



BOARD OF COUNTY COMMISSIONERS

Mayor Heather Carruthers, District 3
Mayor Pro Tem, George Neugent, District 2
Danny L. Kolhage, District 1
David Rice, District 4
Sylvia J. Murphy, District 5

OFFICE of the COUNTY ADMINISTRATOR Key West, Florida

MONROE COUNTY ADMINISTRATIVE INSTRUCTION 6004

Date:

April 28, 2016

Subject:

Title VI and Nondiscrimination Policy and Plan

Reference:

Title VI of the Civil Rights Act of 1964

Section 504 of the Rehabilitation Act of 1973 (Section 504) Americans with Disabilities Act of 1990, as amended

Resolution No. 086-2016

Administrative Instruction 4718.1, Americans with Disabilities Act Grievance Procedure Administrative Instruction 4719.3, Americans with Disabilities Act Request for Accommodation

Enclosure:

(1) Title VI Grievance Form

Effective Date: Immediately

- (1) <u>Background</u>: Various departments and programs within Monroe County receive federal financial assistance in the form of contracts, grants and loans. As a condition of receipt of federal funds, Monroe County is required to have in place a formal policy of nondiscrimination in the delivery of all programs and activities receiving federal financial assistance, to assure compliance with Title VI of the Civil Rights Act of 1964.
- (2) <u>Purpose</u>: To comply and carry out responsibilities under Title VI of the Civil Rights Act of 1964; 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 which forbid discrimination.
- (3) Cancellation: This instruction is to remain continuously in effect unless specifically revised or canceled.

(4) Instructions:

Enclosure (1) is to be utilized for those alleging discrimination, which includes exclusion of participation or denial of benefits on the basis of race, color, national origin, sex, age, disability, religion, income, sexual orientation, or family status.

(5) Action: This Grievance Procedure is established to meet one of the requirements of Title VI of the Civil Rights Act of 1964. It may be used by anyone who wishes to file a complaint alleging exclusion of participation or denial of benefits on the basis of race, color, national origin, sex, age, disability, religion, income, sexual orientation, or family status, regarding a program run by Monroe County that has received federal financial assistance, in the form of a contract, grant or loan.

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If possible, the complaint should be submitted in writing and contain the identity of the complainant; the County program receiving federal financial assistance; the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability, sexual orientation, 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.

Mr. Calvin Allen Monroe County Title VI/Nondiscrimination Coordinator 1100 Simonton Street, Suite 2-268, Key West, FL 33040

Telephone: 305-292-4545 Fax: 305-292-4564

Email: allen-calvin@monroecounty-fl.gov Hearing impaired: Florida Relay 7-1-1

The Title VI/Nondiscrimination Coordinator will respond to the complaint within thirty (30) calendar days from receipt of the complaint and will take reasonable steps to resolve the matter. Should the county be unable to satisfactorily resolve a complaint, the title VI/Nondiscrimination Coordinator will forward the complaint, along with a record of its disposition, to the appropriate Federal and/or State agency for further processing.

The County's Title VI Coordinator has 'easy access' to the County Administrator and is not required to obtain management or other approval to discuss discrimination issues with the County Administrator. However, should the complainant be unable or unwilling to complain to the County, or if the complainant is dissatisfied with the County's handling of the complaint, the written complaint may be submitted directly to the United States Department of Justice at the address written below. DOJ will ensure that the matter is assigned to the correct federal or state authority for processing.

U.S. Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section, NWB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Title VI Hotline: 1-888-TITLE-06
(1-888-848-5306) (Voice/TTY)
Http://www.justice.gov/crt/about/cor/coord/titlevi.php

If the program involved has received federal funding through the Florida Department of Transportation, then the complaint may be lodged with the following agency:

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

ADA/504 Statement:

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 five (5) calendar days prior to the need for accommodation.

Requests for accommodation should be directed to the Office of the County Administrator:

Ms. Lindsey Ballard Office of Monroe County Administrator 1100 Simonton St., Key West, FL 33040

Tel: (305) 292-4443 Fax: (305) 292-4544

e-mail: <u>ballard-lindsey@monroecounty-fl.gov</u> Hearing impaired: Florida Relay 7-1-1

Questions, concerns, or comments should be made to the County's Title VI/Nondiscrimination Coordinator:

Mr. Calvin Allen Monroe County Title VI/Nondiscrimination Coordinator 1100 Simonton St., Suite 2-268, Key West, FL 33040

Tel: (305) 292-4545 Fax: (305) 292-4564

Email: allen-calvin@monroecounty-fl.gov Hearing impaired: Florida Relay 7-1-1

See also Administrative Instruction 4718.1, Americans with Disabilities Act Grievance Procedure, and Administrative Instruction 4719.3, Americans with Disabilities Act Request for Accommodation.

Limited English Proficiency (LEP) Guidance:

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ) and US 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.

The County has determined that contact with members of the community who are LEP and therefore the level of LEP services required varies greatly by department. Currently, the County offers the following services. If a member of the public who is LEP approaches you and asks for language assistance, the following options are available at no charge:

- Most departments have at least one person who is bilingual Spanish-English speaking, who is available to translate if necessary.
- The County is in the process of distributing "I Speak" cards to employees. If a member of the public
 approaches who needs language assistance, and the employee does not speak that language, the card should be
 shown to the member of the public. Once the person identifies what language they speak, the employee can
 then place a call to a company providing real-time translation.
- Mr. Alex Diaz is available as a Spanish-English translator, for in person or over the telephone translations.
 Contact Calvin Allen, (305) 292-4545 for Mr. Diaz's contact information.
- The County is in the process of compiling a list of companies that provide real-time translation in Spanish and other languages. For more information or to obtain a copy of the list, contact Calvin Allen, (305) 292-4545.
- When a department's statistics indicate that it regularly interfaces with a population in which more than 5% of
 the population primarily speaks a language other than English, the department will take the responsibility for
 ensuring that key documents will be posted on the department's webpage in other languages.

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The County's Title VI/Nondiscrimination Coordinator will examine its LEP plan at least annually to ensure that it remains reflective of the community's needs.

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

Mr. Calvin Allen Monroe County Title VI/Nondiscrimination Coordinator 1100 Simonton St., Suite 2-268, Key West, FL 33040

Tel: (305) 292-4545 Fax: (305) 292-4564

Email: allen-calvin@monroecounty-fl.gov Hearing impaired: Florida Relay 7-1-1

Public Involvement:

Persons wishing to request special presentations by the County, volunteer in any of its activities, or submit suggestions for improvement for public involvement in County activities may also contact the Title VI/Nondiscrimination Coordinator:

Mr. Calvin Allen Monroe County Title VI/Nondiscrimination Coordinator 1100 Simonton St., Suite 2-268, Key West, FL 33040

Tel: (305) 292-4545 Fax: (305) 292-4564

Email: allen-calvin@monroecounty-fl.gov Hearing impaired: Florida Relay 7-1-1

Assurances:

Every three years, the County's Roads and Bridges department will certify to the Federal Highway Administration (FHWA) and the Florida Department of Transportation (FDOT) that its programs, services and activities are being conducted in a nondiscriminatory manner. These certifications are termed 'assurances'. The public may view the current Title VI/Nondiscrimination Assurance document on the County's website in English and Spanish, or by visiting the County's offices, or by contacting the Title VI/Nondiscrimination Coordinator and requesting a copy.

Kevin G. Wilson, P.E. Assistant County Administrator

Distribution:

List VI

Originator:

MPW

Review:

April 28, 2019

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Enclosure 1

Title VI of the Civil Rights Act of 1964 GRIEVANCE FORM

Complete and Send To: Mr. Calvin Allen Monroe County Title VI/Nondis 1100 Simonton St., Suite 2-268, Fax: (305) 292-4564 Email: allen-calvin@monroeco	Key West, FL 33040	Date Received:	
COMPLAINANT INFORMATION:			
NAME:	DATE OF COM	DATE OF COMPLAINT:	
ADDRESS:			
CITY:	STATE:	ZIP:	
HOME PHONE: ()	BUSINESS PHONE:	BUSINESS PHONE: ()	
PERSON ALLEGING VIOLATION (if	other than complainant):		
NAME:	DATE OF COM	DATE OF COMPLAINT:	
ADDRESS:			
CITY:	STATE:	ZIP:	
HOME PHONE: ()	BUSINESS PHONE:		
DATE ALLEGED DISCRIMINATION BASIS FOR ALLEGATION OF DISCR sexual orientation, or family status):	*****	al origin, sex, religion, age, disability,	
DESCRIPTION OF ALLEGED DISCRI	MINATION (attach additional inform		
and the second s			
Signature of Complainant:	Date:		

RESOLUTION NO. 085 - 2016

A RESOLUTION OF THE BOARD OF COUNTY COMISSIONERS OF MONROE COUNTY, FLORIDA, ADOPTING THE TITLE VI AND NONDISCRIMINATION POLICY AND PLAN FOR MONROE COUNTY.

WHEREAS, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964, and prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, various departments and programs within Monroe County receive federal financial assistance, in the form of grants and loans; and

WHEREAS, as a condition for receipt of federal grant funds, Monroe County is required to have in place a formal policy concerning Title VI as well as other federal civil rights law; and

WHEREAS, Monroe County is committed to compliance with federal law and also to the policy of nondiscrimination in the delivery of all programs and activities; and

WHEREAS, the Monroe County Board of Commissioners wishes to formally adopt a policy with respect to Title VI as well as other federal civil rights laws.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AS FOLLOWS:

The Board of County Commissioners hereby adopts the Title VI and Nondiscrimination Policy and Plan in the form attached hereto, and authorizes the County Administrator or designee to sign and administer this policy and plan and to make amendments as needed in accordance with the law.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 20 day of April, 2016.

Mayor Heather Carruthers
Mayor Pro Tem George Neugent
Commissioner Danny L. Kolhage
Commissioner David Rice
Commissioner Sylvia Murphy

Yes Yes Yes Yes FILED FOR NE 21

HEAVILIN, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

lasty and the

Mayor/Chairperson

Monroe County, Florida

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MONROE COUNTY ATTORNES

APPROVED AS TO FORM!

ASSISTANT COUNTY ATTORNE

Title VI/Nondiscrimination Policy, Resolution

Title VI/Nondiscrimination Policy and Plan

Policy Statement:

Monroe County values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the County believes that the best programs and services result from careful consideration of the needs of all of its communities and when those communities are involved in the decision making process. Thus, 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 laws and regulations, 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, income, sexual orientation, or family status.

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, family or income status in any of County's programs, services or activities may file a complaint with the County Title VI/Nondiscrimination Coordinator:

Mr. Calvin Allen Monroe County Title VI/Nondiscrimination Coordinator 1100 Simonton St., Suite 2-268, Key West, FL 33040

Tel: (305) 292-4545 Fax: (305) 292-4564

Email: allen-calvin@monroecounty-fl.gov Hearing impaired: Florida Relay 7-1-1

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, sexual orientation, 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 thirty (30) calendar days from receipt of the complaint and will take reasonable steps to resolve the matter. Should the County be unable to satisfactorily resolve a complaint, the Title VI/Nondiscrimination Coordinator will forward the complaint, along with a record of its disposition, to the appropriate Federal and/or State agency for further processing.

The County's Title VI Coordinator has 'easy access' to the County Administrator and is not required to obtain management or other approval to discuss discrimination issues with the County Administrator. However, should the complainant be unable or unwilling to complain to the County, or if the complainant is dissatisfied with the County's handling of the complaint, the written complaint may be submitted directly to the United States Department of Justice at the

address written below. DOJ will ensure that the matter is assigned to the correct federal or state authority for processing.

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Civil Rights Division
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Title VI Hotline: 1-888-TITLE-06
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Http://www.justice.gov/crt/about/cor/coord/titlevi.php

If the program involved has received federal funding through the Florida Department of Transportation, then the complaint may be lodged with the following agency:

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 (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 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.

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 five (5) calendar days prior to the need for accommodation.

Requests for accommodation should be directed to the Office of the County Administrator:

Ms. Lindsey Ballard
Office of Monroe County Administrator
1100 Simonton St., Key West, FL 33040

Tel: (305) 292-4443 Fax: (305) 292-4544

e-mail: ballard-lindsey@monroecounty-fl.gov

Hearing impaired: Florida Relay 7-1-1

Questions, concerns, or comments should be made to the County's Title VI Coordinator.

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Monroe County Title VI/Nondiscrimination Coordinator
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Limited English Proficiency (LEP) Guidance:

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ) and US 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:

- 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the County's programs, services or activities.
- 2. 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;
- 4. The resources available to the County and the likely costs of the LEP services.

The County's position on each of these factors is as follows:

- 1. The 2010 census (from American Community Survey) reports that in Monroe County, Florida, approximately 24% of persons ages 5 years or older speak a language other than English at home. The County realizes that such statistical data can be outdated or inaccurate. Therefore, the County canvassed local law enforcement, social services agencies and the school board to determine the proportion of LEP served by those entities. Spanish was reported to be the prevalent LEP language, followed by Creole. Given this information, the County reasons that a relatively small portion of its service population are LEP speakers of Spanish.
- 2. The County occasionally receives requests for translation of its programs, services or activities into Spanish. Some County-sponsored public events are attended by LEP speakers of Spanish.
- 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. The County will post this policy and plan in Spanish on its website so every member of the public is aware of its nondiscrimination and public policies, both with respect to Title VI and other federal laws.
- 4. The County is fortunate to have numerous employees who speak Spanish as well as

other languages identified as most likely to be present in LEP households in Monroe County. These individuals are available to speak with members of the public. In addition, the County has a contract with one or more individuals to provide translation services for Spanish. Further, the County maintains cordial relationships with a number of other organizations who offer competent language services and are willing to lend their services to translate.

The analyses of these factors suggest that LEP services are required at this time. Therefore the County will do the following:

- Maintain its agreement with outside individuals who are available to provide competent translation services in Spanish and other language to LEP individuals;
- Continue to provide documents that are currently provided in Spanish, adding and discontinuing documents based upon demand;
- Maintain a list of employees who competently speak and/or write or read Spanish and other languages and are available to provide information to the public;
- Investigate additional leads for procurement of translation and/or interpretation services.

The County understands that its community profile is changing and the four factor analysis may reveal the need for more or varied LEP services in the future. As such, it will examine its LEP plan at least bi-annually 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:

Mr. Calvin Allen Monroe County Title VI/Nondiscrimination Coordinator 1100 Simonton St., Suite 2-268, Key West, FL 33040

Tel: (305) 292-4545 Fax: (305) 292-4564

Email: allen-calvin@monroecounty-fl.gov Hearing impaired: Florida Relay 7-1-1

Public Involvement:

In order to plan for efficient, effective, safe, equitable and reliable governmental services, 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. Any person may attend meeting of the Monroe County Board of County Commissioners (BOCC) meeting and submit comment on any matter on the agenda. BOCC meetings are generally held on the third Wednesday of every month, beginning at 9:00 a.m. The location of the BOCC meetings rotates from Key West to Marathon to Upper Keys (Key Largo). Persons should check the County's website, www.monroecounty-fl.gov, for meeting dates, times and locations. Meeting locations are accessible to the disabled. Agendas are published in advance on the County's website.

In addition, there are numerous other meetings of other advisory boards. The dates, times, locations and a copy of the agenda or description of the topics to be covered can also be accessed

on the County's website, under "County news," at http://www.monroecounty-fl.gov/CivicAlerts.aspx.

Persons wishing to request special presentations by the County, volunteer in any of its activities, or submit suggestions for improvement for public involvement in County activities may also contact the Title VI/Nondiscrimination Coordinator:

Mr. Calvin Allen Monroe County Title VI/Nondiscrimination Coordinator 1100 Simonton St., Suite 2-268, Key West, FL 33040

Tel: (305) 292-4545 Fax: (305) 292-4564

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Data Collection:

Federal Highway Administration (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 County accomplishes this through the use of census data, American Community Survey reports, and other methods. From time to time, the County may also find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in its public involvement events. This information assists the County with improving its targeted outreach and measures of effectiveness. 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 the federal regulations.

Assurances:

Every three years, the County will certify to FHWA and the Florida Department of Transportation (FDOT) that its programs, services and activities are being conducted in a nondiscriminatory manner. These certifications are termed 'assurances.' .The public may view the current assurance document on the County's website or by visiting the County's offices, or by contacting the Title VI/Nondiscrimination Coordinator and requesting a copy.

Executed on behalf of Monroe County, Florida:

By: Roman Gastesi, County Administrator

Date: April 2017, 2016

MONROE COUNTY ATTORNEY APPROVED AS TO FORM

ASSISTANT COUNTY ATTORNEY

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Title VI/Nondiscrimination Policy, Resolution

(APPENDIX- SUBMITTED BY TITLE VI NONDISCRIMINATORY POLICY COORDINATOR)

Monroe County Florida Limited Proficiency Population

Monroe County, Florida has examined the US Census Bureau's most recent American Community Survey (ACS) data and was able to determine that approximately 24% or 17,436 of Monroe County Florida's population age 5 and older spoke a language other than English at home. Hispanics comprised the largest non-English speaking language group.

As the latest ACS survey indicates of the 17,436 persons who speak a language other than English, 6775(38.9%) speak English less than "very well". The Survey further indicates that 13,066 of the 17,436(74.9%) speak Spanish and 6775 (38.9%) of the 17,436 speak English less than "very well"

The breakdown of the other languages identified in Monroe County, Florida is as follows:

Other Indo-European 3534 (4.9%) speaks English less than "very weil" 892 (25.2%) Asian and Pacific Islander 499 (0.7%) speaks English less than "very well" (32.3%)

Other Languages 337 (0.2%) speaks English less than "very well" (9.5%)