

Barton County Commission Agenda Meeting Minutes

Recorded audio is available on compact disk upon KORA request to the Barton County Clerk's Office, 1400 Main – Room 202, Great Bend, Kansas 67530.

Phone (620) 793-1835 \ Fax (620) 793-1990 \ Email clerk@bartoncounty.org

Meetings Live Streamed through **Microsoft Teams** at the following link: <https://bit.ly/3lj7ydb>.

October 17, 2023

The Board of Barton County Commissioners convened this 17th day of October 2023, at the 1500 Kansas location.

Members present:

Duane Reif, Commissioner, 1st District
Barb Esfeld, Commissioner, 2nd District, (*Chairman Pro-Tem*)
Shawn Hutchinson, Commissioner, 3rd District, Chairman
Tricia Schlessiger, Commissioner, 4th District
Donna Zimmerman, Commissioner, 5th District
Bev Schmeidler, County Clerk
Matt Patzner, County Administrator
Patrick Hoffman, County Counselor

I. OPENING BUSINESS:

Commissioner Hutchinson called the meeting to order at 9:00 A.M.

Commissioner Zimmerman moved to approve the agenda.
Commissioner Schlessiger seconded the motion.
All voted aye. Motion passed.

Minutes of the October 10, 2023, Regular Meeting were not available.

II. OLD BUSINESS:

-There was no Old Business.

III. NEW BUSINESS:

A. VOICE PRODUCTS SERVICE: Maintenance Agreement:

-Dena Popp, 911 Director, and Casey Hubbard, Investigator / Office Manager, County Attorney's Office, will provide details. In 2018, Communications partnered with the County Attorney's Office to purchase a Voice Logger. The logger creates audio recordings from telephones, radios, microphones and other sources that improve emergency services and aid in criminal prosecution. As the maintenance contract ends November 30, 2023, it is suggested that it be extended for another year with Communications and the Attorney's Office sharing the expense.

Dena Popp, 911 Director, said this provided recordings that could be instrumental to investigations. Here today for the annual renewal.

Commissioner Zimmerman said from the study session, she understood the price increased by only five cents. Popp said that was correct and noted that this was a budgeted item for both departments.

Commissioner Zimmerman moved to approve the Maintenance Agreement with Voice Products Service through November 30, 2024, for a total cost of \$9,553.00. Cost to be paid as follows – \$7,822.00 through the 911 Tax Fund, Maintenance of Machinery and Equipment Line, 080-86-5460, and the remaining \$1,731.00 through the Attorney's Office Account of the General Fund, RMS/Software Maintenance-Diversion Line, 001-08-5610-06.

Commissioner Schlessiger seconded the motion.
All voted aye. Motion passed.

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B. KANSAS ASSOCIATION OF COUNTIES: Voting Delegates:

-Matt Patzner, County Administrator, will provide details. The Kansas Association of Counties (KAC) will hold its Annual Conference from December 5 – 7, 2023, in Wichita. Each year, the Commission designates a voting delegate and first and second voting alternates for the meeting.

Matt Patzner, County Administrator, presented details and asked that delegates be designated.

Commissioner Hutchinson said he planned to be there and since Commissioner Esfeld was Chairman Pro-Tem, she could be First Alternate.

Commissioner Schlessiger said she planned to attend as well.

Commissioner Hutchinson asked if she would be the Second Alternate.

Commissioner Zimmerman moved to designate Chairman Shawn Hutchinson as the Kansas Association of Counties Voting Delegate with Barb Esfeld named as First Alternate and Tricia Schlessiger named as Second Alternate. Direct the County Clerk to complete the Certification of Voting Delegate and return to the KAC.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

C. RESOLUTION 2023-24: Barton County Non-Discrimination Policy and Recipient Policy

Statement:

-Mr. Patzner will provide details. In 2020, the Commission adopted the Non-Discrimination Policy relative to state and federal grant requirements. The Non-Discrimination Policy, which is suggested in Resolution format, has been updated to assure compliance with current guidelines.

Matt Patzner, County Administrator, presented details and said this was specifically for KDOT. Patzner asked for approval.

Commissioner Esfeld moved to adopt Resolution 2023-24, Barton County Non-Discrimination Policy and Recipient Policy Statement.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

No Executive Session Held

D. EXECUTIVE SESSION:

-Chairman Shawn Hutchinson will present. Any Commissioner may make a motion for the board to recess to executive session at this time as allowed by K.S.A. 75-4319. Any motion must contain the justification for the executive session, the subject matter to be discussed, any individuals in addition to the board who will attend the executive session and the time at which the regular session shall resume.

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IV. ENDING BUSINESS:

1. Announcements
2. Appointments

V. OTHER BUSINESS:

Commissioner Esfeld – she visited Road & Bridge and Noxious Weed today about United Way.

Commissioner Hutchinson – United Way keeps the money locally.

Commissioner Esfeld – a softball game between Oxford Houses and Guns and Hoses, which are the Police Department, Sheriff's Office and Great Bend Fire and EMS, was played last Saturday. Oxford House named themselves Sober Mafia. Guns and Hoses won 56-4.


VI. ADJOURN:

Commissioner Schlessiger made a motion to adjourn at 9:15 A.M.

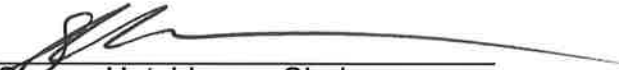
Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

ATTEST:



Bev Schmeidler
Barton County Clerk



Shawn Hutchinson, Chairman

RESOLUTION 2023-24

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, that the Barton County Non-Discrimination Policy and Recipient Policy Statement is hereby adopted:

Notice of Prohibited Discrimination:

It is the policy of the Barton County that all individuals have the right to participate in employment, programs, and activities operated by Barton County regardless of race, color, national origin, sex, religion, disability, and age. As a condition of state and/or federal grant funding, Barton County agrees to operate in compliance with the following statutes and regulations and all other regulations implementing the same:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, national origin, sex, disability, age and low-income in the delivery of services and which entails taking reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access to funded programs or activities. An LEP person is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. (42 U.S.C. § 2000d), and the Department of Justice (DOJ) implementing regulations at 28 C.F.R. Part 42, Subpart C;
- The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
- Title II of the Americans with disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;

- Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54;
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I;
- Executive Order 13,559, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits);
- Section 1407 of the Victims of Crime Act (VOCA) of 1984, which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability (42 U.S.C. § 10604 *et seq.*);
- The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672b); and
- Violence Against Women Act (VAWA) of 1994, as amended, 42 U.S.C. § 13925(b)(13) (prohibiting discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity) (referring to the Safe Streets Act for enforcement).

In addition to these, if Barton County is a recipient of funds under the Violence Against Women Act of 1994, as amended, these protections apply to individuals regardless of their sexual orientation or gender identity.

In addition to the protections listed above, these laws prohibit Barton County from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

How to File a Complaint:

If anyone believes Barton County or a subgrantee has discriminated against an employee, a client, a customer or a program participant, or anyone else, and/or if an employee or subgrantee receives a complaint of alleged discrimination, please notify Barton County's complaint coordinator by e-mail, letter, telephone, or fax:

Barton County civil rights liaison:

Matt Patzner, County Administrator
1400 Main
Great Bend, KS 67530
Telephone: 620-793-1800
e-mail: mpatzner@bartoncounty.org

Additional notification may be made to the following for both civil rights and non-discrimination complaints and / or concerns:

Notifying the Public of Rights Under Title VI
Kansas Department of
Transportation

- The Kansas Department of Transportation (KDOT) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act of 1964.
Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with KDOT.
 - For more information on KDOT's civil rights program, and the procedures to file a complaint, contact 800-854-3613; (Hearing Impaired 711); email KDOT.CivilRights@ks.gov; or visit our administrative office at 700 SW Harrison Street, 3rd Floor West, Topeka, Kansas 66603.
For more information, visit www.ksdot.gov/divadmin/civilrights/
- A complainant may file a complaint directly with the U.S. Department of Transportation by filing a complaint with the Office of Civil Rights,
Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR,
1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact 800-854-3613.

The Barton County civil rights liaison will provide written acknowledgement of receiving the complaint, will coordinate the complaint process, and will urge the charging party to file a complaint with the Kansas Human Rights Commission (KHRC) and/or for employment discrimination claims, the Equal Employment Opportunity Commission (EEOC) and the Office for Civil Rights (OCR) as well as the Kansas Department of Transportation, Office of

Civil Rights Compliance. Additionally, the Barton County civil rights liaison will advise the charging party that a complaint must be filed with KHRC and EEOC within either 180 days or one year from the date of the alleged violation, depending on the relevant statute, in order to protect the charging party's rights.

The Barton County civil rights liaison will request the charging party to provide the following information when making a complaint:

1. Date of alleged discrimination;
2. Protected class claimed;
3. Written detail of the alleged discrimination; and
4. A signature attesting to the facts alleged.

In no later than five business days after receiving a complaint in the form described above, the Barton County civil rights liaison will refer the complaint in writing on to the KHRC and/or for employment discrimination claims, the EEOC, and/or the OCR depending on the nature of the complaint. The Barton County civil rights liaison will, along with the submission of the complaint, submit a request to be notified of the findings of the relevant agency/agencies. Barton County will not conduct an independent investigation, but will assist the relevant investigative agency/agencies in the investigation, and report any findings of discrimination to KGGP & OCR.

Public Notification:

Barton County shall make available this Non-Discrimination Policy to all Barton County staff and program beneficiaries. The policy is to be included with information materials given to all new Barton County staff and program participants and posted on the County's website. Non-discrimination clauses will be incorporated in all agreements and contracts that operate with Barton County.

Required Training:

Barton County shall provide its employees information and training regarding the complaint procedures and non-discrimination obligations set forth in this policy upon hire and as needed. Barton County staff will sign a form certifying receipt of the Non-Discrimination Policy and completion of Non-Discrimination Policy training.

Nondiscrimination Agreement for Population Under 100,000
Kansas Department of Transportation and Recipient Policy Statement

The Barton County Commission, hereinafter referred to as the "Recipient" assures that no person shall on the grounds of race, color, national origin, sex, disability, age or low income status as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs and activities" to include all programs or activities of federal aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988).

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient's County Administrator, Matt Patzner, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 Code of Federal Regulation 21.

Title VI Program Organization and Staffing

Pursuant to 23 CFR 200, the Barton County Commission has designated a Title VI Coordinator who has been specifically assigned the Title VI responsibilities as shown.

Recipient – Barton County Commissioners



Title VI Coordinator / Civil Rights Liaison –
Matt Patzner, County Administrator

Assurances

49 CFR Part 21.7

Barton County hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, sex, disability, age or low income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:

A list all major programs and activities for Barton County includes:

Administration and Human Resources

Public works, to include roads, bridges and cemeteries.

Emergency Risk Management, to include preparedness for, response to and recovery after severe weather, man-made and other events.

Law enforcement – Barton County provides for all elements of emergency service to include 911, patrol, investigations, detention, prosecution, court system, probation and corrections for both adults and juveniles.

Environmental Management to include code enforcement, zoning and other related activities.

Appraisal of real and personal property, as well as oil and gas, for taxation purposes.

The collection and distribution of property and other taxes.

Business services of the County.

Elections.

Recording legal documents, to include deeds.

Provision of public health.

The Commission may also apply for and administer or have administered any grants that would positively impact the citizens of Barton County.

2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each program, activity, and facility (i.e., lands change to roadways, park and ride lots, etc.) as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
4. That these assurances are 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 by the Kansas Department of Transportation (KDOT) under the federally-funded program is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.
5. 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 all federally-funded programs and, 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, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 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, national origin, or sex in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix 1 of this Agreement in every contract subject to the Act and the Regulations.
7. That the Recipient shall insert the clauses of Appendix 2 of this Agreement, as a covenant running with the land, in any deed from the United States effect a transfer of real property, structures, or improvements thereon, or interest therein.
8. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of the Agreement, 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 a federal aid program; and (b) for the construction or use of or access to space on, over and under property acquired, or improved under a federal aid program.
9. 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 agreement.

Implementation Procedures

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. Grants and loans of federal funds.
2. The grant or donation of federal property and interest in property.
3. The detail of federal personnel.
4. The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.
5. Any federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The recipient shall:

1. Issue a policy statement, signed by the head of the recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by KDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.

3. Designate a civil rights coordinator who has a responsible position in the organization and easy access to the head of the recipient. The civil rights coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. The civil rights coordinator shall adequately implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date of the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report of investigation, will be forwarded to KDOT's Office Civil Rights (OCR) within 10 days of the date the complaint was received by the recipient.
6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the Transportation programs and activities conducted by the recipient.
7. Conduct Title VI reviews of the recipient and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Attend training programs on Title VI and related statutes conducted by KDOT Office of Civil Rights.

Discrimination Complaint Procedure

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Coordinator for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a. The date of alleged act of discrimination; or
 - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the recipient's investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as KDOT or USDOT.

5. The recipient will advise KDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to KDOT:
 - a. Name, address, and phone number of the complainant.
 - b. Name(s) and address(es) of alleged discriminating official(s).
 - c. Basis of complaint (i.e., race, color, national origin, or sex)
 - d. Date of alleged discriminatory act(s).
 - e. Date of complaint received by the recipient.
 - f. A statement of the complaint.

Sanctions

In the event the recipient fails or refuses to comply with the terms of this agreement, KDOT may take any or all of the following actions:

1. Cancel, terminate, or suspend this agreement in whole or in part;
2. Refrain from extending any further assistance to the recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
4. Refer the case to the Department of Justice for appropriate legal proceedings.

Appendix 1

During the performance of this contract, the contractor/consultant, 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 Regulations relative to nondiscrimination in federally-assisted programs of United States Department of Transportation (USDOT), 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, sex, or national origin in the selection and retention of sub-contractors, including procurement 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 Subcontracts, Including Procurement of Materials and Equipment** – In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor 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, sex, 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 contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to KDOT or the USDOT 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, the contracting agency shall impose such contract sanctions as it or the USDOT 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 (5) in every subcontract, including procurement 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 or procurement as the contracting agency or USDOT 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 sub-contractor or supplier as a result of such direction, the contractor may request KDOT enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Appendix 2

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

GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Kansas will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States 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, Subtitle A, the Department of Transportation KDOT (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 USC 2000d to 2000d – 4) does hereby remise, release, quitclaim, and convey unto the state of Kansas all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the state of Kansas, 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 the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Kansas, its successors, and assigns.

The state of Kansas, 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 shall on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over,

or under such lands hereby conveyed (,)(and)* (2) that the state of Kansas, shall use the 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, Subtitle A, Office of the Secretary, Part 21, Non-Discrimination of 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.

Appendix 3

The following clauses shall be included in all transportation related deeds, licenses, leases, permits, or similar instruments entered into by Barton County pursuant to the provisions of Assurance 8.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on said property described in this lease, for a purpose of which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE 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, Subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease has never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Kansas Department of Transportation pursuant to the provisions of Assurance 8.

The LESSEE, or himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be 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 furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

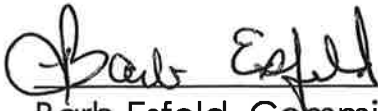
That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

Adopted this 17th day of October, 2023.

Board of Barton County Commissioners



Shawn Hutchinson, Chairman



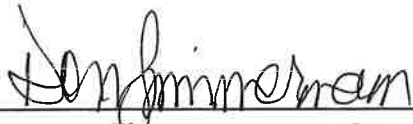
Barb Esfeld, Commissioner



Duane Reif, Commissioner



Tricia Schlessiger, Commissioner



Donna Zimmerman, Commissioner

ATTEST:


Bev Schmeidler
County Clerk

APPROVED AS TO FORM:


Patrick Hoffman
County Counselor