



ADMINISTRATIVE REGULATION

DATE APPROVED:

AR: 1.04

July 20, 2015

SUBJECT:

DEPARTMENT:

**Title VI – Non-Discrimination Policy and Plan
For Programs Receiving Federal Financial Assistance**

Administration

POLICY STATEMENT:

The County values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income levels. 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, Wakulla County does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and other federal and state authorities, 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, sexual orientation, source of income or marital or family status, as required by these federal and state laws.

COMPLAINT PROCEDURES:

Wakulla 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, age, disability, religion, sexual orientation, source of income or marital or family status in any of the County programs, services or activities may file a complaint with the County, Title VI, Non-Discrimination Coordinator (see Appendix A for contact information) within 60 days of the act of alleged discrimination.

If possible, the complaint should be submitted in writing and contain the identity of the complainant and contact information; the name and address of the county department allegedly engaging in the discrimination; the basis for the allegations (e.g., race, color, national origin, sex, religion, age, disability, sexual orientation, source of income, or marital or family status); and a description of the alleged discrimination with the date of the occurrence. The complaint must be signed and dated. If the complaint cannot be submitted in writing, the complainant should contact the County's Title VI, Non-Discrimination Coordinator for assistance.

The County is not obliged to investigate a complaint that is frivolous, has no apparent merit, or where other good cause is present, such as a pending law suit. If an investigation is warranted, it will customarily include interviews of the complainant, county staff, and other witnesses; a review of the pertinent records, and potentially facilities; and consideration of the evidence gathered and defenses asserted.

The Title VI, Non-Discrimination Coordinator will respond to the complaint within forty-five (45) calendar days. If the Coordinator finds no violation after an investigation, he or she must notify the complainant, in writing, of this decision. If the Coordinator finds that a violation likely occurred, he or she must likewise notify the complainant, in writing, of this decision, and the County will take reasonable steps to resolve the matter. Should the Coordinator be unable to satisfactorily resolve a complaint, the Coordinator will forward the complaint, along with a record of its disposition to the County Administrator. The County's Title VI Coordinator has "easy access" to the County Administrator and is not required to obtain approval to discuss discrimination issues with the County Administrator.

The County shall maintain a log of Title VI complaints received. The log shall include the following: the race, color, national origin, sex, age, disability, religion, sexual orientation, source of income or marital or family status of the complainant; the nature of the complaint; the date the complaint was filed; the investigation completed; the date and nature of the disposition; and other pertinent information.

Should the complainant be unable or unwilling to complain to the County, the written complaint may be submitted directly to the County's Legal Counsel for review and response. Should no resolution be obtained then the County Administrator will forward the complaint to the appropriate state or federal agency.

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 with disabilities. Furthermore, these laws require federal aid recipients and other government entities to take affirmative steps to reasonably accommodate individuals with disabilities and ensure their needs are equitably represented in County programs, services and activities.

The County will make every effort to ensure that its facilities, programs, services and activities are accessible to individuals 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 to the Parks & Facilities Director (see Appendix A). Furthermore, the County will provide reasonable accommodation to disabled individuals who wish to participate in County public meetings or events or who require special assistance to access facilities, programs, services or activities. Providing reasonable accommodation may

require outside assistance, organization or resources, therefore, the County asks that requests be made at least ten (10) calendar days prior to the need for accommodation.

Questions, concerns, comments or requests for accommodation should be made to the County's ADA Officer, see Appendix A for contact information.

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:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the County'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 County and the likely costs of the LEP services.
1. Using census data, the County has determined that LEP individuals speaking English represent less than 3.6% of the community. The County realizes that such statistical data can be outdated or inaccurate. Based on this data the County reasons that a relatively small portion of its service population are LEP speakers of Spanish or Hispanic origin.
 2. The County has not received any requests for translation or interpretation of its programs, services or activities into any other language.
 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. In that spirit, the County will make available hard copies of this policy at our main Administrative Complex and place it on the County's website so that the public will have access to its nondiscrimination and public involvement policies. Copies of other policies relating to Affirmative Action and Equal Opportunity are also posted on the County's website.
 4. The County does not house, within its jurisdiction, any institutions of higher education which have extensive language services. However, the County does maintain cordial relationships with a number of higher education and faith based organizations within a 50 mile radius who offer competent language services at little to no cost to the County.

The analyses of these factors suggest that LEP services are not required at this time. Therefore the County has committed to the following:

- Distribute a list to staff who have regular contact with the public of individuals who are willing to provide translation and/or interpretation services.
- Provide notification in local newspaper and on the County website of the availability of LEP assistance in public meeting notices and on public involvement event signage.
- Work with local universities to develop agreements for the provision of oral and written LEP services with reasonable notification.
- Work with LEP churches, catholic charities, etc. to develop agreement for the provision of oral and written LEP services with reasonable notifications.

The County understands that its community profile may change and the four factor analysis may reveal the need for more or varied LEP services sometime in the future. As such, the LEP plan will be evaluated at least every two (2) years to ensure that it remains reflective of the community's needs. Persons requiring special language services should contact the County's Title VI, Non-Discrimination Officer.

PUBLIC INVOLVEMENT

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, the County must have input from it's the public. The County spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The County holds a number of meetings, workshops and other events designed to inform the public and gather public input. The County also attends and participates in other community events to promote its programs and services to the public. Finally, the County is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations by the County; volunteer in any of its activities or offer suggestions for improvement of County public involvement may contact the County, see Appendix A.

APPENDIX A

County Contact Information

Wakulla County Board of County Commissioners – Administration Office

P.O. Box 1263

3093 Crawfordville Highway

Crawfordville, Florida 32326

Telephone: 850-926-0919 Fax: 850-926-0940

Website: www.mywakulla.com

COUNTY ADMINISTRATOR

David Edwards

PHONE: 850.926.0919

FAX: 850.926.0940

HEARING IMPAIRED: Call 850.926.0919 OR 1.800.955.8771 (TTY) or e-mail

ADARquest@mywakulla.com

TITLE VI AND ADA COORDINATOR

Deborah DuBose, Director of Employee Services

ADDRESS: 3093 Crawfordville Highway, Crawfordville, FL 32327

E-MAIL: ddubose@mywakulla.com

PHONE: 850.926.0919

FAX: 850.926.0940

HEARING IMPAIRED: Call 850.926.0919 OR 1.800.955.8771 (TTY) or e-mail

ADARquest@mywakulla.com

PUBLIC MEETINGS

Jessica Welch, Director, Communications and Public Services

ADDRESS: 3093 Crawfordville Highway, Crawfordville, FL 32327

E-MAIL: jwelch@mywakulla.com

PHONE: 850.926.0919

FAX: 850.926.0940

HEARING IMPAIRED: Call 850.926.0919 OR 1.800.955.8771 (TTY) or e-mail

ADARquest@mywakulla.com

BUILDING ACCESSIBILITY FOR ADA COMPLIANCE

Cody Solburg, Director, Parks & Facilities Management

ADDRESS: 78 Recreation Drive, Crawfordville, FL 32327

E-MAIL: csolburg@mywakulla.com

PHONE: 850.926.7227

FAX: 850.926.1083

HEARING IMPAIRED: Call 850.926.0919 OR 1.800.955.8771 (TTY) or e-mail

ADARequest@mywakulla.com.



WAKULLA
C O U N T Y

**BOARD OF
COUNTY COMMISSIONERS**

Ralph Thomas
Chairman, District 1

Randy Merritt
Vice-Chairman, District 2

Howard Kessler, M.D.
District 3

Jerry Moore
District 4

Richard Harden
District 5

J. David Edwards
County Administrator

Heather J. Encinosa
County Attorney
(850) 224-4070

TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the Wakulla County Board of County Commissioners assures the Florida Department of Transportation (FDOT) 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, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The Wakulla County Board of County Commissioners further assures FDOT that it will undertake the following 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 *Appendices A and E* 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: _____
J. David Edwards, County Administrator

Administration – Human Resources
Post Office Box 1263
Crawfordville, FL 32326
(850) 926-0919 x 707
(850) 926-0940 FAX

APPENDICES A and E

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

(7) 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.

(7.) Compliance with Nondiscrimination Statutes and Authorities: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).