

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Civil Rights Plan

<p>Background:</p> <p>Umatilla County has had an adopted ADA personnel policy for a number of years. Due to requirements to receive federal funding, the county must have a plan adopted to prohibit discrimination against a qualified individual on the basis of disability, under Title VI or the ADA applicable to all of its federally assisted programs, not just employment. The plan is before the Board for consideration and adoption.</p>	<p>Requested Action:</p> <p>Adopt Order No. BCC2023-011</p>
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ATTACHMENTS: Proposed Order

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:

Needed at Meeting:

Scheduled for meeting on: March 15, 2023

Action taken:

Follow-up:

Umatilla County
Title VI Program

UMATILLA COUNTY TITLE VI PROGRAM

Table of Contents

Umatilla County Civil Rights Program.....	3
Nondiscrimination Policy Statement.....	3
ADA Policy Statement.....	4
Complaint Procedures	5
Record/Tracking of Title VI Investigations, Complaints, or Lawsuits.....	8
Public Participation Plan	9
Language Assistance Plan Implementation	10
Appendices	12
Appendix A: Notifying the Public of Rights Under Title VI	12
Appendix B: Title VI Clauses Protection from Discrimination.....	13
Appendix C: Complaint Form.....	15
Appendix D: Title VI Investigations, Complaints, and Lawsuits Log	17
Appendix E: Title VI Minority Representation	18

UMATILLA COUNTY CIVIL RIGHTS PROGRAM **NONDISCRIMINATION POLICY STATEMENT**

Umatilla County grants all citizens equal access to its transportation services and is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964, as amended.

Umatilla County assures that no person shall, on the grounds of race, color, national origin, limited English proficiency, sex, income, age or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any of its programs or activities, whether they are federally funded or not.

The Notice to the Public of Rights under Title VI (Appendix A) is posted in the following locations:

- On the agency's website
- In public areas of the agency's offices (reception desk, public meeting rooms, etc.).
- Inside vehicles (buses, vans, cars)
- In and around transit shelters
- In rider guides and bus schedules

The plan's elements that protect against discrimination apply to Umatilla County, its sub-recipients, contractors and consultants and will ensure that the clauses in Appendix B are included in every contract subject to Title VI compliance.

Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by Umatilla County may file a written complaint with the Umatilla County Transit Coordinator or directly with the Federal Transit Administration (FTA) Office of Civil Rights and ODOT Office of Civil Rights:

FTA Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590
Phone: 888-446-4511

Office of Civil Rights – MS 23
3930 Fairview Industrial Drive SE
Salem, OR 97302
Phone: 503-986-435

This Title VI Program was established to carry out Umatilla County's commitment to ensure that the most fundamental principles of equality of opportunity and human dignity are upheld in all decisions and in any activity or process as Umatilla County conducts its business, sets its policy, delivers its projects, and provides its services to any member of the public that we serve.

ADA POLICY STATEMENT

In accordance with the requirements of Title II of the Americans with Disabilities Act, Umatilla County will not discriminate against qualified individuals with disabilities on the basis of disability in Umatilla County's services, programs or activities.

Umatilla County Counsel is selected to coordinate ADA activities and to serve as the primary contact for ADA issues.

TITLE VI & ADA COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by Umatilla County or its sub-recipients, consultants and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures also apply to all complaints filed under the Americans with Disabilities Act, relating to any program or activity administered by Umatilla County or its sub-recipients, consultants and/or contractors.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the county designated staff may be utilized for resolution, at any stage of the process. The Umatilla County Transit Coordinator as the Title VI administrator and the Umatilla County Counsel as the ADA coordinator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities. Our process for addressing civil right complaints is as follows:

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions or discrimination on the basis of disability may file a written complaint within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The Complaint Form (Appendix C) may be used.

The complaint must meet the following requirements:

- Complaint shall be in writing and signed by the complainant(s).
- Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
- Present a detailed description of the issues, including names and job titles of those individual perceived as parties in the complained-of incident.
- Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established.
- The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for Umatilla County to be able to process it.

- Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.
- A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to Umatilla County for processing.

2. Upon receipt of the complaint, the Umatilla County Transit Coordinator or Umatilla County Counsel, will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of Umatilla County sub-recipients of Federal funds, Umatilla County will assume jurisdiction and will investigate and adjudicate the case. Complaints against Umatilla County will be referred to the Oregon Department of Transportation, Office of Intermodal Civil Rights, for proper disposition pursuant to their procedures.

3. In order to be accepted, a complaint must meet the following criteria:
- The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - The allegation(s) must involve a covered basis such as race, color, national origin or disability.
 - The allegation(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor.
 - Umatilla County has five (5) business days to acknowledge receipt of the complaint and to respond either with a request for more information or commitment to investigate.

4. A complaint may be dismissed for the following reasons:
- The complainant requests the withdrawal of the complaint.
 - The complainant fails to respond to requests for additional information within 5 business days to enable Umatilla County to process the complaint.
 - The complainant cannot be located after Umatilla County made two phone calls and a certified letter sent on the same day as the phone calls and Umatilla County did not receive a response within 3 business days of receipt of this letter.

5. Once Umatilla County decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within seven (7) calendar days. The complaint will receive a case number on the logged entry in the county's Title VI Investigations, Complaints, Lawsuits form identifying its basis and alleged merit.

6. The final investigative report and a copy of the complaint will be forwarded to the Federal Transit Administration, Office of Civil Rights, and affected parties within sixty (60) calendar days of the acceptance of the complaint.

7. The county will notify the parties of its final decision. The decision will be either a closure letter or a letter of finding. A closure letter summarizes the allegations and states that there was not a Title VI or ADA violation and that the case will be closed. A letter of finding summarizes the allegations and the interviews regarding the alleged

incident, and explains where any disciplinary action, additional training of the staff member, or other action will occur.

8. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of the right to appeal to the Federal Transit Administration and Office of Civil Rights within thirty (30) days.

At a minimum, the notice shall be posted in the following locations:

- On the agency's website
- In public areas of the agency's offices (reception desk, public meeting rooms, etc.).
- Inside vehicles (buses, vans, cars)
- In and around transit shelters
- In rider guides and bus schedules

RECORD/TRACKING OF TITLE VI INVESTIGATIONS, COMPLAINTS & LAWSUITS

Umatilla County shall maintain a list or log of all Title VI investigations, complaints, and lawsuits pertaining to its transit-related activities (Appendix D). The list, updated with all new events filed since the last submission, must be submitted annually with the Title VI Program to ODOT Public Transit Division.

The list or log shall include dates, a summary of allegation(s), status, actions taken by Umatilla County in response, and the final outcome (if resolved) for:

- Active investigations by FTA, the agency itself, or any other entity, which are based on race, color, or national origin discrimination allegation(s) in transit-related activities and programs
- Complaints naming Umatilla County that are based on race, color, or national origin discrimination allegation(s) in transit-related activities and programs.
- Lawsuits which are based on race, color, or national origin discrimination allegation(s) in transit-related activities and programs.

In the past three years, Umatilla County has received 0 Complaints and 0 Lawsuits related to Title VI Civil Rights in transit-related activities and programs. A copy of the current log will be available upon request.

PUBLIC PARTICIPATION PLAN

Umatilla County's Public Participation Plan includes strategies, procedures, and desired outcomes underpinning its public participation activities. Because it is imperative to provide opportunities for the public to be involved in proposed transportation decisions, the plan reflects the county's demographics, service under consideration, programs affected or proposed, resources available, etc., and should:

- Provide for early, frequent and continuous engagement by the public
- Promote inclusive participation of low-income, minority, and Limited English Proficiency (LEP) individuals (per DOT LEP guidance) and people with disabilities
- Comply with the public participation requirements of 49 U.S.C. Sections 5307 (b)
- Anticipate that FTA requires programs or projects to be developed with public participation and 5307 (c)(1)(I) requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service

Umatilla County will obtain and maintain data on race, ethnicity, age, gender, disability, limited English proficiency, and income of populations in its service area in order to adapt its outreach strategy when inviting public participation in any service changes. (Appendix E).

The outreach process will use innovative means to engage diverse populations where they commonly gather or means of communication (i.e., social media, radio stations, target publications, faith community, and retail outlets). Alternative locations and meeting times may also improve the level of participation.

LANGUAGE ASSISTANCE PLAN IMPLEMENTATION

Limited English Proficient (LEP): Referring to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. This includes those who have reported to the U.S. Census that they speak English less than very well, not well, or not at all. Umatilla County shall take reasonable 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).

Umatilla County has adopted a separate LEP Plan. For purposes of the Title VI Program, the plan will be utilized for its application for Umatilla County transit services.

Umatilla County transit services are important to all populations served. Although it is unknown whether non-English speakers use the transit services more or less frequently than all riders, the County has determined that Spanish language resources are beneficial because of the high number of Hispanic and Latino individuals living in the community. The County does have access to bilingual staff and on-lien services for customers that would like assistance in Spanish or other languages.

1. The nature and importance of service provided: The County does not provide direct transit services but contracts with other entities to provide these services to the region through commuter bus service and on-demand route programs.
2. The resources available to the recipient of the federal funds to assure meaningful access to the service by LEP persons: If needed, there are funds available for translating documents, including forms and notices, and for posting of notices. There are County staff that can provide Spanish translation services. Our staff collaborates with local providers to inform LEP persons about transportation options and to distribute translated printed materials and the availability of language assistance so they may utilize the transit services.

At least annually, the County will evaluate the LEP plan, its application to the transit program and update as needed, distribute revised materials, and inform employees about the LEP Assistance Plan and train on how to provide language assistance to LEP persons with available formats and service materials.

MINORITY REPRESENTATION TABLE:

Umatilla County has a non-elected transportation advisory committee appointed by the Board of Commissioners. Each committee member will be invited to complete the representation data form (Appendix E) to produce the Minority Representation Table.

Based upon the results of the data collection and production of the table, efforts will be made to encourage participation of minorities on these boards and committees. Board and committee member recruitment notices will be posted at least twice a year at gathering locations for local minority groups, included in any of their media formats that will accept County notices, and posted on the County website in English and Spanish.

Reasonable accommodations will be utilized to remove barriers to better enable a minority representative to participate (i.e., translator, location, time, day of week, transportation, etc.).

UMATILLA COUNTY TITLE VI PROGRAM

Appendix A:

Notifying the Public of Rights Under Title VI

Umatilla County operates its program, services and activities in compliance with federal nondiscrimination laws. No person shall, on the basis of race, color, national origin (including limited English proficiency), disability, religion, sex, gender identity, sexual orientation, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs.

To file a complaint of discrimination, write Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice (OCR), 810 7th Street, NW, Washington, DC 20531 or call 202-307-0690 (Voice) or 202-307-2027 (TDD/TTY). Individuals who are hearing impaired or have speech disabilities may also contact OCR through the Federal Relay Service at 800877-8339 (TTY), 877-877-8982 (Speech) or 800-845-6136 (Spanish). To file a complaint of discrimination with Umatilla County, write, or call. To file a complaint of discrimination with Oregon Department of Justice, Crime Victim and Survivor Services Division, write Oregon Department of Justice, Crime Victim and Survivor Services Division, Attn: Shannon Sivell, Complaint Coordinator, 1162 Court Street NE, Salem, OR 97301 or call 503378-5348. You may also email to shannon.l.sivell@doj.state.or.us.

For more information on the Umatilla County civil rights program and the procedures to file a complaint

- go to www.umatillacounty.gov/transit
- contact the Umatilla County Transit Coordinator at (541) 278-6252
- email planning@umatillacounty.gov
- visit our office at Umatilla County Courthouse, 216 SE 4th Street, Room 104, Pendleton, OR, 97801

Appendix B:

Title VI Clauses Protection from Discrimination to be added to funding contract with transit providers

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

(1.) Compliance with Regulations: The Contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Contract.

(2.) Nondiscrimination: The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, Limited English Proficiency, sex, income, age, or disability, 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 49 CFR 21.5 including employment practices when the contract covers a program set forth in Appendix B of said CFR.

(3.) Solicitations for Subcontractors, including Procurements of Materials and Equipment: In all solicitations made by the Contractor, either by competitive bidding or negotiation 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 49 CFR 21.5 relative to nondiscrimination on the basis of race, color, national origin, Limited English Proficiency, sex, income, age, or disability.

(4.) Information and Reports: The Contractor shall provide all information and reports required by 49 CFR 21.5 or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Oregon Department of Transportation (hereinafter, "ODOT"), the Federal Highway Administration (hereinafter, "FHWA"), the Federal Transit Administration (hereinafter, "FTA"), the Federal Aviation Administration (hereinafter, "FAA"), and/or the Federal Motor Carrier Safety Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions.

Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to ODOT, FHWA, FTA, FAA, and/or the Federal Motor Carrier Safety Administration 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, ODOT shall impose such contract sanctions as it or FHWA, FTA, FAA, and/or the Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
- b. cancellation, termination or suspension of the contract, in whole or in part.

(6.) Incorporation of Provisions: The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by 49 CFR 21.5, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as ODOT, FHWA, FTA, FAA, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

Appendix C: Complaint Form

Note: The following information is needed to assist in processing your complaint.

Complainant's Information:

Name: _____

Address: _____

City/State/Zip: _____

Telephone Number (Home/Cell): _____

Electronic Mail Address: _____

Telephone Number (Work): _____

Person or Entity that Discriminated (someone other than complainant):

Name: _____

Address: _____

City/State/Zip: _____

Telephone Number (Home): _____

Telephone Number (Work): _____

Which of the following best describes the reason you believe the discrimination took place:

Race: _____ Color : _____ National Origin: _____

Disability: _____

On what date(s) did the alleged discrimination take place? _____

Describe the alleged discrimination. Explain what happened and who you believe was responsible (if additional space is needed, add a sheet of paper)

List name(s) and contact information of person(s) who may have knowledge of the alleged discrimination:

Title VI Complaint Form (continued)

Have you filed this complaint with any other federal, state, or local agency, or with a federal or state court? Check all that apply.

Federal Court _____ Federal Agency _____

State Court _____ State Agency _____

Local Agency _____

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

Name & Address: _____

City/State/Zip: _____

Telephone Number (Home): _____

Telephone Number (Work): _____

Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant Signature _____ Date _____

Attachments: Yes _____ No _____

Submit form and any additional information to:

Umatilla County Transit Coordinator/Umatilla County Counsel

216 SE 4th Street

Pendleton, Oregon 97801

Phone: (541) 278-6252 or (541) 278-6208

Fax: (541) 278-5480

Appendix D:

**UMATILLA COUNTY TRANSIT-RELATED
TITLE VI INVESTIGATIONS, COMPLAINTS
AND LAWSUITS LOG**

Investigations, Lawsuits and Complaints

Submitted as part of the annual report to ODOT Public Transportation Department (PTD)

	Date (Month, Day, Year)	Summary (Include complaint basis: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

Appendix E:

TITLE VI MINORITY REPRESENTATION DATA COLLECTION FORM:

Umatilla County Transportation Advisory Committee

Date:

Dear Member,

As Umatilla County is a recipient of federal funds, we are required under Title VI of the Civil Rights statute to ascertain the racial/ethnic make-up of any non-elected boards, commissions, councils, etc.

Data from this section is used for statistical and reporting purposes. The information may be subject to disclosure under federal or state law or rule.

Anti-Discrimination Notice

It is unlawful for Umatilla County to fail or refuse to provide services, access to services or activities, or otherwise discriminate against an individual because of an individual's race, color, religion, sex, national origin, disability or veteran status.

As a committee member under the jurisdiction of Umatilla County, we invite members to voluntarily self-identify their race/ethnicity for us to comply with FTA Title VI regulations. This information will be used according to the provisions of applicable federal and state laws, executive orders and regulations, including those requiring the information to be summarized and reported to the federal government for civil rights enforcement purposes.

Race/Ethnicity

If you choose to voluntarily self-identify, please mark the one describing the race/ethnicity category with which you primarily identify:

Asian or Pacific Islander: All persons having origins in any of the peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.

Black (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa.

Hispanic: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

White (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

UMATILLA COUNTY MINORITY REPRESENTATION DATA

The following table displays demographic data from the 2017 American Community Survey.

Ethnicity	Caucasian	Latino	African American	Asian American	Native American
Umatilla County	64.1%	28.6%	1.3%	1.2%	4.4%
Advisory Committee	75%	12.5%	0%	0%	12.5%

Source ACS 2021 Estimates