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JENNIFER MCBRIDE

LAGRANGE COUNTY RECORDER

RECORDED AS PRESENTED

COUNTY OF LAGRANGE

ORDINANCE NO. 2019-04-08

04/09/2019 08:15 AM

PAGES: 12

A JOINT ORDINANCE ESTABLISHING ANTIDISCRIMINATION POLICIES WITH REGARD TO COUNTY PROGRAMS, ACTIVITIES, AND SERVICES, AND ESTABLISHING A RELATED FUND, DIVISION, AND COORDINATOR.

WHEREAS, under 23 C.F.R. 1200, App. A, the Federal Highway Administration (“FHWA”) of the United States federal government requires compliance by all its funding recipients with all federal statutes and implementing regulations relating to nondiscrimination;

WHEREAS, the Indiana Department of Transportation (“INDOT”) is a recipient of funds controlled by the FHWA;

WHEREAS, the Board of Commissioners of the County of LaGrange, Indiana (“Commissioners”), on behalf of LaGrange County, Indiana (“County”), often desires to become a subrecipient of FHWA funds through INDOT;

WHEREAS, under 23 C.F.R. 1200, App. A, as a subrecipient of FHWA funds, the Commissioners must ensure compliance with federal antidiscrimination law including, but not limited to:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), which prohibits discrimination on the basis of race, color, or national origin;
2. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-83 and 1685-86), which prohibits discrimination on the basis of sex;
3. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101, *et seq.*) (“ADA”), which prohibits discrimination on the basis of disabilities;
4. the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-07), which prohibits discrimination on the basis of age;
5. the Civil Rights Restoration Act of 1987 (Pub.L. 100–259), which requires federal-aid recipients and all subrecipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities;

WHEREAS, under Title III of the federal Civil Rights Act of 1964, the County may not discriminate in any of its public facilities on the basis of religion;

WHEREAS, under 28 C.F.R. 35.107, the Commissioners must designate at least one employee to coordinate its efforts to comply with and carry out its ADA responsibilities;

WHEREAS, under 28 C.F.R. 35.106-35.107, the Commissioners must adopt and publish a notice and grievance procedure providing for the prompt and equitable resolution of ADA complaints;

WHEREAS, pursuant to INDOT's Title VI Technical Assistance Guide, the Commissioners must designate at least one employee to coordinate its efforts to comply with and carry out its Title VI responsibilities;

WHEREAS, as required by INDOT pursuant to 49 C.F.R. 21.7, the Commissioners, must give assurances that the County will full comply with all Title VI requirements;

WHEREAS, to monitor compliance with state and federal anti-discrimination law, the Commissioners desire to establish anti-discrimination policies and to appoint a coordinator to ensure compliance in all County programs, activities, and services;

WHEREAS, under Indiana Code § 36-2-3.5-5, the Commissioners may establish new County departments, divisions, or agencies whenever necessary to promote efficient county government and to employ administrative personnel necessary to carry out its functions; *and*

WHEREAS, the Commissioners have previously passed similar legislation related to ADA policy and an ADA coordinator position.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE AND BY THE COUNTY COUNCIL OF LAGRANGE COUNTY, INDIANA, JOINTLY, THAT:

SECTION I

- A. The Board of Commissioners of the County of LaGrange, Indiana and the County Council of LaGrange County, Indiana, on behalf of LaGrange County, Indiana, hereby jointly repeal Ordinance 1984-10-1, Ordinance 1984-10-2, Joint Resolution 1992-6-30; Resolution 1995-1-4, Resolution 2011-12-19C, Resolution 2014-08-18, and Resolution 2016-12-05B.
- B. The Commissioners hereby reiterate their prior repeal of Resolution No. 2011-12-05.

SECTION II

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- "ADA" refers to the Americans with Disabilities Act of 1990, as well as related federal statutes and regulations concerning disabilities.
- "Anti-Discrimination Coordinator" refers to the LaGrange County Anti-Discrimination Coordinator as more particularly described by this ordinance; provided, however, that for as long as the Commissioners may appoint two or more individuals to serve in this

capacity with respect to separate ADA and Title VI Coordinator duties, the term shall be understood to refer only in that respective capacity to the subject matter at hand.

- “Commissioners” refers to the Board of Commissioners of the County of LaGrange, Indiana.
- “Council” refers to the LaGrange County Council for LaGrange County, Indiana.
- “County” refers to LaGrange County, Indiana.
- “Division” refers to the Anti-Discrimination Compliance Division, as more particularly described by this ordinance.
- “Fund” refers to the Anti-Discrimination Education and Compliance Fund, as more particularly described by this ordinance.
- “Public servant” means a County employee, officer, or elected official.
- “Services” means the facilities, programs, activities, or services of the County.
- “State and federal anti-discrimination law” means Indiana and federal anti-discrimination statutes and administrative regulations concerning ADA and Title VI.
- “Title VI” refers to Title VI of the Civil Rights Act of 1964, as well as related federal statutes and regulations concerning discrimination based on race, color, national origin, religion, sex, or age.

SECTION III

- A. The Commissioners and Council find that the above recitals are true and correct and hereby incorporate the recitals into this ordinance in their entirety.
- B. The purpose of this ordinance is to provide standards and guidance for public servants in their relations with the general public especially concerning the impact of state and federal anti-discrimination law thereon.
- C. The scope of this ordinance is limited to the County’s involvement with the general public through its Services. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall have any bearing on the relation of state and federal law to the rights of public servants in their employment or official capacity. Such rights are instead addressed in the LaGrange County Personnel Policies Handbook.
- D. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County, its agencies, its public servants, or other agents; nor to waive or diminish any protection that may be applicable to the County or any of its public servants, agents, or representatives under any applicable statutes, rules, or

regulations providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

SECTION IV

The Commissioners and Council hereby establish the following policy to be the official County policy regarding the Americans with Disabilities Act of 1990 as well as related federal statutes and regulations:

In accordance with the requirements of the Americans with Disability Act of 1990, and all related statutes and regulations, as amended, LaGrange County, Indiana will not illegally discriminate against a qualified individual with a disability on the basis of such disability in its programs, activities, or services. LaGrange County further commits to identifying barriers that exist for individuals with disabilities and to eliminating those barriers so that they have an equal opportunity to participate in, obtain the same result in, or to reach the same level of achievement as provided to others. LaGrange County believes such accommodations will improve public service, effective governance, and its citizens' quality of life. Accordingly, upon request, the County will make reasonable efforts to provide auxiliary aids and services to facilitate effective communication for qualified individuals with disabilities. LaGrange County will further make modifications to its policies, programs, and procedures to ensure that qualified individuals with disabilities have an equal opportunity to participate in, and enjoy the benefits of, its programs, activities, and services. LaGrange County will not place a surcharge on an individual with a disability to cover the cost of its accommodations. LaGrange County is not required to take any action that would fundamentally alter the nature of its programs, services, or activities or impose an undue burden on the County.

SECTION V

The Commissioners and Council hereby establish the following policy to be the official County policy regarding Title VI of the Civil Rights Act of 1964, as well as related federal statutes and regulations:

LaGrange County, Indiana values the civil rights of every individual and desires to provide equal treatment for its citizens. As provided by Title VI of the Civil Rights Act of 1964, as amended, and all related statutes and regulations, it is the policy of LaGrange County that no person shall be excluded from participation in, denied benefits of, or subjected to illegal discrimination under any County program, activity, or service on the grounds of race, color, national origin,

religion, sex, or age. LaGrange County makes assurances that every reasonable effort will be made to prevent illegal discrimination in all of its programs, activities, and services, whether or not those programs, activities, and services are federally funded and whether or not those programs are managed by the County directly, by its agents, or by its subrecipients of federal aid.

SECTION VI

The Commissioners hereby adopt the following statement to be known as the “LaGrange County, Indiana Title VI Assurance of Compliance with Federal Regulations for Receiving Federal Financial Assistance from the U.S. Department of Transportation.”

LaGrange County, Indiana, by its executive, THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter collectively referred to as the “Regulations”) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of race, color, or national origin, religion, sex, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations. LaGrange County covenants to comply with all federal and state statutes and regulations that apply to subrecipients of federal highway funds regarding Title VI provisions.

This assurance is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient under the

Federal Aid Transportation Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Transportation Program. The persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

SECTION VII

- A. The Commissioners shall employ such specialists, engineers, and consultants as may be necessary to meet the requirements of state and federal anti-discrimination law after application to the Council for the approval of appropriation of funds to complete that purpose.
- B. No person, on the basis of race, color, national origin, religion, sex, age, or disability, shall be illegally discriminated against, excluded from, or denied the benefits of County policies or Services.
- C. All public contractors doing business with the County shall certify compliance with the substantive parts of this ordinance.
- D. All construction commenced by the County after January 26, 1993 shall be in conformance with ADA.
- E. All communications between the County and all disabled persons shall be as effective as communications with nondisabled persons.
- F. A copy of the County's anti-discrimination policies shall be distributed to each elected official and department head. Each department head shall post such policies in a prominent place where it can be observed by all persons employed in, or using the Services of, that department.
- G. All comments, questions, and concerns related to this ordinance should be submitted in writing to the County's Anti-Discrimination Coordinator.
- H. All public servants shall adhere to the provisions of this ordinance.

SECTION VIII

- A. Creation. The Commissioners hereby create a nonreverting Anti-Discrimination Education and Compliance Fund, and it shall exist in perpetuity until terminated or repealed by a subsequent ordinance.
- B. Purpose. The Fund shall be used only for research, education, and compliance purposes of state and federal anti-discrimination law including, but not limited to, all costs and expenses required or desired for ensuring compliance with state and federal anti-discrimination laws and educating public servants and citizens.

- C. Investment. All amounts in the Fund shall be invested and reinvested pursuant to standard County policies and procedures.
- D. Non-reverting. All amounts in the Fund, and any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.
- E. Restrictions. No money shall be appropriated from the Fund without the proper authorization of the Council.

SECTION IX

- A. The Commissioners hereby establish an Anti-Discrimination Compliance Division as a division of the LaGrange County Highway Department to ensure compliance with, and to improve education of, state and federal anti-discrimination law.
- B. By motion, the Commissioners may assign the Division to another Department from time to time to assist with its Coordinators' other job duties.

SECTION X

- A. The Commissioners hereby establish the position of LaGrange County Anti-Discrimination Coordinator to oversee the Division.
- B. By motion, the Commissioners may appoint (or revoke the appointment of) a public servant to serve as the Anti-Discrimination Coordinator.
- C. By motion, the Commissioners may separate the Anti-Discrimination Coordinator position into separate ADA and Title VI Coordinators and assign their respective duties to different public servants.
- D. The Anti-Discrimination Coordinator may delegate tasks related to his or her Coordinator duties to other public servants, as appropriate, while retaining full responsibility therefor.

SECTION XI

- A. The Anti-Discrimination Coordinator shall:
 - 1. cooperate with and provide guidance to the Commissioners as to the effect of state and federal anti-discrimination law on County Services;
 - 2. review, develop, and publish ongoing ADA and Title VI compliance plans, as necessary, so as to ensure compliance of County Services with state and federal anti-discrimination law;
 - 3. inspect and evaluate County buildings and facilities for identifiable barriers to determine ADA compliance or remediation goals;
 - 4. offer auxiliary aides and Services upon request, as appropriate;

5. develop grievance procedures for the prompt processing and disposition of complaints of illegal discrimination;
 6. develop information about state and federal anti-discrimination law for dissemination to the general public, especially on the County's web site;
 7. develop procedures for the collection of statistical data regarding participants and beneficiaries of County Services;
 8. conduct training programs on compliance with state and federal anti-discrimination law for the County's public servants and other agents;
 9. monitor, jointly with legal counsel, County grants, contracts, subrecipient agreements, services, and accommodations for compliance with state and federal anti-discrimination law;
 10. investigate alleged or suspected violations of state and federal anti-discrimination law within the County;
 11. establish procedures for promptly resolving continued or ongoing violations of state and federal anti-discrimination law;
 12. prepare all compliance reports, as required by law;
 13. preserve all County records related to compliance with state and federal anti-discrimination law;
 14. ensure meaningful access to County Services by persons with "Limited English Proficiency," to the extent required by law;
 15. coordinate with federal, state, and other regulatory entities having jurisdiction in the County with regard to compliance with state and federal anti-discrimination law;
 16. maintain appropriate levels of continuing education related to compliance with state and federal anti-discrimination law;
 17. seek out appropriate funding sources related to compliance with state and federal anti-discrimination law, such as grant requests and/or donations; *and*
 18. make recommendations on the Division's budget and appropriations relating to compliance with state and federal anti-discrimination law, as appropriate;
 19. deposit all money received from non-County sources into the Fund;
- B. Subject to Commissioner oversight, reasonable budget constraints, and the necessity of the Anti-Discrimination Coordinator to fulfill all other professional responsibilities to the County, the Commissioners hereby delegate to the Anti-Discrimination Coordinator all reasonable powers that are necessary or proper to perform the duties listed in this section including, but not limited to, the powers to disburse Fund money and to execute any and

all documents on behalf of the County that are necessary or proper to carry out the Coordinator's duties.

- C. The Commissioners reserve for themselves the same powers provided for in this section.
- D. Nothing in this section shall be construed to give the Anti-Discrimination Coordinator the power or duty to investigate County personnel files.

SECTION XII

To inform the public about the availability of information regarding the provisions of federal civil rights laws and the County's anti-discrimination policies as they relate to County Services for the general public, the Auditor shall place the County's Anti-Discrimination Notice Statement on all County agenda.

SECTION XIII

- A. The Commissioners continually adopt and incorporate by reference the latest versions of the following documents administered by the Anti-Discrimination Coordinator:
 - 1. the Anti-Discrimination Notice Statement;
 - 2. the ADA Self-Evaluation and/or Transition Plan;
 - 3. the ADA Grievance Procedure (included in ADA Plan);
 - 4. the Title VI Implementation Plan; *and*
 - 5. the Title VI Grievance Procedure (included in Title VI Plan).
- B. The Anti-Discrimination Coordinator shall publish the documents listed in this section in all appropriate locations in the County, including the County website.
- C. The Anti-Discrimination Coordinator shall provide the Auditor with two (2) copies of each document in this section for the Auditor to keep on file for public inspection.

SECTION XIV

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of the) LaGrange County (Indiana)."

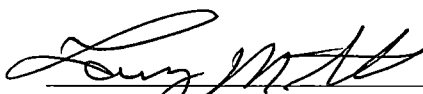
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition is satisfied by the performance of the act by an authorized agent or deputy.
- B. Severability. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- C. Continuance.
1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.
 2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.
- D. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.
- E. Effective Date. This joint ordinance shall be effective immediately upon passage.


SECTION XV

THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA

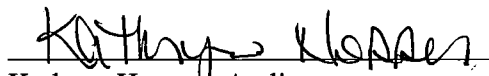
Adopted and ordained on this 18th day of MARCH 2019.

Ayes: 3 Nays: _____ Abstentions: _____


Larry N. Miller, President


Terry A. Martin, Vice President

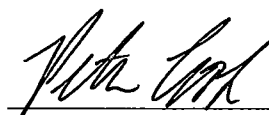

Dennis H. Kratz, Member


ATTEST:

Kathryn Hopper, Auditor

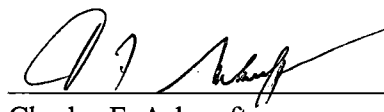
THE COUNTY COUNCIL OF LAGRANGE COUNTY, INDIANA

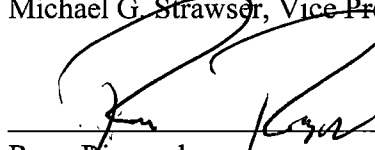
Adopted and ordained on this 8th day of April 2019.

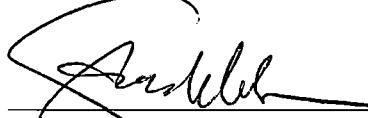
Ayes: 7 Nays: _____ Abstentions: _____

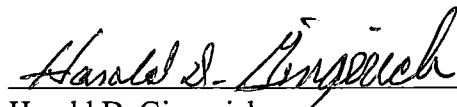

Peter A. Cook, President


Michael G. Strawser, Vice President

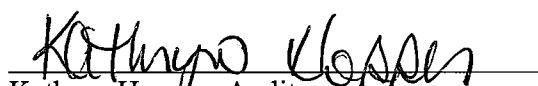

Charles F. Ashcraft


Ryan Riegsecker


Steve E. McKowen


Harold D. Gingerich

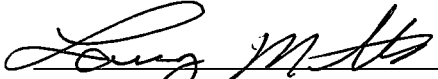

Jeff Brill

ATTEST:

Kathryn Hopper, Auditor

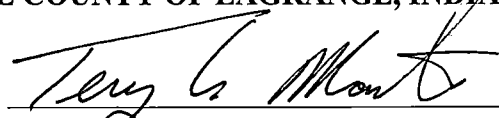
WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived and the ordinance shall be deemed effective upon passage.

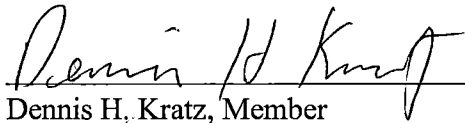
THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA



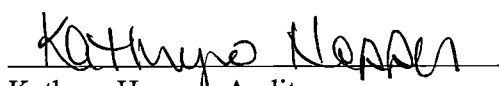
Larry N. Miller, President



Terry A. Martin, Vice President



Dennis H. Kratz, Member


ATTEST:


Kathryn Hoppel, Auditor


COUNTY COUNCIL OF LAGRANGE COUNTY, INDIANA



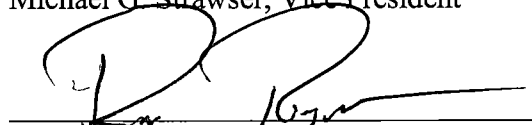
Peter A. Cook, President



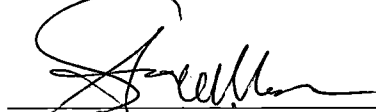
Michael G. Strawser, Vice President



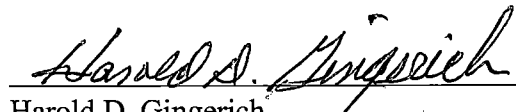
Charles F. Ashcraft




Ryan Riegsecker



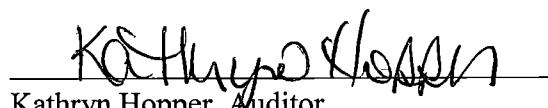
Steve E. McKowen



Harold D. Gingerich



Jeff Brill

ATTEST:


Kathryn Hopper, Auditor

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