

Board of Commissioners Agenda July 25, 2023

Nicollet County Government Center Board Room • 501 South Minnesota Avenue, St. Peter, MN 56082

Commissioners: Jack Kolars - Board Chair; Terry Morrow - Vice Chair; Marie Dranttel; Mark Dehen; Kurt Zins

9:00 a.m. Call Board of Commissioners Meeting to Order: Chair

1. Pledge of Allegiance
2. Silence Your Cell Phones
3. Approval of Agenda
4. Approval of Consent Agenda:
 - a. [July 11, 2023 Board Minutes](#)
 - b. [End of Probations](#)
 - c. [Out of State Travel: UKG Aspire Annual Conference](#)
 - d. Approval of Bills
5. Public Appearances

9:05 a.m. 6. Informational Items

- a. [Southern MN Initiative Foundation \(SMIF\) Presentation](#)

9:20 a.m. 7. Finance

- a. [Quarter 2 2023 Donations](#)

9:25 a.m. 8. Human Resources

- a. [Nursing Mothers, Lactating Employees, and Pregnancy Accommodations Policy](#)
- b. [Public Works Title VI and Non-Discrimination Implementation Plan](#)

9:35 a.m. 9. Public Works

- a. [Consider Award of 2023 Highway Striping Project](#)

9:45 a.m. 10. County Attorney Update

11. Chair's Report
12. Commissioner Committee Reports, Meetings & Conferences
13. Approve Per Diems and Expenses
14. Adjourn Board of Commissioners Meeting

9:50 a.m. Call Drainage Authority Meeting to Order: Chair

1. Approval of Agenda
2. Approval of Consent Agenda
 - a. [July 11, 2023 Drainage Authority Minutes](#)
3. Public Appearances

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

Core Values

Leadership. Integrity.
Accountability.
Efficiency. Innovation.

Board of Commissioners Agenda July 25, 2023

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Commissioners: Jack Kolars - Board Chair; Terry Morrow - Vice Chair; Marie Dranttel; Mark Dehen; Kurt Zins

9:55 a.m. 4. Adjourn Drainage Authority Meeting

Notice of Scheduled Meetings

The following is a notice of scheduled meetings. Pursuant to Minnesota Statute 13D.04, this notice of meetings also serves as notice of regular and special meetings of the Nicollet County Board of Commissioners.

Questions or comments regarding any Nicollet County meeting and requests to participate in any meeting can be directed to Mandy Landkamer, Nicollet County Administrator, at 507-934-7074 or mandy.landkamer@co.nicollet.mn.us.

Date	Time	Meeting	Location	City & State
July 26	8:30 am	Tri-County Solid Waste Joint Powers Board Meeting	Gov. Center Board Room	St. Peter, MN
July 28	9:00 am	BNEH Full Board Meeting	New Ulm Law Enforcement Center – 15 Washington St.	New Ulm, MN
August 3	All Day	AMC County Government 201	Park Event Center	Waite Park, MN
August 7	11:00 am	Personnel Committee	Gov. Center – Nicollet Room	St. Peter, MN
August 8	9:00 am	County Board & Drainage Authority	Gov. Center Board Room	St. Peter, MN
August 11	All Day	Nicollet County Fair Activities	Nicollet County Fairgrounds	St. Peter, MN
August 14	11-12 pm	Personnel Committee Meeting	Gov. Center – Nicollet Room	St. Peter, MN
August 15	8:15 am	Individual Dept. Head Meeting and Performance Evaluation with Administrator	Gov. Center Board Room	St. Peter, MN
August 15	9:30 am	Board Workshop	Gov. Center Board Room	St. Peter, MN
August 15	11:30-1:30 pm	Employee Appreciation Picnic	HHS Garage	St. Peter, MN
August 21	7:00 pm	Board of Adjustment & Appeals/ Planning & Zoning Advisory Commission	Gov. Center Board Room	St. Peter, MN
August 22	9:00 am	County Board & Drainage Authority	Gov. Center Board Room	St. Peter, MN
August 22	10:30 am	Special Board Workshop – Mr. John Kolbe	Gov. Center Board Room	St. Peter, MN
August 24	8:15 am	BNCH Executive Committee	1900 Franklin St.	New Ulm, MN
August 29	8:30-12:00 pm	Budget Workshop #1	Gov. Center Board Room	St. Peter, MN
August 31	8:30-12:00 pm	Budget Workshop #2	Gov. Center Board Room	St. Peter, MN

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JULY 11, 2023
OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS

The Nicollet County Board of Commissioners met in regular session on Tuesday, July 11, 2023, at 9:00 a.m. Present at the meeting were Commissioners Jack Kolars, Terry Morrow, Marie Dranttel, Mark Dehen, and Kurt Zins. Also present were County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer and Recording Secretary Sarah Frahm.

Approval of Agenda

Motion by Commissioner Dehen and seconded by Commissioner Zins to approve the agenda. Motion carried with all voting in favor.

Consent Agenda

Motion by Commissioner Morrow and seconded by Commissioner Dehen to approve the consent agenda items as follows:

1. June 27, 2023 Board Minutes
2. Baker Tilly Scope Appendix Approval for Municipal Advisory Services
3. End of Probations
4. Approval of Bills
5. Acknowledgment of the Auditor's Warrants and approval of the Commissioner Warrants as presented for the following amounts:
 - a. General Revenue Fund - \$98,930.91;
 - b. Road & Bridge Fund - \$90,247.09;
 - c. Human Services Fund - \$106,700.80;

Motion carried with all voting in favor.

Public Appearances:

There were no public appearances.

Board Engagement

MnDOT Presentation: Capital Highway Investment Plan (CHIP) Outreach

MnDOT Principal Planner Angela Piltaver and District Engineer Greg Ous presented a high-level overview of the Capital Highway Investment Plan, including area road and bridge infrastructure and the Highway 14 project. MnDOT will continue working with area partners to secure funding for future area projects.

Administration

REDA Joint Economic Development Service Agreement

Administrator Landkamer presented the amended REDA service agreement. The agreement provides for the role of Greater Mankato Growth (GMG) to drive economic growth through its marketing efforts. It also identifies the guiding principles and processes of the communities to promote economic development in the greater Mankato marketplace.

Motion by Commissioner Dehen and seconded by Commissioner Morrow to approve the

amended REDA Joint Economic Development Service Agreement. Motion carried with all voting in favor on a roll call vote.

County Attorney Information:

Attorney Zehnder Fischer that the Attorney's office has been busy working on recent statutory changes and criminal files coming in. Staff has also worked with law enforcement to provide training, help a community presentation on fraud, and walked in the North Mankato Fun Days parade with the Adolescent Chemical Wellness Advocates (ACWA).

Chair's Report - Commissioner Jack Kolars

- Traverse de Sioux Board
- Personnel Committee
- Immtrack
- Board Workshop
- Owner-Rep meeting
- AMC Research Committee
- County Board
- AMC
- MVAC

Commissioner Committee Reports:

Commissioner Terry Morrow

- County Board
- Hwy 169 meeting

Commissioner Marie Dranttel

- County Board
- Nicollet Co Historical Society Exhibit

Commissioner Mark Dehen

- County Board
- Fun Days Grand Marshal
- MRCI Executive Finance

Commissioner Kurt Zins

- County Board

Approve Per Diems and Expenses

Motion by Commissioner Zins and seconded by Commissioner Dehen to approve the expenses and per diems for the meetings noted above during the Commissioner Reports and/or as submitted on approved expense reports, and authorize payment of those expenses and per diems by the Finance Office. Motion carried with all voting in favor.

Adjourn

Chair Kolars adjourned the meeting at 9:44 a.m.

JACK KOLARS, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER,
CLERK TO THE BOARD

DRAFT

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item:		
End of Probations		
Primary Originating Division/Dept.: Human Resources		Meeting Date: 07/25/2023
Contact: Kristy Larson	Title: HR Director	Item Type: Consent Agenda (Select One)
Amount of Time Requested	minutes	
Presenter: Kristy Larson	Title: HR Director	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
County Strategy: Facilities and Space - preserve, maintain and build our assets (Select One)		
BACKGROUND/JUSTIFICATION: <p>Sheriff's Office Sheriff Dave Lange has requested the end of probation for Isabella Rosario, part-time Correctional Officer, effective May 20, 2023, and Jeremy Lankenau, full-time Correctional Officer, effective July 27, 2023.</p> <p>Health & Human Services Health & Human Services Director Cassie Sassenberg has requested the end of probation for Isabelle Koser, Case Manager, effective July 25, 2023, and Dustin West, Eligibility Worker, effective August 15, 2023.</p>		
Supporting Documents: <input type="radio"/> Attached <input checked="" type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No		
If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Grant end of probationary status		
FISCAL IMPACT: Other (Select One) If "Other", specify		FUNDING County Dollars = Grant (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:		Total

NICOLLET
COUNTY EST. 1853

Agenda Item: Out of State Travel: UKG Aspire Annual Conference Nov 6-9		
Primary Originating Division/Dept.: Finance		Meeting Date: 07/25/2023
Contact: Heather McCormick	Title: Finance Director	Item Type: Consent Agenda (Select One)
Amount of Time Requested: minutes		
Presenter:	Title:	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Financial Security - prudent use of taxpayer resources (Select One)		
BACKGROUND/JUSTIFICATION: Finance Director Heather McCormick, is requesting payroll specialist Kari Stein to attend the UKG Aspire conference. The annual conference will be held in Las Vegas, NV from Nov 6-Nov 9. Nicollet County has been on the UKG system since mid-2020. The UKG conference provides an opportunity for customers to gather to collaborate, learn, and network. The conference provides hands on learning in workshop sessions throughout the conference and the opportunity to learn more about the UKG product to enhance use at Nicollet County. The goal for attending is to deepen knowledge and bring valuable best practices and insights back to the Nicollet County team that will help maximize the return on our investment. This conference is included in the 2023 budget. Early bird registration ends July 30th.		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Approval of Out of State Travel		
FISCAL IMPACT: Included in current budget (Select One) If "Other", specify:		FUNDING County Dollars = \$3,600 Other (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:		Total: \$3,600

Agenda at a Glance

IN PERSON








TIMES LISTED IN PACIFIC TIME

	MONDAY November 6, 2023	TUESDAY November 7, 2023	WEDNESDAY November 8, 2023	THURSDAY November 9, 2023
7 am				
8 am		BREAKFAST 7:00-8:30am	BREAKFAST 7:00-8:30am	BREAKFAST 7:30-9:00am
9 am		OPENING GENERAL SESSION 9:00-10:00am	GENERAL SESSION: KEYNOTE 9:00-10:00am	BREAKOUT SESSIONS 9:00-10:00am
10 am				
11 am		ONSITE CHECK-IN INFO DESK CULINARY CONCIERGE 7:00am-5:00pm	ONSITE CHECK-IN INFO DESK CULINARY CONCIERGE 7:00am-4:00pm	ONSITE CHECK-IN INFO DESK CULINARY CONCIERGE 7:30am-4:00pm
12 pm		BREAKOUT SESSIONS 11:00am-12:00pm	BREAKOUT SESSIONS 11:00am-12:00pm	BREAKOUT SESSIONS 11:00am-12:00pm
1 pm	ONSITE CHECK-IN 12:00-8:00pm WELCOME PAVILION 12:00-8:00pm	HANDS-ON LEARNING 11:00am-12:30pm	HANDS-ON LEARNING 11:00am-12:30pm	HANDS-ON LEARNING 11:00am-12:30pm
2 pm		LUNCH 12:00-1:15pm	LUNCH 12:00-1:15pm	LUNCH 12:00-1:15pm
3 pm	UKG COMMUNITY™ LOUNGE 1:00-5:00pm	BREAKOUT SESSIONS 1:15-2:15pm	BREAKOUT SESSIONS 1:15-2:15pm	BREAKOUT SESSIONS 1:15-2:15pm
4 pm		BREAKOUT SESSIONS 2:45-3:45pm	BREAKOUT SESSIONS 2:45-3:45pm	BREAKOUT SESSIONS 2:45-3:45pm
5 pm		HANDS-ON LEARNING 2:45-4:15pm	HANDS-ON LEARNING 2:45-4:15pm	HANDS-ON LEARNING 2:45-4:15pm
6 pm		EXPO HALL OPENING 4:00-5:30pm	EXPO HALL RECEPTION 4:00-5:30pm	
7 pm				
8 pm				
9 pm		WELCOME RECEPTION 7:00-10:00pm		CUSTOMER APPRECIATION PARTY 7:00-11:00pm
10 pm				
11 pm				

AGENDA SUBJECT TO CHANGE

YOUR UKG ASPIRE EXPERIENCE INCLUDES

Pre-Event Access	In Person	Virtual Highlights Experience
Build personalized schedule		
Downloadable mobile app		
During Event	In Person	Virtual Highlights Experience
Registration Welcome Pavilion on Monday		
Tuesday-Thursday: Breakfast, lunch, and breaks		
Opening General Session on Tuesday		
Expo Hall		
Peer Networking Opportunities		
Welcome Party on Tuesday (includes dinner)		
Keynote General Session on Wednesday		
Ten (10) hybrid Spotlight Sessions		
Breakout sessions (including PPTs and/or handouts)		
Hands-on learning sessions (bring your own computer)		
Continuing Education Credits (Accrediting bodies, approved sessions, and		

approved sessions, and number of credits TBD)		
Customer Appreciation Party on Thursday (includes dinner)		
Virtual Dueling Piano Performance		
Additional on-demand pre-recorded sessions from previous events		
Post-Event Access – UNTIL January 31, 2024	In Person	Virtual Highlights Experience
Opening General Session and Keynote		
(Available on-demand within 24 hours of live session; Guest Keynote available on-demand for 30 days only)		
Spotlight Stage recorded sessions including available PPT presentations and/or		

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: Southern MN Initiative Foundation (SMIF) Presentation		
Primary Originating Division/Dept.: Administration Contact: Mandy Landkamer Title: County Administrator Amount of Time Requested: 15 minutes	Meeting Date: 07/25/2023 Item Type: Regular Agenda <small>(Select One)</small>	
Presenter: Southern MN Initiative Foundation Staff Title: +	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No	
County Strategy: Financial Security - prudent use of taxpayer resources <small>(Select One)</small>		
BACKGROUND/JUSTIFICATION: Staff of the Southern MN Initiative Foundation will be presenting information on regional initiatives in the area.		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known) 2022		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: No Action Required - Informational		
FISCAL IMPACT: Other <small>(Select One)</small> If "Other", specify:	FUNDING County Dollars = State <small>(Select One)</small>	
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:	Total:	

March 29, 2023

Mandy Landkamer
Nicollet County
Government Center
501 Minnesota Ave S
Saint Peter, MN 56082

Make a difference today!

Your last gift of **\$3,500**
allowed SMIF to invest
\$45,500
into your community!

(Nicollet County ROI: \$1 donated = \$13 invested)

Hello Ms. Landkamer and County Board,

For over 37 years, Southern Minnesota Initiative Foundation (SMIF) has been supporting our 20-county region, focusing on businesses, early childhood needs, and Community Foundations. We live in a vibrant and diverse region, and every community has unique needs and opportunities that we strive to address. From offering child care trainings to being a gap lender for small businesses to supporting 31 Community Foundations, we work to retrofit our services to the needs of communities in southern Minnesota.



Over the past few years, SMIF has invested over \$767,883 into Nicollet County. We value every gift we receive and stretch every dollar to serve as many people as possible. **Thank you for your recent gift of \$3,500 on 1/30/2023. Will you consider making a donation to SMIF in 2024?**

With your ongoing support we can continue to invest in our region. Please see the enclosed fact sheet for more information on how SMIF is impacting early childhood, entrepreneur and community efforts in your county.

Sincerely,

Tim Penny
President and CEO



SOUTHERN MINNESOTA
INITIATIVE FOUNDATION

Collaborating for Regional Vitality

Nicollet County Investments

We envision southern Minnesota as a prosperous and growing region with vibrant communities, innovative and successful economies, and engaged and valued citizens. To achieve this vision, Southern Minnesota Initiative Foundation, a regional development and philanthropic organization, fosters economic and community vitality in 20 counties of southern Minnesota through a culture of collaboration and partnership.

For every donation of
from Nicollet County

\$1

=

\$13

is invested back
into Nicollet County
communities.*

*Includes grants, loans & programming

21 LOANS

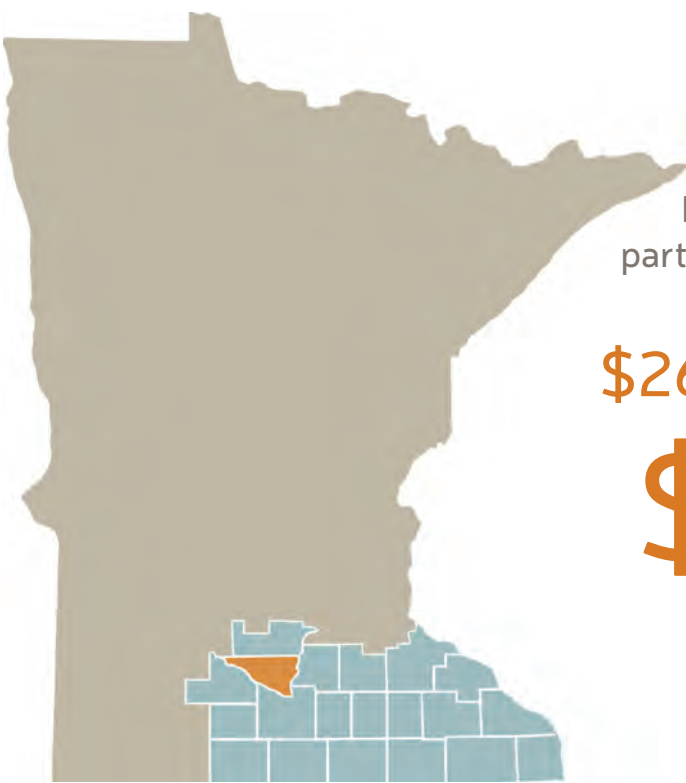
\$1 million to Nicollet County entrepreneurs

\$2.5 million to support community initiatives and programming

163 GRANTS

\$1.3 million to support grant-making

***\$5 million invested annually to the 20 counties of
south central and southeastern Minnesota***



Since 1986, Southern Minnesota Initiative Foundation has leveraged local investments & partnerships to create a stronger **Nicollet County**:

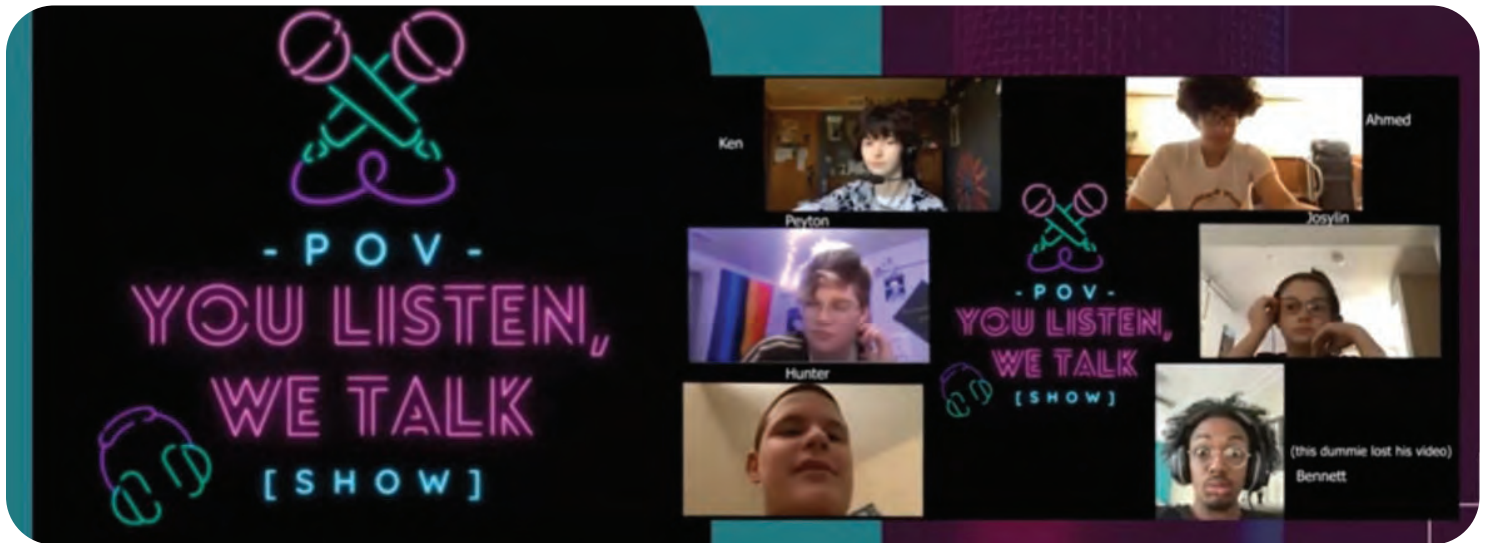
\$266,000 in local donations to SMIF

\$3.6 million

invested by SMIF in Nicollet County
through grants, loans, and programming for
stronger kids, businesses and communities

Making a Difference

Supporting a community through collaboration and art



In 2021, StoryArk was awarded a \$13,250 Inclusive and Equitable Communities Grant to facilitate a youth creative arts initiative in the Mankato Area Public Schools, Janesville-Waldorf-Pemberton schools and Saint Peter High School. Students from diverse racial and ethnic backgrounds, socioeconomic statuses and geographic settings engaged in skills training and participated in creative arts teams to produce podcasts, short films and creative writing reflective of students' interests and life experiences. This new grant supported ten organizations as they developed initiatives which increase equity and inclusion within communities or support entrepreneurs in communities of diverse backgrounds.

Early Childhood

- Saint Paul's Evangelical Lutheran Church was awarded 612 books through an Early Literacy Grant and distributed the books through family fun nights.
- 19 early child care providers/centers received a total of \$9,650 in grants to support efforts during the COVID-19 pandemic.
- 21 local Early Childhood professionals participated in free trainings provided by SMIF in 2021, impacting more than 210 children, to gain resources and knowledge to increase quality care for young children.

Number of children impacted: **566**

Hours of Training Provided: **43**

Economic Development

- 48 Nicollet businesses received \$480,000 in DEED Small Business Relief Grants to assist with pandemic-related challenges.
- River Rock Kitchen & Baking Co. is part of SMIF's Local Foods Peer Network. This group comes together to share challenges, successes and to gain access to new resources.
- Nola Kitchen from the Nicollet area enrolled in the Prosperity Initiative Program which provides one-on-one technical assistance to minority entrepreneurs.

Number of entrepreneurs impacted: **142**

Hours of training and events provided: **565**

Community Vitality

- A region-wide AmeriCorps VISTA member is working with several partners to create a much stronger trajectory for building capacity for farmers' markets across southern Minnesota.
- The VISTA member is supporting Nicollet County by building relationships with local food producers and farmers (including those who are BIPOC), collecting market data and developing training to support market managers' and vendors' business needs.

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: Qtr 2 2023 Donations		
Primary Originating Division/Dept.: Finance Contact: Heather McCormick Title: Finance Director Amount of Time Requested: 5 minutes Presenter: Heather McCormick Title: Finance Director	Meeting Date: 07/25/2023 Item Type: Regular Agenda <small>(Select One)</small>	
Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No		
County Strategy: Programs and Services - deliver value-added quality services <small>(Select One)</small>		
BACKGROUND/JUSTIFICATION: This is to present the Quarter 2 2023 Donations received for approval by resolution.		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Approval of Donations by resolution		
FISCAL IMPACT: Other <small>(Select One)</small> If "Other", specify: Donations FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:	FUNDING County Dollars = (2,410.00) Other <small>(Select One)</small> Total: (2,410.00)	



RESOLUTION APPROVING THE ACCEPTANCE OF DONATIONS



WHEREAS, MN Statute 465.03 states any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of it's members, expressing such terms in full.

WHEREAS, the Nicollet County Finance Office has compiled a list of donations made to the County from April 1 through June 30, 2023.

THEREFORE, BE IT RESOLVED that the Nicollet County Board of Commissioners approve the following donations made to the County from April 1 through June 30, 2023.

Donations received by Nicollet County April 1 through June 30, 2023

<u>FROM WHOM</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
Various Donations	\$380.00	Van Services
Donation "in remembrance of Lavonne"	\$300.00	Lighthouse on Marshall
Mayo Foundation for Medical	\$250.00	Project Community Connect
Pioneer Bank	\$500.00	Project Community Connect
UCARE	<u>\$500.00</u>	Project Community Connect
	\$1,250.00	
Various Donations	<u>\$480.00</u>	Loan Closet
Total	\$2,410.00	

Date this 25th day of July, 2023.

Jack Kolar, Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
County Administrator and Clerk to the Board

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: Nursing Mothers, Lactating Employees, and Pregnancy Accommodations Policy		
Primary Originating Division/Dept.: Human Resources Contact: Kristy Larson Title: Human Resources Director Amount of Time Requested: 5 minutes Presenter: Kristy Larson Title: Human Resources Director	Meeting Date: 07/25/2023 Item Type: Regular Agenda <small>(Select One)</small>	
Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No		
County Strategy: Collaborative Workplace - sustain the core values of our culture <small>(Select One)</small>		
BACKGROUND/JUSTIFICATION: Updates to Minnesota Statutes, Section 181.939, expanded lactating employees' right to express milk and pregnant employees' right to accommodations in the work place. The changes took effect July 1, 2023.		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Approve the Nursing Mothers, Lactating Employees, and Pregnancy Accommodations Policy as presented.		
FISCAL IMPACT: No fiscal impact <small>(Select One)</small> If "Other", specify:	FUNDING County Dollars = State <small>(Select One)</small>	
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:	Total:	

Nursing Mothers, Lactating Employees, and Pregnancy Accommodations Policy

July 2023

Nicollet County supports employees and their needs during pregnancy and following childbirth.

Pregnancy Accommodations

The County will provide the following accommodations to a pregnant employee who desires any of these accommodations, without requirement for the employee to provide a note from their doctor or any other certification of the necessity of the accommodations:

- More frequent restroom breaks or food and water breaks;
- Seating accommodations; and
- A limit of lifting no more than 20 pounds.

In addition to the accommodations listed above, a pregnant employee seeking additional or other reasonable accommodations must notify the Human Resources Department of their request for accommodation. The employee and the employer shall engage in an interactive process with respect to the employee's request for a reasonable accommodation under this policy.

The County will provide reasonable accommodations to an employee for other health conditions related to pregnancy or childbirth if requested, with the advice of the employee's licensed health care provider or certified doula, unless the accommodation would impose an undue hardship on the operation of the employer's business. Reasonable accommodation may include temporary transfer to an existing and available position that is less strenuous or less hazardous.

Nursing/Lactation Support

Reasonable break times for expressing milk shall be provided during the 12 months following the birth of the employee's child. Employees will be compensated for time used for the purpose of expressing milk, unless they are expressing milk during a break that is not usually paid. The County will provide a clean, private, and secure space for an employee to express milk that is in close proximity to the work area, is a room other than a bathroom, is shielded from view, is free from intrusion from co-workers or the public, and includes access to an electrical outlet.

Employees shall reserve a lactation room or other space that meets the above provisions. Employees shall use appropriate County-designated and/or County-approved space that meets requirements for expressing milk and for the storage and maintenance of supplies. Requests for use of alternative employer space should be discussed with and approved by the Human Resources Department. Employees should

contact their supervisor to discuss appropriate break time arrangements under the lactation support policy.

Protections and Remedies

The County shall not retaliate, or take negative action, against a pregnant or lactating employee for exercising their rights for pregnancy accommodations, nursing, or lactating. Employees who believe their rights have been violated under this law can contact the Minnesota Department of Labor and Industry's Labor Standards Division for help.

Nursing Mothers, Lactating Employees, and Pregnancy Accommodations employee notice

Minnesota's Nursing Mothers, Lactating Employees, and Pregnancy Accommodations law (Minnesota Statutes § 181.939) gives pregnant and lactating employees certain legal rights.

Pregnant employees have the right to request and receive reasonable accommodations, which may include, but are not limited to, more frequent or longer breaks, seating, limits to heavy lifting, temporary transfer to another position, temporary leave of absence or modification in work schedule or tasks. An employer cannot require an employee to take a leave or accept an accommodation.

Lactating employees have the right to reasonable paid break times to express milk at work unless they are expressing milk during a break that is not usually paid, such as a meal break. Employers should provide a clean, private and secure room that is not a bathroom near the work area that includes access to an electrical outlet for employees to express milk.

It is against the law for an employer to retaliate, or to take negative action, against a pregnant or lactating employee for exercising their rights under this law.

Employees who believe their rights have been violated under this law can contact the Minnesota Department of Labor and Industry's Labor Standards Division at dli.laborstandards@state.mn.us or 651-284-5075 for help. Employees also have the right to file a civil lawsuit for relief. For more information about this law, visit dli.mn.gov/newparents.

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: Public Works Title VI and Non-Discrimination Implementation Plan		
Primary Originating Division/Dept.: Human Resources and Public Works Contact: S. Greenwood, K. Larson Title: PW Director, HR Director Amount of Time Requested: 5 minutes Presenter: Seth Greenwood Title: Public Works Director		Meeting Date: 07/25/2023 Item Type: Regular Agenda <small>(Select One)</small> Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Programs and Services - deliver value-added quality services <small>(Select One)</small>		
BACKGROUND/JUSTIFICATION: <p>The Federal Highway Administration (FHWA) requires that recipients of federal highway funds comply with Title VI of the Civil Rights Act of 1964. The Federal Funds that Nicollet County receives from FHWA are first received by MnDOT, and then MnDOT distributes those funds to Nicollet County. MnDOT has to ensure to FHWA that recipients are complying with Title VI. Therefore, to achieve this compliance, MnDOT requires all State Aid agencies to adopt individual Title VI implementation plans as a condition to receiving federal funds.</p>		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Approve the Nicollet County Public Works Title VI and Non-Discrimination Implementation Plan as presented.		
FISCAL IMPACT: No fiscal impact <small>(Select One)</small> If "Other", specify:		FUNDING County Dollars = State <small>(Select One)</small> Total:
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:		



Nicollet County Public Works Title VI and Non-Discrimination Implementation Plan

July 25, 2023

Prepared by:

Seth Greenwood, P.E., Public Works Director/County Engineer
Kristy Larson, Human Resources Director

Title VI Plan Revision Log

Date Month/day/year	Section Revised	Summary of Revisions
7/25/2023	Plan established and approved by Nicollet County Board of Commissioners	NA

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Exhibit A: The United States Department of Transportation (USDOT) Standard Title VI / Non-Discrimination Assurances

Exhibit B: Title VI Complaint Form

Exhibit C: Four-Factor Analysis – Limited English Proficiency (LEP) and Language Access

I. Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. Several other federal legal authorities supplement Title VI by extending protections based on age, sex, disability, limited English proficiency, and low-income status. In addition, the Civil Rights Restoration Act of 1987 clarified Title VI enforcement by mandating that Title VI requirements apply to *all* programs and activities of federal aid recipients regardless of whether any particular program or activity involves federal funds. Taken together, these laws require recipients and subrecipients of federal funds to ensure all programs and services are delivered to the public without discrimination.

Nicollet County Public Works, as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 C.F.R. Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964); 49 C.F.R. Part 21; and related statutes and regulations. Nicollet County Public Works acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

This plan explains the how Nicollet County Public Works incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as a reference for Nicollet County Public Works and as an informational resource for the public. The plan will be updated from time to time to reflect changes in Title VI compliance operations.

II. Legal Authorities

The Nicollet County Public Works Title VI compliance program is governed by many legal authorities, including, but not limited to, the list below.

Legal Authority	Summary
<u>Title VI of the Civil Rights Act of 1964</u> , 42 U.S.C. § 2000d <i>et seq.</i>	Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
<u>Federal-Aid Highway Act of 1973</u> , 23 U.S.C. § 324.	Prohibits discrimination on the basis of sex in programs and activities receiving federal financial assistance.
<u>Age Discrimination Act of 1975</u> , 42 U.S.C. § 6101 <i>et seq.</i>	Prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.
<u>Section 504 of the Rehabilitation Act of 1973</u> , 29 U.S.C. § 794.	Prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance.
<u>Uniform Relocation Act of 1970</u> , 42 U.S.C. § 4601 <i>et seq.</i>	Requires fair treatment of persons displaced by federal-aid programs and projects.
<u>Environmental Justice Executive Order (Exec. Order No. 12898, 59 Fed. Reg. 7629 (Feb. 11, 1994).)</u>	Requires federal agencies and federal-aid recipients to identify and address “disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.”
<u>Limited English Proficiency Executive Order (Exec. Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000).)</u>	Recipients of federal financial assistance must provide meaningful access to limited English proficiency (LEP) applicants and beneficiaries.
<u>49 C.F.R. Part 21</u>	Non-discrimination in Federally-Assisted Programs of the Department of Transportation.
<u>23 C.F.R. Part 200</u>	Title VI Program and Related Statutes - Implementation and Review Procedures.

III. Title VI and Non-Discrimination Policy Statement

It is the policy of Nicollet County Public Works that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Nicollet County Public Works as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

In addition, Executive Order No. 12898, 59 Fed. Reg. 7629 (Feb. 11, 1994) requires Nicollet County Public Works to ensure fair treatment and meaningful involvement of low income populations in all programs and activities, and Executive Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000) requires agency programs to incorporate access for people with limited English proficiency.

This policy applies to all operations of Nicollet County Public Works, including its contractors and anyone who acts on behalf of Nicollet County Public Works. This policy also applies to the operations of any department or agency to which Nicollet County Public Works extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: denial to an individual any service, financial aid, or other benefit; distinctions in the quality, quantity, or manner in which a benefit is provided; segregation or separate treatment; restriction in the enjoyment of any advantages, privileges, or other benefits provided; and discrimination in any activities related to highway and infrastructure or facility built or repaired.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* and related statutes, and the requirements of 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

Seth Greenwood, P.E., Public Works
Director/County Engineer

Date

Kristy Larson
Human Resources Director

Date

IV. Title VI Assurances

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the U.S. DOT provided an assurances agreement in U.S. DOT Order 1050.2A that federal fund recipients and subrecipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language the Nicollet County Public Works Department is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. Nicollet County is committed to ensuring the necessary language is used as prescribed in the assurances agreement.

In accordance with this requirement, the Nicollet County Public Works Department has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances. The document is included here as **Exhibit A**.

V. Organization, Staffing, and Structure

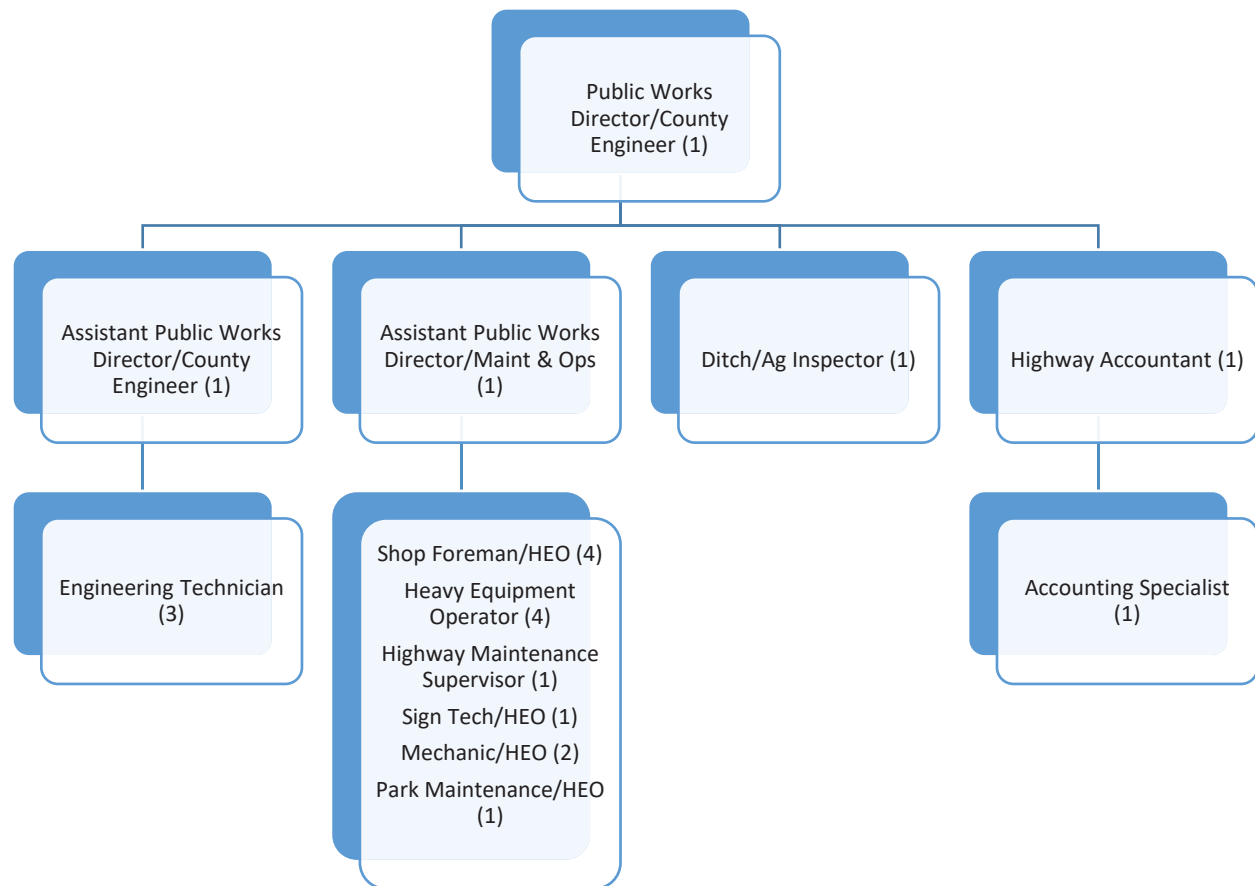
The Human Resources Director is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

Nicollet County Public Works has assigned the position of Human Resources Director to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program.

The Title VI Coordinator is responsible for:

- Maintaining and updating the Title VI plan on the agency's behalf;
- Ensuring relevant agency staff receive necessary Title VI training;
- Ensuring prompt processing of Title VI complaints and referral to Minnesota Department of Transportation; and
- Developing Title VI information for dissemination internally and externally.

Nicollet County Public Works Department Organizational Chart



VI. Training

Nicollet County Public Works Department will ensure that its staff understand Title VI of the Civil Rights Act of 1964 and how it may apply to their work. The following options are available for providing training:

- Review of the Nicollet County Public Works Title VI Plan
- Attendance at any available Title VI trainings provided by the Minnesota Department of Transportation, U.S. Department of Transportation or its applicable operating administrations, or the U.S. Department of Justice.
- Viewing the video [Understanding and Abiding by Title VI of the Civil Rights Act of 1964](#) produced by the U.S. Department of Justice

Nicollet County Public Works will maintain records indicating that staff have received training on a periodic basis.

VII. Primary Program Area Descriptions & Review Procedures

Nicollet County Public Works engages in the following program areas:

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
County Road, Bridge and Right of Way Maintenance	<p>Conduct yearly County Road, Bridge and Right-of-Way (ROW) Maintenance activities.</p> <p>Key areas of responsibility include: Maintenance Planning, Execution and Administration; Snow Plowing; Permitting; Policy Establishment; Public Right of Way (ROW) management and permits for private and businesses and other maintenance activities.</p>	<p>Ensure contracts and solicitations contain required non-discrimination notification and appendices from the Title VI Assurances.</p> <p>County Road and Bridge Maintenance and Right of Way Management activities shall consider the environmental effects on minority and low-income populations with the goal of achieving environmental protection for all communities.</p> <p>Providing language access as needed.</p>	<p>The non-discrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs.</p> <p>It is the policy of this Nicollet County Public Works to adhere to Equal Employment Opportunity and civil rights assurance policies, principles and imperatives within planning, development, and implementation of this program area.</p> <p>Review public engagement activities periodically to determine whether opportunities were offered to all communities.</p> <p>Periodically review effectiveness of language access procedures.</p>
County Road and Bridge Construction Management	<p>Planning of County Road and Bridge Construction projects related to reconstruction and new construction (versus preservation projects).</p>	<p>Ensure contracts and solicitations contain required non-discrimination notification and appendices from the Title VI Assurances.</p> <p>County Road and</p>	<p>The non-discrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs.</p> <p>It is the policy of</p>

Nicollet County Public Works – Title VI and Non-Discrimination Implementation Plan

<p>County Road and Bridge Construction Management (Continued)</p>	<p>Key areas of responsibility include: Coordinate public participation activities for project planning and development as well as relationship-building activities.</p>	<p>Bridge Construction activities shall consider the environmental effects on minority and low-income populations with the goal of achieving environmental protection for all communities.</p> <p>Provide language access as needed.</p>	<p>Nicollet County Public Works to adhere to Equal Employment Opportunity and civil rights assurance policies, principles and imperatives within planning, development, and implementation of this program area.</p> <p>Review public engagement activities periodically to determine whether opportunities were offered to all communities.</p> <p>Periodically review effectiveness of language access procedures.</p>
<p>Parks and Trails Construction, Maintenance, and Management</p>	<p>Conduct yearly County Parks and Trails Construction, Maintenance, and Management activities.</p> <p>Key areas of responsibility include: Park and Trail Construction projects, Routine Maintenance, and facilities Management; Permitting; Ordinance and Policy Establishment; Project Planning, development, Execution and Administration.</p>	<p>Ensure contracts and solicitations contain required non-discrimination notifications and appendices from the Title VI Assurances.</p> <p>Provide for Comprehensive public participation when needed to meet environmental justice (EJ) requirements.</p> <p>Provide language access as needed.</p>	<p>The non-discrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs.</p> <p>It is the policy of this Nicollet County Public Works to adhere to Equal Employment Opportunity and civil rights assurance policies, principals and imperatives within planning, development, and implementation of this program area</p> <p>Review public engagement activities periodically to determine whether engagement</p>

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Parks and Trails Construction, Maintenance, and Management (continued)			<p>opportunities were offered to all communities.</p> <p>Periodically review effectiveness of language access procedures.</p>
Permitting and Regulatory Enforcement	<p>Permitting transportation uses as required to operate on County Roads; Utility Permitting, Permitting Agriculture, Commercial and Residential uses on County rights of way.</p> <p>Key areas of responsibility include:</p> <p>Issuance of permits for overweight and over dimension loads, right of way uses, public utilities.</p> <p>Administer regulatory compliance of Statutes and Ordinance related to right of way uses.</p>	<p>Permitting and enforcement activities shall not create unfair burdens for environmental justice (EJ) communities.</p> <p>Responsible that enforcement activities are conducted fairly.</p> <p>Responsible to Limited English Proficient (LEP) Persons to take reasonable steps to ensure meaningful access to activities requiring Permitting.</p>	<p>County's permitting activities must be accessible and do not discriminate based on race, color, national origin, sex, age, disability, LEP, or low-income status.</p> <p>Environmental Justice (EJ) principles included in all stages of program planning, development, and implementation.</p> <p>Periodically review effectiveness of language access procedures.</p>

VIII. Data Collection

The primary source of Data Collection for Nicollet County Public Works will be the use of U.S. Census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by Nicollet County Public Works projects.

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
County Road, Bridge and Right of Way Maintenance	Nicollet County will use the U.S. Census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by Nicollet County's maintenance projects. Language access provided when needed.	Nicollet County's programs and activities adhere to Title VI requirements. Analyze data on populations potentially impacted by Nicollet County's maintenance projects. Determine whether engagement opportunities were offered to all communities and populations potentially impacted by Nicollet County's maintenance projects. Document language access requests.
County Road and Bridge Construction Management	Nicollet County will use the U.S. Census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by Nicollet County's construction projects. Language access provided when needed.	Nicollet County's programs and activities adhere to Title VI requirements. Analyze data on populations potentially impacted by Nicollet County's maintenance projects Determine whether engagement opportunities were offered to all communities and populations potentially impacted by Nicollet County's construction projects. Document language access requests.
Parks and Trails Construction, Maintenance, and Management	Nicollet County will use the U.S. Census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by Nicollet County's Parks and Trails programs. Language access provided when needed.	Nicollet County's programs and activities adhere to Title VI requirements. Determine whether engagement opportunities were offered to all communities and populations wanting to participate in use of Nicollet County Parks and Trails programs and activities. Document language access requests.

IX. Title VI Complaint Procedures

Scope of Title VI Complaints

No person or groups of persons shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by Nicollet County Public Works, and its contractors on the grounds of **race, color, national origin, sex, age, disability, or low-income status**.

The scope of Title VI covers all internal and external activities of Nicollet County Public Works.

The following types of actions are prohibited under Title VI protections (See [49 C.F.R. 21.5](#)):

- Excluding individuals or groups from participation in programs or activities
- Denying program services or benefits to individuals or groups
- Providing a different service or benefit or providing them in a manner different from what is provided to others
- Denying an opportunity to participate as a member of a planning, advisory or similar body that is an integral part of the program
- Retaliation for making a complaint or otherwise participating in any manner in an investigation or proceeding related to Title VI of the Civil Rights Act of 1964

The complaint procedure below is available from the Minnesota Department of Transportation (MnDOT) in [Spanish](#), [Somali](#), and [Hmong](#).

How to File a Formal Title VI Complaint

Any person(s) or organization(s) believing they have been discriminated against on the basis of the protected classes stated above by Nicollet County Public Works or its contractors may file a Title VI complaint.

Discrimination complaints **must be received no more than 180 days after the alleged incident** unless the time for filing is extended by the processing agency.

Complaints shall be in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint shall contain the following information:

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g., race, color, national origin);
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- 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

Nicollet County Public Works – Title VI and Non-Discrimination Implementation Plan

- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.

Complainants are encouraged to submit complaints directly to Minnesota Department of Transportation (MnDOT) via its online complaint form available here:

<https://www.dot.state.mn.us/civilrights/nondiscrimination-complaint-form.html>.

Complaints can also be filed by completing and submitting Nicollet County Public Works' Title VI Complaint Form available at Exhibit B or by sending an email or letter with the necessary information to:

Nicollet County
Kristy Larson, HR Director
501 S Minnesota Ave., St. Peter, MN 56082
Email: Kristine.larson@co.nicollet.mn.us
Phone: 507-934-7852

The complaint form is also available in hard copy at 1700 Sunrise Drive, St. Peter, MN 56082. Language assistance is available for limited English proficient individuals. MnDOT has complaint forms available in [Spanish](#), [Somali](#), and [Hmong](#). Other languages can be accommodated as needed.

If necessary, the complainant may call MnDOT at the phone number listed below and provide the allegations by telephone. MnDOT will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature.

Complaints can also be filed directly with the following agencies:

Federal Highway Administration
U.S. Department of Transportation Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Email: CivilRights.FHWA@dot.gov
Fax: 202-366-1599
Phone: 202-366-0693

Minnesota Department of Transportation
Office of Civil Rights
385 John Ireland Boulevard, Mail Stop 170
St. Paul, MN 55105
Online: [Complaint Form](#)

Fax: 651-366-3129

Phone: 651-366-3073

After submitting a complaint, the complainant will receive a correspondence informing them of the status of the complaint within ten (10) business days of Nicollet County Public Works or other agency receiving the complaint.

Complaints received by Nicollet County Public Works' Title VI Coordinator are forwarded to the MnDOT Office of Civil Rights (OCR). MnDOT OCR will forward the complaint to the FHWA Minnesota Division Office, along with a preliminary processing recommendation. The FHWA Minnesota Division Office will forward the complaint to FHWA Headquarters Office of Civil Rights (HCR).

FHWA HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints. There are four potential outcomes for processing complaints:

1. **Accept:** If a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under the FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Minnesota Division Office a written notice that it has accepted the complaint for investigation.
2. **Preliminary Review:** If it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
3. **Procedural Dismissal:** If a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Minnesota Division Office a written notice that it is dismissing the complaint.
4. **Referral\Dismissal:** If the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

Complaints are not investigated by Nicollet County Public Works. FHWA HCR is responsible for investigating all complaints. FHWA HCR may also delegate the investigation to MnDOT OCR, who would then conduct all data requests, interviews, and analysis and create a Report of Investigation (ROI). MnDOT OCR will have sixty (60) business days from the date the

investigation is delegated to prepare the ROI and send it to HCR. HCR will review the ROI and compose a Letter of Finding based on the ROI.

For further information about the FHWA investigation process and potential complaint outcomes, please visit the [Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964](#).

X. Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires federal agencies to make achieving environmental justice a part of its mission by identifying and addressing disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on minority and low-income populations. The requirements are to be carried out to the greatest extent practicable and permitted by law.

In May 2012, USDOT issued an update to DOT Order 5610.2(a), DOT Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which was originally published in April 1997. The revised Order continues to be a key component of DOT's environmental justice strategy. It updates and clarifies certain aspects of the original Order while maintaining its general framework and procedures and DOT's commitment to promote the principles of environmental justice in all DOT programs, policies, and activities.

Similarly, Nicollet County Public Works will institutionalize the same key components of DOT's environmental justice strategy and commitment to promote the principles of environmental justice in all Nicollet County Public Works' programs, policies, and activities. These policies outline actions and factors to address environmental justice in order to identify and avoid discrimination and disproportionality high and adverse effects on minority and low-income populations:

- Identify and evaluate environmental, public health, and interrelated social and economic effects of Nicollet County Public Works' programs, policies, and activities;
- Propose measures to avoid, minimize, and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects, and provide offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by Nicollet County Public Works' programs, policies, and activities, where permitted by law and consistent with Executive Order 12898;
- Consider alternatives to proposed programs, policies, and activities where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts, consistent with Executive Order 12898; and
- Elicit public involvement opportunities and consider the results thereof, including soliciting input from affected minority populations and low-income populations in considering alternatives.

Nicollet County Public Works supports environmental justice through every stage of the planning, construction and maintenance processes, consistent with the factors outlined above.

Nicollet County Public Works – Title VI and Non-Discrimination Implementation Plan

This ensures Nicollet County Public Works gains input from the community that will help shape how the agency builds and maintains roads, bridges, parks, and trails.

Some ways in which Nicollet County Public Works accomplishes this include:

- Ensuring the full and fair opportunity to participate by all potentially affected communities in the transportation decision-making process;
- Avoiding, minimizing or mitigating disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- Providing timely information to area residents and businesses affected by transportation plans and projects;
- Performing periodic reviews of public involvement process to gauge effectiveness, making revisions as necessary; and
- Preventing the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

XI. Public Participation

Nicollet County Public Works uses the U.S. Census data and/or State of Minnesota Demographer data and estimates to identify populations potentially affected by its projects.

The Nicollet County Public Works conducts planning and informational meetings to provide for public participation on projects and activities when appropriate. The agency adheres to Equal Employment Opportunity and civil rights assurance policies, principals and imperatives within program planning, development, and implementation. These policies are essential parts to bid documents and proposals.

Nicollet County Public Works produces fact sheets and informational flyers for specific areas of interest to the public. The agency also uses additional Public Hearings, Planning Meetings, Open Houses, Task Forces and Steering Committees to engage the public for comprehensive and strategic planning endeavors, all of which are advertised public meetings. Nicollet County also uses website and manual contact forms and records to log issues and recommendations by the public, as well as to track the responses to Resident concerns.

XII. Limited English Proficiency (LEP) & Language Access

Legal Background

[Executive Order 13166](#), “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121, August 16, 2000, directs each Federal agency to examine the services it provides and to develop and implement a system by which LEP individuals can meaningfully access those services. Federal agencies were instructed to publish guidance to assist states and local governments who receive federal funds with their obligations to LEP individuals under Title VI. The Executive Order states that federal fund recipients, like Nicollet County Public Works, must take reasonable steps to ensure meaningful access to their programs and activities for LEP individuals.

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Courts have interpreted Title VI’s prohibition of discrimination on the basis of national origin to include discrimination based on English proficiency. Under Title VI, recipients of federal financial assistance are required to provide LEP individuals with meaningful access to their programs and services.

The U.S. Department of Transportation (DOT) published [revised guidance](#) for its recipients on December 14, 2005. This document states that Title VI and its implementing regulations require that U.S. DOT recipients take reasonable steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for LEP individuals. Recipients use the DOT LEP Guidance to determine how best to comply with statutory and regulatory LEP obligations.

See Exhibit C: Four-Factor Analysis

XIII. Notice of Rights

Your Rights Against Discrimination under Title VI of the Civil Rights Act of 1964

Nicollet County Public Works is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination on the basis of race, color, national origin, sex, age, disability, limited English proficiency or low-income status in any and all programs, activities, or services administered by the department in accordance with Title VI of the Civil Rights Act of 1964 and related non-discrimination legal authorities.

If you believe you have been aggrieved by an unlawful discriminatory practice, or wish to request more information about the department's obligations under Title VI, please contact us at the following address and telephone number:

Nicollet County Human Resources
501 S. Minnesota Ave.
St. Peter, MN 56082

A Title VI complaint may also be submitted to MnDOT online at <https://www.dot.state.mn.us/civilrights/nondiscrimination-complaint-form.html> or using the contact information:

Minnesota Department of Transportation
Office of Civil Rights
395 John Ireland Blvd, Mail Stop 170
St. Paul, MN 55155
Phone: (651)-366-3073
Fax: (651)-366-3129

Exhibit A

USDOT Standard Title VI/Non-Discrimination Assurances

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

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

Modal Operating Administration may include additional Statutory/Regulatory Authorities here.

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

General Assurances

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

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

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

Modal Operating Administration may include additional General Assurances in this section, or reference an addendum here.

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

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

Modal Operating Administration may include additional Statutory/Regulatory Authorities here.

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

General Assurances

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

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

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

Modal Operating Administration may include additional General Assurances in this section, or reference an addendum here.

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a

“facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **FHWA Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

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

under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

Modal Operating Administration may include additional Specific Assurances in this section.

By signing this ASSURANCE, Nicollet County Public Works Department also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Nicollet County Public Works Department gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the FHWA. This ASSURANCE is binding on

Nicollet County Public Works Department, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in its programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Nicollet County Public Works Department

(Name of Recipient)

by

(Signature of Authorized Official)

DATED _____

APPENDIX A

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

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

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

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

The Nicollet County Public Works Department, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Nicollet County Public Works Department will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

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

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

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

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

APPENDIX D

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

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

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

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



Exhibit B
Title VI Complaint Form - Public Works

Please complete this form to the best of your ability. If you need translation or other assistance, please contact Seth Greenwood, 507-934-7723 or seth.greenwood@co.nicollet.mn.us.

Name:		
Address:		
City:	State:	Zip Code:
Phone Number:		
Email Address:		

Basis of Complaint (check all that apply)

- | | | | |
|--|-------------------------------------|---|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> Creed | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Sex | <input type="checkbox"/> Religion | <input type="checkbox"/> Public Assistance Status |
| <input type="checkbox"/> Age | <input type="checkbox"/> Disability | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Other |
| <input type="checkbox"/> Retaliation | <input type="checkbox"/> Low-Income | <input type="checkbox"/> Sexual Orientation | |

Who discriminated against you?

Name:		
Name of Organization:		
Address:		
City:	State:	Zip Code:
Phone Number:		
Email Address:		

How were you discriminated against? (Attach additional pages of more space is needed.)



Title VI Complaint Form, continued

Where did the discrimination occur?

When did the discrimination occur?

Were there any other witnesses to the discrimination?

Name:
Organization/Title:
Phone Number:

Name:
Organization/Title:
Phone Number:



Name:
Organization/Title:
Phone Number:

How would you like to see this situation resolved?

[illegible]

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who:	
When:	
Status (pending, resolved, etc.):	
Result, if known:	
Complaint or case number, if known:	

If you have an attorney in this matter, please provide their contact information:

Name:
Organization:
Phone Number:

Exhibit C: Four-Factor Analysis

Limited English Proficiency (LEP) & Language Access

Identifying Limited English Proficient Populations (Four-Factor Analysis)

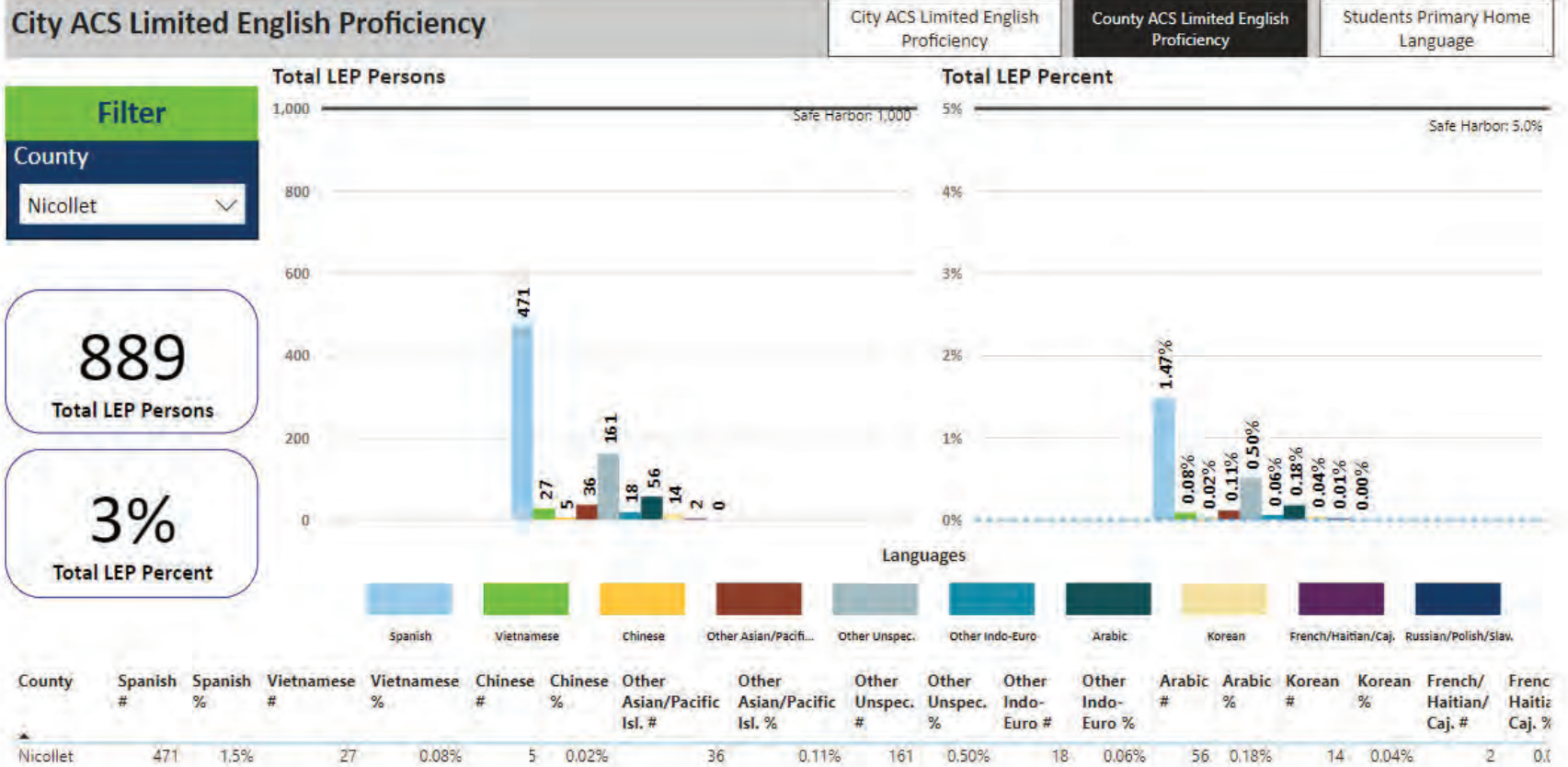
Title VI and its regulations require Nicollet County Public Works to take reasonable steps to ensure meaningful access to its information and services. What constitutes reasonable steps to ensure meaningful access is flexible, fact-dependent, and contingent on a four-factor analysis established by the U.S. Department of Justice. The four-factor analysis is an individualized assessment that should be applied to determine what reasonable steps must be taken to ensure meaningful access for LEP individuals. **The analysis below is updated at least once every five years.**

FACTOR #1: THE NUMBER OR PROPORTION OF LEP INDIVIDUALS ELIGIBLE TO BE SERVED OR LIKELY TO BE ENCOUNTERED

Generally, Nicollet County Public Works will use reliable external data sources to determine the number or proportion of LEP individuals likely to be served or encountered.

Nicollet County Public Works relies on [MnDOT's LEP Data Tool](#) to provide the necessary data. **In the most recent analysis, conducted in November 2022, the findings on the next two pages were documented.**

Limited English Proficiency Data Tool



Limited English Proficiency Data Tool

Students Primary Home Language

City ACS Limited English Proficiency

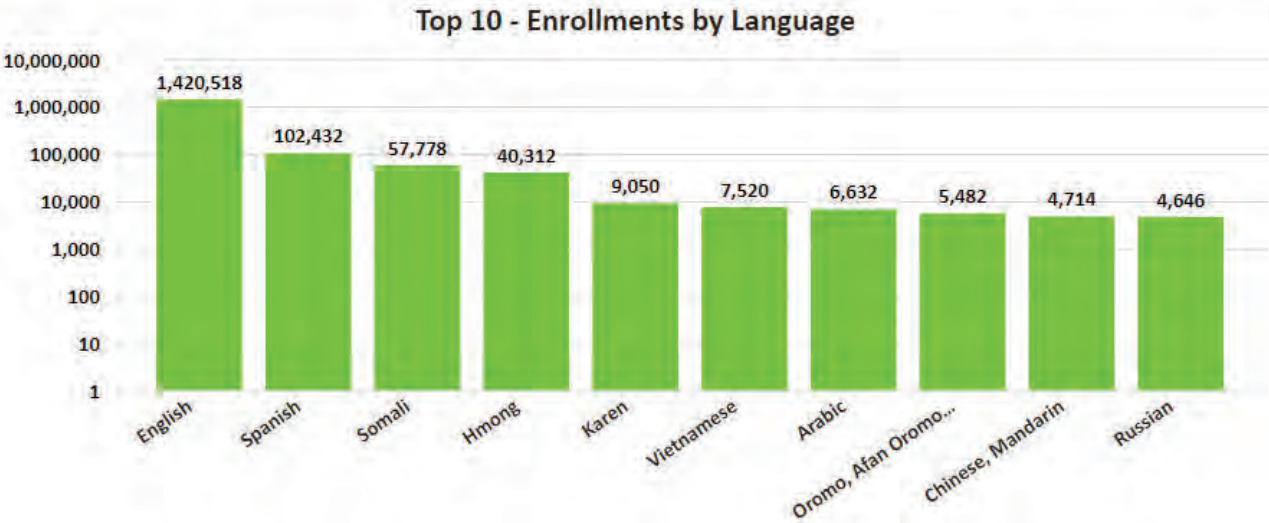
County ACS Limited English Proficiency

Students Primary Home Language

Filter

⊗

[Learn more](#)



Safe Harbor Provision (Written Documents)

U.S. DOT LEP Guidance provides a “safe harbor” to help ensure greater clarity regarding whether Nicollet County is meeting its obligation to provide written translations. These safe harbor provisions only apply to the translation of written documents and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language assistance services are needed and reasonable.

The following actions are considered strong evidence of compliance with the Department’s written-translation obligations:

- (a) Providing written translations of vital documents for **each eligible LEP language group that constitutes 5% or 1,000 people** of the population of individuals eligible to be served or likely to be affected or encountered. Translation of non-vital documents, if needed, can be provided orally; or
- (b) If there are fewer than 50 individuals in a language group that reaches the 5% trigger in (a), the vital written materials are not translated, but written notice of the right to receive free, competent oral interpretation of those vital written materials in the primary language of the LEP language group of is provided.

The above findings from the graphs on the preceding pages did not indicate any LEP language groups meet the safe harbor threshold. Therefore, Nicollet County Public Works will not proactively translate written documents at this time. However, efforts will be made to reasonably accommodate any language access requests that arise.

FACTOR #2: THE FREQUENCY WITH WHICH LEP INDIVIDUALS COME IN CONTACT WITH THE PROGRAM, ACTIVITY, OR SERVICE

LEP persons may interact in several ways with Nicollet County, including but not limited to:

- Public meetings
- Community events
- Project-specific meetings, events, and discussions
- Online engagement
- Walk-in requests for information
- Phone communications
- Customer service interactions
- Surveys for information
- Requests for permits, licenses, or materials
- Real estate transactions (i.e., right of way)

Nicollet County Public Works will assess, as accurately as possible over the next 5-year period, the frequency with which LEP persons from different language groups come into contact with its programs and activities.

FACTOR #3: THE NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY, OR SERVICE TO PEOPLE'S LIVES

As provided in USDOT's LEP policy guidance, the more important the activity, information, service, or program, or the greater the possible consequences of the contact to LEP persons, the more likely language services are needed. RCPWD is committed to assessing the services provided by each program area to determine the implications for an LEP person or community in order to ensure meaningful access.

Vital Documents

Because no languages were identified as meeting the safe harbor threshold for translating vital written materials, Nicollet County Public Works is not at this time providing a list of documents considered vital. Should future analysis indicate an LEP group meeting the safe harbor threshold, the agency will evaluate its vital documents and provide translations in accordance with the analysis and federal guidance.

FACTOR #4: THE RESOURCES AVAILABLE TO NICOLLET COUNTY PUBLIC WORKS AND THE COST OF LANGUAGE ASSISTANCE

Currently, Nicollet County has the following language services available:

- Language Line: Provides telephone-based, on-demand access to language interpreters 24 hours a day, 7 days a week, year-round. The service assists staff in communicating effectively with LEP individuals.

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: Consider Award of 2023 Highway Striping Project		
Primary Originating Division/Dept.: Public Works/Highway Contact: Seth Greenwood, P.E. Title: PWD/County Engineer Amount of Time Requested: 10 minutes Presenter: Seth Greenwood, P.E. Title: PWD/County Engineer	Meeting Date: 07/25/2023 Item Type: Regular Agenda <small>(Select One)</small> Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No	
County Strategy: Facilities and Space - preserve, maintain and build our assets <small>(Select One)</small>		
BACKGROUND/JUSTIFICATION: Bids were opened on July 18, 2023 at 11AM for the 2023 Highway Striping Project. 1 bid was received and opened. Results are as follows: Sir Lines-A-Lot \$259,138.15 The 2023 Highway Striping Project re-stripes a portion of the paved county roads. Since the bid amount was higher than the Engineer's Estimate I reached out to several County Engineers to see what they had received for bidders and results. All have had one bidder and the bids have been 25-40% higher than last year's bids. Reasons for higher bids this year are the result of a combination of factors: Sir Lines-A-Lot over the last two years has bought out the other two major striping contractors which just leaves one primary striping contractor in the state, material costs have increased (especially epoxy), and the Contractor is recouping losses suffered during the pandemic years when the Contractor had contracts in place with prices locked and then materials costs significantly increased after those contract prices were established. Bid abstract is attached to this agenda item. +		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Award contract for 2023 Highway Striping Project to Sir Lines-A-Lot for the bid amount of \$259,138.15		
FISCAL IMPACT: Included in current budget <small>(Select One)</small> If "Other", specify:	FUNDING County Dollars = \$259,138.15 State <small>(Select One)</small> Total: \$259,138.15	
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:		



Nicollet County Public Works
Contract Bid Abstract

Contract No.: 211

Project No.: 2023 Highway Striping

Bid Opening: 7/18/2023 11:00

Project: 2023 Highway Striping				Engineers Estimate		Sir Lines-A-Lot	
Line No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price
1	2582.502 6" SOLID LINE WHITE - PAINT	LF	1,282,194.00	\$0.095	\$121,808.43	\$0.110	\$141,041.34
2	2582.502 4" SOLID LINE YELLOW - PAINT	LF	574,916.00	\$0.067	\$38,519.37	\$0.080	\$45,993.28
3	2582.503 6" SOLID LINE MULTI-COMPONENT (WR) - WHITE	LF	76,354.00	\$0.278	\$21,226.41	\$0.770	\$58,792.58
4	2582.503 4" SOLID LINE MULTI-COMPONENT (WR) - YELLOW	LF	25,115.00	\$0.202	\$5,073.23	\$0.530	\$13,310.95
Totals for Project 2023 Highway Striping					\$186,627.44		\$259,138.15
% of Estimate for Project 2023 Highway Striping							138.85%

I hereby certify that this is an exact reproduction of bids received.

Certified By:

Arthur Huennwood

License No.

44184

Date:

7-18-2023



JULY 11, 2023
OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY

The Nicollet County Drainage Authority met in regular session on Tuesday, July 11, 2023, at 9:00 a.m. Present at the meeting were Commissioners Jack Kolars, Terry Morrow, Marie Dranttel, Mark Dehen, and Kurt Zins. Also present were County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer, and Recording Secretary Sarah Frahm.

Approval of Agenda

Motion by Commissioner Dranttel and seconded by Commissioner Dehen to approve the agenda. Motion carried with all voting in favor.

Consent Agenda

Motion by Commissioner Zins and seconded by Commissioner Dehen to approve the consent agenda items as follows:

1. June 27, 2023 Regular Drainage Minutes

Motion carried with all voting in favor.

Public Appearances

There were no public appearances.

Adjourn

Chair Kolars adjourned the meeting at 9:45 a.m.

JACK KOLARS, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER, CLERK TO THE BOARD