

CITY OF SOUTH DAYTONA

TITLE VI NONDISCRIMINATION PLAN

Introduction

The City of South Daytona (City) is a recipient of federal funds from the U.S. Department of Transportation modal agencies, including Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). All Recipients of federal funding must comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations and authorities. This Title VI Plan describes how the City effectuates nondiscrimination in the delivery of its federally assisted programs, services and activities. This Plan includes the structure of the City's Title VI/Nondiscrimination program as well as the policies, procedures and practices that the City uses to comply with nondiscrimination requirements. This Plan is intended to be a living document, regularly policed and updated by the City to meaningfully reflect the program as it changes and grows.

Plan Statement

The 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 all of its communities and when those communities are involved in the decision making process. Thus, 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 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 or family status.

Complaint Procedure

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 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 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.

Complaints must be submitted in writing, signed by the complainant or his/her representative(s) and must include the following information:

1. Complainant's name, address and telephone number
2. Basis of the complaint (i.e. race, color, national origin, sex, age, disability, family or income discrimination)
3. Date of the alleged discrimination
4. Statement which presents a detailed description of the facts that led the complainant to believe that discrimination has occurred, including names and job titles of those individuals perceived as parties in the incident;
5. Other agencies (state, local or federal) where the complaint has been filed
6. Explanation of the actions the complainant has taken or proposed to resolve the allegation in the complaint

The City provides complaint filing information, including forms, on its website at <http://www.southdaytona.org>. Complaints should be submitted to the City's Title VI Coordinator:

Trudy O'Dell
Human Resources Director
P.O. Box 214960
South Daytona, FL 32121-4960
386.322.3069
trudy.odell@southdaytona.org
Hearing Impaired: 1-800-955-8771 (TTY)

Upon receipt of a signed complaint, the City's Title VI Coordinator will, within five (5) business days, provide the complainant or his/her representative with a written acknowledgement of the complaint.

The Title VI Coordinator will take reasonable steps to resolve the matter and respond to the complaint within thirty (30) business days of receipt. The Title VI Coordinator will notify the complainant in writing of the final decision and/or action recommended to be taken.

The City's Title VI Coordinator has direct access to the City Manager and is not required to obtain management or other approval to discuss discrimination issues with the City Manager.

Should the complainant be unable or unwilling to complain to the City, or if the complainant is dissatisfied with the City's handling of the complaint, a written complaint may be submitted directly to Florida Department of Transportation (FDOT):

Florida Department of Transportation
Equal Opportunity Office
ATTN: Title VI Complaint Processing

605 Suwannee Street MS 65
Tallahassee, FL 32399

Complaints may also be submitted directly to the U.S. Department of Justice (DOJ). The 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 D.C. 20530
Title VI Hotline: 1-888-TITLE-06 (1-888-848-5306) (Voice/TTY)
<http://www.justice.gov/crt/about/cor/coord/titlevi.php>

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 he/she has been subjected to retaliation should report such incident to the City's 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 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 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 (5) business days prior to the need for accommodation.

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

Les Gillis, P.E.
Public Works Director
P.O. Box 214960
South Daytona, FL 32121-4960
386.322.3080
lgillis@southdaytona.org
Hearing Impaired: 1-800-955-8771 (TTY)

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. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English may be considered Limited English Proficient (LEP).

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. Using census data, the City has determined that LEP individuals represent approximately 8% of the community. The City used other sources to verify this data, including the U.S. Department of Education's Annual Consolidated State Performance Report (CSPR). The CSPR includes a section on LEP students in grades K-12 and identifies the most commonly spoken languages by those students. The CSPR identifies Spanish, Creole, Portuguese, Arabic and Vietnamese as the most commonly spoken languages among Florida's LEP students. Given this information, the City reasons that a relatively small portion of its service population are LEP who are predominantly Spanish speaking.
2. Frequency of contact with LEP persons. The City has received a very limited number of requests for translation or interpretation of its programs, services or activities into any language other than English. Data is collected on the frequency of telephone, mail and in-person contact with LEP individuals.
3. Nature or importance of the program. All of the City's programs are important; however, those related to public safety, transit, environment, nondiscrimination and public involvement are amongst the most important. As such, the City will take reasonable steps to ensure that LEP individuals have meaningful access and an equal opportunity to participate in our services, activities and programs.
4. Resources available. Language assistance will be provided through the use of competent bilingual staff where available, staff interpreters, contacts or formal arrangements with

local organizations providing interpretation or translation services or technology and telephonic interpretation services.

Based on the analysis of these four factors, the City has identified, developed and uses the following practices:

- a. Training of employees, who have contact with the public, to identify LEP individuals and their language using identification cards (“I Speak”) as necessary.
- b. Maintaining a list of staff members who are bilingual to include the name, language, phone number and hours of availability.
- c. Obtaining an outside interpreter if a bilingual staff member is not available or does not speak the needed language.

The City understands that its community profile is ever changing and the four factor analysis may reveal the need for more or varied LEP services in the future. On an ongoing basis, the City will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures.

Persons requiring special language services should contact the Title VI Coordinator:

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Human Resources Director
P.O. Box 214960
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Public Involvement

In order to plan for efficient, effective, safe, equitable and reliable services, projects and programs, 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 holds a number of meetings, workshops and other events designed to gather public input on service, project and program planning and implementation. Further, the City 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 or offer suggestions for improvement may contact the Title VI Coordinator:

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Human Resources Director

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Data Collection

Federal Highway Administration regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by City programs, services and activities. The City accomplishes this through the use of census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys, our 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 its public involvement events. This information assists the City with improving its targeted outreach and measures of effectiveness. Self-identification of personal data to the City will always be voluntary and anonymous. Moreover, the City will not release or otherwise use this data in any manner inconsistent with the federal regulations.

Assurances

Every three years, or commensurate with a change in City executive leadership year, the City must certify to FHWA and 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. The public may view the assurance on the City's website or by visiting the City's offices.