

GOVERNMENT OPERATIONS AGENDA
Location: Yates County Legislative Chambers
Date: September 9, 2020 at 1:30 p.m.

NOTE:

- Maximum attendance at any meeting is limited to 50 persons.
- Considering 14 Legislators, the Clerk of the Legislature and the County Administrator, Public attendance will therefore be limited to 34 persons
- If it is desired to address the committee (or Legislature) it would be appreciated that the Clerk of the Legislature be contacted to assure that there will be capacity in the room. (Phone 315-536-5150 or email chayes@yatescounty.org)
- Wear a mask when not seated.
- Wear a mask if not able to maintain 6 feet from adjacent persons (i.e – social distance)
- Attendance can also be by ZOOM; the login information is below

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://zoom.us/j/98709827470?pwd=QIVrMmZ6d01ReGxhZ1dWSU1BcGhGQT09>

Webinar ID: 987 0982 7470

Passcode: 280216

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592

Committee members: Ed Bronson, Dick Harper, Carlie Chilson, Tim Cutler, Jim Multer, Bonnie Percy

- Ed and Tim will sign the audit this month
- Approve minutes of the August meeting
- Public Comment

Legislative Operations

- Legislators are required to complete annual trainings, as are all County employees. Legislators should review the courses and complete them. To date, one (1) legislator has completed all six (6) trainings, four (4) legislators have completed five (5) trainings, four (4) legislators have not started any trainings and the remainder have completed some of the trainings. Kerry will email legislators with their individual training status.
- Chairman's appointment to Genesee Transportation Council:
 - Craig Prior to Planning Committee
 - Tim Cutler as an Alternate to Council
 - Proposed resolution from Legislator Killen.

Elections Robert Brechko/Robert Schwarting

Nothing submitted

Soil & Water Colby Petersen

- Watershed Inspections/KWIC
- Keuka Lake 9E
- Hydroseeding
- AEM – Agricultural Environmental Management
- District Birthday

Cornell Cooperative Extension Arlene Wilson

Nothing submitted

IT – Tim Groth

- Statistics
- I.T. Project updates

County Clerk Lois Hall/ Molly Linehan

- Statistical Reports
- DMV updates
- Clerk updates

Resolution:

- Adopt Retention And Disposition Schedule For The New York Local Government Records (LGS-1)

Clerk of the Legislature – Connie Hayes

Nothing to report

Personnel Kerry Brennan

- Benefit Fair update
- Employee Recognition/Awards Program
- Civil Rights Title VI Coordinator/Training/Policy
- CSEA Contract Extension

Resolution:

- Ratifying Rollover Labor Agreement With CSEA

County Administrator Nonie Flynn

- County Office Building – Continues to be staffed to ensure social distancing and the wearing of face coverings.
- Presidential Memorandum to defer Social Security tax withholding.

EXECUTIVE SESSION - If needed



Soil and Water Conservation Districts in New York State

Protecting Today, Preserving Tomorrow

Yates County Soil & Water Conservation District

417 Liberty Street
Penn Yan, New York 14527
(315) 536-5188 fax (315) 536-5136
Colby@ycsoilwater.com

Government Operations Report September 2020

Watershed Inspection/KWIC:

Staff have completed 275 of an estimated 400 inspections in the Towns of Barrington, Jerusalem, Milo, Torrey and the Villages of Dresden and Penn Yan. Past due letters have gone out and we are seeing a great response. notices of violation are going out soon.

Keuka Lake 9E

The first of three, public outreach sessions was held on August 24, 2020 via Zoom, attendance peaked at 82. The following link will take you to the video: <https://senecawatershedio.wordpress.com/9e/> There will be a 9E newsletter coming out in September.

Hydroseeding

Staff have sprayed 39 loads of hydroseed covering over 7.1 acres year to date. The cooler, dewy mornings recently, have made hydroseeding more successful. Included with a homeowner's invoice is an informative page giving tips on how to successfully get the grass to germinate and become a lush lawn.

AEM-Agricultural Environmental Management

Staff have worked on several large tile drainage projects this summer totaling over 100,000' installed. This has mostly been installed utilizing tile plows. SWCD staff provided a map to the landowner utilizing GPS for locating the tile in the future.

The Keuka Lake implementation grant has been moving along with erosion control projects, pesticide sprayer enhancement projects, and a large barnyard project in progress. A separate grant required a landowner change away from a proposed manure storage facility in the Middlesex area was needed due to unforeseen circumstances. The funds are being re-allocated to a farm north of Dresden above Seneca Lake for an erosion control and stormwater runoff project. This project is planned for the summer of 2021.

District Birthday

Yates County Soil and Water Conservation District will celebrate its 80th birthday. The following resolution was passed by the Board of Supervisors on September 30, 1940:

44 PROCEEDINGS OF THE BOARD OF SUPERVISORS- Sept 30, 1940

Mr. Shay reported for the Special Committee on soil conservation and presented the following resolution which upon his motion was adopted, all members voting aye:

WHEREAS, The Board of Supervisors has determined that conservation of soil resources and control and prevention of soil erosion are problems of public concern in the County and that there is need, in the interest of public health, safety and welfare, for the creation of a soil conservation district in the County of Yates and has further determined that a substantial proportion of the land occupiers of said County desire the creation of such district,

BE IT NOW, THEREFORE RESOLVED, That Yates County be, and the same is, hereby declared a Soil Conservation District, in accordance with the provision of the Soil Conservation District Law, Chapter 727, Laws of 1940.

Upon motion duly carried the Board adjourned.

A. B. Smith

Clerk of Board of Supervisors



YATES COUNTY INFORMATION TECHNOLOGY

417 Liberty Street, Suite 2027

Penn Yan, New York 14527

Phone: 315-531-3444

Fax: 315-531-3226

MEMORANDUM

To: Government Operations Committee

From: Tim Groth
I.T. Director

Date: September 3, 2020

Re: Report for August 2020

SUMMARY

- **Help-Desk calls**
 - In the month of July, the I.T. Help Desk took in 268 calls

- **I.T. Project Update Summary**
 - Firewall Upgrade
 - NYSBOE County Election Infrastructure Risk Remediation Project
 - NYSBOE Required Upgrade of their supplied Firewall
 - Wi-Fi access in multiple Town/Village Courts for the District Attorney's office
 - Internal/External Vulnerability Scanning and Penetration Tests including full Risk Assessment

Project Updates

- **Firewall Upgrade**

We have disabled the email auto-encryption feature in the new firewall as it proved to be cumbersome and intrusive. We are looking at the Barracuda solution again as it handled this feature and Spam control much more efficiently. We finished working with the vendor to make some additional required configuration upgrades and a required upgrade to the State Board of Elections Firewall.

- **NYSBOE County Election Infrastructure Risk Remediation Project**

I am continuing to work with the assigned technical advisor from the NYSTEC group (NYS Remediation Partner Group) defining remediation definitions for the Yates County BOE Remediation Plan. We completed and submitted the plan by the targeted date of August 1st, but have had to answer additional questions from the Board as required.

- **NYSBOE Required Upgrade of their supplied Firewall**

We completed the required upgrade of the NYS BOE firewall supplied by the NYSBOE. We worked with the NYSBOE technical staff, Entre and Layer 3 to configure the County equipment on August 7th.

- **Wifi access in multiple Town/Village Courts for the District Attorney's office**

I have started the process of working with the I.T. support and Town Clerks in each of the Town/Village Courts where the District Attorney has signed agreements to install secure Wi-Fi access. We will assess each location as to the required installation needs and configurations.

- **Internal/External Vulnerability Scanning and Penetration Tests of the County Network**

The Internal/External Vulnerability Scanning and Penetration Tests of the County Network have been completed by the NYS Department of Homeland Security and Emergency Services (DHSES). The process started with the External scans on August 7th and continued the following week including a full Internal scan and Penetration test. We had an initial call with DHSES as to some of findings, but will not have a complete report until the final phase is completed in mid-September. The final phase will include a series of interviews with myself and my staff on I.T. security controls and policies. The interviews will include a comprehensive Risk Assessment and examination of our I.T. Security policy and controls. I have also reached out to four additional management staff per DHSES request to address some of the questions on the Risk Assessment. Kerry Brennan, Deb Minor, Howard Davis, and Scott Falvey have agreed to participate in the interview process and is much appreciated. We should have the full results of all testing by late October.

INTER-OFFICE CORRESPONDENCE

YATES COUNTY

TO: Ed Bronson, Chair
Legislators Government Operations Committee

FROM: Lois Hall, County Clerk

SUBJECT: Updates—County Clerk's Office

DATE: September 3, 2020

STATISTICAL REPORTS

DMV transactions 1549 with fees for retention collected for July 2020, \$10,845.63 with \$78,699.54 sales tax collected. COPRS Internet fees collected year to date \$4528.83.
County Clerk transactions 1730 and fees collected \$243,854.92. (July 2019 1826 transactions and \$216,259.99)

DMV

DMV training went well. Other trainings will be available in the future for enforcement, licenses and registrations.

As you can see we have been busy in the DMV. Appointments will be opened up beginning the week of September 14 for registration type transactions. . We will accepting appointments Wednesdays and Fridays to accommodate people putting new vehicles on the road. Basic renewals and plate surrenders and dealer work will still be accepted by mail or by drop box daily. Mondays, Tuesdays and Thursdays will be for licenses and permit type transactions. Albany's help line number will also be added to our telephone message for questions.

CLERK

Training for IQS is going smoothly. This system is totally different than our previous system and will take some time to get used to. IT has upgraded our systems to be able to go live on the 24 of August. We look forward to this new system and the new availability of our records being online.

Trainers will be here for the first few days of operation to assist with any questions.

The courts are asking for us to consider going to mandatory E-Filing instead of consensual at this time. This will be considered along with E-Recording beginning the first of the year.

The State Archives is revising and consolidating its local government records retention and disposition schedules and issuing a single, comprehensive retention schedule for all types of local governments on August 1, 2020. The new schedule, Retention and Disposition for New York Local Government Records or LGS-1 will supersede and replace:

CO-2 Schedule for use by counties (2006)

MU-1 Schedule for use by cities, towns, villages, and fire districts (2003)

MI-1 Schedule for use by miscellaneous governments (2006)

ED-1 Schedule for use by school districts, BOCES, County Vocational Education and Extension Boards, and Teacher Resource and Computer Training Centers (2004)

Local governments must adopt LGS-1 prior to utilizing it, even if they adopted and have been using the CO-2, MU-1, MI-1, or ED-1 schedules. Governing boards of local governments will have a five month period- between August 1, 2020 when LGS-1 is issued and January 1, 2021 when the four existing schedules expire-- to adopt the Schedule by resolution. Local government records may not be legally destroyed after the end of 2020 unless the LGS-1 is formally adopted. There is no need to notify the State Archives of LGS-1 adoptions, but local governments should keep a record of the date of adoption and maintain the resolution permanently. The organization and formatting of the LGS-1 is similar to the existing four schedules. Section heading names have been retained. Because of the consolidation, the LGS-1 contains more sections. Local government can ignore those that are not applicable. As with previous schedules, items that are new or significantly revised have been indicated. Each schedule item has been assigned a new, unique number: however, the unique numbers of the four existing schedules have been provided allowing cross referencing. In addition, each schedule item contains the record series title and description, retention period, and any notes. A copy of the LGS-1 will be available on the State Archives website August 1. Additional online resources will include a list of the major revisions to the Schedule and a webinar series to introduce the LGS-1. Local governments are encouraged to check the State Archives website periodically for LGS-1 news and updates. By consolidating multiple, disparate retention schedules, the LGS-1 helps to ensure consistent retention and disposition guidance for records that are common to various local governments. It also makes it easier to apply revisions necessitated by changes to laws, regulations or other mandates that affect retention.

The resolution for adoption is as follows:

RESOLVED,

By the Legislature of the County of Yates that Retention and Disposition Schedule for the New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers is legally disposing of valueless records therein.

FURTHER RESOLVED, that in accordance with Article 57-A

- (a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods.



Yates County Office of Personnel
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Yatespersonnel@yatescounty.org

GOVERNMENT OPERATIONS COMMITTEE AGENDA SEPTEMBER 2020

This is to update you on the recent activity of the Personnel Office.

UPDATES:

Benefits Fair – In light of COVID we will not be having our Benefits Fair this year. Employees have/will be given the opportunity to participate in webinars and/or set-up teleconferences with our service/benefit providers.

Employee Recognition/Awards Program – I am recommending for our Employee Recognition/Awards Program, we discontinue using "Select-A-Gift" as the provider for our gifts. Instead, I propose we use local Yates County businesses as the suppliers for our gifts and ultimately, keep taxpayer money in the County all while supporting local businesses. Prior to bringing this forward, I first wanted to see if local businesses would be willing to collaborate with the County as this would require their cooperation in willing to work with us. I contacted the Yates County Chamber of Commerce and obtained their membership directory. I then sent letters to one-hundred-thirty-six (136) businesses located in Yates County, taking into consideration we would not be able to purchase alcohol with taxpayer money. So far I have heard back from ten (10) businesses, which include, restaurants, art galleries, a hardware store, bowling alley, a greenhouse, etc. I am very pleased with the responses and the variation of businesses. There are various guidelines I have had to take into consideration, such as, we are unable to give employees gift certificates, we are tax exempt, no alcohol can be purchased, etc. I have developed/strategized a plan, that will satisfy the various guidelines and have gained Nonie's support in bringing this forward as proposed. Therefore, I am requesting authorization to move forward with using local businesses for our Employee Recognition/Awards Program gifts. Please advise.

Civil Rights Title VI Coordinator/Training/Policy – As a subrecipient of state and federal funds we are subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964. In order to ensure we as a County maintain compliance, we are required to establish a program that consists of a policy, training, public notification procedures, a formal complaint process, etc. In 2016 the County established a program and Dave Hartman volunteered to take on the role of Title VI Coordinator, due to the fact the Highway Department is one (1) of the departments to receive state and federal funding.

CSEA Contract Extension – On August 25th the CSEA Union members ratified the one (1) year rollover agreement. Enclosed is the resolution for ratification by the County Legislature.

RESOLUTION(S):

RATIFYING ROLLOVER LABOR AGREEMENT WITH CSEA

WHEREAS, the collective bargaining teams for the County of Yates and CSEA have concluded negotiations for a one-year rollover agreement for the purpose of extending the current January 1, 2017 - December 31, 2020 collective bargaining agreement (CBA) for the CSEA unit, as amended during the life of said CBA, for one full year, that is, for the period of January 1, 2021 – December 31, 2021;

NOW, THEREFORE, BE IT RESOLVED, that the Yates County Legislature hereby ratifies said rollover agreement and authorizes the expenditure of the necessary funds therefor, and be it further

RESOLVED, that the Chairman of the Yates County Legislature is hereby authorized to execute said agreement on behalf of the County, and be it further

RESOLVED, that copies of this resolution be given to the CSEA Unit President, the County Administrator, the County's Labor Attorney, and the County Personnel Officer.

PERSONNEL OFFICE VACANCY REPORT

****New hire orientation and paperwork processing for new hires takes roughly 2 hours per person****

Vacancy Report							
Vacant Position	Account Number	Department	Personnel Status	Vacancy Start Date	Position Status	New Hire – Recent Activity	Current Staffing Level
						8/2020	
Assistant Public Defender	A1170.51566	Public defender	PT – 17.5 Hrs	6/3/20	Recruiting.	0	1
Caseworker	A6010.51361	DSS	FT – 35 Hrs	6/26/20	Recruiting.	0	9
Conflict Defender	A1171.51642	Conflict Defender	PT – 17.5 Hrs	3/31/20	Vacant.	0	0
Corrections Officer	A3150.51821	YCSO – Jail	FT – 40 Hrs	4/3/2019	Hiring Freeze	0	27
Corrections Officer	A3150.51803	YCSO – Jail	FT – 40 Hrs	9/7/19	Hiring Freeze	0	27
Corrections Officer	A3150.51814	YCSO – Jail	FT – 40 Hrs	2/27/20	Hiring Freeze	0	27
Corrections Officer	A3150.51815	YCSO – Jail	FT – 40 Hrs	3/14/20	Hiring Freeze	0	27
Corrections Officer	A3150.51824	YCSO – Jail	FT – 40 Hrs	4/22/20	Contingent job offer made.	0	27
Corrections Officer	A3150.51829	YCSO – Jail	FT – 40 Hrs	5/8/20	Withdrew offer. Continuing to recruit.	0	27
Deputy Highway Sup.	D5010.51119	Highway	FT – 40 Hrs	7/13/20	Vacant.	0	0
EMS Coordinator	A3645.5XXXX	OEM	PT – 17.5 Hrs	11/30/18	Waiting for signed agreement w/ Schuyler.	0	0
ES Dispatcher	A3021.51714	YCSO – E911	FT – 40 Hrs	5/9/20	Recruiting.	0	8
ES Dispatcher	A3021.51706	YCSO – E911	FT – 40 Hrs	9/2/20	Vacancy Review in September.	0	7
Public Health Educator	A4010.51320	Public Health	FT – 35 Hrs	8/29/20	Vacant.	0	0
Temp. Public Health Nurse	Newly Created	Public Health	FT – 35 Hrs	New	Requesting position creation in September.	0	2
Public Health Specialist	A4010.51329	Public Health	FT – 35 Hrs	9/14/20	Vacant.	0	0
Senior ESD	A3021.51702	YCSO – 911	FT – 40 Hrs	2/28/20	Exam results received.	0	3
Senior Account Clerk Typ.	A4010.51271	Public Health	FT 35 – Hrs	7/30/20	DOH 8/3/20	1	1
Social Welfare Examiner	A6010.51392	DSS	FT – 35 Hrs	8/29/20	Recruiting.	0	10
TOTAL:						1	

****Currently Recruiting means the Personnel Office has advertised the position and is collecting applications. The above numbers take into consideration the anticipated vacancy ****

Continuous Recruitment					
<i>(Applications are accepted on a continuous basis)</i>					
Position Title	Account Number	Department	Personnel Status	New Hire - Recent Activity	Current Staffing Level
				8/2020	
Corrections Officers	A3150.51990	YCSO – Jail	Part Time	0	11
Corrections Officers	A3190.51981	YCSO - Court	Part Time	0	3
Deputy Sheriff	A3110.51985	YCSO – LE	Part Time	0	1
Dispatcher	A3021.51986	YCSO – Dispatch	Part Time	0	0
Marine PO	A3110.51995	YCSO – LE	Seasonal	0	7

YATES COUNTY

TITLE VI NONDISCRIMINATION POLICY



Yates County

Title VI Nondiscrimination Policy

Revision Record

Revision	Date	Paragraph(s)	Description
0	October 12, 2020	All	Original issue.

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100 INTRODUCTION

101 *Definitions*

For purposes of this Plan, the following terms shall be defined as set forth below.

1. **Age** – Defined by the Census Bureau as the length of time in completed years that a person has lived.
2. **Color** – Refers to a person's pigmentation, complexion, or skin shade or tone. **Complainant** – A complainant is the person who has filed a Title VI complaint.

3. **Disability** – A condition that involves a physical or mental impairment which substantially limits a person's major life activity.
4. **Environmental Justice (“EJ”)** – Includes efforts to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies and activities on minority populations and low-income populations which includes the following: Black; Hispanic or Latino; Asian American; American Indian and Alaskan Native; and Native Hawaiian or other Pacific Islander.
5. **Federal Financial Assistance and Federal-aid** –
 - A. Grants and loans of federal funds
 - B. The grant or donation of federal property and interests in property
 - C. The detail of federal personnel
 - D. The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient
 - E. Any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.
6. **Limited English Proficiency** – An individual who does not speak English as a primary language and has a limited ability to read, speak, write or understand English is considered Limited English Proficient (“LEP”). LEP individuals include those who reported to the United States Census that they speak English less than “Very Well,” “Not Well,” or “Not At All.”
7. **Low Income** – The Federal Highway Administration has defined "low-income" as a family of four (4) whose household income is either at or below the United States Department of Health and Human Services poverty guidelines.
8. **Low Income Population** – Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed a federal program, policy, or activity.
9. **National Origin** – Relates to person's birthplace, ancestry, culture or language.
10. **Race** – Generally refers to a person's ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles and/or certain facial features.
11. **Recipient** – Any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.
12. **Sex** – Refers to a person's biological sex.
13. **Subrecipient** – A subrecipient - is a non-federal entity that receives a sub-award from a pass-through entity to carry out part of a federal program. A subrecipient may include, but is not limited to: a city, county, metropolitan planning organization, college/university, contractor or sub-grantee.
14. **Title VI** – Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive federal financial assistance. The Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, Federal Railroad Administration, Department of Labor, Department of Health, Department of Education, etc. each reference Title VI and other civil rights statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance.

102 The Purpose of the Title VI Nondiscrimination Policy

The purpose of the Title VI Nondiscrimination Policy is to ensure compliance with Title VI of the Civil Rights Act of 1964 (Title 23 CFR Part 200 and Title 49 CFR Part 21), as well as related statutes and regulations.

200 OVERVIEW OF TITLE VI COMPLIANCE

201 Title VI Nondiscrimination Policy Statement

It is the policy of Yates County not to discriminate on the basis of sex, (including gender identity or expression and the status of being transgender), sexual orientation, race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles, for example, braids, locks or twists), color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic information or predisposing characteristics, domestic violence victim status or any other protected status.

This policy fully incorporates throughout all of the Yates County operations, the requirements of applicable State and federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All Legislators, Department Heads/Supervising Authorities and employees are directed to comply with these laws and orders.

Yates County is committed to maintaining a local government, which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach their own potential.

202 Title VI Program

1. Program Summary –

- A. As a subrecipient of federal and state funds, Yates County is subject to the requirements and provisions of Title VI of the Civil Rights Act of 1964, as amended. The provisions include, but are not limited to, prohibiting discrimination on the grounds of race, color or national origin, which includes being denied the benefits of, or being otherwise subjected to discrimination under any program or activity administered by federal or state assisted programs, services, or activities.
- B. 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 ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).
- C. Yates County assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Yates County's Personnel Officer is responsible for monitoring the Title VI activities for Yates County.
- D. Yates County 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 in Federal Transit Administration ("FTA") Circular 4702.1.B.
- E. As a subrecipient of federal funds, Yates County makes Environmental Justice ("EJ") part of its mission through identifying and addressing disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and

low-income populations, and to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process. Yates County addresses EJ concerns in transportation decisions in the planning, construction and maintenance stages.

F. As detailed more fully in a separate LEP Plan, Yates County has reaffirmed that it will not subject an individual to discrimination based upon that person's inability to speak, read, write or understand English, which is recognized as a form of national origin discrimination. Yates County's LEP Plan assists Yates County in identifying reasonable steps for providing language assistance to individuals with LEP who wish to access services provided by Yates County.

2. **Title VI Coordinator** – The Yates County Legislature has designated the Personnel Officer as the Title VI Coordinator. The roles and responsibilities assigned to the Title VI Coordinator include, but are not limited to:

- A. Schedule training concerning Title VI related statutes for Yates County employees;
- B. Receive, investigate and resolve complaints of discrimination; and
- C. Develop Title VI information for public dissemination, which includes ensuring information is provided to the public and, where appropriate, in languages other than English.

3. **Related Documents** –

- A. [42 U.S.C. Section 2000d](#)
- B. [Civil Rights Restoration Act of 1987](#)
- C. [Title VI in Federal Transit Administration \(FTA\) Circular 4702.1.B](#)
- D. [Yates County Personnel Officer – Title VI Coordinator Contact Information](#)

203 Related Policy and Authoritative Sources

1. **Statement of Purpose** – Title VI of the Civil Rights Act of 1964 and subsequent statutes, regulations and executive orders require subrecipients of federal financial assistance to ensure that no person shall be excluded from participation in, denied the benefits of, or be subject to unlawful discrimination in, the operation, implementation, access and use of the subrecipients' programs, activities and facilities based on race, color, national origin, sex, age, disability, level of income or an individual's limited ability to speak English.

2. **Subsequent Statutes, Regulations and Executive Orders** –

- A. **Americans with Disabilities Act (“ADA”)** – The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, school, transportation, and all public and private places that are open to the general public.
- B. **Civil Rights Restoration Act of 1987** – This Act clarified the definition of "programs and activities" covered by the nondiscrimination provisions of civil rights statutes. The revised definition states that discrimination is prohibited throughout an entire agency or institution, if any part of that agency receives federal financial assistance ([refer to Section 202.B](#))
- C. **Environmental Justice (“EJ”)** – Executive Order 12898 seeks to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations, and to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- D. **Limited English Proficiency (“LEP”)** – Executive Order 13166 ensures individuals whose first language is not English and have a limited capacity to read, write or understand English are provided meaningful access to programs, information and services by any entity receiving federal funding.

3. **Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq)** – Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin.
4. **Related Documents** –
 - A. [Americans with Disabilities Act \(ADA\)](#)
 - B. [Civil Rights Restoration Act of 1987](#)
 - C. [Environmental Justice \(EJ\)](#)
 - D. [Limited English Proficiency \(LEP\)](#)
 - E. [Yates County Limited English Proficiency \(LEP\) Plan](#)
 - F. [49 CFR Part 21](#)
 - G. [23 CFR Part 200](#)
 - H. [USDOT Order 1050.2A](#)
 - I. [Section 162 \(a\) of the Federal-Aid Highway Act of 1973](#)
 - J. [Title VI of the Civil Rights Act of 1964 \(42 USC 2000d et seq\)](#)

300 INFORMATION DISSEMINATION

301 Title VI Information Dissemination

1. **Statement of Purpose** – In accordance with 28 CFR 42.405, Yates County will make the Yates County Title VI Program information available to employees, contractors, subcontractors, as well as the general public.
2. **Public Dissemination** – Title VI information public dissemination will include the posting of public statements in Yates County owned and operated facilities, inclusion of Title VI language in contracts (as applicable), publishing Title VI information on the Yates County website, which is available to the public generally, and also posting Title VI information on Yates County's Intranet which can be accessed only by Yates County employees.
3. **Employee Dissemination / Training** – On an annual basis Yates County employees are required to undergo Title VI training. This annual training reminds Yates County employees of Yates County's Title VI policies and procedures and ensures employees understand their Title VI responsibilities as a public servant.
4. **Related Documents** –
 - A. [Yates County Intranet - Title VI Nondiscrimination](#)
 - B. [Yates County Website – File a Discrimination Complaint](#)
 - C. [U.S. Code of Federal Regulations § 42.405 – Public Dissemination of Title VI](#)

302 Community Outreach

1. **Summary** – As an agency receiving federal financial assistance, Yates County makes the following community outreach efforts:
 - A. The public is invited to attend and participate in the legislative process;
 - B. Title VI statements are posted in all Yates County facilities for public viewing;
 - C. Yates County has a website to enhance community relation efforts; and
 - D. Yates County's Title VI plan is available to the community on the Yates County website.

400 TITLE VI COMPLAINT PROCEDURES

401 *Complaint Procedures*

1. **Statement of Purpose** – The procedures are designed to provide due process for complainants and respondents relating to discrimination in federally funded programs and services administered by Yates County.
2. **Forms of Discrimination Prohibited by Title VI** – U.S. Department of Transportation Title VI regulations (49 C.F.R. Part 21) describe the general and specific kinds of discrimination prohibited by Title VI. Generally, subrecipients may not, directly or through contractual arrangements:
 - A. Engage in intentional discrimination because of race, color, or national origin;
 - B. Use criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin; or
 - C. Intimidate, threaten, coerce, or discriminate against any individual in retaliation for exercising a right or privilege.
3. **Intimidation or Retaliation** – Yates County will not intimate or discriminate against an individual for engaging in lawful protected activity. Yates County complaint 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. 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 Title VI Coordinator may be utilized for resolution.
4. **Applicability of Policy** – This policy applies to any person who believes he/she or a specific class of persons were subjected to discrimination on the basis of race, color, or national origin in the programs and activities administered by Yates County, which receives federal financial assistance.
5. **Reporting Timeframe** – A complaint must be filed not later than one hundred and eighty (180) days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.
6. **Reporting of Discrimination** – Reports of alleged discrimination must be made in writing. A copy of a Title VI Complaint Form is included with this policy and individuals shall use this form to properly file a complaint. The written complaint shall be filed with the Title VI Coordinator ([refer to Section 202](#)). The complainant shall include the following information:
 - A. A written explanation of the alleged discriminatory actions;
 - B. The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
 - C. The basis of the complaint (e.g., race, color, national origin);
 - D. The names of specific persons, including the applicable Yates County department, alleged to have discriminated;
 - E. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives federal financial assistance; and
 - F. The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.
7. **Investigation of Complaint** – Investigations of alleged violations of Title VI will commence within thirty (30) days of a complaint being filed. Yates County will follow the following protocol for investigating a complaint:

- A. Acknowledge receipt of the complaint;
 - B. Determine if Yates County has jurisdiction to review the complaint;
 - C. Schedule an interview, if necessary;
 - D. Determine if other public or private entities are or should be involved;
 - E. Determine if meetings are needed;
 - F. Issue a preliminary review finding within one hundred and eighty (180) days;
 - G. Issue a final review finding;
 - H. Issue corrective action recommendations, if appropriate; and
 - I. If necessary, issue sanction recommendations.
8. **Corrective Action / Discipline for Noncompliance** – When a complaint is substantiated, Yates County will impose such necessary corrective or disciplinary action, if applicable.
9. **Complaint Dismissal** – Reasons for a complaint to be dismissed include but may not be limited to:
- A. The complaint is untimely filed;
 - B. The complainant fails to respond to repeated requests for additional information needed to process the complaint;
 - C. The complainant cannot be located after reasonable attempts;
 - D. There is no statutory or alleged basis for the complaint, Yates County lacks jurisdiction in the matter, or the complainant does not allege any harm with regard to current programs or statutes;
 - E. The complaint has been investigated by another agency and the resolution of the complaint meets regulatory standards; e.g., all allegations were investigated, appropriate legal standards were applied; and/or
 - F. The complainant decides to withdraw the complaint.
10. **Legal Protections and External Remedies** – Nothing in this policy should be construed as in any way limiting an individual's right to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply to filing a complaint. Aside from Yates County's internal process, individuals may also choose to pursue legal remedies with the following governmental entities at any time:
- A. **FTA Office of Civil Rights** – A complainant may file a complaint by completing the FTA Complaint Form. The complaint form should be emailed to FTACivilRightsCommunications@dot.gov with "FTA complaint form" included in the subject line. Alternatively, complaints may be mailed to:
 - a. Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590
 - B. **New York State Division of Human Rights** – A person who feels they have been discriminated against can file a complaint with the Division of Human Rights by completing the form provided on the NYS Division of Human Rights website. In addition to submitting the complaint online, complaints may also be emailed to complaints@dhr.ny.gov or mailed to:
 - a. NYS Division of Human Rights
333 East Washington St.
Syracuse NY 13202

11. Related Documents –

- A. [Federal Transit Administration](#)
- B. [Federal Transit Administration Complaint Form](#)
- C. [New York State Division of Human Rights](#)
- D. [New York State Division of Human Rights Complaint Form](#)
- E. [Yates County Title VI Discrimination Complaint Form](#)