



Gibson County Board of Commissioners

**TITLE VI IMPLEMENTATION PLAN**

**2016**

Revised 11/1/2021

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# **Gibson County Board of Commissioners**

## **Title VI Policy**

### **& Complaint Procedures**

#### **1. Introduction**

##### 1.1 Purpose

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit discrimination on the basis of race, color or national origin in federally assisted programs. The intent of the law is to ensure that all persons, regardless of their race, color or national origin, gender, disability or income status are allowed to participate in these federally funded programs.

The Gibson County Board of Commissioners has established the following procedures to provide monitoring of Title VI compliance activities and complaint processing in all County programs that receive federal funding.

##### 1.2 Policy

The County and its sub-recipients of federal funds will not:

1. Deny an individual service, or provide only inferior or discriminatory service, aid or benefits because of an individual's race, color or national origin, gender, disability or income status.
2. Subject a person to segregation or treat a person differently in regards to eligibility for and participation in services because of race, color or national origin, gender, disability or income status.
3. Restrict or discourage individuals in their enjoyment of facilities because of race, color or national origin, gender, disability or income status.
4. Discriminate in any way against an individual in any program or activity that is conducted with federal funds.

The County will publicize its Title VI policy statement. The County will investigate Title VI complaints about County contractors. The County will refer any complaints that the County has violated Title VI on a Federal Highway Administration funded program to the Indiana Department of Transportation (INDOT).

##### 1.3 Coordinator

The County will appoint one or more Title VI Coordinators to implement and oversee its Title VI Policy and procedures.

**Gibson County Board of Commissioners  
Title VI Policy & Complaint Procedures**

**2. Complaint Procedures**

**2.1. Required Time to File Complaint**

To allow time to file first with the County and then externally with an appropriate outside agency or court, as the complainant chooses, any complaint to the County should be filed promptly and must be filed not later than one hundred eighty (180) calendar days after the alleged discrimination occurred. If the complainant is not satisfied with the findings or the proposed remedial action, the complainant may still file externally within any applicable statute of limitations.

If a complaint is filed within the County and is filed externally during the same time, the external complaint supersedes the internal complaint filing. Accordingly the County's complaint procedures will be suspended pending outcome of the external complaint.

**2.2 Step 1- Informal Meeting with Department Head**

The complainant and/or the complainant's representative are encouraged to initiate the process by meeting with the County department head of the service or facility where the alleged discrimination took place. The complainant should provide the basis of the complaint (race, color, national origin) and the nature of the incident that led the complainant to feel that discrimination was a factor.

The department head shall immediately notify the Title VI Coordinator. The department head shall, within ten (10) workdays after receiving the complaint, reach a decision and communicate the decision to the complainant and the Title VI Coordinator.

Upon receipt of a complaint, the Title VI Coordinator will determine jurisdiction.

Complaints against the County involving Federal Highway Administration funds will be forwarded to the appropriate State agency, the Indiana Department of Transportation, for proper disposition pursuant to its procedures.

**2.3 Step 2- Formal complaint to Title VI Coordinator**

If the complaint is not resolved at Step 1, or if the complaint is not first brought to the department head, a written complaint shall be filed with the County's Title VI Coordinator.

The complainant should submit his/her complaint to the County by completing the attached Title VI Complaint Form.

## **Gibson County Board of Commissioners Title VI Policy & Complaint Procedures**

The Coordinator shall notify the department head of the formal complaint and initiate an investigation immediately. The department head shall provide assistance during this internal investigation as requested by the Coordinator.

The internal investigation shall be completed within twenty (20) workdays of receipt of the complaint, at which time the Coordinator will inform the complainant in writing of its disposition, including any findings of fact and any actions to be taken.

### **2.4 Disposition of Complaints**

**Sustained Complaints** – If the complaint is substantiated, this policy and procedure prohibiting discrimination will be reviewed with the offender. Appropriate disciplinary action and/or training will be taken pursuant to the County’s disciplinary procedures. **Unsustained Complaints** – If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.

**Unfounded Complaint** – If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of “unfounded” shall be made.

**Exonerated Complaints** – If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of “exonerated” shall be made.

### **2.5 Review by Appeal**

If the complainant is not satisfied with the resolution, an appeal process is available. An appeal request for review of a determination of unlawful denial of access or accommodation to public transportation must be filed, in writing, within thirty (30) calendar days of the resolution of the complaint, with the Title VI Coordinator.

The written appeal must include the complainant’s name, address, and telephone contact number. A statement of reason(s) why the complainant believes the denial of the complaint was inappropriate is recommended.

The Title VI Coordinator will set a mutually agreed-upon time and place for the review process with the complainant–appellant and/or representatives and a County Commissioner or designee within thirty (30) days of the request. The complainant–appellant may submit documents or other information to be included with the record and considered in the review process. A record of the review will be kept by the County.

A complainant’s right to a prompt and equitable resolution of the complaint will not be impaired by the complainant’s pursuit of other remedies. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.

**Gibson County Board of Commissioners  
Title VI Policy & Complaint Procedures**

**2.6 Complaint Log**

The Coordinator will maintain a Title VI complaint log to show identifying information type, and status of each complaint filed, including those filed under Step 1 of this procedure. When any investigation is concluded, the Coordinator will keep a copy of the report on permanent file.

**3. Training**

The Title VI coordinator will attend Title VI training as required by INDOT as well as train County employees on current and new regulations as needed. The Title VI coordinator will maintain a log of training attended or conducted.

**Gibson County Board of Commissioners  
Gibson Title VI Complaint Form**

**1. Complainant Information:**

Name (First, Last Name)

---

Street Address:

---

City, State, Zip Code:

---

Telephone:

---

Email Address:

---

**Person discriminated against (if someone other than the complainant):**

Name: \_\_\_\_\_

Street Address:

---

City, State, Zip Code:

---

Telephone:

---

Email Address:

---

**2. Are you represented by an attorney for this complaint?**

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please complete the following:

Attorney's Name:

---

Street Address:

---

City, State, Zip Code:

---





6. **Have you filed a complaint of the alleged discrimination with any other federal, state, or local agencies; or with a state or federal court?**

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, check all that apply:

Federal \_\_\_\_\_ Federal Court \_\_\_\_\_ State \_\_\_\_\_ State Court \_\_\_\_\_

Local Court \_\_\_\_\_

Please provide the name of the Agency where you filed your complaint.

Agency Name:

\_\_\_\_\_

Contact Person:

\_\_\_\_\_

Telephone:

\_\_\_\_\_

**I affirm that I have read the above charge and that it is true to the best of my knowledge, information, and belief.**

Date: \_\_\_\_\_

Signature of Complainant: \_\_\_\_\_

In order to process your complaint, please fill out this form. If you need help in completing this form, please call the Title VI Coordinator at 812-385-0734. The completed form can be returned to:

**Gibson County Safety Office  
Attention: Title VI Coordinator  
225 N. Hart St  
Princeton IN, 47670  
Telephone: (812) 385-0734**

## Title VI Complaint Log Gibson County Board of Commissioners

| Case # | Complainant Name | Complainant Address | Date Filed | Basis | Status | Disposition |
|--------|------------------|---------------------|------------|-------|--------|-------------|
|        |                  |                     |            |       |        |             |
|        |                  |                     |            |       |        |             |
|        |                  |                     |            |       |        |             |
|        |                  |                     |            |       |        |             |
|        |                  |                     |            |       |        |             |
|        |                  |                     |            |       |        |             |

Complaints may also be filed with the following government agencies:

Indiana Department of Transportation  
 Economic Opportunity Division  
 100 N. Senate, Room N750  
 Indianapolis, IN 46204  
 Phone: (317) 233-6511  
 Fax: (317) 233-0891

Indianapolis District EEOC Office  
 101 West Ohio Street, Ste 1900  
 Indianapolis, IN 46204  
 Phone: (800) 669-4000  
 Fax: (317) 226-7953  
 TTY: 1 (800) 669-6820

Indiana Civil Rights Commission  
 100 N. Senate Ave., Room N103  
 Indianapolis, IN 46204  
 Toll Free: 1 (800) 628-2909  
 Phone: (317) 232-2600  
 Fax: (317) 232-6560  
 Hearing Impaired: 1 (800) 743-3336

#### **4. ENVIRONMENTAL JUSTICE**

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Part of Title VI reads, “No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.”

The three fundamental environmental justice (EJ) principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The Gibson County Commissioners have a commitment to these three environmental justice principles in all work that the County performs.

## VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid highway programs and activities (23 CRF §200.9(b)(4)). Gibson County is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that Gibson County will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding Gibson County's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Andy Schafer, Title VI Coordinator and ADA Coordinator.

You may return the survey by mailing or e-mailing it to the address below.

**Andy Schafer**  
**Title VI Coordinator and ADA Coordinator**  
**225 N. Hart St.**  
**Princeton, IN 47670**  
**aschafer@gibsoncounty-in.gov**

|                                                                              |                                                                                                               |
|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <b>Date:</b> (month, day, year)                                              |                                                                                                               |
| <b>Project Name:</b>                                                         |                                                                                                               |
| <b>Proposed Project Location:</b>                                            |                                                                                                               |
| <b>Gender:</b> <input type="checkbox"/> Female <input type="checkbox"/> Male | <b>Ethnicity:</b> <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino |
| <b>Race:</b> (Check one or more)                                             |                                                                                                               |
| <input type="checkbox"/> American Indian or Alaska Native                    | <input type="checkbox"/> Asian                                                                                |
| <input type="checkbox"/> Native Hawaiian or Other Pacific Islander           | <input type="checkbox"/> White                                                                                |
| <input type="checkbox"/> Black or African-American                           | <input type="checkbox"/> Multiracial                                                                          |
| <b>Age:</b>                                                                  | <b>Disability:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No                                   |
| <input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40                 |                                                                                                               |
| <input type="checkbox"/> 41-65 <input type="checkbox"/> 65+                  |                                                                                                               |
| <b>Household Income:</b>                                                     |                                                                                                               |
| <input type="checkbox"/> 0-\$12,000                                          | <input type="checkbox"/> \$12,001-\$24,000 <input type="checkbox"/> \$24,001-\$36,000                         |
| <input type="checkbox"/> \$36,001-\$48,000                                   | <input type="checkbox"/> \$48,001-\$60,000 <input type="checkbox"/> \$60,001+                                 |

### **3. Limited English Proficiency Policy**

On August 11, 2000, the President signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil Rights Act of 1964. It has as its purpose, to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, The US Department of Transportation published Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register.

The Gibson County Board of Commissioners are committed to providing quality services to all citizens, including those who do not speak English as their primary language, and who have a limited ability to read, speak, write, or understand English. These individuals may be considered Limited English Proficient, or "LEP," and may be entitled to language assistance. As a recipient of Federal Transportation Funding, the Gibson county Board of Commissioners must take reasonable steps to ensure meaningful access to its programs and activities by LEP persons. The U.S. Department of Transportation recommends analyzing the following four factors to determine the level and extent of language-assistance measures required within the grantee's area of responsibility:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient or agency, and costs.

The intent of this policy is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on the County or department. Specific steps to be taken, in terms of translation or language interpretation, will depend on the situation at the time, from coordination with LEP individuals and the organizations that serve them and from analysis of the County's existing resources and the costs of providing language assistance.

Gibson County strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to County services.

- A U.S. Census Bureau ISpeak card is available as part of this document. This card allows LEP individuals to communicate their preferred language to County Departments whereas department staff may then access a language translation service to accommodate the needs of the person with LEP. A translation service called INDY Translations, phone number 1-800-695-8772 is available to County Staff or other translation services may be used as determined by the County

# **U.S. Census Bureau ISpeak Cards**

- |                                                                                                             |                        |
|-------------------------------------------------------------------------------------------------------------|------------------------|
| <input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.                              | 1. Arabic              |
| <input type="checkbox"/> Մարդկանք կ'ընդ կարողանանք որոշ լեզուներով, եթե լեզուով կամ կարողանա՞նք հարկադրված: | 2. Armenian            |
| <input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।                             | 3. Bengali             |
| <input type="checkbox"/> ល្អប្រសើរណាស់ប្រសិនបើ៖ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។                                | 4. Cambodian           |
| <input type="checkbox"/> Motka i kabhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.       | 5. Chamorro            |
| <input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。                                                                 | 6. Simplified Chinese  |
| <input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。                                                                 | 7. Traditional Chinese |
| <input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.                    | 8. Croatian            |
| <input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.                             | 9. Czech               |
| <input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.                        | 10. Dutch              |
| <input type="checkbox"/> Mark this box if you read or speak English.                                        | 11. English            |
| <input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.                       | 12. Farsi              |

- |                          |                                                                                      |                    |
|--------------------------|--------------------------------------------------------------------------------------|--------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français.                                      | 13. French         |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.                | 14. German         |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.                            | 15. Greek          |
| <input type="checkbox"/> | Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.                                | 16. Haitian Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।                       | 17. Hindi          |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob.                                | 18. Hmong          |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.                  | 19. Hungarian      |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.                    | 20. Ilocano        |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano.                                     | 21. Italian        |
| <input type="checkbox"/> | 日本語を購んだり、話せる場合はここに印を付けてください。                                                         | 22. Japanese       |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.                                                       | 23. Korean         |
| <input type="checkbox"/> | ໂຕ້າມເລື່ອງນີ້ ຖ້າທ່ານສາມາດອ່ານຫຼືເວົ້າໄດ້.                                          | 24. Laotian        |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish         |



- |                          |                                                                                |                |
|--------------------------|--------------------------------------------------------------------------------|----------------|
| <input type="checkbox"/> | Assinale este quadrado se você lê ou fala português.                           | 26. Portuguese |
| <input type="checkbox"/> | Însemnați această căsuță dacă citiți sau vorbiți românește.                    | 27. Romanian   |
| <input type="checkbox"/> | Пометьте этот квадратик, если вы читаете или говорите по-русски.               | 28. Russian    |
| <input type="checkbox"/> | Обележите ovaj kvadratić ukoliko читаете или говорите српски језик.            | 29. Serbian    |
| <input type="checkbox"/> | Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.             | 30. Slovak     |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español.                                    | 31. Spanish    |
| <input type="checkbox"/> | Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. | 32. Tagalog    |
| <input type="checkbox"/> | ทำเครื่องหมายตารางในช่องนี้ถ้าท่านอ่านหรือพูดภาษาไทย.                          | 33. Thai       |
| <input type="checkbox"/> | Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.                        | 34. Tongan     |
| <input type="checkbox"/> | Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.         | 35. Ukranian   |
| <input type="checkbox"/> | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔                     | 36. Urdu       |
| <input type="checkbox"/> | Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.               | 37. Vietnamese |
| <input type="checkbox"/> | באצייבונט דעם קעסטל אויב איר לייגעט אדער רעדט אידיש.                           | 38. Yiddish    |

## APPENDIX A

### (To be inserted in all Federal Aid Contracts)

During the performance of this contract, the contractor, for itself, its assignees and successors in interest

(Hereinafter referred to as the "contractor") agrees as follows:

**(1) Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") 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) Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

**(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

**(4) Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Gibson County Commissioners, or the Indiana Department of Transportation (INDOT) or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Gibson County Commissioners, or (INDOT) or (FHWA) as appropriate, and shall set forth what efforts it has made to obtain the information.

**(5) Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Gibson County Commissioners shall impose such contract sanctions as it or (INDOT) or (FHWA) may determine to be appropriate, including, but not limited to:

(a) Withholding of payments to the contractor under the contract until the contractor complies, and/or

(b) Cancellation, termination or suspension of the contract, in whole or in part.

**(6) Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the Gibson County Commissioners or (INDOT) or (FHWA) 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 Gibson County Commissioners to enter into such litigation to protect the interests of the Gibson County Commissioners, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B**

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

### **(GRANTING CLAUSE)**

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Indiana Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Indiana Department of Transportation* all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto the Indiana Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the

period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Indiana Department of Transportation its successors and assigns.

The Indiana Department of Transportation, 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 shall on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income 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 Indiana Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of -the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Indiana Department of Transportation (INDOT) pursuant to the provisions of Assurance 7(a).

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

[Include in licenses, leases, permits, etc.]\*

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

[Include in deed.]\*

That in the event of breach of any of the above nondiscrimination covenants, Indiana Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

described lands and facilities shall thereupon revert to and vest in and become the absolute property of INDOT and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by INDOT pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

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

[Include in deeds]\*

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\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

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

**Title VI Assurances**

These are standard U.S. Department of Transportation assurances that outline the County's guarantee for compliance with Title VI of the Civil Rights Act of 1964 as a recipient of federal financial assistance. The executed assurances are included in the following pages.



## **Gibson, Indiana**

### **Standard U.S. D O T Title VI Assurances**

**Gibson County, Indiana** (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 200d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status, or limited English proficiency, 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 the Department of Transportation, including the **Indiana Department of Transportation**, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations. More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its **Federal Aid Transportation Program**.

1. That the Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(e) and (b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the **Federal Aid Transportation Program** and, in adapted form in all proposals for negotiated agreements:

***Gibson County, Indiana** in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat, 252, 42 U.S.C. 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 insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, disability, sex, sexual orientation, gender identity, religion, age, low income status or limited English proficiency in consideration for an award.*

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the **Federal Aid Transportation Program** and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the **Federal Aid Transportation 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 Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal Aid Transportation Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Transportation Program. The persons whose signatures appear below are authorized to sign this assurance on behalf of the recipient.

Gibson County Commissioners  
Warren Fleetwood, President



Warren E. Fleetwood

Date 11/1/2021

















