

TAB 7

**POINT PAPER**  
**Title VI/Nondiscrimination and ADA Policies and Plans**  
**August 3, 2009**

**Issue:** The Florida Department of Transportation (FDOT) in cooperation with the Federal Highway Administration (FHWA) Florida Division Office is the overseer of local agencies that receive Federal-aid, particularly through the American Recovery and Reinvestment Act of 2009 (ARRA). Since the City of Palmetto will benefit from this funding source we were selected for an onsite review of our Title VI of the Civil Rights Act of 1964 and Americans with Disabilities Act (ADA) programs.

**Background:**

- Mr. Carey Shepherd, Civil Rights Program Coordinator, Federal Highway Administration, and Ms. Charlotte Thomas, Florida Department of Transportation met with Allen Tusing, DPW, Gracie Johnson, DPW Administration, Sharon Jones, HR/T6, and Frank Woodard, DDPW on June 18, 2009. The purpose of the onsite review was to ensure that the City is in compliance with Title VI and ADA. The City is required to have a written Policy and Plan for Equal Employment Opportunity. They must also have an Americans with Disabilities Act policy and procedures on how the City will handle Reporting/Managing employee's and citizens with potential disabilities.
- During the review the City staff was found to be helpful and clearly committed to delivering the federal-aid projects in an efficient and fair manner. Although we have a semi-compliant T6 policy that is attached to our EEO policy the review team suggested separating the documents to make them individual documents. Carey Shepherd, FHWA assisted Ms. Jones in revamping the policies. (see attached)
- All policies will be placed on our website, in a policy book at all city buildings and the Library.

**Alternatives:**

1. Motion to approve the Disability Nondiscrimination and Reasonable Accommodation Policy and Plan, Title VI and Nondiscrimination Policy and Plan, and Title VI Nondiscrimination Policy Statement, Appendix A.
2. Do not approve the Disability Nondiscrimination and Reasonable Accommodation Policy and Plan, Title VI and Nondiscrimination Policy and Plan, and Title VI Nondiscrimination Policy Statement, Appendix A.

**Recommendation:**

Staff recommends alternative #1

**Budget Impact:**

Staff estimates no impact on the budget.

Attachments: Disability Nondiscrimination and Reasonable Accommodation Policy and Plan, Title VI and Nondiscrimination Policy and Plan, Title VI Nondiscrimination Policy Statement, Appendix A

**CITY OF PALMETTO**  
**TITLE VI/ NONDISCRIMINATION POLICY STATEMENT**  
**Administrative Policy 09-06**

The City of Palmetto assures the Florida Department of Transportation that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The City of Palmetto further agrees to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, 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.
3. Insert the clauses of *Appendix A* of this agreement in every contract subject to the Acts and the Regulations
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Recipient.

Dated \_\_\_\_\_

by \_\_\_\_\_, Chief Executive Officer

## 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 Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "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 Agreement.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status 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 made by the Contractor, either by competitive bidding or negotiation 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 basis of race, color, national origin, sex, age, disability, religion or family status.
- (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 *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* 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 to the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal*

*Motor Carrier Safety Administration* 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 *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* 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 subcontract or procurement as the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. 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 the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

**CITY OF PALMETTO**  
**Disability Nondiscrimination and Reasonable Accommodation**  
**Policy and Plan**  
**Administrative Policy 09-07**

**Policy Statement:**

The City of Palmetto will not discriminate against any person on the basis of disability, nor will it unlawfully exclude such an individual from participation in or deny the individual the benefits of City programs, services or activities.

The City of Palmetto will take reasonable steps to make its programs, services and activities accessible to disabled persons. Anyone wishing to request a reasonable accommodation from the City of Palmetto should contact the ADA Officer:

Ronald Koper  
600 17<sup>th</sup> St. W.  
Palmetto, FL 34221  
(941) 723-4580  
(941) 7721-6736  
rkoper@palmettofl.org  
TTY or Relay Number

**Complaint Procedures:**

The City of Palmetto has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discriminatory actions. Any person who believes that he or she has been subjected to discrimination based upon disability may file a complaint with the City of Palmetto's ADA Officer:

Ronald Koper  
600 17<sup>th</sup> St. W.  
Palmetto, FL 34221  
(941) 723-4580  
(941) 7721-6736  
rkoper@palmettofl.org  
TTY or Relay number

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the alleged disability; 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 City of Palmetto's ADA Officer for assistance.

The ADA Officer will respond to the complaint within thirty (30) days and will take reasonable steps to resolve the matter. Should the City of Palmetto be unable to satisfactorily resolve of the complaint, the ADA Officer will forward the complaint,

along with a record of its disposition, to the Florida Department of Transportation (FDOT), Production Support Office, Statewide ADA Coordinator. FDOT will assume jurisdiction over the complaint for continued processing.

**CITY OF PALMETTO**  
**Title VI and Nondiscrimination Policy and Plan**  
**Administrative Policy 09-08**

**Policy Statement:**

The City of Palmetto values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the City does not tolerate discrimination in any of its programs, services or activities. The City of Palmetto 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 or familial status.

**Limited English Proficiency (LEP) Guidance:**

In adherence with Federal regulations, the City of Palmetto will make reasonable efforts to ensure its programs, services and activities are meaningfully accessible to those who do not speak English proficiently. The City of Palmetto will utilize its bilingual employees, State and Local Transportation partners, faith based organizations and community groups, and other language services to provide oral interpretation and translation of program documents, as required. To determine if or when alternate language usage is required for meaningful access, the City of Palmetto will assess the program, service or activity using the following four factors.

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



Persons requiring special language services should contact the City of Palmetto's Title VI Officer:

Sharon Jones,  
516 8<sup>th</sup> Ave. W.  
Palmetto, FL 34221  
(941) 723-4570 X 107  
(941) 723-4576  
sjones@palmettofl.org  
TTY or Relay number

### **Complaint Procedures:**

The City of Palmetto has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discriminatory actions. 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 may file a complaint with the City of Palmetto's Title VI Officer:

Sharon Jones,  
516 8<sup>th</sup> Ave. W.  
Palmetto, FL 34221  
(941) 723-4570 X 107  
(941) 723-4576  
sjones@palmettofl.org  
TTY or Relay number

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (ie, 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 City of Palmetto's Title VI Officer for assistance.

The Title VI Officer will respond to the complaint within thirty (30) days and will take reasonable steps to resolve the matter. Should the City of Palmetto be unable to satisfactorily resolve the complaint, the Title VI Officer will forward the complaint, along with a record of its disposition, to the Florida Department of Transportation (FDOT), Equal Opportunity Office, Statewide Title VI Coordinator. FDOT will assume jurisdiction over the complaint for continued processing.