

**Johnson County, Indiana**

**Title VI**

**Nondiscrimination Implementation Plan**

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## **1. POLICY STATEMENT AND NOTICE TO THE PUBLIC**

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “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 subjected to discrimination under any program or activity receiving Federal Financial Assistance” (42 U.S.C. Section 2000d).

Pursuant to Title VI of the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987, Johnson County, Indiana, hereinafter referred to as “Johnson County,” will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status.

Johnson County will comply with Title VI of the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987; accordingly, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any transportation-related program in Johnson County.

To make citizens aware of Johnson County’s commitment to Title VI compliance, and their right to file a civil rights complaint, Johnson County has presented the following information in English on its website and where meeting agendas are posted in the West Annex. Johnson County has instructed its vendors to post same within County vehicles used for public transportation:

### Your Civil Rights

Johnson County, Indiana operates without regard to race, color, or national origin, in accordance with Title VI of the Civil Rights Act and other statutes and authority that prohibits discrimination in federally assisted programs and activities. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with Johnson County. For more information on Johnson County’s civil rights program and the procedures to file a complaint, please contact the Title VI Coordinator, Barbara Davis, via phone at (317) 346-4329, via email at [bdavis@co.johnson.in.us](mailto:bdavis@co.johnson.in.us), or at 86 West Court Street, Franklin, Indiana, 46131, from 8 – 4:30, Monday through Friday. A complaint may also be filed directly with the FTA, Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590. If information is needed in another language, please call (317) 346-4329.

## **2. TITLE VI COORDINATOR**

Barbara Davis  
County Coordinator & ADA Coordinator  
86 West Court Street  
Franklin, IN 46131  
Voice (317) 346-4329  
Fax (317) 736-8066  
E-mail: [bdavis@co.johnson.in.us](mailto:bdavis@co.johnson.in.us)

The Johnson County Title VI Coordinator will:

- Administer and implement Johnson County's Title VI plan and policy.
- Develop and maintain a Title VI liaison team (Appendix D) to ensure departments are implementing, monitoring, and complying with Johnson County's Title VI plan and policy.
- Conduct Title VI yearly reviews with liaisons to assist with identifying, addressing, and eliminating discrimination concerns in every department.
- Conduct or facilitate Title VI training programs with department liaisons for dissemination to employees.
- Work with liaisons to develop and disseminate Title VI information to contractors, subcontractors, vendors, and consultants.
- Work with liaisons to ensure community involvement and outreach is in compliance with Title VI and provides equitable opportunities for participation.
- Ensure Title VI language is included in Johnson County contracts.
- Collect, review, and preserve statistical data (race, color, national origin, language, gender, etc.) of participants in activities and programs to ensure Johnson County's continued compliance with Title VI.
- Collect, review, and preserve data regarding the number of federally funded projects awarded or ongoing for the past three (3) years.
- Maintain all Title VI records and correspondence, including but not limited to, signed employee acknowledgements, complaints and all correspondence regarding such, requests for language services, demographic statistics, department compliance reviews, and all Title VI federal agency correspondence and records.
- Address all Title VI discrimination complaints.
- Review and update the Title VI plan and policy as needed or required.
- Prepare and submit the annual Title VI update report.



### **3. EMPLOYER/EMPLOYEE DISSEMINATION & TRAINING**

Title VI plan and policies will be implemented into Johnson County employee material, and Johnson County current and future employees will be required to sign an acknowledgement (Appendix E) indicating they have read and reviewed Title VI policy guidelines. New employees will be provided with literature at new employee orientation. Employees will be provided with updated literature as Johnson County deems necessary.

Employees will be expected to follow the Title VI policy and the guidelines set forth. In addition, Johnson County employees should make every effort to alleviate any barriers to service or public use that would restrict public access or usage, take prompt and reasonable action to avoid or minimize discrimination incidences, and immediately notify the Title VI Coordinator in writing of any questions, complaints or allegations of discrimination.

### **4. CONTRACTORS, SUBCONTRACTORS, VENDORS & CONSULTANTS**

All contractors, subcontractors, and vendors who receive payments from Johnson County where funding originates or is reimbursed from any Federal assistance programs are subject to the provisions of Title VI of the Civil Rights Act of 1964, as amended. Johnson County will include Title VI language, as per the Standard U.S. DOT Title VI Assurances Appendices A, B & C, as relevant and appropriate, in written agreements and bid notices. Written agreements relevant to Title VI shall not contain any form of discrimination, either written or implied.

### **5. CONCERNS/COMPLAINT PROCESS**

Johnson County will take prompt and reasonable actions to thoroughly investigate concerns and complaints. Any individual believing they have been subjected to discrimination may file a complaint with the Johnson County Title VI Coordinator. Complaint forms (Appendix F) can be found on Johnson County's website: <http://co.johnson.in.us/> or by contacting the Johnson County Title VI Coordinator. For the complaint to be considered, the complainant must file the appropriate documentation:

1. Within 180 days of the alleged act of discrimination; or
2. Where there has been a continuing course of alleged discriminatory conduct, within 180 days of the date on which the alleged conduct was discontinued.

Complaints shall be made in writing and shall be signed by the complainant and/or the complainant's representative. Complaints must contain the following and describe as completely as possible the facts and circumstances surrounding the alleged discrimination:

- Name of the complainant.
- Contact information (telephone number, address, email address).
- Basis for the allegation(s) (e.g., race, color, national origin, gender, age, etc.).

- A detailed description of the alleged discrimination (how, when, where, and why they believe they were discriminated against including the location(s), name(s) and contact information of all witnesses, if applicable).
- Any other information that is deemed significant.

If the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the Johnson County Title VI Coordinator. Under these circumstances, the complainant will be interviewed and the Johnson County Title VI Coordinator will assist the complainant in completing a written statement.

Within fifteen (15) calendar days after receipt of the complaint, the Title VI Coordinator will arrange to speak or meet with the complainant to discuss the complaint and the possible resolutions if applicable. If a complaint is deemed incomplete, additional information will be requested. The complainant has sixty (60) business days to respond to the request for additional information. A complainant's failure to respond to the request within sixty (60) business days may result in the administrative closure of the complaint.

If Johnson County does not have sufficient jurisdiction to investigate the complaint, the Title VI Coordinator will refer the complaint to the appropriate local, state, or federal agency holding such jurisdiction. The Title VI Coordinator will notify the complainant or their representative, in writing, that the complaint is outside of Johnson County's jurisdiction and where the complaint has been referred for further handling.

The Title VI Coordinator will conduct a complete and thorough investigation of complaints inside Johnson County's jurisdiction and based upon the information obtained will render a final written response letter to the complainant or their representative by registered mail or hand delivery within sixty (60) business days. The final written response will include a description of the complaint, a summary of the investigation and the findings of such, summaries of all individuals interviewed, and if appropriate, recommendations and resolutions. All written complaints, investigations, and responses will be retained by the Johnson County Title VI Coordinator for at least three (3) years.

A complainant's identity shall be kept confidential except to the extent necessary to complete the investigation. If it is necessary to disclose the complainant's identity to the alleged person who may have discriminated or a third-party, Johnson County must first obtain the complainant's written consent. Johnson County must also obtain the complainant's written consent before providing a copy of the complaint to any other individual(s) involved with the investigation (Appendix H).

If a complainant is dissatisfied with the final resolution of the complaint, he or she has the right to file a complaint with:

Department of Justice  
Federal Coordination and Compliance Section - NWB  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

If a complainant is dissatisfied with the resolution of a transit-related complaint, he or she has the right to file a complaint with:

Federal Transit Administration  
Office of Civil Rights  
Attention: Complaint Team  
East Building, 5th Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Or

Indianapolis Public Transportation Corporation  
c/o Director of Compliance and Civil Rights  
1501 W. Washington Street  
Indianapolis IN 46222

## **6. ACTIVE LAWSUITS, COMPLAINTS, OR INQUIRIES ALLEGING DISCRIMINATION**

Johnson County maintains a list of active investigations conducted by FTA and entities other than FTA, including lawsuits and complaints naming Johnson County that allege discrimination on the basis of race, color, or national origin. This list includes the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by Johnson County in response, or final findings related to the investigation, lawsuit, or complaint.

As of the writing of this program, there are 0 complaints pending which allege transit-related discrimination on the grounds of race, color, or national origin, or any other form of discrimination.

Active Transit-Related Lawsuits, Complaints, or Inquiries Alleging Discrimination

Type (Investigation, Lawsuit, Complaint)	Date	Summary of Complaint	Status	Action(s) Taken

**7. PUBLIC DISSEMINATION**

Title VI information shall be displayed in Johnson County buildings and all places in which public meetings are held. The name and contact information of the Johnson County Title VI Coordinator will be displayed on the Title VI information.

The Johnson County Title VI implementation Plan, which includes the ADA/Section 504 plan, Limited English Proficiency (LEP) plan, and complaint procedures, is available on Johnson County’s website: <http://co.johnson.in.us/> . LEP individuals may obtain translated copies of these plans upon request. Any questions or comments regarding this plan should be directed to the Title VI Coordinator.

**8. COMMUNITY INVOLVEMENT & OUTREACH**

Johnson County is committed to ensuring that community involvement and outreach are done in a respectful and appropriate manner that will allow for diverse involvement. Public meetings, programs, and activities will provide equitable opportunities for participation. The Johnson County Board of Commissioners meets every two weeks and those meetings are open to the public, as are other various Johnson County meetings. Notice of all meetings that are open to the public is published on Johnson County website’s main page. All Johnson County public meetings are held in locations accessible to individuals with disabilities. Upon request, translators can be provided free of charge to those individuals with limited English proficiency. Auxiliary aids are also available upon request. Requests must be made within forty-eight (48) hours in advance.

Also published on the Johnson County website are various meeting agendas, meeting minutes, Johnson County notices, events, and news. Some departments within Johnson County utilize signage, media, and social media websites as other avenues to communicate with the community.

Vendors for FTA-funded programs have been instructed to conduct public outreach about the program, with targeted outreach to LEPs and minority populations. Such outreach could include rider and community surveys, surveys targeted to community groups in Johnson County who serve LEP and minorities, workshops, and meetings. Vendors for FTA-funded programs are instructed to post information regarding Title VI on its webpage and on its brochures, if possible. Vendor shall maintain records of the outreach it has performed, and the County shall review such records annually to ensure compliance with this Policy. Data collected within those records to develop programs to better serve the LEP and minority communities in Johnson County.

## **9. DATA COLLECTION**

Pursuant to 23 CFR 200.9(b) (4), Johnson County shall collect and analyze statistical information regarding demographics to assist in monitoring and ensuring nondiscrimination in all of its programs and activities.

Johnson County shall utilize a voluntary Title VI public involvement survey (Appendix G) that will be available on the Johnson County website or by request to the Title VI coordinator. The survey will allow respondents to remain anonymous. The survey will ask questions regarding the respondent's gender, ethnicity, race, age, income, and disability. Signs will be posted around the meeting areas that will encourage the public to fill out a survey so that the County can have access to more data. Completed surveys will be retained by the Title VI Coordinator for three (3) years.

The Title VI Coordinator will also collect and report statistical data for the past three (3) years as it relates to the number of federally funded projects, complaints filed and the results of those complaints, any requests for language services, demographic statistics, and department compliance reviews will be used to develop programs to better serve the LEP and minority communities in Johnson County.

## **10. SECTION 504 /AMERICANS WITH DISABILITIES (ADA)**

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended, and the Americans with Disabilities Act of 1990, as well as any other local, federal, and state laws and regulations, Johnson County will make every reasonable effort to ensure that no individual with a disability will be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of Johnson County's programs or activities.

For more information regarding Johnson County's ADA policy, please visit Johnson County's website at <http://co.johnson.in.us/>. ADA complaint forms can also be obtained on Johnson County's website or by contacting the Johnson County ADA Coordinator. Questions, concerns, comments, or requests regarding ADA should be made to the County's ADA Officer:

Barbara Davis  
County Coordinator & ADA Coordinator  
86 West Court Street  
Franklin, IN 46131  
Voice (317) 346-4329  
Fax (317) 736-8066  
E-mail: bdavis@co.johnson.in.us

## **11. LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

Johnson County has prepared this plan in accordance with Title VI of the Civil Rights Act of 1964, as amended, which states that no person shall be subjected to discrimination on the basis of race, color, or national origin. The purpose of this plan is to help identify reasonable steps for providing language assistance to individuals with limited English proficiency who wish to access services provided by Johnson County.

Presidential Executive Order No. 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," indicates that individuals treated differently based upon their inability to speak, read, write, or understand English is a type of national origin discrimination. Presidential Executive Order 13166 defines limited English proficiency persons as those individuals who do not speak English as their primary language and have limited ability to read, speak, write, or understand English.

In order to prepare this plan, Johnson County utilized the U.S. Department of Transportation four-factor LEP analysis which considers the following:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Johnson County program, activity, or service.
2. The frequency with which LEP persons come in contact with Johnson County programs, activities, or services.
3. The nature and importance of programs, activities, or services provided by Johnson County to the LEP population.
4. The resources available to Johnson County and the overall costs to provide LEP assistance.

1. Using 2010 census data, it has been estimated that 5.6% of Johnson County's population, age five (5) years and older, speak a language other than English. Therefore, it is estimated that 94.4% of Johnson County's population, age five (5) years and over, speak only English. Approximately 1.85% of the population speaks Spanish or Spanish Creole, 2.71% speaks other Indo- European languages, 0.55% speaks Asian and Pacific Island languages, and 0.46% speaks other languages. Of those reporting that they speak a language other than English, 75.4% report that they speak English very well.



2. Johnson County assesses the frequency with which LEP individuals come in contact with any of our programs, activities, or services. This has been accomplished by utilization of the Voluntary Title VI Public Involvement Survey (Appendix G), surveying staff, documenting phone calls, and other correspondence in which language barriers existed, and tracking inquiries or requests for language assistance. Based on the results of our research Johnson County has minimal contact with LEP individuals. The minimal times we have had contact with LEP individuals, we have been able to accommodate the language barrier.

3. Johnson County is responsible for all roads, bridges, and small structures (less than 20 foot span) within Johnson County which are not state highways and which are not within the corporate limits of a city or town. Johnson County is also responsible for the provision of public transit service and for bridges which have a span of 20 or more feet on all roads in Johnson County which are not state highways. Johnson County has 9 townships with approximately 600 miles of roadway and rights-of-way, 128 bridges, and numerous small structures to maintain. Johnson County strives for safe and accessible roadways, and continues to work to improve the transportation infrastructure for the citizens of Johnson County. Transportation infrastructure in Johnson County is critical to the public as it provides access to emergency services (fire, police, etc.), health care, employment, and other essential individual needs. If this information is not accessible to people with limited English proficiency, or if language services in these areas are delayed, the consequences to the individuals relying on these services could be life-threatening.

4. Because, in part, of the small portion of non-English speaking citizens in the county, resources for multi-lingual interpreters are limited. Additionally, translation of signage and county forms into various languages would be extremely costly when measured against the demonstrated need.

Due to the small portion of non-English-speaking citizens, the county will continue to monitor the population growth and will make efforts to respond to the needs of non-English speaking citizens if such assistance is requested and is not deemed cost prohibitive; on a case-by-case basis.

The analyses of the four factors suggest that multilingual LEP services are not needed at Johnson County at this time. Johnson County, however, has committed to:

- Continue offering, upon request, translators free of charge for Johnson County public meetings, programs, and activities if requested within forty-eight (48) hours in advance.
- Provide access to information and documents in other languages in those demographic areas identified with limited English proficiencies.

- Continually monitor our website and make adjustments as necessary to ensure information is accessible to LEP individuals.

Johnson County is aware that the community profile is ever-changing; therefore, this LEP plan and the four-factor analysis will be re-evaluated on an annual basis to ensure that the plan remains reflective of the community's needs. Individuals requiring special language services or accommodations should contact Johnson County's Title VI Coordinator.

## **12. Environmental Justice**

Environmental Justice requires additional public participation and mitigation strategies when programs are in a disproportionately low income or minority area. Johnson County is committed to performing environmental justice analysis for any project that may result in a disproportionately high adverse impact on a minority or low-income population in or near the project area.

In performing such analysis, demographic data will be obtained and analyzed before and/or during the scoping stage of the project. The information obtained will be used in coordination planning and public involvement planning.

When the need for environmental justice analysis is appropriate, the county will utilize the NEPA (National Environmental Policy Act) process and guidelines as defined on the NEPA website: [www.epa.gov/NEPA](http://www.epa.gov/NEPA)

## **13. Transportation Service Standards and Policies**

Johnson County has adopted quantifiable service standards and policies, including on-time performance, service availability, and vehicle assignment policy.

### On-Time Performance

Among the most important service standard for riders is on-time performance or adherence to published schedules. A vehicle is considered on time if it arrives within a twenty minute window of a passenger's scheduled pick-up time. The County's on-time performance objective is 90% or greater.

### Service Availability – Access to the Bus

The County currently provides transit service to 100% of Johnson County residents, as well as into Marion County (North of County Line Road to Stop 11 Road) and Bartholomew County (South of the County Line to Edinburgh Premium Outlets). Consideration is given to new markets as warranted, based on availability of resources.

### Vehicle Assignment Policy

Bus assignments take into account the operating characteristics of buses of various lengths, which are matched to the operating characteristics of the route. The number of riders and size of mobility devices are also taken into consideration when assigning vehicles.



The County relies upon its contracted public transportation vendor to monitor and measure its service standards.

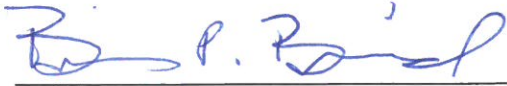
#### **14. Johnson County, Indiana Title VI Assurances**

Johnson County (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the Department of Transportation, 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. 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 40, Code of Federal Regulations, Department of Transportation, Sub Title 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 is in accordance with the Act, Regulations, and other pertinent directives, 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 the 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 the appropriate Grantor(s):

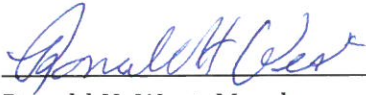
1. That the Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the 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 appropriate Grantor(s) and, in adapted form in all proposals for negotiated agreements: Recipient, 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, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin 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 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 acquisitions 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 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 appropriate Grantor(s) and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the appropriate Grantor(s) .
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, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient Department of Transportation under appropriate Grantor(s) and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants in the appropriate Grantor(s). The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

**BOARD OF COMMISSIONERS OF JOHNSON COUNTY, INDIANA**



Brian P. Baird, Chair



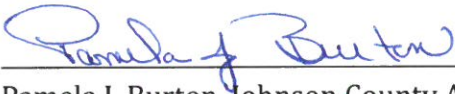
Ronald H. West, Member



Kevin M. Walls, Member

**Date of Adoption:** June 27, 2022

ATTEST:



Pamela J. Burton, Johnson County Auditor

## Appendix A

### Contractor Assurances

During the performance of this contract, which is being entered into on the \_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, with Johnson County Government and any of its departments (hereinafter referred to as "Johnson County") 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 regulations 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 Johnson County or the Indiana Department of Transportation (hereinafter referred to as "INDOT") or the Federal Highway Administration (hereinafter referred to as "FHWA") to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of the Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to Johnson County or INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, Johnson County 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 directive issued pursuant thereto.

The Contractor shall take such action with respect to any subcontractor procurement as Johnson County or INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such directions, the Contractor may request Johnson County to enter into such litigation to protect the interests of Johnson County and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B

### **Clauses for Deeds Effecting or Recording the Transfer of Real Property, Structures, or Improvements**

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

#### **HABENDUM CLAUSE**

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

Johnson County, 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 race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and

(2) that Johnson County shall use the 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, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination of Federally Assisted

Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended , and

(3) that in the event of breach of any of the above mentioned non-discrimination conditions, the Department of Transportation 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.<sup>1</sup>

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<sup>1</sup> Reverter clause and related language is 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

### **Clauses for Deeds, Licenses, Leases, Permits, or Similar Instruments Entered Into by Johnson County**

**The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Johnson County pursuant to the provisions of Title VI Assurances, item 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 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 of 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, Sub Title 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 1963, and as said Regulations may be amended.

**The following shall be included in all licenses, leases, permits, etc.:**

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

**The following shall be included in all deeds:**

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



**The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Johnson County pursuant to the provisions of Title VI 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 race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin 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, Sub Title 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, and as said regulations may be amended. 11/2014 Title VI Appendix C (Deed Clauses) Page 3 of 3

\_\_\_\_\_

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.

The following shall be included in all licenses, leases, permits, etc.:

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

**The following shall be included in deeds:**

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

## Appendix D

### **Liaison Team**

The following individuals shall serve on the County's Nondiscrimination Implementation Liaison Team:

**Barbara Davis** or her successor  
County Title VI Coordinator and ADA Coordinator  
86 West Court Street  
Franklin, IN 46131  
Voice (317) 346-4329  
Fax (317) 736-8066  
E-mail: [bdavis@co.johnson.in.us](mailto:bdavis@co.johnson.in.us)

**Brian Baird** or his successor  
Chair, Johnson County Board of Commissioners  
86 West Court Street  
Franklin, IN 46131  
Voice (317) 346-4304  
Fax (317) 736-8066  
E-mail: [bbaird@co.johnson.in.us](mailto:bbaird@co.johnson.in.us)

**Kathleen Hash** or her successor  
County Attorney  
86 West Court Street  
Franklin, IN 46131  
Voice (317) 346-4302  
Fax (317) 736-8066  
E-mail: [khash@co.johnson.in.us](mailto:khash@co.johnson.in.us)

**Shena Wheeler** or her successor  
Assistant County Attorney  
86 West Court Street  
Franklin, IN 46131  
Voice (317) 346-4392  
Fax (317) 736-8066  
E-mail: [swheeler@co.johnson.in.us](mailto:swheeler@co.johnson.in.us)

## Appendix E

### **Employee Agreement**

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Specifically Title VI provides that "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 subjected to discrimination under any program or activity receiving Federal Financial Assistance" (42 U.S.C. Section 2000d).

Pursuant to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 Johnson County will not exclude from participation in, deny the benefits of, or subject to discrimination any individual on the grounds of race, color, or national origin.

All Johnson County employees are expected to consider, respect and observe this policy in their daily work responsibilities and interactions with other employees and the public. Johnson County employees should work to prevent and alleviate any barriers to service or public use that would restrict public access or usage and take prompt and reasonable action to avoid or minimize discrimination incidences. If another employee or citizen approaches with a question, concern or complaint regarding discrimination, please refer them to Johnson County's Title VI Coordinator:

Barbara Davis  
County Coordinator & ADA Coordinator  
86 West Court Street  
Franklin, IN 46131  
Voice (317) 346-4329  
Fax (317) 736-8066  
E-mail: [bdavis@co.johnson.in.us](mailto:bdavis@co.johnson.in.us)

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**\*\*Employee signature confirms receipt and understanding of Title VI plan and policy\*\***

# APPENDIX F

## TITLE VI COMPLAINT FORM

County of Johnson, Indiana  
An Equal Opportunity Employer

### Section 1:

Complainant's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email address: \_\_\_\_\_

Accessible Format: [ ] Large Print [ ] Audio Tape  
Requirements: [ ] TDD [ ] Other

\_\_\_\_\_

### Section 2:

Are you filing this complaint on your own behalf? [ ] Yes [ ] No

\*If you answered "yes" to this question, go to Section 3.

If not, please supply the name and relationship of the person for whom you are complaining:

\_\_\_\_\_ Name \_\_\_\_\_ Relationship

Please explain why you have filed for a third party: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. [ ] Yes [ ] No

Person who was allegedly discriminated against: (if someone other than the complainant)

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

**Section 3:**

Please indicate why you believe the discrimination occurred:

- Race
- Color
- National Origin

Date of Alleged Discrimination (Month, Day, Year): \_\_\_\_\_

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person (s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Section 4:**

Have you previously filed a Title VI complaint with Johnson County?  Yes  No

**Section 5:**

Have you filed this complaint with any other federal, state, or local agency; or with any federal or state Court?  Yes  No

If yes, check all that apply:

Federal Agency: \_\_\_\_\_

Federal Court: \_\_\_\_\_

State Agency: \_\_\_\_\_

State Court: \_\_\_\_\_

Local Agency: \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

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

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Section 6:**

Name of agency complaint is against: \_\_\_\_\_

Contact person: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Please attach any documents or other information that you believe is relevant to your complaint. Please sign, date and send your complaint to:

Barbara Davis  
ADA & Title VI Coordinator  
86 West Court Street  
Franklin, IN 46131  
Voice (317) 346-4329  
Fax (317) 736-8066  
E-mail: bdavis@co.johnson.in.us

Printed name: \_\_\_\_\_

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

# Appendix G

## Voluntary Survey

As a recipient of federal funds, Johnson County is required to develop a procedure for gathering statistical data regarding participants and beneficiaries of its federal-aid programs and activities (23 CFR §200.9(b)(4)). Johnson County is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by Johnson County activities.

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

If you have any questions regarding Johnson County's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Barbara Davis.

You may return the survey by folding it and placing it in the survey collection box located outside the Auditorium door of the West Annex, 86 West Court Street, Franklin, Indiana (if you received it at a public hearing or meeting) or by mailing or faxing it to:

Barbara Davis, Title VI and ADA Coordinator  
86 West Court Street  
Franklin, IN 46131

Date: (year, day, month) \_\_\_\_\_

Meeting:  <input type="checkbox"/> Drainage Board <input type="checkbox"/> County Commissioners <input type="checkbox"/> County Council <input type="checkbox"/> Planning Commission <input type="checkbox"/> Convention of Visitors and Tourism Board <input type="checkbox"/> Board of Zoning Appeals <input type="checkbox"/> Solid Waste <input type="checkbox"/> Other: _____
Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male
Race:  <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African-American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White <input type="checkbox"/> Multiracial
Age: <input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40 <input type="checkbox"/> 41-65 <input type="checkbox"/> 65+
Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino
National Origin: <input type="checkbox"/> USA <input type="checkbox"/> Other _____
Household income:  <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 +
Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No

# Appendix H **Release Form**

Johnson County, Indiana  
An Equal Opportunity Employer

Name of complainant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

In order for a complete and thorough investigation of my Title VI complaint, I hereby authorize Johnson County, Indiana to release the following information concerning my complaint:

The documents to be released are described or listed as: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I authorize this information to be released to: \_\_\_\_\_

\_\_\_\_\_

I understand the information will be handled confidentially in compliance with applicable federal laws.  
I understand that I may see the information that is to be sent.  
I understand that I may revoke the authorization at any time by written, dated communication.  
I have read and understand the nature of this release.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Printed witness signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Relationship to complainant (if applicable)

Completed form must be submitted to:

Barbara Davis, Title VI Coordinator  
Johnson County Government  
86 West Court Street  
Franklin, IN 46131  
Phone: (317) 346-4329  
Email: [bdavis@co.johnson.in.us](mailto:bdavis@co.johnson.in.us)



Appendix I  
**ADA Complaint / Grievance Form**

Johnson County, Indiana  
An Equal Opportunity Employer

Complainant: \_\_\_\_\_  
Person Preparing Complaint (if different from Complainant): \_\_\_\_\_  
Relationship to Complainant (if different from Complainant): \_\_\_\_\_  
Street Address & Apt. No.: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_  
E-mail: \_\_\_\_\_

Please provide a complete description of the specific complaint or grievance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please specify any location(s) related to the complaint or grievance (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please state what you think should be done to resolve the complaint or grievance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach additional pages as needed.

Please do not contact me personally.

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

Return to:

Barbara Davis  
ADA & Title VI Coordinator  
86 West Court Street  
Franklin, IN 46131  
Voice (317) 346-4329  
Fax (317) 736-8066  
E-mail: [bdavis@co.johnson.in.us](mailto:bdavis@co.johnson.in.us)

Upon request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address listed above, via Voice (317) 346-4329, Fax (317) 736-8066, or E-mail: [bdavis@co.johnson.in.us](mailto:bdavis@co.johnson.in.us).