



GRANT COUNTY, INDIANA
401 S. Adams Street
Marion, Indiana 46953

TITLE VI PLAN / NONDISCRIMINATION
AGREEMENT

July 3, 2023

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GRANT COUNTY IN TITLE VI POLICY

A. POLICY STATEMENT

Grant County IN Government (hereafter referred to as “County”) is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Transportation (DOT) on the grounds of race, color, age, national origin, gender, disability, or Limited English Proficiency (LEP).

The County assures that no person in the United States shall, on the grounds of race, color, age, national origin, gender, disability, or Limited English Proficiency (LEP) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance (23 CFR 200.9 Title 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are Federally-assisted or not (Public Law 100-259 [S.557] March 22, 1988).

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC §794), the County hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from Federal financial assistance.

In the event the County distributes Federal aid funds to a sub-recipient, the County will include Title VI language in all written agreements and will monitor for compliance. The County’s Title VI Coordinator, Justin Saathoff, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 CFR 200.9 Title 49 CFR 21.

B. AUTHORITIES

Title VI of 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, age, national origin, gender, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance (23 CFR 200.9 Title 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs and activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are Federally-assisted or not (Public Law 100-259 [S.557] March 22, 1988).

C. ORGANIZATION AND STAFFING – ELECTED OFFICIALS AND DEPARTMENT HEADS

NAME/ADDRESS	POSITION	E-MAIL ADDRESS
Mark E. Spitzer 101 East 4th Street Marion, IN 46952	Circuit Court Judge	mspitzer@grantcounty.in.gov
Jeffrey D. Todd 101 East 4th Street Marion, IN 46952	Superior I Judge	jtodd@grantcounty.in.gov
Bridget Foust 101 East 4th Street Marion, IN 46952	Superior 2 Judge	bfoust@grantcounty.in.gov
Jason McVicker 101 East 4th Street Marion, IN 46952	Superior 3 Judge	jmcvicker@grantcounty.in.gov
Scott Hunt 101 East 4th Street Marion, IN 46952	County Prosecutor	shunt@grantcounty.in.gov
Melissa Stephenson 101 East 4th Street Marion, IN 46952	Probation Director	mstephenson@grantcounty.in.gov
Pam Harris 101 East 4th Street Marion, IN 46952	County Clerk	pharris@grantcounty.in.gov
Angela Jarvis 401 South Adams Street Marion, IN 46953	County Auditor	jmcwhirt@grantcounty.in.gov
Kathy Foy 401 South Adams Street Marion, IN 46952	County Recorder	kfoy@grantcounty.in.gov

Tiffany Griffith 401 South Adams Street Marion, IN 46953	County Treasurer	tgriffith@grantcounty.in.gov
Delmiro Garcia 214 East 4th Street Marion, IN 46952	Sheriff	Dgarcia1@grantcounty.in.gov
Stephen Dorsey 401 South Adams Street Marion, IN 46952	County Coroner	sdorsey@grantcounty.in.gov
James D Todd 401 South Adams Street Marion, IN 46952	County Surveyor	jtodd@grantcounty.in.gov
Rhonda Wylie 401 South Adams Street Marion, IN 46953	County Assessor	rwylie@grantcounty.in.gov
Steve Wright 401 South Adams Street Marion, IN 46953	Commissioner	swright@grantcounty.in.gov
Mark Bardsley 401 South Adams Street Marion, IN 46953	Commissioner President	mbardsley@grantcounty.net
Ronald Stewart 401 South Adams Street Marion, IN 46953	Commissioner	rstewart@grantcounty.in.gov
Jonathon Perez 4615 South Bell Drive Marion, IN 46953	County Council	jperez@grantcounty.in.gov
Shane E. Middlesworth 6631 W 300 N Marion, IN 46952	County Council	smiddlesworth@grantcounty.net
Charles Poling 2800 N 700 E Marion, IN 46952	County Council	cpoling@grantcounty.net

Mike Scott 26 Colony Way Gas City, IN 46933	County Council	mscott@grantcounty.in.gov
Frank Hix 3160 N 600 E Marion, IN 46952	County Council	fhix@grantcounty.in.gov
Mark Leming 4897 West 400 North Marion, IN 46953	County Council	mleming@grantcounty.in.gov
Mike Conner 983 West 800 South Fairmount, IN 46928	County Council	mconner@grantcounty.in.gov
Marcus Elliott 401 S. Adams Street Marion, IN 46952	Director IT	melliott@grantcounty.in.gov
Bob Jackson 401S. Adams Street Marion, IN 46952	Executive Director EMA	bjackson@grantcounty.in.gov
Vince Beneke 401 S. Adams Street Marion, IN 46952	Maintenance Supervisor	vbeneke@grantcounty.in.gov
David White 3939 S. Garthwaite Road Gas City, IN 46933	Highway Dept. Manager	dwhite@grantcounty.in.gov
Ryan Malott 401S. Adams Street Marion, IN 46952	Area Plan Director	rmalott@grantcounty.in.gov
Brad Hodson 401S. Adams Street Marion, IN 46952	Veterans Service Officer	bhodson@grantcounty.in.gov

James Rudolph, MD
401 S. Adams Street
Marion, IN 46952

County Health Officer

jrudolph@grantcounty.in.gov

H. Duaine Ashcraft
3926 S. Garthwaite
Gas City, IN 46933

EMS Director

dashcraft@grantcounty.in.gov

D. FILING A COMPLAINT

Complaint Procedure - Any person who believes that he or she as a member of a protected class, has been discriminated against based on race, color, age, national origin, gender, or disability, or Limited English Proficiency (LEP) in violation of Title VI of the Civil Rights Act of 1964, as amended and its related statutes, regulations and directives, Section 504 of the Vocational Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Civil Rights Restoration Act of 1987, as amended, and any other Federal nondiscrimination statute may submit a complaint. A complaint may also be submitted by a representative on behalf of such a person.

It is the policy of the County to conduct a prompt and impartial investigation of all allegations of discrimination and to take prompt effective corrective action when a claim of discrimination is substantiated.

No one may intimidate, threaten, coerce or engage in other discriminatory conduct against anyone because they acted or participated in an action to secure rights protected by the civil rights laws. Any individual alleging such harassment or intimidation may submit a complaint by following the procedure printed below.

Any individual who feels that he or she has been discriminated against may submit a written or verbal complaint to the designated Title VI Coordinator.

A complaint must include the name, address and telephone number of the individual making the complaint (complainant) and a brief description of the alleged discriminatory conduct including the date of harm. An individual submitting a complaint alleging discrimination may include any relevant evidence, including the names of witnesses and supporting documentation. Complaints should be directed to:

Title VI Coordinator:

Justin Saathoff
County Administrator/HR
401 S. Adams Street
Marion, IN 46952
765-651-2406
jsaathoff@grantcounty.in.gov

Within 60 days of the receipt of the complaint the County will investigate the allegation based on the information provided and issue a written report of its findings to the complainant. The County will try to obtain an informal voluntary resolution to all complaints at the lowest level possible.

A complainant's identity shall be kept confidential except to the extent necessary to investigate. All complaints shall be kept confidential.

These procedures do not deny the right of any individual to file a formal complaint with any government agency or affect an individual's right to seek private counsel for any complaint alleging discrimination.

Complaints may also be filed with the following government agencies:

Indiana Department of
Transportation
Indianapolis District
EEOC Office
101 West Ohio Street, Ste 1900
Indianapolis, IN 46204
Phone: (800) 669-4000
Fax: (317) 226-7953
TTY: 1 (800) 669-6820

Economic Opportunity
Division 100 N.
Senate, Room N750
Indianapolis, IN 46204
Phone: (317) 233-6511
Fax: (317) 233-0891

Indiana Civil Rights
Commission 100 N.
Senate Ave., Room
N103 Indianapolis, IN
46204
Toll Free: 1 (800) 628-2909
Phone: (317) 232-2600
Fax: (317) 232-6560
Hearing Impaired: 1 (800) 743-3336

E. COMPLAINT PROCESSING

1. The Title VI Coordinator will review the complaint upon receipt to ensure that all information is provided, the complaint meets the 180-day filing deadline and falls within the jurisdiction of the County.
2. The Title VI Coordinator will then investigate the complaint. If the complaint is against the County then the Commissioners' office or their designee will investigate the complaint. Additionally, a copy of the complaint will be forwarded to the County Attorney.
3. If the complaint warrants a full investigation, the Complainant will be notified in writing by certified mail. This notice will name the investigator and/or investigating agency.
4. The party alleged to have acted in a discriminatory manner will also be notified by certified mail as of the complaint. This letter will also include the investigator's name and will request that this party be available for an interview.
5. Any comments or recommendations from legal counsel will be reviewed by the Title VI Coordinator and Commissioners' office.
6. Once the County has investigated the report findings, the County will adopt a final resolution.
7. All parties will be properly notified of the outcome of the County's investigative report.
8. If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), she/he shall be advised of their right to appeal the County's decision. Appeals must be filed within 180 days after the County's final resolution. Unless new facts not previously considered come to light, reconsideration of the County's determination will not be available.
9. The foregoing complaint resolution procedure will be implemented in accordance with the Department of Justice guidance manual entitled "Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes," available online at:
<http://www.justice.gov/crt/about/cor/Pubs/manuals/complain.pdf>
10. **VI Complaint Filing** - Complaints filed with the Grant County, IN Government, based on violations of Title VI of the Civil Rights Act of 1964, must include the following information:
 - Name of Complainant
 - Address of Complainant
 - Name of Agency / Department Accused of Discriminatory Practices
 - Address of Agency
 - Date of Complaint
 - Telephone Number of Complainant
 - Name of Individual Accused of Discriminatory Practices
 - Date of Alleged Discrimination

- Description of Alleged Discrimination
(see below)

11. **Alleged Discrimination** - If your complaint regards discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken

- Race / Color / Religion
- Age
- Disability
- National Origin
- Sex
- Income Status
- Explanation of Alleged Discrimination - Please explain as clearly as possible what happened. Provide the name(s) of witness(s) and others involved in the alleged discrimination. (Attach additional sheets if necessary and provide a copy of written material pertaining to your case.)

***Note:** Grant County IN Government prohibits retaliation or intimidation against anyone because that individual has either acted or participated in action to secure rights protected by policies of the County. Please inform the Title VI Coordinator if you feel you were intimidated or experience perceived retaliation in relation to filing a complaint.*

12. **Letter Acknowledging Receipt of Complaint** – Following receipt of the complaint alleging discriminatory actions / behavior, the Title VI Coordinator will send the complainant a letter acknowledging receipt by the County of Grant County IN Government of the complaint.

13. **Letter Notifying Complainant that the Complaint is Substantiated** - If, after investigation, the County of Grant County IN Government determines that the filed complaint alleging a Title VI violation has been substantiated, the County shall notify the complainant of such determination and that the County has implemented measures to correct the issue. Such notice shall also indicate that the complainant may be notified again by the County or state or federal authorities if an administrative hearing process is initiated.

14. **Letter Notifying Complainant that the Complaint is Not Substantiated** - If, after investigation, the County of Grant County IN Government determines that the filed complaint alleging a Title VI violation has not been substantiated, the County shall notify the complainant of such determination and that the County is closing the file for this issue. Such notice shall also indicate that the complainant has the right to:

- appeal within seven (7) calendar days of receipt of this final written decision from the County of Grant County IN Government, and/or
- file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator East Building, 5th Floor – TCR 1200 New Jersey Ave SE Washington DC, 20590

F. ENVIRONMENTAL JUSTICE

In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Part of Title VI reads, "No person in the United States shall, on the ground of race, color, age, national origin, gender, disability, or Limited English Proficiency (LEP) be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."

The three fundamental environmental justice (EJ) principles are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The County of Grant County IN Government has a commitment to these three environmental justice principles in all work that the County performs.

G. ADMINISTRATION – ACTION POINTS

Pursuant to 23 CFR 200, the County of Grant County IN Government has designated a Title VI Coordinator who is responsible for initiating, monitoring, and ensuring the County's compliance with Title VI requirements as follows:

- Administer, coordinate and Implement the Title VI Program plan and distribute internally and externally via website and provide an annual work plan.
- Ensure that Assurances are being used in contracts for federal projects.
- Attend Title VI training.
- Collect public involvement data.
- Review written Title VI complaints and ensure every effort is made to resolve complaints informally at the local or regional level and review and update the County's Title VI plan and procedures as required.

Title VI Coordinator:

Justin Saathoff
County Administrator/HR Director
401 S. Adams Street, 5th Floor
Marion, IN 46952

765-651-2406
jsaathoff@grantcounty.in.gov

H. LIMITED ENGLISH PROFICIENCY (LEP) POLICY

On August 11, 2000, the President signed an executive order, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP)*, to clarify Title VI of the Civil Rights Act of 1964. It has as its purpose, to ensure meaningful access to programs and services to otherwise eligible persons who are not proficient in the English language. In addition, The US Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* in the December 14, 2005 Federal Register. This guidance outlines the following four factors that the County uses to access the LEP populations in Grant County IN Government.

- a) The frequency with which LEP individuals come into contact with the program, activity or service.
- b) The number and proportion of LEP person eligible to be served or likely to be encountered by the County.
- c) The nature and importance of the program, activity, or service provided by the program.
- d) The resources available to the County and costs.

Summary of the four-factor analysis

Factor 1- The number and proportion of LEP persons eligible to be served or likely to be encountered by the County:

According to the U.S. Census Bureau, the 2022 estimate shows the population in Grant County, IN to be 66,022 with the 2020 census showing race or ethnic County distribution:

White – 83.7%
Black or African American – 7.8%
Hispanic- 5.0%
Two+ races- 3.0%
Asian - 0.9%
American Indian or Alaska Native – 0.5%

The most common language spoken in Grant County, IN besides English is Spanish with estimates of 493 Spanish-speaking LEP persons. The remaining possible LEP population is spread among the other language groups.

The Census Bureau has a range of four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, the County considers people that speak English less than 'very well' as Limited English Proficient (LEP) persons. It is estimated that the majority of minorities in the community speak English well or very well or have translation availability within their own families or friends. Using the four-classification range the number of LEP persons estimated to be living in Grant County IN Government (according to the 2010 U.S. Department of Justice Civil Rights Division website) is estimated to be 1.25% of the minority population or approximately 823 individuals who *may* be considered as LEP. The largest majority of LEP

persons in Grant County are Spanish-speaking. In the past Grant County Government has utilized several internal employees who were capable of Spanish translation or contacted a State agency that provides on-call interpreters. One LEP person required Chinese translation but was accompanied by an interpreter.

Factor 2- The frequency with which LEP individuals come into contact with the program, activity of service: As mentioned above in Factor 1, there is minimal need for translation for LEP persons. However, when the need arises Grant County Government has utilized several internal employees who were capable of Spanish translation or contacted a State agency that provides on-call interpreters. One LEP person required Chinese translation but was accompanied by an interpreter.

Factor 3. The nature and importance of the program, activity, or service provided by the program: If at any time a LEP individual requests translation services that are considered important such that denial or delay of access or services or information could have serious or even life-threatening implications, the County will provide, upon request, services to assist the LEP population including translation of vital documents and interpretation services.

Factor 4. The resources available to the County: A large majority of LEP persons in Grant County are Spanish-speaking. In the past Grant County Government has utilized several internal employees who were capable of Spanish translation or contacted a State agency that provides on-call interpreters.

Summary of LEP Accommodation Plan

- The County of Grant County IN Government strives to serve its population to the best of its ability and will provide upon request, services to assist the LEP population including translation of vital documents and interpretation services deemed necessary to provide meaningful access to County services.
- A U.S. Census Bureau I-Speak card is available as part of this document and on the County's webpage and is also available in County Complex located at 401 S. Adams Street, Marion, IN 46952. This card allows LEP individuals to communicate their preferred language to County Commissioners whereas County Commissioners may then access a language translation service to accommodate the needs of the person with LEP. A translation service called INDY Translations, phone number 1-800-695-8772 is available to County Commissioners or other translation services may be used as determined by the County.
- Collect public involvement data to monitor possible LEP individuals in the community. The County of Grant County IN Government has a voluntary public involvement survey to collect information regarding persons affected by proposed projects. The survey permits respondents to remain anonymous, while voluntarily answering questions regarding their race, color, age, national origin, gender, disability, or Limited English Proficiency (LEP) status, and household income. This voluntary public involvement survey is available at the County Complex and on the County website. Once the survey data is collected an analysis will be conducted. After the analysis of the survey data is analyzed, the County is committed to addressing any discrimination this data reveals. Completed surveys shall be retained for a period of three years from the date of the meeting and/or completion of the related project, if applicable.

- Review written Title VI complaints and ensure every effort is made to resolve complaints informally at the local level and review and update the County's Title VI plan and procedures as required.
- Commissioners Training- The County of Grant County IN Government's Commissioners will be provided training on the requirements for providing meaningful access to services for LEP persons. Considering the relatively small estimated number of LEP individuals in the service area, current training may be limited to web access to this document and it's attachments by all County Commissioners.

Standard U.S. DOT Title VI Assurances

The Grant County, IN Government (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent 'directives, no person in the United States shall, on the grounds of race color, or national origin, he excluded from participation in, he denied the benefits of, or he otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Indiana Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its the Indiana Department of Transportation program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the Federal Aid Transportation program and, in adapted form in all proposals for negotiated agreements: The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full 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. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall 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 shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired

or improved under the Federal Aid Transportation Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Transportation 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, 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 Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal Aid Transportation Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Transportation Program. The person or persons whose signature(s) appear below are authorized to sign this assurance on behalf of the Recipient.

GRANT COUNTY IN GOVERNMENT

By Mark E. Bardsley
(Signature of Authorized Official)

Date: 6/23/2023

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 shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) Solicitations for Subcontractors, 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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Grant County, Indiana, or the Indiana Department of Transportation ("INDOT") to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify Grant County, Indiana Government or the INDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract Grant County, Indiana Government shall impose such contract sanctions as it or the INDOT may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) Cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the Grant County, Indiana Government or the INDOT may direct as a means of enforcing such provisions including

sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Grant County, Indiana Government to enter into such litigation to protect the interests of the Grant County, Indiana Government, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that Grant County, Indiana Government will accept Title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of the Federal Aid Highway Programs the Regulations for the Administration of the Federal Aid Highway Programs and the policies and procedures prescribed by INDOT or FHWA of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub-Title A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) 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 Grant County, Indiana Government all the right, Title and interest of the 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 Grant County, Indiana Government 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 shall be binding on Grant County, Indiana Government its successors and assigns.

Grant County, Indiana Government, in consideration or 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 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 with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that Grant County, Indiana Government, shall 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, Department of Transportation, Sub-Title A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the 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 effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Grant County, Indiana Government pursuant to the provisions of Assurance 6(a):

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub-Title A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended. [Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Grant County, Indiana Government shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued. [Include in deed.] *

That in the event of breach of any of the above nondiscrimination covenants, Grant County, Indiana Government shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Grant County, Indiana Government and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Grant County, Indiana Government pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 shall be excluded from participation in, denied the benefits of, or he 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 shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub-Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended. [Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Grant County, Indiana Government shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued. [Include in deeds] *

That in the event of breach of any of the above nondiscrimination covenants, Grant County, Indiana Government shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Grant County, Indiana Government and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Appendix E

INSTRUCTIONS: EXTERNAL COMPLAINT OF DISCRIMINATION

The purpose of this form is to help any person interested in filing a discrimination complaint with Grant County IN Government. You are not required to use this form. You may write a letter with the same information, sign it, and return it to the address below. All bold items must be completed for your complaint to be investigated. Failure to provide complete information may impair the investigation of your complaint.

Title VI of the Civil Rights Act of 1964, as amended and its related statutes and regulations (Title VI) prohibit discrimination on the basis of race, color, age, national origin, gender, disability, or Limited English Proficiency (LEP) in connection with programs or activities receiving federal financial assistance for the United States Department of Transportation, Federal Highway Administration, and/or Federal Transit Administration. These prohibitions extend to the Grant County IN Government as a sub-recipient of Federal financial assistance.

Upon request, assistance will be provided if you are an individual with a disability or have Limited English Proficiency (LEP).

You also have the right to file a complaint with other State or Federal agencies that provide Federal financial assistance to the Grant County IN Government. Additionally, you have the right to seek private counsel.

The Grant County IN Government is prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, filed charges, testified, or participated in any complaint action under Title VI or other nondiscrimination authorities.

Please make a copy of your complaint form for your personal records. Do not send your original documents as they will not be returned. Mail the original complaint form along with any copies of documents or records relevant to your complaint to the address below.

Complaints of discrimination must be filed within 180 days of the date of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.

****Your complaint cannot be processed without your signature.**

Appendix F - Complainant Information

COMPLAINANT INFORMATION		
Name <i>(first, middle, last)</i>		
Address <i>(number and street, city, state, ZIP code)</i>		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -

PERSON / DEPARTMENT YOU BELIEVE DISCRIMINATED AGAINST YOU		
Name <i>(first, middle, last)</i>	Title	
Name of department		
Address <i>(number and street, city, state, ZIP code)</i>		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
When was the last alleged discriminatory act? <i>(month, day, year)</i>		
<p>Complaints of discrimination must be filed within 180 days of the alleged discriminatory act. If the alleged act of discrimination occurred more than 180 days ago, please explain your delay in filing this complaint.</p>		
<p>The alleged discrimination was based on:</p> <p>Race ____ Age ____ Gender ____ Disability ____</p> <p>Religion ____ National Origin ____</p>		

Describe the alleged act(s) of discrimination. (Use additional pages, if necessary)

--

Provide the names of any individuals with additional information regarding your complaint:

Name of witness 1 <i>(first, middle, last)</i>		Title
Name of company		
Address <i>(number and street, city, state, ZIP code)</i>		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -

Include a brief description of the relevant information the witness may provide to support your complain of discrimination:

Name of witness 2 <i>(first, middle, last)</i>		Title
Name of company		
Address <i>(number and street, city, state, ZIP code)</i>		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -
Include a brief description of the relevant information the witness may provide to support your complain of discrimination:		
Name of witness 3 <i>(first, middle, last)</i>		Title
Name of company		
Address <i>(number and street, city, state, ZIP code)</i>		
Home telephone number () -	Work telephone number () -	Cellular telephone number () -

Include a brief description of the relevant information the witness may provide to support your complain of discrimination:

Appendix G

Voluntary Title VI Public Involvement Survey

As a recipient of federal funds, the Indiana Department of Transportation (INDOT) is requiring local agencies to develop a procedure for gathering statistical data regarding participants and beneficiaries of its Federal-aid highway programs and activities (23 CRF §200.9(b)(4)). The Grant County IN Government is distributing this voluntary survey to fulfill that requirement to gather information about the populations affected by proposed projects.

You are not required to complete this survey. Submittal of this information is voluntary. This form is a public document that the Grant County IN Government will use to monitor its programs and activities for compliance with Title VI and the Civil Rights Act of 1964, as amended and its related statutes and regulations.

If you have any questions regarding the Grant County IN, Government's responsibilities under Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act, please contact Justin Saathoff, Title VI Coordinator, 401 S. Adams St., Marion, IN 46952, jsaathoff@grantcounty.in.gov

You may return the survey by folding it and placing it on the registration table or by mailing or e-mailing it to the address below.

Date: _____

Project Name _____

Proposed Project Location _____

Gender: Female Male

Ethnicity: Hispanic or Latino Not Hispanic or Latino

Race: American Indian or Native Alaskan

Asian

Black or African-American

Hawaiian or Other Pacific Islander White Multiracial

Age: 1-21 22-40 41-65 65+

Disability: Yes No

Income: 0-\$12,000 \$12,001-\$24,000 \$24,001-\$36,000

\$36,001-\$48,000 \$48,001-\$60,000 \$60,001+

Appendix H

GRANT COUNTY LEP POPULATION *

Total Pop.	Total LEP	Total LEP	Spanish	French	German	Scandinavian Languages	Russian	Polish	Other Indic Languages	Chinese	Korean
66491	823	1.25%	493	18	5	11	6	75	26	43	19

Viet-Vietnames	Tagalog	African Languages	Other and Unspecified
64	20	11	32

*Taken from US Department of Justice Civil Rights Division website:

https://www.lep.gov/maps/lma2015/Final_508/

**Appendix I - U.S. Census Bureau
ISpeak Card**

A

AMHARIC

እኔ አማርኛ መናገር

ARABIC

أنا أتحدث اللغة العربية

ARMENIAN

Ես խոսում եմ հայերեն ես

B

BENGALI

আমী বাংলা কথা বোলতে পারী

BOSNIAN

Ja govorim bosanski

BULGARIAN

Аз говоря български

BURMESE

ကျွန်တော်/ကျွန်မ မြန်မာလို ပြောတတ်ပါတယ်။

C

CAMBODIAN

ខ្ញុំនិយាយភាសាខ្មែរ

CANTONESE

我講廣東話 traditional

我讲广东话 simplified

CATALAN

Parlo català

CHIN

Lai Tong ka ton—Falam chin

Lai Holh Ka thiam—Hakha chin

Zo bya ka thya—Zo tung Chin

CROATIAN

Govorim hrvatski

CZECH

Mluvím česky

D

DANISH

Jeg taler dansk

DARI

من دری حرف می زنم

DUTCH

Ik spreek Nederlands

E

ESTONIAN

Ma räägin eesti keelt

F

FARSI

من فارسی صحبت می کنم.

FINNISH

Puhun suomea

FRENCH

Je parle français

G

GERMAN

Ich spreche Deutsch

GREEK

Μιλάω στα ελληνικά

GUJARATI

હુ ગુજરાતી બોલુ છુ

H

HAITIAN CREOLE

M pale kreyòl ayisyen

HEBREW

אני מדבר עברית masculine

אני מדברת עברית feminine

HINDI

मैं हिंदी बोलता हूँ ।

HMONG

Kuv hais lus Hmoob

HUNGARIAN

Beszélek magyarul

I

ICELANDIC

Ég tala íslensku

ILOCANO

Agsaonak ti Ilokano

INDONESIAN

saya bisa berbahasa Indonesia

ITALIAN

Parlo italiano

J

JAPANESE

私は日本語を話す

K

KACKCHIQUEL

Quin chagüic' ká chabal' ruin' rí
tzújon cakchiquel

KAREN

ယကတိကညီကိုန်

KIRUNDI

Ndavuga Ikirundi

Nvuga Ikirundi

KOREAN

나는 한국어로 이야기

KURDISH

man Kurdii zaanim

KURMANCI

man Kurmaanji zaanim

L

LAOTIAN

ຂ້າພະເຈົ້າເວົ້າພາສາລາວ

LATVIAN

Es runāju latviski

LITHUANIAN

Aš kalbu lietuviškai

M

MANDARIN

我講國語 traditional
我讲国语/普通话 simplified

MAM

Bán chiyola tuj kíyol mam

MON

အဲဟိုအင်္ဂလိပ်

N

NEPALI

म नेपाली बोलुन

NORWEGIAN

Jeg snakker norsk

P

PERSIAN

من فارسی صحبت می کنم.

POLISH

Mówię po polsku

PORTUGUESE

Eu falo português do Brasil
for Brazil

Eu falo português de Portugal for
Portugal

PUNJABI

ਮੈਂ ਪੰਜਾਬੀ ਬੋਲਦਾ/ਬੋਲਦੀ ਹਾਂ।

Q

Q'ANJOB'AL

Ayin tí chí walq' anjob' al

QUICHE

In kinch'aw k'uin ch'e quiche

R

ROMANIAN

Vorbesc românește

RUSSIAN

Я говорю по-русски

S

SERBIAN

Ja govorim srpski

SIGN LANGUAGE (AMERICAN)



I, ME



SIGN, SIGN LANGUAGE

SINHALESE

මම සිංහල කතා කළ හැකිය

SLOVAK

Hovorím po slovensky

SLOVENIAN

Govorim slovensko

SOMALI

Waan ku hadlaya af-Soomaali

SPANISH

Yo hablo español

SWAHILI

Ninaongea Kiswahili

SWEDISH

Ja talar svenska

T**TAGALOG**

Marunong akong man-Tagalog

TAMIL

நான் தமிழ் பேச

India

நான் தமிழ் கதைப்பேன்

Sri Lanka

THAI

พูดภาษาไทย

TIGRINYA

ትግርኛ ኣዛሬ-1

TURKISH

Türkçe konuşurum

U**UKRAINIAN**

Я розмовляю українською мовою

URDU

میں اردو بولتا ہوں

V**VIETNAMESE**

Tôi nói tiếng Việt

W**WELSH**

Dwi'n siarad

X**XHOSA**

Ndithetha isiXhosa

Y**YIDDISH**

איך רעד יידיש

YORUBA

Mo nso Yooba

Z**ZULU**

Ngiyasikhuluma isiZulu

**Appendix J -
Grant County IN
Commissioners' Resolution
Regarding
Title VI Policies and Procedures**



RESOLUTION 8-2023

2023-002325

KATHY D. FUY, RECORDER
GRANT COUNTY, INDIANA
RECORDED AS PRESENTED

RESOLUTION OF THE BOARD OF COMMISSIONERS OF GRANT COUNTY, INDIANA ADOPTING AMERICANS WITH DISABILITIES ACT (ADA) NEW ADA COORDINATOR AND PROCEDURES

WHEREAS, the Federal Government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, in compliance with Title II of the ADA and the County of Grant shall name a Grant County ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA the County of Grant shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA the County of Grant shall publish a notice to the public regarding the ADA;

WHEREAS, in compliance with Title II of the ADA the County of Grant shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

NOW, THEREFORE, BE IT RESOLVED by the **County Commissioners of the County of Grant, Indiana:**

As of the date of this Resolution and moving forward new ADA Coordinator Grant County, Indiana will be Mr. Justin Saathoff, County Administrator/HR Director 401 S. Adams Street Marion, Indiana 46953 telephone (765) 651-2406 e-mail jsaathoff@grantcounty.net.


The Notice under the Americans with Disabilities Act, a copy of which is posted to the County's website, is adopted as the County of Grant Notice under the Americans with Disabilities Act.

The County of Grant ADA Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the grievance procedure for addressing complaints alleging discrimination based on disability in the provision of services, activities, programs, or benefits by the County of Grant.

In compliance with Federal and State laws as set forth above, the County Commissioners of the County of Grant, Indiana resolves to post the required information regarding the ADA coordinator Notice under the Americans with Disabilities Act, and the Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

This resolution is hereby adopted this 3rd Day of April 2023

BOARD OF COMMISSIONERS OF
GRANT COUNTY, INDIANA



Mark Bardsley, President




Steve Wright



Ron Stewart

ATTEST:



Angie Jarvis, Grant County Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Kyle C. Persinger, Attorney at Law, 122 E Fourth Street, P.O. Box 927, Marion, IN 46952.

This instrument was prepared by KYLE C. PERSINGER, of the law firm of SPITZER HERRIMAN STEPHENSON HOLDEREAD CONNER & PERSINGER, LLP, 122 East Fourth Street, P. O. Box 927, Marion, IN 46952.

Grant County, Indiana Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Grant County, Indiana. The Grant County Commissioner's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Justin Saathoff
ADA Coordinator
401 S. Adams Street
Marion, IN 46953
Phone: (765) 651-2406
Email: jsaathoff@grantcounty.net

Within 15 calendar days after receipt of the complaint, Justin Saathoff or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Justin Saathoff or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Grant County Commissioner's and offer options for substantive resolution of the complaint.

If the response by Justin Saathoff or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Grant County Commissioner's or their designee.

Within 15 calendar days after receipt of the appeal, the Grant County Commissioner's or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Grant County Commissioner's or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Justin Saathoff or his designee, appeals to the Grant County Commissioner's or their designee, and responses from these two offices will be retained by the Grant County Commissioner's for at least three years.