

RESOLUTION NO. 2017-29718

**A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING, SUBSTANTIALLY IN THE FORM ATTACHED TO THIS RESOLUTION, THE TITLE VI/NONDISCRIMINATION POLICY AND PLAN, SUPPLEMENTING THE EXISTING TITLE VI PROGRAM PLAN, BY EXPANDING ITS APPLICATION TO ALL CITYWIDE SERVICES (INSTEAD OF JUST TRANSPORTATION); AND FURTHER AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE SUCH FURTHER MODIFICATIONS TO THE TITLE VI/NONDISCRIMINATION POLICY AND PLAN AS MAY BE REQUIRED BY THE APPLICABLE FEDERAL AND STATE GOVERNMENTAL AGENCIES WHICH OVERSEE THE FEDERAL ASSISTANCE PROGRAMS IN WHICH THE CITY PARTICIPATES.**

**WHEREAS**, at the May 21, 2014 City Commission meeting, the Commission approved an Interlocal Agreement with Miami-Dade County for provision of Municipal Circulator Services; and

**WHEREAS**, the Interlocal Agreement require that the City comply with federal requirements for transit services, including Title VI of the Civil Rights Act of 1964 (Title VI); and

**WHEREAS**, Title VI stipulates that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance; and

**WHEREAS**, on June 11, 2014, the City Commission adopted a Title VI Program Plan (the 2014 Title VI Program Plan); and

**WHEREAS**, in order to receive Federal funds for projects, including transit projects, the local agencies and their contractors and consultants must comply with the Title VI, Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), as well as other related federal and state laws and regulations, including Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) regulations, and the Florida Department of Transportation (FDOT) guidelines; and

**WHEREAS**, to maintain Certification in the Local Agency Program (LAP), local agencies must submit the Sub-recipient Compliance Assessment Tool (SCAT) once every three (3) years or at the request of FDOT or FHWA; and

**WHEREAS**, to be eligible for federal funding through FDOT, the City, as a sub recipient, must have a Title VI/Nondiscrimination Policy and Plan that covers all programs, services and activities of the City; and

**WHEREAS**, as part of the required re-certification process, FDOT reviewed the City's 2014 Title VI Program Plan and found the Plan to be specific to its Citywide transit services; and

**WHEREAS**, while 2014 adopted Title VI Program Plan meets FTA's requirements, as written, the City's current version was not broad enough to meet the FHWA/FDOT requirements; and

**WHEREAS**, the proposed Title VI/Nondiscrimination Policy and Plan would be advantageous to the City as it will help to not only manage complaints efficiently by having set procedures, forms, and points of contact, but also to proactively discourage discrimination on the basis of race, color, national origin, sex, age, disability, religion, income or family status by adequately educating and involving the community in the planning process and implementation of its services; and

**WHEREAS**, in order to be compliant with FHWA/FDOT requirements, the Administration recommends that the City Commission adopt, substantially in the form attached to this Resolution as Exhibit 1, the Title VI/Nondiscrimination Policy and Plan; and

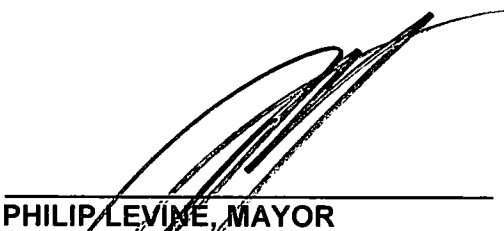
**WHEREAS**, the Administration further recommends that the City Commission authorize the City Manager or his designee to make such further modifications as may be required by the federal and state governmental agencies which oversee the federal assistance programs in which the City participates.

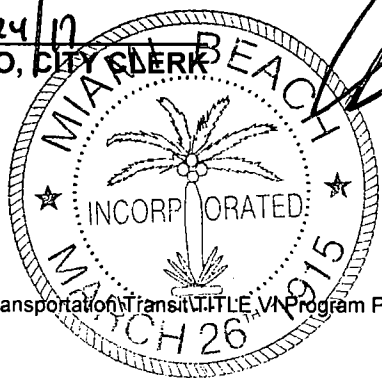
**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby adopt, substantially in the form attached to this Resolution, the Title VI/Nondiscrimination Policy and Plan, supplementing the existing Title VI Program Plan, by expanding its application to all citywide services (instead of just transportation); and further authorize the City Manager or his designee to make such further modifications to the Title VI/Nondiscrimination Policy and Plan as may be required by the applicable federal and state governmental agencies which oversee the federal assistance programs in which the City participates.

**PASSED AND ADOPTED this 11<sup>th</sup> day of January, 2017.**

**ATTEST:**

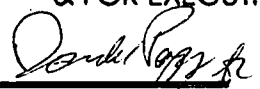

  
1/24/17  
\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

  
\_\_\_\_\_  
PHILIP LEVINE, MAYOR



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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney  1/5/17  
Date

# MIAMI BEACH

## TITLE VI/NONDISCRIMINATION POLICY AND PLAN

**DRAFT**

December, 2016

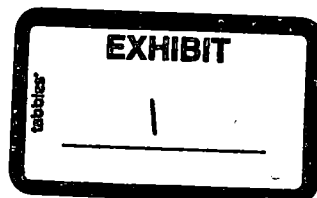


TABLE OF CONTENTS

I. THE CITY'S NONDISCRIMINATION POLICY STATEMENT ..... 2

II. COMPLAINT PROCEDURE ..... 2

III. ADA/504 STATEMENT ..... 3

IV. LANGUAGE ASSISTANCE PLAN AND LIMITED ENGLISH PROFICIENCY (LEP) ANALYSIS ..... 4

V. PUBLIC INVOLVEMENT..... 5

VI. ASSURANCE..... 5

APPENDIX A ..... 6

## **I. THE CITY'S NONDISCRIMINATION POLICY STATEMENT**

The City of Miami Beach, Florida (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 transportation 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, the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), as well as other related federal and state laws and regulations, including Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) regulations, and the Florida Department of Transportation (FDOT) guidelines, 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 familial status.

## **II. COMPLAINT PROCEDURE**

The City has established a 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, familial or income status in any of City's programs, services or activities may file a complaint with the City's Title VI/Nondiscrimination Coordinator:

Name: Jimmy L. Morales  
Address: 1700 Convention Center Drive  
Phone: 305-673-7010  
Fax: 305-673-7782  
Email: [JimmyMorales@miamibeachfl.gov](mailto:JimmyMorales@miamibeachfl.gov)  
TTY: 7-1-1 (Florida Relay)

A complaint must be filed within one hundred eighty (180) days after the date of the alleged discrimination.

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 familial status); and a description of the alleged discrimination with the date of occurrence. Please refer to Appendix A for the Discrimination Complaint Form. 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 and will take reasonable steps to resolve the matter. 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 appropriate District of the Florida Department of Transportation (FDOT).

Should the complainant be unable or unwilling to complain to the City, the written complaint may be submitted directly to Florida Department of Transportation (FDOT). The FDOT will serve as a clearing house, forwarding the complaint to the appropriate state or federal agency:

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

### **III. 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 City of Miami Beach 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 30 calendar days prior to the need for accommodation. Questions, concerns, comments or requests for accommodation should be made to the City's ADA Coordinator:

Name: Valeria Mejia  
Address: 1833 Bay Road, Miami Beach, FL 33139  
Email: [ValeriaMejia@miamibeachfl.gov](mailto:ValeriaMejia@miamibeachfl.gov)  
Phone: 305-673-7000 ext. 2988  
Fax: 305-673-7963  
TTY: 7-1-1 (Florida Relay)

#### **IV. LANGUAGE ASSISTANCE PLAN AND LIMITED ENGLISH PROFICIENCY (LEP) ANALYSIS**

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:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the City'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.
1. The principal languages among the City's residents are English and Spanish. According to the 2010-2014 American Community Survey, 32.3% of City residents reported speaking only English, while 54.6% reported speaking Spanish. The majority of the City's Spanish speaking residents are bilingual with 28.9% of Spanish speaking residents reported speaking English less than very well. Of the remaining City residents, 9.9% reported speaking other Indo-European language (other than Spanish), 1.7% reported speaking Asian or Pacific Island language and 1.5% reported "other language".  
  
The City's website is published in English and it may be translated into Spanish or any other language as part of the Google Translate tool by clicking the Google Select Language icon on the bottom left corner of each page.
  2. LEP customers within the City, under the analysis identified as Spanish speakers make constant use of the City's services. In an effort to promote the use of the service by LEP customers, the City will make the following information readily available in both English and Spanish:
    - City's Website
    - Public Meeting Notices
    - Project Information
  3. The City believes that its programs, services and activities are of critical importance to its public. Transportation, for example, provides necessary access to health care, emergency services, employment, and other essentials which would be difficult or impossible without reliable transportation systems.
  4. The City of Miami Beach is committed to providing resources to improve access to its services for LEP persons. Bilingual information (English/Spanish) is/will be distributed in several different manners including:
    - Bilingual English/Spanish Website
    - Bilingual English/Spanish Material

- Bilingual English/Spanish at Meetings
- Bilingual English/Spanish Customer Service Staff

The City 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 annually examine its LEP plan to ensure that it remains reflective of the community's needs. Persons requiring special language services should contact the City's Title VI/Nondiscrimination Coordinator.

## **V. PUBLIC INVOLVEMENT**

In order to plan for efficient, effective, safe, equitable and reliable programs, services or activities, 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 project planning and construction. Furthermore, 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 including biannual survey to businesses and residents.

## **VI. ASSURANCE**

Every three years, or commensurate with a change in the City's 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; and second, they serve as a legally enforceable agreement by which the City may be held liable for breach. The public may view the annual assurance on the City's website or by visiting City Hall.



**APPENDIX A**

**DISCRIMINATION COMPLAINT FORM**

# MIAMI BEACH

CITY OF MIAMI BEACH

## DISCRIMINATION COMPLAINT FORM

Complainant (s) Name:

Address:

E-mail address:

Phone Number:

Complainant's Representative's Name, Address, Phone Number and Relationship (e.g., friend, attorney, parent, etc.):

Name and Address of Agency, Institution, or Department Whom You Allege Discriminated Against You:

Names of Individual(s) Whom You Allege Discriminated Against You (if known):

Description of Discrimination (include dates, names of people involved and explain why you think it was discriminatory):

I believe discrimination I experienced was based on (circle all that apply):

Race	Color	National Origin	Sex	Age
Religion	Familial Status	Disability	Income	

Mail to: Jimmy L. Morales, the City of Miami Beach Title VI/Nondiscrimination Coordinator, 1700 Convention Center Drive, 4th floor, Miami Beach, Florida, 33139. This form may also be faxed to: 305-673-7782. The Title VI/Nondiscrimination Coordinator will respond to the complaint within thirty (30) calendar days and will take responsible steps to resolve the matter.

Alternate means of filing complaint will be made available for persons with disabilities upon request.

# MIAMI BEACH

CITY OF MIAMI BEACH

## FORMULARIO DE RECLAMACIÓN PARA DISCRIMINACION

Nombre(s) de (los) Reclamante(s):

Dirección(es) de (los) Reclamante(s):

E-mail:

Número(s) de teléfono:

Nombre del representante del Reclamante, dirección, teléfono y relación (por ejemplo amigo, abogado, padre, etc.):

Nombre y dirección de la agencia, institución o departamento que usted alega discriminó en su contra:

Nombre(s) de (los) individuo(s) que usted alega discriminaron en su contra (si lo sabe):

Describe la discriminación (incluye días, nombres de personas involucradas y explique por qué usted alega que fue discriminado).

Creo que la discriminación que yo sentí fue basada en (marque todos los que apliquen):

Raza	Color	Origen Nacional	Sexo	Edad
Religión	Estado Familiar	Discapacidad	Ingresos	

Firma del Demandante:

Fecha de la firma:

Envíe por correo a: Jimmy L. Morales, the City of Miami Beach Title VI/Nondiscrimination Coordinator, 1700 Convention Center Drive, 4th floor, Miami Beach, Florida, 33139. Este formulario también se puede enviar por fax a: 305-673-7782. El Coordinador del Título VI/No Discriminación responderá a la demanda de los treinta (30) días calendario y tomará las medidas razonables para resolver el asunto. Medios alternativos para llenar la queja serán puestos a disposición de las personas con discapacidades bajo petición.

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# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: January 11, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING, SUBSTANTIALLY IN THE FORM ATTACHED TO THIS RESOLUTION, THE TITLE VI PROGRAM AND RELATED NONDISCRIMINATION POLICY AND PLAN (TITLE VI PROGRAM PLAN), AS AMENDED, SUPPLEMENTING THE EXISTING TITLE VI PROGRAM PLAN, BY EXPANDING ITS APPLICATION TO ALL CITYWIDE SERVICES (INSTEAD OF JUST TRANSPORTATION); AND FURTHER AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE SUCH FURTHER MODIFICATIONS TO THE TITLE VI PROGRAM PLAN AS MAY BE REQUIRED BY THE APPLICABLE FEDERAL AND STATE GOVERNMENTAL AGENCIES WHICH OVERSEE THE FEDERAL ASSISTANCE PROGRAMS IN WHICH THE CITY PARTICIPATES.

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### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission adopt the Resolution approving a Citywide Title VI Nondiscrimination Policy and Plan for all City services, programs, and activities.

### **ANALYSIS**

At the May 21, 2014 City Commission meeting, the Commission approved an Interlocal Agreement with Miami-Dade County for provision of municipal circulator services (North Beach trolley loop). Provisions of the agreement include compliance with federal requirements as determined by the Federal Transit Administration (FTA), including Title VI of the Civil Rights Act of 1964. Title VI stipulates that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

In 2014, pursuant to FTA requirements, the City developed a Title VI Program Plan specific to the City's transit/trolley service. The Plan was reviewed by AECOM, a transportation planning and engineering firm under the City's rotational contracts, to ensure that the Program Plan complied with all federal requirements. The Title VI Program Plan was adopted by the City Commission on June 11, 2014.

In order to receive Federal funds for projects that include, but are not limited to, transit projects, local agencies and their contractors and consultants must comply with Federal and State nondiscrimination authorities, including state statutes, US Department of Justice (USDOJ), US Department of Transportation (USDOT), and Federal Highway Administration (FHWA) regulations, orders, and notices. To maintain Certification in the Local Agency Program (LAP),

local agencies must submit the Sub-recipient Compliance Assessment Tool (SCAT) once every three (3) years or at the request of USDOT. In Florida, for cities to be eligible to receive federal funding through FDOT, sub-recipients must have a Title VI/Nondiscrimination Policy adopted by their governing board that covers all programs, services and activities provided by the City.

Earlier this year, as part of the required LAP re-certification process, FDOT reviewed the City's adopted 2014 Title VI Program Plan and found that while the adopted Plan meets FTA requirements, the City's current version was limited to transit services and therefore not broad enough to meet FHWA/FDOT requirements.

Pursuant to FHWA/FDOT requirements, City staff drafted a new Title VI/Nondiscrimination Policy and Plan to supplement the existing Plan by including all City services, programs, and activities. The Title VI Program and Related Nondiscrimination Policy and Plan references the City's Human Rights Ordinance codified in Chapter 62 of the City Code and provides a claim form incorporating any claims of discrimination based upon Title VI and related discrimination claims as well as any claims under the protected categories covered by the City's Human Rights Ordinance.

The Draft Title VI/Nondiscrimination Policy and Plan was submitted to FDOT earlier this year for a sufficiency review and was found to meet FHWA/FDOT requirements, in addition to FTA requirements.

Below is a brief description of the major components of the Draft Title VI Program Plan as developed by the Administration and approved by FDOT.

- **City's Policy Statement:** Through this Program Plan, the City commits to non-discrimination in any of its programs, services or activities as evidenced by the City of Miami Beach Human Rights Ordinance codified in Chapter 62 of the City Code as may be amended from time to time. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, as more particularly described in 23 CFR Part 200, the City will not i) exclude anyone from participation in, ii) deny anyone the benefits of, or iii) subject anyone to discrimination under any city program, service, or activity, on the grounds of race, color, national origin, sex, age, disability, religion, income or familial status.
- **Title VI Program and Related Discrimination Complaint Procedure:** The City has established a Title VI Program and related discrimination complaint procedure that references the City's Human Rights Ordinance as codified in Chapter 62 of the City Code and will take prompt and reasonable action to investigate and eliminate discrimination when found. In addition, the proposed Program identifies a Title VI Coordinator for the City.
- **ADA/504 Statement:** The City commits to making 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. In addition, the proposed Title VI Program Plan identifies an ADA Coordinator for the City.

- **Limited English Proficiency (LEP) Analysis:** This analysis determined that there is a significant percentage of Spanish-speaking population in the City. In an effort to promote the use of City services by LEP customers, the City will make information readily available in both English and Spanish such as City's website (published in English and it may be translated into Spanish or any other language as part of Google Translate tool by clicking Google Select Language icon on the bottom left corner of the City's webpage), public meeting notices, project information, and bilingual customer service staff. Complaint forms are available on-line in both English and Spanish. Additional information can be provided in Spanish upon request, and a telephone number and point of contact for the City is provided in the Program Plan.
- **Public Involvement:** In order to plan for efficient, effective, safe, equitable and reliable programs, services or activities, the City must have the input of its public. The City commits to holding meetings, workshops and other events designed to gather public input on project planning, design, and construction. Furthermore, the City attends and participates in other community events to promote its services to the public. The City also commits to constantly seeking ways of measuring the effectiveness of its public involvement.

### **CONCLUSION**

As mentioned above, for cities to be eligible to receive federal funding through FDOT, sub-recipients must have a Title VI/Nondiscrimination Policy and Program Plan adopted by their governing board that covers all programs, services and activities provided by the City. A City of Miami Beach Title VI Program Plan adopted by the City Commission will ensure the City remains eligible to receive federal funding for current and future roadway, infrastructure, and transit projects and will also serve to proactively discourage discrimination on the basis of race, color, national origin, sex, age, disability, religion, income or family status by adequately educating and involving the community in the planning process as well as the implementation of citywide services, programs, and activities.

### **KEY INTENDED OUTCOMES SUPPORTED**

Ensure That A Universal Culture Of High Quality Customer-Service Is Driving The Conduct Of The City Commission And All City Employees

### **Legislative Tracking**

Transportation