section) of all documents/publications available upon request, within a reasonable time frame and if resources permit.

Staff Training

To ensure effective implementation of this County LEP Access Plan, training for staff that are expected to have relevant contact will occur with information reviewed such as:

- Information on the Title VI Policy and LEP responsibilities
- Documentation of language assistance requests
- Handling of potential Title VI/LEP complaints

Monitoring, Evaluation, and Updating the Plan

Houston County will review and update this LEP plan annually. An annual review and update will include the following:

- The documented number of LEP person contacts encountered
- Determine current LEP population in the service area
- Determine whether the need for translation services has changed
- Determine whether language assistance has been effective and sufficient to meet the need
- Determine whether Houston County financial resources are sufficient to fund language assistance resources needed
- Determine whether Houston County fully complies with this LEP plan
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints

Notice to LEP Persons

Houston County will make good faith efforts to notify the public that a LEP Plan and language assistance is available through the following means:

- Post a notice in a conspicuous and accessible place in the Houston County department office which provides the program or services of the LEP Plan and of the potential availability of interpretation or translation services
- Post the LEP on the Houston County website: www.co.houston.mn.us

This plan is also available at no cost in English upon request by telephone, email, mail or in person. If requested to be provided in another language and it is feasible to have it translated, it shall be provided at no cost to the requester.

APPENDIX C – TITLE VI DISCRIMINATION COMPLAINT FORM

Complete and submit this form if you have experienced discrimination by the Houston County _____ Department, its sub-recipients, or contractors on the basis of race, color, national origin, sex, age, income status, or disability, in violation of the Title VI Act of 1964 and related statutes.

Requests for additional languages or alternative formats should be directed to the Title VI Compliance Officer at 507-725-5822 or Theresa.Arrick-Kruger@co.houston.mn.us

Your information:

Name _____

Address _____

City _____ State _____ Zip _____

Preferred Phone Number: _____

Preferred Email: _____

Are you represented by an attorney? ☐ Yes ☐ No

If yes: Attorney's Name: _____

Attorney's Phone: _____

Attorney's Email: _____

Basis of Alleged Discrimination (check all that apply):

☐ Race

☐ Color

☐ National Origin

☐ Sex

☐ Age

☐ Disability

☐ Retaliation

☐ Other

Agency, business or contractor that allegedly discriminated:

Name of Organization _____

Name of Person(s)/Title _____

Address _____ City _____ Zip _____

Phone _____

Please explain in detail what happened, when, where, who was involved, and how you or other persons were discriminated against. If necessary, provide a copy of written materials pertaining to your complaint:

Other persons who have knowledge of the alleged discrimination?

| Name | Organization/Title (if any) | Phone |
|------|-----------------------------|-------|
| | | |
| | | |
| | | |

How would you like to see this complaint resolved?

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

With who _____ When _____
Status (pending, resolved, etc.) _____
Complaint or case number, if known _____

Privacy Notice:

Houston County is asking you to provide information in this complaint form which includes private and/or confidential information under the Minnesota Government Data Practices Act. Houston County is asking for this private/confidential information so that it can investigate and respond to allegations of discrimination. You are not legally required to provide this information; however, if you do not provide sufficient information Houston County may not be able to properly investigate your complaint. The information you provide will be used by Houston County or other required agencies' employees whose job assignments reasonably require access to the information. Others may also have a legal right to access the information including but not limited to; the Houston County Attorney, the MN Attorney General's Office; the MN State Auditor's Office; the MN Legislative Auditor's Office; law enforcement agencies and prosecutorial authorities; persons/entities named pursuant to court order; persons/entities whom you authorize; and any other person or entity authorized by state or federal law.

By signing this complaint, I certify the truthfulness of the information provided:

Signature Date

HOUSTON COUNTY HIGHWAY DEPARTMENT

Title VI Plan for MnDOT FHWA Subrecipient

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Appendix A – Houston County Title VI of the Civil Rights Act of 1964 Non-Discrimination Policy

Appendix B – The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances, DOT Order No. 1050.2A

Adopted

June , 2022

Effective Date

June , 2022

Plan Review

This plan's next scheduled review is due June 1, 2023.

| Title VI Plan Revision Log | |
|----------------------------|----------------------|
| Date | Summary of Revisions |
| | |
| | |
| | |

I. Non-Discrimination Policy Statement and Notice

It is the policy of Houston County and by way of extension, the Houston County Highway Department, that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Houston County as provided by Title VI of the Civil Rights Act of 1964 and related statutes. The Houston County Title VI of the Civil Rights Act of 1964 Non-Discrimination Policy incorporated by reference in its entirety to the Houston County Highway Department Title VI Plan for a MnDOT FHWA Subrecipient. (Appendix A) This policy is available at the County's website www.co.houston.mn.us or by request to the Title VI Coordinator listed below.

II. Highway Department Title VI Coordinator

The Houston County Highway Department Title VI Coordinator is responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

The Houston County Board of Commissioners has assigned the position of Houston County Engineer to perform the duties of the Title VI Coordinator and ensure implementation of Houston County's Title VI program under the Highway Department's programs and activities. The position of Houston County Engineer is located within the Highway Department.

The following is contact information for the Title VI Coordinator:

Houston County Engineer

1124 E Washington St

Caledonia, MN 55921

Brian.Pogodzinski@co.houston.mn.us

Phone: (507) 725-3925

The Houston County Highway Department Title VI Coordinator is responsible for:

- Submitting the Highway Departments Title VI plan and annual reports to State of Minnesota Department of Transportation;
- Ensuring Highway Department staff receive necessary Title VI training;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to MnDOT;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;

- Developing Title VI information for dissemination;
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

III. Primary Program Area Descriptions & Review Procedures

The Highway Department engages in the following program areas:

| Program Area | General Description | Title VI/Non-Discrimination Concerns and Responsibilities | Review Procedures for Ensuring Non-Discrimination |
|--|--|---|---|
| Right of Way | Issues public right of way permits for utilities, driveways, and other activities. Acquires right of way for public purposes. Coordinates relocation of residents as necessary in right of way acquisitions. | Public right of way permits and relocations should not create unfair burdens for environmental justice communities. | Reviewing permits and relocations to ensure nondiscrimination. |
| Planning | Short-term and long-term planning of transportation projects | Using equity-based analysis as part of planning process. Public participation to meet environmental justice requirements. Collecting data from public engagement activities regarding demographics of public participants. Providing language access as needed. | Review planning decisions to ensure nondiscrimination. Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities. Documenting language access requests. |
| Maintenance | Plan, coordinate and accomplish maintenance activities on road system. | Define objectives and goals for road system without unfair impact to a protected class. | Review practices and procedures to determine impact to communities. |
| Construction and Maintenance Contracts | Construction and maintenance contracts as developed for road system | Ensure access and non-discrimination to bidders . | Review of bidding procedures and advertisement and contract language |

IV. Title VI Assurances

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the U.S. DOT provided an assurances agreement in U.S. DOT Order 1050.2A that federal fund recipients and subrecipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language that the Houston County Highway Department is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. The Houston County Highway Department is committed to ensuring the necessary language is used as prescribed in the assurances agreement.

In accordance with this requirement, the Houston County Highway Department has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances. See Appendix B.

V. Data Collection

The Highway Department will collect relevant and reliable data in compliance with the County Title VI, Non-Discrimination Policy. The Houston County Highway Department will follow the four-factor LEP analysis as set forth in the County Title VI Non-Discrimination Policy.

The data will be used to determine whether public engagement is reaching all demographics and communities in Houston County, and assist in decisions on adjustments to public engagement strategies accordingly. Houston County has developed the following to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. The following plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

VI. Public Participation

Public notices for public meetings including staff contacts will be advertised in the official newspaper of Houston County and/or relevant localized newspaper. Project mailings will include property owners and/or residents within project limits. Meeting attendees, mailing recipients, and the general public may make oral and/or written comments to Houston County staff. Upon request, translations and/or interpretation services may be made available for persons with limited English proficiency or hearing impaired.

When feasible, Houston County will use visualization techniques such as maps, models, photographs, or project renderings to aid in greater understanding of projects, plans or other topics of discussion at meetings and in communications.

Adequate and timely communication will be used in multiple methods (newspaper, mailings, website) for public outreach. Public meetings will be attempted to be held at acceptable and accessible locations that are located in the community impacted. Opportunities for input from protected classes is made available through Houston County staff at reasonable times in addition to scheduled meetings.

Highway Department Staff Training

To ensure effective implementation of this plan, training for staff that are expected to have relevant contact will occur with information reviewed such as:

- Information on the Title VI Policy and LEP responsibilities
- Documentation of language assistance requests
- Handling of potential Title VI/LEP complaints

Monitoring, Evaluation, and Updating the Plan

Houston County will review and update the LEP plan annually. An annual review and update will include the following:

- The documented number of LEP person contacts encountered.
- Determine current LEP population in the service area.
- Determine whether the need for translation services has changed.
- Determine whether language assistance has been effective and sufficient to meet the need.
- Determine whether Houston County financial resources are sufficient to fund language assistance resources needed.
- Determine whether Houston County fully complies with this LEP plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

Notice to LEP Persons

Houston County will make good faith efforts to notify the public that a LEP Plan and language assistance is available through the following means:

- Post a notice in a conspicuous and accessible place in the Houston County Highway Department office of the LEP Plan and of the availability of interpretation or translation services
- Post the LEP on the Houston County website: www.co.houston.mn.us

This plan is also available at no cost in English upon request by telephone, email, mail or in person. If requested to be provided in another language and it is feasible to have it translated, it shall be provided at no cost to the requester.

VII. Title VI Complaint Procedures

Federal law prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in any Houston County program or activity. This prohibition applies to all branches of Houston County, its contractors, consultants, and anyone else who acts on behalf of Houston County. If assistance is needed to file complaints or interpretation services are needed, please contact the Highway Department Title VI Coordinator.

How to file a complaint

Complaints must be submitted in writing using the "Title VI Discrimination Complaint Form" within 180 days from the last date of the alleged discrimination. Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a

written complaint. For assistance in filing a complaint, please contact the Highway Department Title VI Coordinator.

Any person who believes that they, individually, or as a member of any specific class of persons, have been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, limited English proficiency, or income status may file a discrimination complaint to:

Complaints may be submitted via mail, email, or in person to:

Houston County Engineer

1124 E Washington St

Caledonia, MN 55921

Brian.Pogodzinski@co.houston.mn.us

Phone: (507) 725-3925

Complaints may also be filed with the following agencies:

Minnesota Department of Transportation

Office of Civil Rights

395 John Ireland Blvd, Mail Stop 170

St. Paul, MN 55155

Phone: (651) 366-3073

Fax: (651) 366-3129

Online Complaint Form: <https://www.dot.state.mn.us/civilrights/titlevi-complaint.html>

Federal Highway Administration, Minnesota Division

380 Jackson Street, Suite 500

St. Paul, MN 55101

Phone: (651) 291-6100

Fax: (651) 291-6000

Title VI Discrimination Complaint Form

The Title VI Discrimination Complaint Form is located in Appendix C of the Houston County Title VI non-discrimination policy. If you believe you have experienced discrimination by the Houston County Highway Department, its sub-recipients, or contractors on the basis of race, color, national origin, sex, age, income status, or disability, in violation of the Title VI Act of 1964 and related statutes. Requests for additional languages or alternative formats should be directed to the Highway Department Title VI Coordinator at 507-725-3925 or by email to Brian.Pogodzinski@co.houston.mn.us.

APPENDIX A

Houston County Title VI of the Civil Rights Act of 1964 Non-Discrimination Policy

APPENDIX B

**The United State Department of Transportation (USDOT)
Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A**

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The _____ County of Houston _____ (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.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.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

Modal Operating Administration may include additional Statutory/Regulatory Authorities here.

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

General Assurances

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

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

Modal Operating Administration may include additional General Assurances in this section, or reference an addendum here.

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 FHWA Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a

“facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **FHWA Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

3. The Recipient will insert the clauses of **Appendix A and E** of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of **Appendix B** of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in **Appendix C and Appendix D** of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance

under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

Modal Operating Administration may include additional Specific Assurances in this section.

By signing this ASSURANCE, _____ County of Houston _____ 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. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

_____ County of Houston _____ gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the FHWA. This ASSURANCE is binding on _____ County of Houston _____, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in its programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

_____ County of Houston _____

(Name of Recipient)

by _____

(Signature of Authorized Official)

DATED _____

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 (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration (FHWA)**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate 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 49 CFR Part 21. *[Include Modal Operating Administration specific program requirements.]*
3. **Solicitations for Subcontracts, 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 will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. *[Include Modal Operating Administration specific program requirements.]*
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, 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 Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take 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 noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the _____ County of Houston _____ will accept title to the lands and maintain the project constructed thereon in accordance with the Regulations for the Administration of **Federal Highway Administration** (FHWA), and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the _____ County of Houston _____ all the right, title and interest of the U.S. 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 _____ County of Houston _____ and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the _____ County of Houston _____, its successors and assigns.

The _____ County of Houston _____, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the _____ County of Houston _____ will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the _____ County of Houston _____ pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, _____ County of Houston _____ will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the _____ County of Houston _____ will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the _____ County of Houston _____ and its assigns.*

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

APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by _____ County of Houston _____ pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, _____ County of Houston _____ will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, _____ County of Houston _____ will there upon revert to and vest in and become the absolute property of _____ County of Houston _____ and its assigns.*

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

APPENDIX E

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, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures 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.*).

RESOLUTION NO. 22-33

WHEREAS, it is the policy of Houston County that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Houston County as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

NOW THEREFORE BE IT RESOLVED, by the Houston County Board of Commissioners that, the Houston County Title VI Non-Discrimination Policy and the Title VI Highway Department Plan for MnDOT FHWA Subrecipient and associated Title VI/Non-Discrimination Assurances required per the U.S. DOT Order No. 1050.2A, are hereby approved.

*******CERTIFICATION*******

STATE OF MINNESOTA

COUNTY OF HOUSTON

I, Donna Trehus, do hereby certify that the above is a true and correct copy of a resolution adopted by the Houston County Board of Commissioners dated _____.

WITNESS my hand and the seal of my office this ____ day of _____, 2022.

(SEAL)

Donna Trehus, Houston County Auditor-Treasurer