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COUNTY OF LAGRANGE
JOINT ORDINANCE NO. 2024-07-08-A

**A JOINT ORDINANCE ESTABLISHING ANTIDISCRIMINATION
POLICIES FOR COUNTY PROGRAMS, ACTIVITIES, AND SERVICES,
AND ESTABLISHING A DIVISION AND PROGRAM COORDINATOR.**

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Commissioners and Council have previously passed similar anti-discrimination legislation and desire to make updates and amendments.

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

SECTION I – NAME

The name of this ordinance is the “Anti-Discrimination Policy Adoption Ordinance.”

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

SECTION III – DEFINITIONS

- A. Meaning. Whenever the following terms are used in this ordinance, they shall have the meanings herein ascribed to them unless the context clearly indicates or requires otherwise.
1. “ADA” refers to the Americans with Disabilities Act of 1990, as well as related federal statutes and regulations concerning disabilities.
 2. “Anti-Discrimination Coordinator” refers to the LaGrange County Anti-Discrimination Coordinator as more particularly described by this ordinance; provided, however, that to the extent that the Commissioners appoint two or more individuals to serve in this capacity with respect to separate ADA and Title VI Coordinator duties, the term shall be understood to refer only in that respective capacity to the subject matter at hand.
 3. “Division” refers to the Anti-Discrimination Compliance Division, as more particularly described by this ordinance.

4. "Public servant" means any County employee, volunteer, officer, independent contractor, elected official, or appointed official to the extent that such person is acting on behalf of the County.
 5. "Services" means the facilities, programs, activities, or services of the County.
 6. "State and federal anti-discrimination law" means Indiana and federal anti-discrimination statutes and administrative regulations concerning ADA and Title VI.
 7. "Title VI" refers to Title VI of the Civil Rights Act of 1964, as well as related federal statutes and regulations concerning discrimination based on race, color, national origin, religion, sex, or age.
- B. Arbiter. The Commissioners have final authority in deciding the meaning of these terms.

SECTION IV – PURPOSE

- A. Standards. The main purpose of this ordinance is to provide standards and guidance for public servants in their relations with the public, especially concerning the impact of state and federal anti-discrimination law thereon.
- B. Social Justice. In a more fundamental way, with this ordinance the Commissioners and Council desire to:
1. promote equality under the law;
 2. protect civil rights;
 3. prevent discrimination;
 4. ensure access to services;
 5. comply with legal obligations; *and*
 6. educate the public.

SECTION V – SCOPE

- A. Official Action. The scope of this ordinance is limited to the County's involvement with the public through its services.
- B. Personnel Rights. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to have any bearing on the relation of state and federal law to the rights of public servants in their employment, official, or other capacity; such rights are instead addressed in the *Personnel Policies Handbook* and other County policies.
- C. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any

protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, nor any other right, protection, immunity, defense, or limitation on liability that the County or such related parties is provided by applicable law.

SECTION VI – AMERICANS WITH DISABILITIES ACT

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

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

- B. Design Standards. The Board of Commissioners of the County of LaGrange, Indiana hereby adopts the 2010 *Americans with Disabilities (ADA) Standards for Accessible Design*, and any subsequent required standards for accessible design. In addition, the Board of Commissioners of the County of LaGrange, Indiana hereby adopts the 2023 *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way*.

SECTION VII – TITLE VI

- A. Policy. The Commissioners and Council hereby establish the following policy to be the official County policy regarding Title VI of the Civil Rights Act of 1964, as well as related State and federal anti-discrimination law:

LaGrange County, Indiana (“County”) values the civil rights of every individual and desires to provide equal treatment for its citizens. As provided by Title VI of

the Civil Rights Act of 1964, as amended, and all related statutes and regulations, it is the policy of the County that no person shall be excluded from participation in, denied benefits of, or subjected to illegal discrimination under any County program, activity, or service on the grounds of race, color, national origin, religion, sex, or age. The County makes assurances that every reasonable effort will be made to prevent illegal discrimination in all of its programs, activities, and services, whether or not those programs, activities, and services are federally funded and whether or not those programs are managed by the County directly, by its agents, or by its subrecipients of federal aid.

- B. Assurances. The Commissioners and Council hereby adopt the statement to be known as the "Assurance – Assurance by Lagrange County, Indiana of Compliance with Title VI of The Civil Rights Act of 1964 and Other Federal Regulations for Receiving Federal Financial Assistance from the U.S. Department of Transportation."

SECTION VIII – COMPLIANCE REGULATIONS

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

SECTION IX – ANTI-DISCRIMINATION COMPLIANCE DIVISION

- A. Division Establishment.

1. An Anti-Discrimination Compliance Division is hereby established as a division of the LaGrange County Human Resources Department to ensure compliance with, and to improve education of, state and federal anti-discrimination law.
2. By motion, the Commissioners may assign the Division to another Department from time to time to assist with its Coordinators' other job duties.

B. Coordinator Position.

1. The position of Anti-Discrimination Coordinator is hereby created to oversee the Division and the provisions of this ordinance.
2. The Commissioners may appoint any employee as Anti-Discrimination Coordinator, who shall serve in that capacity at the pleasure of the Commissioners and may have other regular or partial employment with the County.
3. The Commissioners may separate the Anti-Discrimination Coordinator position into separate ADA and Title VI Coordinators and assign their respective duties to different public servants.

C. Delegation of Powers.

1. The Commissioners hereby authorize and direct the Anti-Discrimination Coordinator to take all action necessary and proper to administer this ordinance, subject to applicable law.
2. The Anti-Discrimination Coordinator may delegate any power and/or duty under this ordinance or other state and federal anti-discrimination law to another public servant, as appropriate, while retaining ultimate responsibility therefor.

D. Coordinator Duties. The Anti-Discrimination Coordinator shall:

1. cooperate with and provide guidance to the Commissioners as to the effect of state and federal anti-discrimination law on County Services;
2. review, develop, and publish ongoing ADA and Title VI compliance plans and assurances, as necessary, so as to ensure compliance of County services with state and federal anti-discrimination law;
3. inspect and evaluate County buildings and facilities for identifiable barriers to determine ADA compliance or remediation goals;
4. offer auxiliary aides and services upon request, as appropriate;
5. develop grievance procedures for the prompt processing and disposition of complaints of illegal discrimination;
6. develop information about state and federal anti-discrimination law for dissemination to the general public, especially on the County's web site;

7. develop procedures for the collection of statistical data regarding participants and beneficiaries of County services;
8. conduct training programs on compliance with state and federal anti-discrimination law for the County's public servants and other agents;
9. monitor, jointly with legal counsel, County grants, contracts, subrecipient agreements, services, and accommodations for compliance with state and federal anti-discrimination law;
10. investigate alleged or suspected violations of state and federal anti-discrimination law within the County;
11. establish procedures for promptly resolving continued or ongoing violations of state and federal anti-discrimination law;
12. prepare all compliance reports, as required by law;
13. preserve all County records related to compliance with state and federal anti-discrimination law;
14. ensure meaningful access to services by persons with "Limited English Proficiency," to the extent required by law;
15. coordinate with federal, state, and other regulatory entities having jurisdiction in the County with regard to compliance with state and federal anti-discrimination law;
16. maintain appropriate levels of continuing education related to compliance with state and federal anti-discrimination law;
17. seek out appropriate funding sources related to compliance with state and federal anti-discrimination law, such as grant requests and/or donations;
18. make recommendations on the Division's budget and appropriations relating to compliance with state and federal anti-discrimination law, as appropriate; *and*
19. deposit all program-related gifts received into the Anti-Discrimination Education and Compliance Fund;

provided, however, that nothing in this section shall be construed to give the Anti-Discrimination Coordinator the power or duty to investigate County personnel files.

SECTION X – NOTICE STATEMENT

To inform the public about the availability of information regarding the provisions of federal civil rights laws and the County's anti-discrimination policies as they relate to County Services for the public, those public servants who are tasked with creating meeting agenda shall place the County's Anti-Discrimination Notice Statement on the agenda for the respective meetings of the various boards, committees, and agencies of the County.

SECTION XI – DOCUMENTATION

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

SECTION XII – REPEAL OF PRIOR LAW

- A. Repeal. Ordinance 2019-04-08, which was adopted on April 8, 2019, is hereby repealed in its entirety.
- B. Restatement. To the extent that the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, the provisions shall not be deemed a new enactment, but rather shall be deemed the continuation of the original provisions.
- C. Continuance. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.
- D. Rulemaking. All rules and regulations adopted under any continued version of this ordinance shall remain in full force and effect except as specifically directed otherwise.
- E. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, resolution, section, clause, or provision.

SECTION XIII – MISCELLANEOUS

- A. References.
1. Except where a specific version or edition is given, reference to another section of this

ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.

2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of) LaGrange County (Indiana)."
 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy may do instead of the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same. To the extent this ordinance conflicts with the Wage and Salary Ordinance, that ordinance controls.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.
- E. Promulgation. The Auditor, Anti-Discrimination Coordinator, and President of the Commissioners are hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- F. Codification. To the extent a substantive change in meaning does not result, the codifier of ordinances may omit the Name, Recitals, Repeals, Miscellaneous, and Adoption sections of this ordinance from the official code, may renumber or reorder any section of this ordinance, and may alter references to this ordinance and to exhibits as appropriate.
- G. Effective Date. This ordinance shall take effect immediately upon final adoption.

[Continue to next page for Adoption section.]

SECTION XIV – ADOPTION

THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA

Adopted and ordained on this 1st day of July, 2024.

Ayes: 2

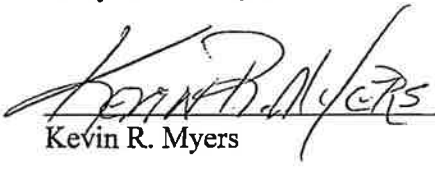
Nays: 0

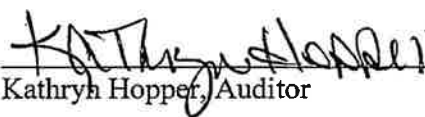
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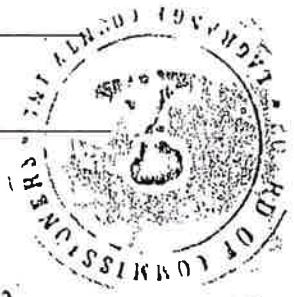

Terry A. Martin, President

Absent
Peter A. Cook, Vice President

ATTEST:


Kevin R. Myers


Kathryn Hopper, Auditor




THE COUNTY COUNCIL OF LAGRANGE COUNTY, INDIANA

Adopted and ordained on this 8th day of July, 2024.

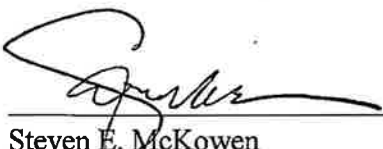
Ayes: 6

Nays:

Abstentions:



Michael G. Strawser, President


James Young, Vice President



Steven E. McKowen


Ryan Riegsecker

Absent
Jeffrey L. Brill


Harold D. Gingerich

ATTEST:



Jeffrey Campos


~~Kathryn Hopper, Auditor~~
Kay M. Myers, Chief Deputy Auditor

WAIVER OF SECOND READING

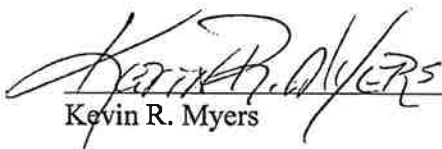
On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall be deemed effective as provided therein.

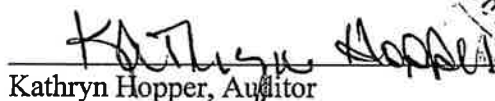
THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA


Terry A. Martin, President

Absent
Peter A. Cook, Vice President

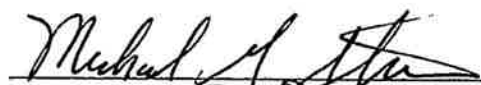
ATTEST:



Kevin R. Myers


Kathryn Hopper, Auditor

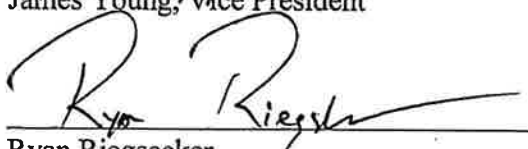


COUNTY COUNCIL OF LAGRANGE COUNTY, INDIANA



Michael G. Strawser, President


James Young, Vice President

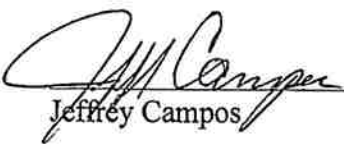

Steven E. McKowen


Ryan Riegsecker

Absent
Jeffrey L. Brill


Harold D. Gingerich

ATTEST:


Jeffrey Campos


Kathryn Hopper, Auditor
Kay M. Myers, Chief Deputy Auditor

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