



**Interoffice Memorandum** BCC Mtg. Date: March 15, 2016

February 19, 2016

TO: Mayor Teresa Jacobs  
and Board of County Commissioners

FROM: Mark V. Massaro, P.E., Director, Public Works Department

CONTACT PERSON: **Renzo Nastasi, AICP, Manager** RN  
**Transportation Planning Division**  
**Community, Environmental and Development**  
**Services Department**

PHONE NUMBER: (407) 836-8072

SUBJECT: **Resolution for Adoption of FDOT Title VI Nondiscrimination Policy and Plan**

The Orange County Public Works Department and the Transportation Planning Division of the Community, Environmental and Development Services Department are undertaking the recertification of Orange County as a Florida Department of Transportation (FDOT) Local Agency Program (LAP) Agency to ensure continued eligibility to receive state and federal funding for transportation projects within the County. Hence, adoption of this Resolution for Title VI Nondiscrimination Policy and Plan reaffirms Orange County's continued commitment to be in full compliance with all applicable federal and state laws and guidelines. Per 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 regulations, no person shall, on the basis of race, color, national origin, sex, age, disability, family or religious status, be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination or retaliation under any Federally-funded program or activity of state and local governments.

**ACTION REQUESTED: Approval and execution of Resolution of the Orange County Board of County Commissioners regarding the Adoption of the Orange County Title VI Nondiscrimination Policy and Plan for compliance with the Title VI Requirements of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Other Nondiscrimination Authorities and approval of Title VI Nondiscrimination Policy and Plan. All Districts.**

Attachments

MVM/RN/aw/am

## **Title VI Nondiscrimination Policy and Plan**

### **Policy Statement:**

Orange 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 public policy and governmental services result from careful consideration of the needs of all of its communities and when those communities are involved in the public policy and governmental services decision-making process. Thus, the 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. (Title VI), and related 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 or family status.<sup>1</sup>

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

Ricardo Daye

Title VI Coordinator/Human Resources Director

Mailing/Physical Address: Internal Operations (IOC1) Building, 450 East South Street, Orlando, FL 32801

Email: [ricardo.daye@ocfl.net](mailto:ricardo.daye@ocfl.net)

Phone: (407) 836-5825

Fax: (407) 836-5369

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<sup>1</sup> Orange County regulations and policies contain even broader protections against discrimination than those set forth in Title VI, including protections against discrimination based on pregnancy, sexual orientation, and gender identity or expression.

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, age, disability, religion, income 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 (60) days and will take reasonable steps to resolve the matter. Should the County be unable to satisfactorily resolve the 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/Nondiscrimination 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 a complaint, the written complaint may be submitted directly to the U.S. Department of Justice (DOJ). 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>

**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 County 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 encourages the public to report any facility, program, service or activity that appears inaccessible to the 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 seven (7) calendar days prior to the need for accommodation.

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

Dianne Arnold, HFS Administrator  
Interim ADA Nondiscrimination Coordinator  
Mailing/Physical Address: Mable Butler Building, 2100 E. Michigan St., Orlando, FL 32806  
Email: [dianne.arnold@ocfl.net](mailto:dianne.arnold@ocfl.net)  
Phone: (407) 836-7588  
Fax: (407) 245-3191  
Hearing Impaired: Florida Relay 7-1-1

### **Limited English Proficiency (LEP) Guidance:**

Title VI, Executive Order 13166, and various directives from federal agencies 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 the 2014 America Community Survey data, the County has determined that LEP individuals speaking English “less than very well” represent approximately 12.6% of the community (approximately 141,265 persons). The County’s findings are also consistent with those of MetroPlan Orlando, the metropolitan planning organization for Orange, Osceola, and Seminole Counties. Of this percentage of LEP persons, 98,300 persons (approximately 8.7%) are Spanish/Spanish Creole speakers, followed by French Creole speakers (13,666 persons or approximately 1.2%).
  2. Though only a relatively small portion of its service population (12.6%) is LEP speakers of Spanish/Spanish Creole, Orange County values the rights and abilities of all its citizens to access its programs, services, activities, and facilities.
  3. The County believes that housing assistance, transportation, emergency management, emergency medical services, fire rescue, and solid waste collection are of critical importance to its public. In that spirit, the County has developed a Spanish version of its County website whereby all general information about the various services and resources for its residents, visitors, and businesses can be accessed online. Orange County also operates its 311 Customer Service in English and in Spanish, and the 311 Customer Service can be via phone, webchat and online resources. Additionally, the County has a multitude of bilingual staff who can assist in the interpretation of twelve (12) languages, including Spanish and French Creole. Thus, for general information, LEP persons needing assistance or information can call 311, and the dispatcher can contact a bilingual staff who can speak in that language to assist the caller. In terms of emergency services, the County has partnered with AT&T to provide a Language Line for those needing emergency assistance in another language. When 911 is called and language assistance is needed, the dispatcher will patch in a translator as needed.

The analysis of these factors suggests that the following LEP services are called for:

- Update the County homepage to provide direct access to the County’s ADA, LEP, and Title VI information and resources.
  - Develop a separate “ADA/Title VI Nondiscrimination Policy” landing homepage.
  - Add a link to this new “ADA/Title VI Nondiscrimination Policy” homepage under the “Residents”, “Visitors”, “Businesses”, and “Employees” tabs in the County’s main homepage. This will provide the general public with direct and easy-to-find access to the County’s ADA and Title VI policies and programs.
  - Remove the ADA website from the Families, Health & Social Services homepage.
- Post this Title VI Nondiscrimination Policy and Plan in English and Spanish on the new “ADA/Title VI Nondiscrimination Policy” website so every member of the public is aware of the County’s nondiscrimination and public involvement policies
- Conduct a survey of County Departments to identify vital communication that should be provided in Spanish and begin development of such vital communication in Spanish. The U.S. Department of Justice indicates that a document may be considered vital if it contains information that is critical for obtaining federal services and/or benefits or is required by law, e.g. applications, consent and complaint forms, notices of rights and disciplinary action, notices advising LEP persons of the availability of free language assistance, prison rule books, written tests that do not assess English language competency, letters or notices that require a response from the beneficiary or client.
- Train staff on the County’s LEP Plan and Title VI Nondiscrimination Policy Plan and publish both Plans on the County website.
- Make available I SPEAK cards at public hearings, meetings, and workshops.

- Continue to provide notification (e.g. a news release) in English and Spanish of the availability of LEP assistance in public meeting notices and ads, public events newsletters and other flyers, and on public involvement event signage and outreach materials.
- Continue to maintain and update the list of employees who competently speak Spanish and/or other languages and who are willing to provide translation and/or interpretation services.
- Continue to make this list available via the County intranet to staff that regularly has contact with the public.
- Continue to maintain and update, as needed, the Spanish version of the County website.
- Continue to maintain the partnership with AT&T to provide oral LEP services as needed in the County's Language Line for 911 calls.

The County understands that its community profile changes over time and that the four factor analysis may reveal the need for more LEP services in the future. As such, the County will evaluate its LEP population and update the LEP plan every three (3) years to ensure compliance with federal and state law, provide a Plan that is reflective of the community's diverse needs, and reaffirm the County's commitment to providing services for persons with limited English proficiency.

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

Ricardo Daye

Title VI Coordinator/Human Resources Director

Mailing/Physical Address: Internal Operations (IOC1) Building, 450 East South Street, Orlando, FL 32801

Email: [ricardo.daye@ocfl.net](mailto:ricardo.daye@ocfl.net)

Phone: (407) 836-5825

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**Public Involvement:**

In order to plan for efficient, effective, safe, equitable and reliable government 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 any County Commission meeting and speak during the Hearing of the Public portion of the agenda concerning a matter of County business that is of concern to the person. County Commission meetings are generally held every Tuesday at 9:00 a.m. at the Orange County Administration Center, Board of County Commissioners Commission Chambers, 1<sup>st</sup> Floor, 201 South Rosalind Avenue, Orlando, FL. Persons should check the County's website, [www.ocfl.net](http://www.ocfl.net) for any changes to meeting dates, times and location. Meeting locations are accessible to persons with disabilities.

Additionally, the County usually holds public meetings and workshops to both inform the general public and obtain public feedback on projects, events, programs, etc. Public outreach is conducted through newsletters, flyers, newspaper ads, and other public displays, and such outreach includes information on ADA compliance and how a person can request translation or other special accommodations when requested within a reasonable timeframe. The outreach materials also provide a County point of contact for any questions relative to the project, activity or event.

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:

Ricardo Daye

Title VI Coordinator/Human Resources Director

Mailing/Physical Address: Internal Operations (IOC1) Building, 450 East South Street, Orlando, FL 32801

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**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 County accomplishes this through the use of census data and American Community Survey reports and other methods.

**Assurances:**

Every three years the County 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 document the County's commitment to nondiscrimination and equitable service to its community. The public may view the assurances on the County's website or by visiting the County's offices.