

# MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # **010-2021**

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul J. Aguila, Interim City Manager

DocuSigned by:  
*Paul J. Aguila*  
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DATE: January 8, 2021

SUBJECT: Title VI / Nondiscrimination Policy and Plan Updates

The purpose of this Letter to Commission is to inform the Mayor and Commission that the Title VI/ Nondiscrimination Policy and Plan has been updated. The previous plan, dated 2017 has now been updated as follows:

- Title VI Program Coordinator – reflects current Coordinator.
- Language Assistance Plan and Limited English Proficiency (LEP) Analysis-data was updated to reflect 2018 America Community Survey information.
- Data Collection paragraph added to adhere to FHWA regulations.

The updated Title VI/Nondiscrimination Policy and Plan was submitted and approved by Florida Department of Transportation as part of the City's Recertification process. A copy of the Title VI/Nondiscrimination Policy and Plan is attached.

# MIAMIBEACH

## **TITLE VI/NONDISCRIMINATION POLICY AND PLAN**

September 2020

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## **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: Marcia Monserrat  
Chief of Staff for City Manager/Title VI/Nondiscrimination Coordinator  
Address: 1700 Convention Center Drive  
Phone: 305-673-7010  
Fax: 305-673-7782  
Email: [MarciaMonserrat@miamibeachfl.gov](mailto:MarciaMonserrat@miamibeachfl.gov)  
TTY: 7-1-1 (Florida Relay)

The complaint must contain the identity of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability, income, or familial status); a description of the alleged discrimination; and, the date of occurrence. Please refer to Appendix A for the Discrimination Complaint Form. If possible, the complaint should be submitted in writing. 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 the 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

The FDOT will serve as a clearing house, forwarding the complaint to the appropriate state or federal agency.

### **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 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, ADA Coordinator  
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 2018 American Community Survey, Table ID: S1601, 33% of City residents reported speaking only English, while 51.1% reported speaking Spanish with 53.5% of Spanish speaking residents reporting that they speak English less than *very well*. Of the remaining City residents, 12.9% reported speaking other Indo-European languages (other than Spanish), 1.1% reported speaking Asian or Pacific Island languages, and 1.9% 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:

- a. Bilingual English/Spanish Website
- b. Bilingual English/Spanish Material
- c. Bilingual English/Spanish at Meetings
- d. 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, the City 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, 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.

## **VII. DATA COLLECTION**

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

**APPENDIX A**

**DISCRIMINATION COMPLAINT FORM**



# MIAMIBEACH

## 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:

Name(s) 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 that the discrimination I experienced was based on (circle all that apply):

Race	Color	National Origin	Sex	Age
Religion	Familial Status	Disability	Income	

Mail to: Marcia Monserrat, 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 a complaint will be made available for persons with disabilities upon request.

# MIAMIBEACH

CITY OF MIAMI BEACH

## FORMULARIO DE RECLAMACION PARA DISCRIMINACION

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

Direccion(es) de(los) Reclamante(s):

E-mail:

Numero(s) de telefono:

Nombre del representante del Reclamante, direccion, telefono, y relacion (por ejemplo amigo, abogado, padre, etc.):

Nombre y direccion de la agenda, institucion o departamento que usted alega discrimino en su contra:

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

Describe la discriminacion (incluye dias, nombres de personas involucradas y explique por que usted alega que fue discriminado).

Creo que la discriminacion que yo senti fue basada en (marque todos los que apliquen):

Raza	Color	Origen Nacional	Sexo	Edad
Religion	Estado Familiar	Discapacidad	Ingresos	

Firma del Demandante:

Fecha de la firma:

Envie por correo a: Marcia Monserrat, the City of Miami Beach Title VI/Nondiscrimination Coordinator, 1700 Convention Center Drive, 4th Floor, Miami Beach, Florida, 33139. Este formulario tambien se puede enviar por fax a: 305-673-7782. El Coordinador del Titulo VI/No Discriminacion respondera a la demanda de los treinta (30) dias calendario y tomara las medidas razonables para resolver el asunto. Medios alternativos para llenar la queja seran puestos a disposicion de las personas con discapacidades bajo peticion.