

3.03 TITLE VI - NONDISCRIMINATION

ORIGINATING DEPARTMENT:
Human Resources

ADOPTED:
August 20, 2015

PURPOSE:

Charlotte County Board of County Commissioners value diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level.

POLICY:

Charlotte County believes that the best programs and services result from careful consideration of the needs of all its communities and when those communities are involved in the transportation and other decision-making processes. Thus, Charlotte County 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 County will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion or family status.

PROCEDURE:

Nondiscrimination Assurances:

Every three years, or commensurate with a change in executive leadership, the County must certify to certain Federal and State grantors, including the Federal Highway Administration (FHWA), the Florida Department of Transportation (FDOT) and the U.S. Department of the Treasury, among other entities, 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 County commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the County may be held liable for breach. Those wishing to view the Agency's Nondiscrimination Assurance may do so by visiting the County's website or administration offices.

Complaint Procedures:

The County has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any of County's programs, services or activities may file a complaint with the County's Title VI/Nondiscrimination Coordinator:

Heather Bacus
Nondiscrimination Coordinator
18500 Murdock Circle, A130
Port Charlotte, FL 33948
Heather.Bacus@CharlotteCountyFL.gov
941-743-1521
TDD/TTY 941-743-1234

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability or family status); and a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, the complainant should contact the Title VI/Nondiscrimination Coordinator for assistance.

The Title VI/Nondiscrimination Coordinator will respond to the complaint within 30 calendar days and will take reasonable steps to resolve the matter. Should the County be unable to satisfactorily resolve a complaint, the County will forward the complaint, along with a record of its disposition to the appropriate FDOT District Office or other grantor, as appropriate.

The County's Title VI coordinator has "easy access" to the County's chief executive officer and is not required to obtain management or other approval to discuss discrimination issues with the CEO. However, should the complainant be unable or unwilling to complain to the County, the written complaint may be submitted directly to FDOT. FDOT serves as a statewide clearing house for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate state or federal authority for continued processing:

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

ADA/504 Statement:

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 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 those with disabilities and ensure that their needs are equitably represented in transportation programs, services and activities.

The County will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The County 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.

Please reference CharlotteCountyFL.gov/departments/human-resources/americans-with-disabilities-act.shtml and CharlotteCountyFL.gov/core/fileparse.php/447/urlt/grievance-procedures-and-form-ada.pdf for the associated grievance procedure.

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

Questions, concerns, comments or requests for accommodation should be made to the County's ADA Officer:

David Lyles
ADA Coordinator
18500 Murdock Circle
Port Charlotte, FL 33948
David.Lyles@CharlotteCountyFL.gov
941-743-1381
TDD/TTY 941-743-1234

Limited English Proficiency Guidance:

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice, the U.S. Department of the Treasury and U.S. Department of Transportation (DOT) 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 County and the likely costs of the LEP services.
1. Using census data, the County has determined that LEP individuals speaking English less than well represent approximately 3.3% of the community. The County realizes that such statistical data can become outdated or inaccurate. Therefore, the County contacted local law enforcement, social services agencies and the school board to validate the proportion of LEP served by those entities. Spanish and Creole were reported to be the prevalent LEP language with an estimate of 1.7% eligible to be served.
 2. The County has not received any requests for translation or interpretation of its programs, services or activities into Spanish, Creole, or any other language. In addition, County sponsored community events are not attended by significant numbers of LEP individuals speakers. Thus the County estimates its contact with LEP individuals to be infrequent or nonexistent.
 3. The County believes that transportation is of critical importance to its public, as access to health care, emergency services, employment, and other essentials would be difficult or impossible without reliable transportation systems. In that spirit, the County defines as essential any document that advises the public of how to access nondiscrimination and public involvement policies, as well as those that impact public safety, health and welfare and emergency services. A full list of translated documents is available on the County's website or by contacting the County's Title VI Nondiscrimination Coordinator.
 4. The County is fortunate to have a number of institutions of higher education which provide extensive language resources. Further, the County maintains cordial relationships with a

number of faith-based and community organizations who offer competent language services at no cost to the County. Finally, the County employs a number of proficient Spanish speakers that are able to interpret and/or provide translation services.

The analyses of these factors suggest that LEP services are not required at this time. At a minimum, the County 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.

The County understands that its community characteristics change and that the four factor analysis may reveal the need for more or varied LEP services in the future. As such, it will at least triennially examine its LEP Plan to ensure that it remains reflective of the community's needs.

Persons requiring special language services should contact the County's Title VI/Nondiscrimination Officer.

Public Involvement:

In order to plan for efficient, effective, safe, equitable and reliable transportation and other systems, the County must have the input of its public. The County spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The County hosts an informative website that advises the public how it can access information and provide input. The County also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction. Further, the County sponsors, attends and participates in other community events to promote its services to the public. Finally, the County is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations by the County; volunteer in any of its activities; offer suggestions for improvement; or simply learn more about County programs or services should visit the Public Information Office at:

www.charlottecountyfl.gov/departments/pio

Or contact:

Brian Gleason, Communications Manager
Charlotte County Public Information Office
18500 Murdock Circle, Building B-101
Port Charlotte, FL 33948
Brian.Gleason@charlottecountyfl.gov
941-743-1462
TDD/TTY 941-623-1092

For general questions on government and assistance in locating appropriate spokespersons, please call the Public Information Office 941-623-1092, or the Commission Office 941-743-1300.

Data Collection:

Federal regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation and other programs, services and activities. The County accomplishes this through the use of census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys, its community development and other departments and other methods. From time to time, the County may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in County programs, services or activities. This information assists the County with improving service equity and ensuring effective outreach. Self-identification of personal data to the County will *always* be voluntary and anonymous. Moreover, the County will not release or otherwise use this data in any manner inconsistent with federal regulations.

SCHEDULED REVIEW DATE:
Annually

AMENDED: August 26, 2016, September 22,
2020, June 22, 2021