

**GET**  
Greater Elko Transit



Elko County  
FHWA TITLE VI Plan  
5/13/21

## Table of Contents

Executive Summary.....	3
1. Jurisdiction and Authorities .....	4
2. Introduction to ELKO COUNTY .....	5
2.1 Organizational Structure .....	5
3. General Reporting Requirements.....	6
3.1 Annual Title VI Certification and Assurance .....	6
3.2 Title VI Program Plan .....	6
3.2.1 Policy Statement .....	6
3.2.2 Organization & Staffing .....	6
3.2.3 Program Area Reviews .....	7
3.2.4 Special Emphasis Program Areas .....	7
3.2.5 Contractor, Consultant, and Vendor Reviews.....	8
3.2.6 Data Collection .....	8
3.2.7 Training .....	8
3.2.8 Complaint Procedures.....	9
3.2.9 Dissemination of Title VI Information.....	9
3.2.10 Limited English Proficiency (LEP) and Language Assistance Plan (LAP) .....	10
3.2.11 Environmental Justice (EJ) .....	11
3.2.12 Public Participation .....	11
3.2.13 Review of Directives.....	12
3.2.14 Compliance & Enforcement Procedures.....	12
ATTACHMENT A .....	14
APPENDIX A.....	17
APPENDIX B.....	18
APPENDIX C.....	19
APPENDIX D.....	20
APPENDIX E .....	21
ATTACHMENT B - TITLE VI POLICY STATEMENT - TITULO VI DECLARACIÓN DE POLÍTICAS.....	22
ATTACHMENT C – ORG CHART .....	23
ATTACHMENT D – TITLE VI COMPLAINT PROCEDURES .....	24
ATTACHMENT D – TÍTULO VI PROCEDIMIENTO DE RECLAMACIÓN .....	26
ATTACHMENT E – Notice to the Public.....	28
ATTACHMENT E – AVISO AL PÚBLICO.....	29
ATTACHMENT F – Four Factor Analysis .....	30
Elko County Title VI Complaint Form – English.....	31

Elko County - Título Vi Denuncia Forma - Español.....	33
ATTACHMENT G – Reviews of Directors .....	35
ATTACHMENT H – Approved Staff Awareness Training .....	36

## Executive Summary

Title VI of the Civil Rights Act of 1964 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 grounds 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).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, and or contractors whether those programs and activities are Federally funded or not.

Executive Order 13166 placed renewed emphasis on Title VI issues, to ensure meaningful and equal access in programs and activities to persons with Limited English Proficiency (LEP).

Recipients of public transportation funding from Federal Highway Administration (FHWA), and the Nevada Department of Transportation (NDOT), are required to develop policies, programs, and practices that ensure Federal Transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how the Elko County incorporates nondiscrimination policies and practices in providing services to the public.

## 1. Jurisdiction and Authorities

ELKO COUNTY is a recipient of US Department of Transportation (USDOT) funding through funding assistance and is therefore subject to the Title VI compliance conditions associated with the use of these funds pursuant to the following:

### NONDISCRIMINATION STATUTES

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324);
- Age Discrimination Act of 1975;
- Section 504 of the Rehabilitation Act of 1973;
- Americans With Disabilities Act of 1990;
- Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- USDOT Order 1050.2;
- Executive Order #12898 (Environmental Justice);
- Executive Order #13166 (Limited-English-Proficiency);
- The Americans with Disabilities Act (42 USC 126)
- Title II of the Americans with Disabilities Act Implementing Regulation (28 CFR 35)
- Section 504 of the Rehabilitation Act of 1973 (29 USC 794, et seq).
- Section 504 of the Rehabilitation Act of 1973 Implementing Regulation 49 CFR 27
- Americans with Disabilities Act Accessibility Guidelines (ADAAG)
- Public Rights-of-Way (PROWAG) Notice of Proposed Rule Making, July 26, 2011
- Uniform Federal Accessibility Standards (UFAS)
- Title VII of the Civil Rights Act of 1964, as amended (<http://www.eeoc.gov/laws/statutes/titlevii.cfm>)
- The Age Discrimination in Employment Act of 1967, as amended (<http://www.eeoc.gov/laws/statutes/adea.cfm>)
- The Equal Pay Act of 1963 (<http://www.eeoc.gov/laws/statutes/epa.cfm>)
- Sections 501 and 505 of the Rehabilitation Act of 1973, as amended (<http://www.eeoc.gov/laws/statutes/rehab.cfm>)
- The Genetic Information Nondiscrimination Act of 2008 (<http://www.eeoc.gov/laws/statutes/gina.cfm>)
- The Civil Rights Act of 1991 (<http://www.eeoc.gov/laws/statutes/cra-1991.cfm>)
- Title 29, Code of Federal Regulations, Part 1614 (<http://www.eeoc.gov/federal/directives/1614-final.cfm>)
- No Fear Act (<https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/no-fear-act>)
- 23 CFR 230, Subpart C

## 2. Introduction to ELKO COUNTY

### 2.1 Organizational Structure

Elko County, through the Nevada Department of Transportation (NDOT), may utilize Federal Highway Administration (FHWA) federal funding on an intermittent basis. Should the need for funding arise, we would apply through Nevada Department of Transportation's (NDOT), Federal Highway Administration (FHWA) funding.

The Elko County is represented by a five (5) elected Board of Commissioners. The ethnic percentage of Board of Commissioners include: 100% Caucasian.

Board of Commissioners:

Seat 1	Commissioner
Seat 2	Commissioner
Seat 3	Commissioner
Seat 4	Commissioner
Seat 5	Commissioner

The Federal Highway Administration (FHWA) federally funded program(s) and project(s) serve Elko County.

ELKO COUNTY's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations ("CFR") Part 200, and Title 49 CFR Part 21.

## 3. [General Reporting Requirements](#)

### 3.1 [Annual Title VI Certification and Assurance](#)

#### Requirement

Federally assisted subrecipients must submit an annual Title VI certification and assurance as part of their Annual Certifications and Assurances submission to NDOT 23 CFR § 200.9 (a).

When and if Elko County contracts with another organization, Form 1273 and Appendices A & E from the Assurances will be included in the contract.

#### Reporting

**ELKO COUNTY has submitted the required annual Title VI certification and assurance and is attached as ATTACHMENT A.**

### 3.2 [Title VI Program Plan](#)

#### Requirement

All subrecipients must document their compliance with DOT's Title VI regulations by submitting a Title VI Program Plan to NDOT annually, and/or upon request. For all recipients (including subrecipients), the Title VI Program Plan must be approved by the recipient's board of directors, appropriate governing entity, or officials responsible for policy decisions prior to submission.

#### Reporting

**ELKO COUNTY has completed the required elements and documentation for the Title VI Program, has formalized the plan, included all attachments, and have submitted it to NDOT.**

#### 3.2.1 [Policy Statement](#)

##### Requirement

All subrecipients must include a Title VI policy statement as part of their Title VI Plan.

##### Reporting

**ELKO COUNTY has submitted the required Title VI Policy Statement as part of their plan and is attached as ATTACHMENT B.**

#### 3.2.2 [Organization & Staffing](#)

##### Requirement

All subrecipients must include a description of their staffing and reporting structure, and an organizational chart as part of their Title VI Plan.

##### Reporting

Under the authority of ELKO COUNTY Board of Commissioners, the Elko County Transit Coordinator, Abigail Wheeler, will serve as the Title VI Coordinator and be responsible for ensuring implementation of the agency's Title VI program.

The Title VI Coordinator and staff are responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

Title VI Coordinators Responsibilities include but not limited to:

- Process the disposition of Title VI complaints received.
- Collect statistical data (race, color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
- Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
- Conduct training programs on Title VI and other related statutes for agency employees.
- Prepare a yearly report of Title VI accomplishments and goals, as required.
- Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
- Identify and eliminate discrimination.
- Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.

Abigail Wheeler, Transit Coordinator, administers the Title VI Program and are the designated Title VI Coordinator. As the Title VI Coordinator, she oversees the day-to-day administrative requirements of ELKO COUNTY's Title VI Program. The Title VI Coordinator also serves as the individual to whom complaints alleging discrimination would be submitted and is responsible for communicating and coordinating with department directors on all activities subject to Title VI. E.O. 12898, and E.O. 13166 as well as coordinating training for staff. The Title VI Coordinator is also responsible for working with department directors to monitor procedures and practices related to Elko County's projects and services to ensure the programs are operated and the services are provided fairly, equitable, and in a nondiscriminatory manner in accordance with Title VI, E.O. 12898, and E.O. 13166. The department directors are responsible for providing program activity information to the Title VI Coordinator on an ongoing and timely basis.

**The organizational chart does address to whom Abigail reports to and shows she has access to the agency's highest authority and is attached as ATTACHMENT C.**

### 3.2.3 Program Area Reviews

#### **Requirement**

All subrecipients must include a description of their review/oversight process as part of their Title VI Plan.

#### **Reporting**

Each year the Title VI Coordinators will review the agency's Title VI program to ensure implementation of the Title VI plan in all areas of the organization to ensure nondiscrimination. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

### 3.2.4 Special Emphasis Program Areas

#### **Requirement**

All subrecipients must include a statement that all Special Emphasis Program Areas are designated by a USDOT Modal Agency as part of their Title VI Plan.

#### **Reporting**

Special Emphasis Program Areas are identified by the Federal Highway Administration (FHWA). No such Special Emphasis Program Area has been identified by FHWA.

### 3.2.5 Contractor, Consultant, and Vendor Reviews

#### **Requirement**

All subrecipients must include a process to review their contractors, consultants, or vendors as part of their Title VI Plan.

#### **Reporting**

ELKO COUNTY is committed to nondiscrimination in all forms. Currently, we do not utilize contractors, consultants, or vendors with direct relations to the public to perform the required reviews. However, were that to change, we would expect and express compliance with Title VI to ensure nondiscrimination in business relations.

Department Heads and Supervisors in each service area are responsible for familiarizing themselves with the requirements of Title VI, E.O. 12898, and E.O. 13166, and for ensuring that departmental contractors, consultants, and vendors are complying with the requirements of Elko County's Title VI Program. Department Heads and Supervisors are responsible to promptly report issues or complaints concerning Title VI and related statutes to the Title VI Coordinator and for assisting the Title VI Coordinator in his/her efforts to implement all requirements, internally and externally. Department Heads and Supervisors are also responsible for coordinating with the Title VI Coordinator on any proposed changes to operating procedures, instructional memoranda, policies, and manuals, etc. that relate to Title VI.

ELKO COUNTY may implement disciplinary action, which may range from conversations compelling the contractor, consultant or vendor to correct their actions to termination of the contract, should the contractor, vendor or consultant be found to be acting in a discriminatory manner.

### 3.2.6 Data Collection

#### **Requirement**

Federally assisted recipients, including subrecipients, are required to collect and maintain statistical data by race, color, national origin, and sex of affected communities, and participants and beneficiaries of federal aid. (49CFR 21.9 and 23 CFR 200.9)

#### **Reporting**

ELKO COUNTY is guided by the Federal regulations to collect statistical data on the race, color, and national origin of participants in and beneficiaries of its programs. As required, Elko County will collect appropriate data during acquisition and relocating process as needed and will provide opportunity for participants at public meetings to provide associated data, as necessary. This information will be retained for one (1) year and made available to authorizing agencies during reviews.

### 3.2.7 Training

#### **Requirement**

23 CFR 200.9 (b) (9) States that STA's Title VI designee shall be responsible for conducting training programs on Title VI and related statutes. NDOT provides training in Title VI and related programs annually.



NDOT requires all subrecipients to have an approved Title VI Staff Awareness training program in place and given annually. The training must cover Title VI regulations, Title VI elements, and Title VI authorities.

**Reporting**

Title VI Staff Awareness training program by means of in person/electronic/ combination) was approved by NDOT. Supporting data of Title VI Staff Awareness annual training, such as sign in sheets, handouts, and content approval by the Nevada Department of Transportation is attached to this document as **Attachment H**. Title VI Staff Awareness training will be held every year from inception on **()2021/2022**.

3.2.8 Complaint Procedures

**Requirement**

Federally assisted recipients and subrecipients must develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient’s website.

**Reporting**

ELKO COUNTY is committed to ensuring all its programs and activities are operated in a nondiscriminatory manner and uses a general discrimination complaint form which covers the Title VI requirements of race, color, and national origin. ELKO COUNTY does not have any Title VI complaints or lawsuits during the reporting period.

Any person who believes that they have been discriminated against on the basis of race, color, or national origin by ELKO COUNTY, may file a Title VI complaint with the ELKO COUNTY, the Nevada Department of Transportation, or the Federal Highway Administration (FHWA) by completing and submitting the Title VI Complaint Form. The Complaint Form is available at

<http://www.elkocountynv.net> or at our office and are available in English and Spanish. Complaint Procedures and Complaint Forms are attached to this document as **ATTACHMENT D**.

**All Title VI complaints are forwarded to NDOT or to FHWA for investigation within twenty-one (21) days of receipt of complaint.**

Title VI Coordinator	Civil Rights Officer	Civil Right Program Mngr
ELKO COUNTY	NDOT	U.S. DOT FHWA
540 Court Street, Suite Bsmt	123 E. Washington Ave, Bldg G	1200 New Jersey Ave, SE
Elko, NV 89801	Las Vegas, NV 89101	Washington, DC 20590
(P) (775) 748-0359	(P) 702-730-3301	(P) (202) 366-2513
(F) (775) 775-557-7885	(F) 702-486-0487	
<a href="mailto:awheeler@elkocountynv.net">awheeler@elkocountynv.net</a>	<a href="mailto:jboyster@dot.nv.gov">jboyster@dot.nv.gov</a>	

3.2.9 Dissemination of Title VI Information

**Requirement**

Primary recipients must assist their subrecipients in complying with DOT’s Title VI regulations, including public posting requirements.

All advertising policies and practices must assure free and open competition. This also relates to requirements and practices involving the following:

- Licensing, bonding, prequalification, and bidding
- Title VI, and nondiscrimination assurances regarding race, color, and national origin

### **Reporting**

Information on ELKO COUNTY's Title VI program will be disseminated on the agency's website, <http://elkocountynv.net>, in the lobby of any of ELKO COUNTY's buildings open to the public, to agency employees, contractors, and beneficiaries, available inside of any vehicle operated by ELKO COUNTY, as well as to the public, at large, according to federal and state laws/regulations. The Title VI program will be available in other languages when needed.

In addition to language access measures, other major components of the Public Participation Plan include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time. Notice to the Public of their Title VI rights **is attached as ATTACHMENT E**.

### 3.2.10 Limited English Proficiency (LEP) and Language Assistance Plan (LAP)

#### **Requirement**

Federally assisted recipients must take responsible steps to ensure meaningful access to benefits, services, information, and other important portions of its programs and activities for individuals who are Limited English Proficient (LEP). Recipients must use the information obtained in their Four-Factor Analysis to determine the specific language services that are appropriate to provide.

#### **Reporting**

ELKO COUNTY is committed to assisting people who do not speak English or do not speak English well. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP. These individuals may be entitled to language assistance with respect to a particular type of program, service, or activity. This section outlines the LEP protections and plans for compliance. Title VI and Executive Order 13166 prohibit recipients of federal financial assistance from discrimination based on national origin.

It is the policy of ELKO COUNTY to take reasonable steps to provide Limited English Proficient individuals with meaningful access to all programs, services, or activities. ELKO COUNTY shall take reasonable steps to effectively inform the public of the availability of language accessible programs, services, and activities.

All vital documents will be translated into Spanish and all other languages will be translated upon request.

ELKO COUNTY, guided by our Four Factor Analysis, has minimal contact throughout the year with LEP persons however, the agency understands the nature and importance of the program, activity, and services to people's lives and will take reasonable steps to promote participation in our program. The agency's Title VI Coordinator will update, evaluate, and monitor the LAP.

ELKO COUNTY utilizes bilingual employees, the I Speak Cards, and translation applications to help LEP individuals to access our programs, services, and activities. The cost for this resource is minimal.

All staff will be provided with the LEP plan and will be educated on policies, procedures, and services available. This training will be included in our annual staff awareness training.

Following federal guidance, a “four factor analysis” has been completed to understand language need and allocate resources appropriately. **It is attached as ATTACHMENT F.**

### **LEP Training**

All employees are trained annually regarding Title VI. The availability of the translation services is included in annual training.

#### 3.2.11 Environmental Justice (EJ)

##### **Requirement**

All subrecipients must include an Environmental Justice process as part of their Title VI Plan.

##### **Reporting**

In 1994, Executive Order (EO) 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations was issued. EO 12898 emphasized a federal agency's responsibility to make environmental justice a goal by identifying and addressing the effects of programs, policies and activities on minority and low-income populations. This is accomplished by involving the public in developing transportation projects that fit within their communities without sacrificing equity, environmental justice, and safety. The Elko County's Environmental Group fulfills this requirement by following the NEPA process. Elko County promotes public participation through ongoing outreach and event organization. Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means (1) that all persons share in the benefits of our investments; and (2) that no person (including racial, ethnic, or low-income groups) should bear a disproportionate share of the negative consequences resulting from the execution of Federal, State, and local programs and policies. Based on the guidance of the USDOT Order on Environmental Justice as cited in “An Overview of Transportation and Environmental Justice” there are three fundamental principles of environmental justice, and they are: • To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental 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 and low-income populations. In accordance with Executive Order 12898 on EJ and the related US DOT and FHWA Orders, the Department advances the principles of EJ in all programs, services and activities through a public involvement program and by screening programs and projects to identify, avoid, minimize or mitigate disproportionately high and adverse impacts. Agency staff members assist with respect to public involvement activities around the state. The transportation planning process requires Elko County to identify planning assumptions under federal law—one of which is to use the most recently published U.S. Census Bureau data in the development of plans and programs.

#### 3.2.12 Public Participation

##### **Requirement**

All subrecipients must include a public participation plan as part of their Title VI Plan.

Federally assisted recipients must also provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI.

At a minimum, recipients must disseminate this information to the public through measures including a posting on its website, and in public areas of the agency's office. Furthermore, notices will detail a recipient's Title VI obligations in languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's LAP.

### **Reporting**

The public outreach strategies employed by ELKO COUNTY are often determined by the circumstances unique to individual projects and typically include a mix of public hearings and stakeholder meetings as applicable. Information is distributed via the ELKO COUNTY website or social media websites, surveys, advertising, media outreach, community events, and targeted presentations ELKO COUNTY's commitment to public participation is based firmly on the belief that public involvement fosters an open decision-making process that elicits active participation from affected individuals, groups, communities, and other public agencies.

#### 3.2.13 Review of Directives

### **Requirement**

All subrecipients must include a process to review internal directives, policies, and procedures for potential Title VI impacts as part of their Title VI Plan.

### **Reporting**

ELKO COUNTY has submitted a review of agency directives as part of their Title VI plan. This consisted of review logs outlining the Directives the Title VI Coordinator reviewed, and took action, if necessary, to ensure that discriminatory language or implications were absent from any changes in policy, procedures, or new directives.


#### 3.2.14 Compliance & Enforcement Procedures

### **Requirement**

All subrecipients must include compliance and enforcement procedures as part of their Title VI Plan.

### **Reporting**

ELKO COUNTY is committed to ensure the required Compliance and Enforcement Procedures. ELKO COUNTY may utilize contractors, vendors, or consultants. Department Directors and Supervisors in each service area are responsible for familiarizing themselves with the requirements of Title VI, E.O. 12898, and E.O. 13166, and for complying with the requirements of Elko County's Title VI Program. They must promptly reported any issues or complaints concerning Title VI and related statutes to the Title VI Coordinator. As of this reporting period, no compliance or enforcement procedures have been enacted by Elko County on any of its consultants, contractors, or vendors. ELKO COUNTY expects and addresses all nondiscrimination efforts in all business relations. Should noncompliance be found, Elko County shall work with the contactor, consultant, or vendor to come into voluntary compliance. If that is unsuccessful, Elko County shall take additional action to ensure compliance. All procedures for compliance and enforcement outline the agency's commitment to



compliance in all Title VI and other non-discrimination areas, such as ADA, DBE, and Contract Compliance.

## ATTACHMENT A

### **The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances**

#### **DOT Order No. 1050.2A**

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

#### **Statutory/Regulatory Authorities**

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

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

#### **General Assurances**

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

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

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

#### **Specific Assurances**

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

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

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


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

By signing this ASSURANCE, Elko County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration (FHWA) access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration

(FHWA). You must keep records, reports, and submit the material for review upon request to Federal Highway Administration (FHWA), or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

Elko County

by  \_\_\_\_\_

County Manager; Amanda Osborne

DATED 5/14/2021



## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

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

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto Elko 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 Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Elko County, its successors and assigns.

Elko 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 will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the Elko County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, Elko County will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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

## APPENDIX C

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

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

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

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

## APPENDIX D

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

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

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

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

## APPENDIX E

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

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq)

## ATTACHMENT B - TITLE VI POLICY STATEMENT - TITULO VI DECLARACIÓN DE POLÍTICAS

Title VI of the Civil Rights Act of 1964 states:

"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 subjected to discrimination under any program or activity receiving Federal financial assistance." The Elko County is committed to complying with the requirements of Title VI in all of its federally funded programs and activities. For additional information about the Elko County's Title VI obligations, please contact (775)748-0359 or visit our website at [www.elkocountynv.net](http://www.elkocountynv.net).

Segùn el Título VI de los Derechos Civiles de 1964 se exige que:

"Ninguna persona dentro de los Estados Unidos, por motivos de raza, color de la piel ó país de origen le sea excluido de, de o negados los beneficios de, o ser sujeto de discriminación, bajo cualquier programa ó actividad en donde se reciba subvención del gobierno federal". El Elko County se compromete a cumplir con los requisitos del Título VI en todas sus programas y financiados el gobierno federal. Para información adicional sobre la obligación de Título VI de la Elko County, por favor llámenos al (775) 748-0359 ó nuestro sitio web [www.elkocountynv.net](http://www.elkocountynv.net).

---

### Making a Title VI Complaint

Any person who believes he or she has been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with Elko County. Any such complaint must be in writing and filed with the Elko County within 180 days following the date of the alleged discriminatory occurrence. For information on how to file a complaint, please contact:

### Remitlr Una Queja del Titulo VI

Cualquier persona quien considere que haya sido subject de discriminación puede presentar una queja por queja escrito ante el Elko County. La queja debe ser remitida por escrito a Elko County dentro de ciento-ochoenta (180) días posteriors al ultimo supuesto el incidente. Para información en cómo remitir una queja, por favor en contactar a:

Title VI Coordinator

Elko County

540 Court Street, Suite Bmnt

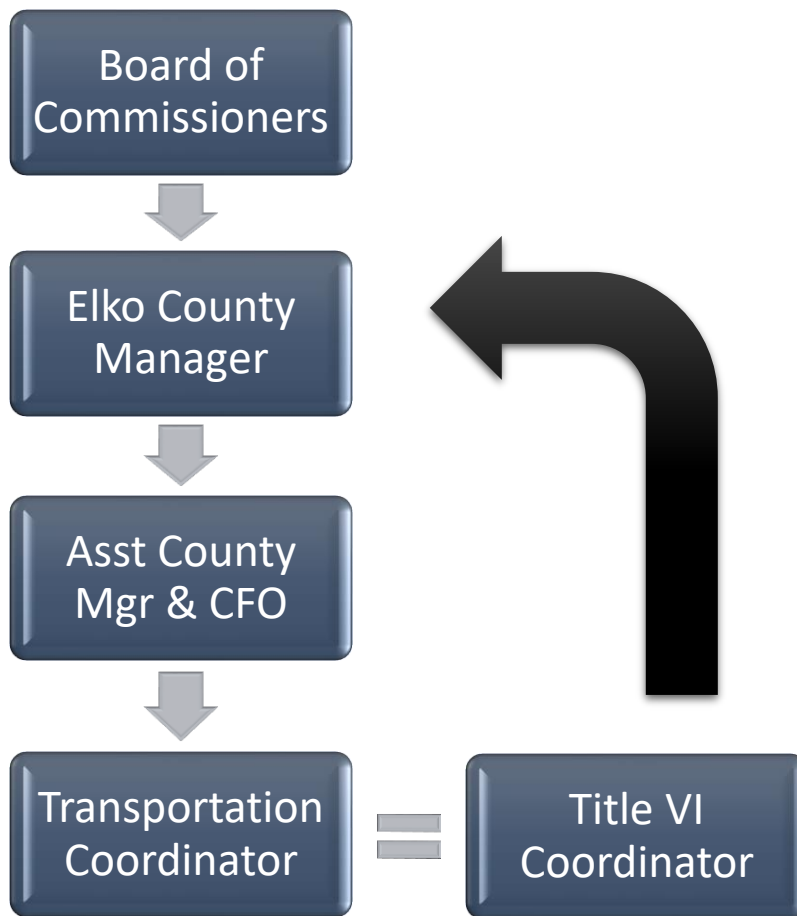
Elko, NV 89801

by 

County Manager; Amanda Osborne

DATED 5/14/2021

ATTACHMENT C – ORG CHART



## ATTACHMENT D – TITLE VI COMPLAINT PROCEDURES

The complaint procedures are available on ELKO COUNTY’s website and cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, or national origin status may file a formal complaint with ELKO COUNTY’s Civil Rights Office. A copy of the Complaint Form is available on ELKO COUNTY’s website and may be accessed electronically at:

[www.elkocountynv.net](http://www.elkocountynv.net)

### Title VI Complaint Reporting

The complaint must be filed within 180 days of the alleged discrimination and include the date the alleged discrimination became known to the complainant or the last date of the incident.

The complaint must be written and signed by the complainant and shall include:

The Complainant(s) name, address and phone number;

- A detailed description of the alleged incident that led the complainant to believe discrimination occurred;
- The date of the alleged act of discrimination, the date when the complainant(s) became aware of the alleged discrimination, the last date of the conduct or the date or the date the conduct was discontinued;
- The names and job titles of those parties involved in the complaint;
- The facts and circumstances surrounding the alleged discrimination and the basis of the complaint (i.e., race, color, national origin, sex, age, disability, income status or retaliation);
- Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations; and
- The corrective action being sought by the complainant. Complaints may be filed by one of the following methods:
  - By completing and signing the Complaint Form and delivering it in person or by mail;
  - By emailing or faxing the Complaint Form and sending the signed original to the Civil Rights Officer (CRO); and
  - For the disabled, by calling the CRO where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, signature, and return.

Upon receipt of a completed complaint, the CRO will determine jurisdiction, acceptability or need for additional information and, within five days, acknowledge receipt of the complaint and the intended course of action.



- NDOT has sole authority for and will adjudicate all complaints filed against NDOT sub-recipients;
- Complaints against ELKO COUNTY in USDOT funded programs will be referred to NDOT and/or USDOT for processing; and
- Complaints under all other federally funded programs fall under NDOT’s authority and jurisdiction.

For acceptance, a complaint must be:

- Timely filed;
- Involve a covered basis (i.e., race, color, or national origin); and

Complaints may be dismissed if the complainant:

- Requests the withdrawal of the complaint;
- Fails to respond to repeated requests for additional information;
- Fails to cooperate in the investigation; or
- Cannot be located after reasonable attempts to reach the complainant have been made.

Complaints that fall under the jurisdiction of USDOT – NDOT Civil Rights Officer, will forward a copy of the complaint and preliminary finding to USDOT-HCR within 60 days. Once USDOT-HCR issues its final decision, it will notify NDOT and, NDOT will notify all parties involved.

All allegations of discrimination will be taken seriously, and every effort will be made to provide a fair and unbiased determination. In instances where there is dissatisfaction with NDOT’s determination, the complainant may file a complaint directly with the appropriate USDOT modality:

- US Department of Transportation, Federal Highway Administration, Nevada Division 705 Plaza Street #220, Ste. 220, Carson City, NV 89701;
- US Department of Transportation, Federal Highway Administration, Office of Civil Rights 1200 New Jersey Ave. SE, Washington, DC 20590;

## ATTACHMENT D – TÍTULO VI PROCEDIMIENTO DE RECLAMACIÓN

Los procedimientos de reclamación están disponibles en el sitio web de ELKO COUNTY y cubren los siguientes:

- Título VI de la Ley de Derechos Civiles de 1964
- Artículo 504 de la Ley de Rehabilitación de 1973
- Ley de Restauración de los Derechos Civiles de 1973
- Ley de Restauración de los Derechos Civiles de 1987
- Ley de Estadounidenses con Discapacidades de 1990
- Orden Ejecutiva 12898
- Orden Ejecutiva 13166

Cualquier persona, clase específica de personas o entidad que crea haber sido objeto de discriminación prohibida por las disposiciones legales del Título VI sobre la base de la raza, el color o el estatus de origen nacional, puede presentar una queja formal ante la Oficina de Derechos Civiles del CONDADO de ELKO. Una copia del Formulario de Quejas está disponible en el sitio web del CONDADO de ELKO y se puede acceder electrónicamente en: [www.elkocountynv.net](http://www.elkocountynv.net)

### Informe de quejas del Título VI

La denuncia debe presentarse dentro de los 180 días posteriores a la supuesta discriminación e incluir la fecha en que la supuesta discriminación se dio a conocer al demandante o la última fecha del incidente.

La reclamación debe ser escrita y firmada por el reclamante e incluirá:

El nombre, la dirección y el número de teléfono del reclamante;

- Una descripción detallada del supuesto incidente que llevó al reclamante a creer que se produjo discriminación;
- La fecha del supuesto acto de discriminación, la fecha en que los reclamantes se dieron cuenta de la supuesta discriminación, la última fecha de la conducta o la fecha o la fecha en que se suspendió la conducta;
- Los nombres y puestos de trabajo de las partes involucradas en la denuncia;
- Los hechos y circunstancias que rodean la supuesta discriminación y la base de la denuncia (es decir, raza, color, origen nacional, sexo, edad, discapacidad, condición de ingresos o represalias);
- Nombres e información de contacto de las personas con las que el investigador puede ponerse en contacto para obtener información adicional que respalde o aclare las alegaciones; Y
- La acción correctiva que solicita el reclamante. Las quejas pueden ser presentadas por uno de los siguientes métodos:
  1. Completando y firmando el Formulario de Queja y entregándolo en persona o por correo;
  2. Enviando por correo electrónico o enviando por fax el Formulario de Queja y enviando el original firmado al Oficial de Derechos Civiles (CRO); y
  3. Para los discapacitados, llamando a la CRO donde se utilizará la información obtenida para completar el Formulario de Queja y, posteriormente, se remitirá al reclamante para su revisión, firma y devolución.

Una vez recibida una queja completada, el CRO determinará la jurisdicción, aceptabilidad o necesidad de información adicional y, en un plazo de cinco días, reconocerá la recepción de la queja y el curso de acción previsto.

- NDOT tiene autoridad exclusiva para y resolverá todas las quejas presentadas contra los sub-receptores de NDOT;
- Las quejas contra el CONDADO DE ELKO en programas financiados por USDOT serán remitidas a NDOT y/o USDOT para su procesamiento; Y
- Las quejas bajo todos los demás programas financiados por el gobierno federal están bajo la autoridad y jurisdicción de NDOT.

Para su aceptación, una queja debe ser:

- Presentación oportuna;
- Involucrar una base cubierta (es decir, raza, color u origen nacional); y

Las reclamaciones pueden desestimarse si el reclamante:

- Solicita la retirada de la queja;
- No responde a las solicitudes repetidas de información adicional;
- No coopera en la investigación; o
- No se puede localizar después de que se hayan realizado intentos razonables de comunicarse con el reclamante.

Las reclamaciones que sean competencia de USDOT – NDOT Civil Rights Officer, remitirán una copia de la queja y la constatación preliminar a USDOT-HCR en un plazo de 60 días. Una vez que USDOT-HCR emita su decisión final, notificará a NDOT y, NDOT notificará a todas las partes involucradas.

Todas las alegaciones de discriminación se tomarán en serio, y se harán todos los esfuerzos para proporcionar una determinación justa e imparcial. En los casos en que exista insatisfacción con la determinación de NDOT, el reclamante podrá presentar una reclamación directamente con la modalidad USDOT adecuada:

- Departamento de Transporte de los Estados Unidos, Administración Federal de Carreteras, División Nevada 705 Plaza Street #220, Ste. 220, Carson City, NV 89701;
- Departamento de Transporte de los Estados Unidos, Administración Federal de Carreteras, Oficina de Derechos Civiles 1200 New Jersey Ave. SE, Washington, DC 20590;

## ATTACHMENT E – Notice to the Public

ELKO COUNTY’S NONDISCRIMINATION NOTICE TO THE PUBLIC The Elko County hereby gives public notice that it is the Agency’s policy to assure full compliance with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990 (ADA), and other related authorities in all of its programs and activities. ELKO COUNTY’s Title VI and ADA Programs require that no person shall, on the grounds of race, color, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Any person, who believes his/her Title VI or ADA rights have been violated, may file a complaint. Any such complaint must be in writing and filed with ELKO COUNTY’s Civil Rights Office within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about ELKO COUNTY’s Civil Rights programs and the procedures to file a complaint contact the ELKO COUNTY’s Civil Rights Office via the information listed below:

Title VI Coordinator  
Abigail Wheeler  
540 Court Street, Suite Bmnt  
Elko County, NV 89801  
775-748-0359  
[awheeler@elkocountynv.net](mailto:awheeler@elkocountynv.net)

## ATTACHMENT E – AVISO AL PÚBLICO

AVISO DE NO DISCRIMINACIÓN DEL CONDADO DE ELKO AL PÚBLICO El Condado de Elko da aviso público de que es la política de la Agencia asegurar el pleno cumplimiento del Título VI de la Ley de Derechos Civiles de 1964, Título II de la Ley de Estadounidenses con Discapacidades de 1990 (ADA), y otras autoridades relacionadas en todos sus programas y actividades. Los Programas de Título VI y ADA del CONDADO DE ELKO requieren que ninguna persona, por motivos de raza, color, origen nacional o discapacidad, sea excluida de la participación, se le nieguen los beneficios o sea objeto de discriminación bajo cualquier programa o actividad. Cualquier persona, que crea que sus derechos de Título VI o ADA han sido violados, puede presentar una queja. Cualquier queja de este tipo debe presentarse por escrito ante la Oficina de Derechos Civiles del CONDADO de ELKO dentro de los ciento ochenta (180) días siguientes a la fecha de la supuesta ocurrencia discriminatoria. Para obtener información adicional acerca de los programas de Derechos Civiles de ELKO COUNTY y los procedimientos para presentar una queja, póngase en contacto con la Oficina de Derechos Civiles del CONDADO DE ELKO a través de la información que se muestra a continuación:

Title VI Coordinator  
Abigail Wheeler  
540 Court Street, Suite Bmnt  
Elko County, NV 89801  
775-748-0359

[awheeler@elkocountynv.net](mailto:awheeler@elkocountynv.net)

## ATTACHMENT F – Four Factor Analysis

		Elko County Estimate	1000 or more of eligible Population	More than 5% of the eligible population and more than 50	More than 5% of the eligible population and less than 50	5% or less of the eligible population and less than 1000
Total		48,523				
Speak only English		40,098				
Spanish:		7,512				
Speak English "very well"		4,932				
	Speak English less than "very well"	2,580	TVD	TVD		Translation Required
French, Haitian, or Cajun:		21				
Speak English "very well"		20				
	Speak English less than "very well"	1				
German or other West Germanic languages:		57				
Speak English "very well"		54				
	Speak English less than "very well"	3				
Russian, Polish, or other Slavic languages:		5				
Speak English "very well"		5				
Speak English less than "very well"	Speak English less than "very well"	0				
Other Indo-European languages:		233				
Speak English "very well"		184				
	Speak English less than "very well"	49				
Korean:		11				
Speak English "very well"		11				
	Speak English less than "very well"	0				
Chinese (incl. Mandarin, Cantonese):		24				
Speak English "very well"		20				
	Speak English less than "very well"	4				
Vietnamese:		0				
Speak English "very well"		0				
	Speak English less than "very well"	0				
Tagalog (incl. Filipino):		213				
Speak English "very well"		213				
	Speak English less than "very well"	0				
Other Asian and Pacific Island languages:		87				
Speak English "very well"		38				
	Speak English less than "very well"	49				
Arabic:		4				
Speak English "very well"		4				
	Speak English less than "very well"	0				
Other and unspecified languages:		258				
Speak English "very well"		206				
	Speak English less than "very well"	52				

## Elko County Title VI Complaint Form – English

Title VI of the Civil Rights Act of 1964 states "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."

Please provide the following information necessary in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to: ELKO COUNTY, Abigail Wheeler, 540 Court Street, Suite Bmnt, Elko, NV 89801.

Complainant's Name (please print): \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No. (Home): \_\_\_\_\_ (Cell): \_\_\_\_\_

Person discriminated against (if other than complainant)

Name (please print): \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No. (Home): \_\_\_\_\_ (Cell): \_\_\_\_\_

1. What was the discrimination based on? (Check all that apply):

Race

Color

National Origin

2. Date of incident resulting in discrimination: \_\_\_\_/\_\_\_\_/\_\_\_\_

3. Describe how you were discriminated against. What happened and who was responsible? For additional space, attach additional sheets of paper or use back of form.

---

---

---

---

4. Did you file this complaint with another federal, state or local agency, or with a federal or state court? (Check the appropriate space)  Yes  No

If your answer is yes, check each agency that a complaint was filed with:

- Federal Agency       Federal Court       State Agency       State Court  
 Local Agency       Other

5. Provide the contact person information for the agency you also filed the complaint with:

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

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

Sign below and be sure to attach or provide any supporting information that you believe may support your claim.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date



## Elko County - Título Vi Denuncia Forma - Español

Título VI de la ley de derechos civiles de 1964 Estados "ninguna persona en los Estados Unidos, por razón de raza, color u origen nacional, excluida de la participación en, ser negada los beneficios de o ser objeto de discriminación bajo cualquier programa o actividad recibiendo asistencia financiera federal". Dos órdenes ejecutivas extender las protecciones del título VI a la justicia ambiental, que también protege a las personas de bajos ingresos y habilidad limitada de inglés (LEP). Por favor proporcione la siguiente información necesaria para procesar su queja. Asistencia está disponible a petición. Complete este formulario y correo o entregar: ELKO COUNTY, Abigail Wheeler, 540 Court Street, Suite Bmnt , Elko, NV 89801.

El nombre del Querellante (por favor imprima): \_\_\_\_\_

Domicillio: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Codigo Postal: \_\_\_\_\_

Numero de telefono (Casa): \_\_\_\_\_ (Cell): \_\_\_\_\_

Persona discriminada (si no es querellante)

Nombre (por favor imprima): \_\_\_\_\_

Domicillio: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Codigo Postal: \_\_\_\_\_

Numero de telefono (Home): \_\_\_\_\_ (Cell): \_\_\_\_\_

1. ¿Qué se basa la discriminación? (Marque todas las que apliquen):

Raze

Color de Piel

Pais de Origen

2. Fecha de incidente dando lugar a la discriminación: \_\_\_\_/\_\_\_\_/\_\_\_\_.

3. Describir cómo fueron discriminados. ¿Lo que pasó y quién fue el responsable? Para espacio adicional, adjuntar hojas adicionales de papel o la parte posterior del formulario.

---

---

---

---

4. ¿Presentó esta denuncia con otro federal, estatal o agencia local; o ante un tribunal federal o estatal. (Compruebe el espacio correspondiente)  Sí  No

Si tu respuesta es Sí, compruebe cada agencia que una denuncia con:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Agencia Federal | <input type="checkbox"/> Corte Federal Court | <input type="checkbox"/> Agencia Estatal |
| <input type="checkbox"/> Corte Estatal   | <input type="checkbox"/> Agencia Local       | <input type="checkbox"/> Otro            |

5. Proporcionar la información de contacto para la agencia que también presentó la denuncia ante:

Nombre: \_\_\_\_\_

Domicilio: \_\_\_\_\_

Cuidad: \_\_\_\_\_ Estado : \_\_\_\_\_ Código Postal: \_\_\_\_\_

Fecha de archivo: \_\_\_\_\_

Firmar a continuación y asegúrese de fijar o proporcionar cualquier información de apoyo que usted cree puede apoyar su reclamo.

\_\_\_\_\_  
Firma del Querellante

\_\_\_\_\_  
Fecha





ATTACHMENT H – Approved Staff Awareness Training