



GENERAL ADMINISTRATION POLICY PORT ORANGE, FLORIDA

TITLE: Title VI/Nondiscrimination Policy and Complaint Procedures
NUMBER: 1-50
EFFECTIVE: February 2018
SUPERSEDES: December 2015

STATEMENT OF POLICY

The City of Port Orange (City) values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the City believes that the best programs and services result from careful consideration of the needs of the community and when community is involved in the decision-making process. The City does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the City will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status.

NONDISCRIMINATION ASSURANCES

Every three years, or commensurate with a change in executive leadership, the City must certify to Federal Highway Administration (FHWA) and Florida Department of Transportation (FDOT) that its programs, services and activities are being conducted in a nondiscriminatory manner. These certifications are termed 'assurances' and serve two important purposes. First, they document the City's commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the City may be held liable for breach. Those wishing to view the City's Nondiscrimination Assurance may do so by visiting the City's website or administration offices.

COMPLAINT PROCEDURES

The City has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who feels that he/she has been subjected to discrimination based upon race, color, national origin, sex, age, disability, religion, or family status in any of the City's programs, services or activities may file a complaint with the City. A complaint must be filed within

one hundred eighty (180) days after the date of the alleged discrimination, unless the time for filing is extended by the FTA, FHWA or other federal authorities.

If possible, complaints should be submitted in writing, signed by the complainant or his/her representative(s), and include: the complainant(s) name, address and telephone number; the basis for the allegation (i.e. race, color, national origin, sex, age, disability, religion, or family status); and a description of the alleged discrimination with the date of occurrence. Allegations of discrimination received via mail or email will be acknowledged and processed. Allegations received by telephone will be documented in writing and provided to the complainant(s) for review before processing. If complainant is hearing or speech impaired, call the Florida Relay Service (FRS) by dialing 711 or 1-800-955-8771 (TTY) or email the Title VI Coordinator for assistance.

Complaints should be submitted to:

City of Port Orange
Attn: Jamie Miller, Title VI Coordinator
1000 City Center Circle
Port Orange, Florida 32129
(386) 506-5560
(386) 756-5290
titlevicoord@port-orange.org

If the complainant is unwilling or unable to complain to the City, the written complaint may be submitted directly to the FDOT at:

Florida Department of Transportation
Equal Opportunity Office
Attn: Title VI Complaint Processing
605 Suwannee Street MS 65
Tallahassee, Florida 32399

FDOT will serve as a clearing house and will either assume jurisdiction over the complaint or forward the complaint to the appropriate state or federal agency for continued processing.

COMPLAINT INVESTIGATION

Upon the City's receipt of a signed complaint, the City's Title VI Coordinator will, within five (5) working days, provide the complainant or his/her representative with a written acknowledgement of the complaint. The Title VI Coordinator will respond to the complainant within thirty (30) calendar days and will take reasonable steps to resolve the matter.

The Title VI Coordinator has direct access to the City Manager and is not required to obtain management or other approvals to discuss discrimination issues with the City Manager. Should the City be unable to satisfactorily resolve a complaint, the City will forward the complaint, along with a record of its disposition to the Florida Department of Transportation (FDOT) District Five Title VI Coordinator for further processing.

RETALIATION

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. It is the policy of the City that persons filing a complaint of discrimination should have the right to do so without interference, intimidation, coercion or fear of reprisal. Anyone who feels that he/she has been subjected to retaliation should report such incident to the Title VI Coordinator.

ADA/504 STATEMENT

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal aid recipients and other government entities to take affirmative steps to reasonably accommodate the disabled and ensure that their needs are equitably represented in City programs, services and activities.

The City will make every effort to ensure that its facilities, programs, services and activities are accessible to those with disabilities. The City will make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by the disabled community and disability service groups.

The City encourages the public to report any facility, program, service or activity that appears inaccessible to those who are disabled. Furthermore, the City will provide reasonable accommodation to disabled individuals who wish to participate in public involvement events or who require special assistance to access City facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, the City asks that requests be made at least five (10) calendar days prior to the need for accommodation.

Questions, concerns, comment or requests for accommodation should be made to the City's Title VI Coordinator through one of the contact methods listed above.

LIMITED ENGLISH PROFICIENCY (LEP) GUIDANCE

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from federal agencies require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English proficiently. To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the County's programs, services or activities;
- The frequency with which LEP individuals come in contact with these programs, services or activities;
- The nature and importance of the program, service, or activity to people's lives; and
- The resources available to the City and the likely costs of the LEP services.

The purpose of this Language Assistance Implementation Plan is to ensure compliance with the Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin. As a recipient of Federal Funds, the City pledges to take reasonable steps to provide meaningful access to its citizens for persons who do not speak English as their primary language and who have limited ability to speak, read, write, or understand English. Title VI refers to these persons as Limited English Proficiency (LEP) persons.

1. The number or proportion of LEP persons eligible to be served who are likely to encounter a City program, service, or activity.

According to the U.S. Census Bureau, 2012-2016 American Community Survey's 5-year projection, the City has determined that LEP individuals speaking English less than very well represent approximately 1.9% of the Community. The total eligible population in the City of Port Orange is 56,114. This is significantly lower than the Florida statewide average of 11.7%. Of the population that indicated they speak English less than very well, .9% indicated they speak other Indo-European Languages, followed by .6% Spanish and .3% Asian and Pacific Islander Languages. The Indo-European languages sited as most frequently spoken include Portuguese and Italian, but Spanish is the most common single language spoken by those who speak English less than very well.

2. The frequency with which LEP persons come in contact with City programs and services.

The Agency has not received requests for translation or interpretation of its programs, services, or activities into another language. In addition, Agency sponsored community events are not frequently attended by a significant number of LEP individual speakers. Further, the City has made an inquiry to staff who are in positions that most frequently interact with citizens and almost all stated they had little contact

with LEP individuals. In rare cases, a Spanish speaking LEP person requires translation services. At this time, minimal LEP services have been required but all efforts will be made to accommodate any and all LEP persons. Thus, the Agency estimates its contact with LEP individuals to be infrequent.

3. The nature or importance of City programs and services provided.

The City programs and services are important and essential for many people living in the service area. Although the necessity for translation services for LEP persons is limited in the City, those related to Public Safety, Transportation, Public Utilities, and Code Enforcement are among the most critical programs to focus concentrated Language Assistance efforts. The City will continue to evaluate the policies and local demographic changes to maintain programs and services that ensure LEP persons are always provided with meaningful access, and will at least triennially examine its LEP plan to ensure that it remains reflective of the community's needs.

4. The resources available to the City and the cost to provide language assistance.

The City is committed to providing meaningful access to services through of bilingual staff volunteers, providing translation for documents as requested, and any other measures possible when reasonable, effective, and within the City's available resources. The City has identified employees who speak languages other than English who will provide voluntary services to assist with interpretation or translation. In critical circumstances, alternative measures will be taken to ensure the best possible service is provided.

At a minimum the City commits to:

- Maintain a list of employees who competently speak the LEP language(s) and who are willing to provide translation and/or interpretation services.
- Distribute this list to staff that regularly has contact with the public.
- Provide public notification in the LEP language of the availability of language assistance, free of charge.

Persons requiring special language services should be directed to the City's Title VI Coordinator through one of the contact methods listed above.

PUBLIC INVOLVEMENT

In order to plan for efficient, effective, safe, equitable and reliable services, the City must have the input of its public. The City spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The City hosts an informative website that advises the public how it can access information and provide input. The City also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction.

Further, the City sponsors, attends and participates in other community events to promote its services to the public. Finally, the City is constantly seeking ways of measuring the effectiveness of its public involvement.

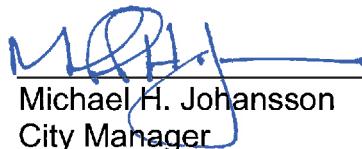
Persons wishing to request special presentations by the City; volunteer in any of its activities; offer suggestions for improvement; or to simply learn more about City programs and services should visit www.port-orange.org.

Or contact:

Robin Fenwick, City Clerk
1000 City Center Circle
Port Orange, FL 32129
rfenwick@port-orange.org
386-506-5566
Hearing or speech impaired: 711 or 1-800-955-8771 (TTY)

DATA COLLECTION

FHWA regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities. The City accomplishes this using census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys, its community development department and other methods. From time to time, the City may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in Agency programs, services or activities. This information assists the City with improving service equity and ensuring effective outreach. Self-identification of personal data to the Agency will always be voluntary.

 _____ Date 2/8/10
Michael H. Johansson
City Manager