



City of South Miami

Title VI Non-Discrimination Program Plan



(Revised September, 2018)



Contents:

1-Title VI Policy Statement

2-Title VI Notice to the Public

3- Title VI Complaint Instructions & Procedure

5- Active Complaints or Inquiries Alleging Discrimination

6- Data Collection

7-City of South Miami Public Participation Plan

8- Limited English Proficient Persons Provision

9- Forms



Title VI Policy Statement

The City of South Miami values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the Agency 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 and other federal and state authorities, the City of South Miami commits that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the grounds of race, color, national origin, sex, age, disability, religion or family status.

The City forbids discrimination against anyone on the basis of race, color, religious or family status, sex, national origin, age, disability or any other protected class and commits to take all steps necessary to prevent discrimination and ensure nondiscrimination in all programs, services and activities affiliated with the City.

Purpose.

This City of South Miami Title VI/Nondiscrimination Program Plan (Title VI Plan) was developed to demonstrate the City's compliance with Federal and State nondiscrimination authorities, and serves as a guide to the general public on the City's method for the processing of complaints alleging discriminatory actions incurred by way of a City affiliated program, service, or activity.

Administration and Responsibility.

The Office of the City Manager is responsible for the investigation of any complaints alleging discrimination with any City affiliated program, service, or activity as defined in this Title VI Plan. Any questions regarding this Title VI Plan are to be directed to:

Zachariah Cosner
Grants & Sustainability Administrator
6130 Sunset Drive
South Miami, FL 33143
Phone: 305-663-6330
Email: Zcosner@SouthMiamiFL.Gov



TITLE VI Notice to the Public

The City of South Miami gives public notice that it complies with Title VI of the Civil Rights Act of 1964 and all related statutes. Title VI provides that "no person in the United States shall, on the ground of race, color, age, sex, religion, disability, family status or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs, activities and services receiving Federal financial assistance." City of South Miami operates its programs, activities and services without regard to race, color, age, sex, religion, disability, family status and national origin in accordance with Title VI.

The City of South Miami has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes she or he has been discriminated against on the basis of race, color, age, sex, religion, disability, family status or national origin by the City of South Miami may file a Title VI complaint by completing and submitting the City of South Miami's Title VI Complaint Form. City of South Miami investigates completed complaint forms that are filed no later than 180 calendar days following the date of the incident in question. Title VI complaint forms are available on the City of South Miami Website.

For more information on City of South Miami Title VI Program, obligations, and procedures and/or to file a complaint, please contact or mail a complaint form to:

Zachariah Cosner
Grants & Sustainability Administrator/Program Coordinator
6130 Sunset Drive
South Miami, FL 33143

A complainant may also file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor - 1200 New Jersey Ave., SE, Washington, DC 20590



Title VI Complaint Instructions & Procedure

The City of South Miami has established a discrimination complaint procedure and will take prompt action on any reasonable claim to investigate and eliminate discrimination when found. Any person who believes she or he has been discriminated against on the basis of race, color, age, sex, religion, disability, family status or national origin by the City of South Miami may file a Title VI complaint by completing and submitting the City of South Miami's Title VI Complaint Form. City of South Miami investigates completed complaint forms that are filed no later than 180 calendar days following the date of the incident in question. If the complaint cannot be submitted in writing, the complainant should contact the Title VI/Nondiscrimination Program Coordinator directly for assistance. Upon receiving the complaint, the City of South Miami will initiate the following procedure:

1. The Title VI/Nondiscrimination Program Coordinator will respond acknowledging receipt of the complaint (Appendix B) within 10 calendar days and will also provide additional information on the procedure that will follow as well as the complainant's other options for seeking redress upon request.
2. No later than 30 calendar days after receiving the complaint, the office of the City Manager will commence investigation of the complaint.
3. Upon the City's investigation of the information collected and compiled pertaining to the complaint, a written determination response will be prepared for review by the City Attorney, including, if applicable, an explanation of the actions the City has taken or is proposing to take to resolve the complaint.
4. Within 60 days of the initial receipt of the complaint, the city will respond to the complainant indicating either that the complaint is substantiated and that appropriate actions will be taken (Appendix C) or that the complaint is not substantiated, alongside the complainant's options for appealing the decision or filing a complaint with the Federal Transit Administration and/or the U.S. Department of Justice (Appendix D).
5. 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 FDOT District Office. The City's Title VI Program Coordinator has easy access to the City Manager and is not required to obtain management or other approval to discuss discrimination issues with the Manager. However, 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). FDOT serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing:



Florida Department of Transportation
Equal Opportunity Office
ATTN: Title VI Complaint Processing
605 Suwannee Street MS 65
Tallahassee, FL 3239

How to file a complaint:

A complaint can be filed in writing and mailed to the following address:

Zachariah Cosner
Grants & Sustainability Administrator/ Program Coordinator
6130 Sunset Drive
South Miami, FL 33143

The preferred method is to file a complaint in writing by completing the City of South Miami Title VI Complaint Form. If you do not use the City of South Miami Title VI Complaint Form, your written complaint must be signed and at a minimum contain the following:

1. Full name and Contact information of complainant (mailing address, telephone number (s) and e-mail address, etc.);
2. Names(s) and contact information of the official(s) alleged to have discriminated as well as name(s) and contact information of any witnesses, if applicable;
3. . Basis for the allegations (i.e., race, color, national origin, sex, age, disability, religion, family status);
4. A description of how, when, where and why you believe you were discriminated against;
5. Other information that you deem significant or important

The City of South Miami may reach out to the complainant with a request for additional information related to the alleged incident in question. A Complainant's failure to respond to requests by the Title VI Program Coordinator for additional information necessary to investigate the discrimination complaint may result in a delay in investigation of the complaint and may possibly result in the administrative closure of the complaint due to a lack of information to properly conduct an investigation of the complaint.



Data Collection

Federal Highway Administration (“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 City of South Miami accomplishes this through the use of census data, by coordinating with relevant agencies, and through other methods. This information assists the City with improving service equity and ensuring effective outreach. 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 FHWA regulations.



City of South Miami Public Participation Plan

PUBLIC PARTICIPATION ELEMENT

The City of South Miami's Public Participation Plan is being prepared to ensure that no one is precluded from participation in connection with the City's maintenance and development process. The plan ensures that:

Potentially affected community members will have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/ or health;

The public's contribution can influence the City's decision making concerning City programs, activities and services;

The concerns of all participants involved will be considered in any appropriate decision-making process; and

The City will facilitate the involvement of those potentially affected.

The City of South Miami's Public Participation Plan is intended to encourage and guide public involvement efforts and enhance access to the City's transportation-related decision making process by minority and limited English proficient populations.

The City of South Miami informs residents of any proposed changes to the applicable transit related facilities through the process of a public workshop meeting advertised on the City's website and posted in the lobby of its City Hall at least 2 days prior to the meeting.

The City and its records are available to the public. The City's Title VI Complaint Procedure is available to the public 24 hours/7 days a week via our website 'www.Southmiamifl.gov'

MINORITY REPRESENTATION ON COMMITTEES AND COUNCIL

The City of South Miami does not have any transit-related committees. If any such committee is established in the future, this Plan will be amended to depict minority representation on such committee, and to describe the efforts made to encourage participation of minorities on such committee.



Providing Meaningful Access to Limited English Proficient Persons

Limited English Proficient (“LEP”) refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

In order to ensure meaningful access to its services, activities and programs, the City of South Miami uses the information obtained in a Four Factor Analysis to determine the specific language services that are appropriate. This analysis helps the City of South Miami to determine if it communicates effectively with LEP persons and in the formation of language access planning.

The Four Factor Analysis is an individualized assessment that considers:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by any applicable programs, activities and services;
2. The frequency with which LEP persons come into contact with the programs, activities and services;
3. The nature and importance of the applicable programs, activities and services to people's lives; and
4. The resources available to the City of South Miami for LEP outreach, as well as the cost associated with that outreach.

The first step in the analysis is understanding the proportion of LEP persons who may encounter the transit related facilities, their literacy skills in English and their native language, the location of their community and neighborhoods and, more importantly, whether any are underserved, as a result of a language barrier. To do this, the City attempted to evaluate the level of English literacy and to what degree people in its service area speak a language other than English and what those languages are. Data for this review is derived from the United States Census Bureau Facts web page

Using census data, the City of South Miami has determined that LEP individuals speaking English less than “very well” represent approximately 18.2% (with a margin of error of 3.2%) of the community. The City of South Miami realizes that such statistical data can become outdated or inaccurate. Therefore, the City contacted local law enforcement, social services, agencies and the school board to validate the proportion of LEP served by those entities. Spanish was reported to be the prevalent LEP language with an estimate of an additional 16.2% of the community eligible to be served.

In order to ensure access to LEP citizens, the City Title VI/Nondiscrimination Program Policy and Complaint Procedures are available on the City’s main website in both English and Spanish, and can be made available in other languages as requested. The City will review its LEP procedures annually to determine if modifications are needed to meet language assistance deficiencies. Persons requiring special language services should contact the City’s Title VI Program Coordinator.

The City is in the process of undertaking the other necessary steps to ensure that LEP individuals are properly served by City programs activities and services.



Appendix A

Complaint Form



South Miami
City of Pleasant Living

City of South Miami
Title VI Non-Discrimination Program
Complaint of Discrimination Form

Complainant (s) Name: Nombre (s) del (los) Reclamante (s):		Complainant (s) Address: Direccion del (los) Reclamante (s):	
Complainant (s) Phone Number: Numero de telefono del (los) Reclamante (s):			
Complainant's Representative's Name, Address, Phone Number and Relationship (e.g. friend, attorney, parent, etc); Nombre del representante del (los) Reclamante(s), direccion, telefono y relacion (Ejemplo: amigo, abogado, padre, etc);			
Name and Address of Agency, Institution, or Department that You Allege Discriminated Against You; Nombre y Direccion de la agencia, institucion o departamento que usted alega descrimino en su contra;			
Names of the individual (s) Whom You Allege Discriminated Against You (if known); Nombre (s) de (IOS) Individuo (s) que usted alega descriminacion en su contra (Si usted sabe).			
I believe the discrimination was based on: (check all that apply): Creo que la discriminacion fue basada (marque todos los que aplique):		<input type="checkbox"/> Race/Raza <input type="checkbox"/> Color/Color <input type="checkbox"/> National Origin/ Origen National <input type="checkbox"/> Sex / Genero <input type="checkbox"/> Age/ Edad <input type="checkbox"/> disability/ incapacidad <input type="checkbox"/> Religion/ Religión <input type="checkbox"/> Family Status/ Estatu familiar <input type="checkbox"/> Other/Otro	
		Date of Alleged Discrimination: Fecha de la Supuesta Discriminacion:	



<p>Please list the name (s) and phone number (s) of any person, if known, that City of South Miami could contact for additional information to support or clarify your allegation</p> <p>Por favor numere los nombre (s) y telefono (s) de cualquier persona, que la Ciudad de South Miami podria contactar para obtener informacion adicional para respaldar o aclarar lo que usted alega.</p>	
<p>Please explain as clearly as possible how, why, when and where you believe you were discriminated against. Please provide as much background information as possible about the alleged acts of discrimination. Additional Pages may be attached if needed.</p> <p>Explique lo más posible cómo, por qué, cuándo y dónde cree usted fue discriminado. Proporcione la mayor información de antecedentes posible sobre los supuestos actos de discriminación. Se pueden adjuntar páginas adicionales si es necesario.</p>	
<p>Complainant (s) or Complainant (s) Representatives Signature: Firma de el (los) reclamante(s) or representante:</p>	<p>Date of Signature Fecha de la firma</p>

Mail to /Enviar por correo a:

City of South Miami (CSM), 6130 Sunset Drive South Miami, FL 33143 Attn: Zachariah Cosner.

This form may also be faxed to: Este Formulario Tambien se puede enviar por fax a:

305-663-6345 Attn: Zachariah Cosner.

A complaint must be filed no later than 180 days after date of the alleged discrimination. Toda queja tiene que ser reportada durante los 180 dias siguiente al incidente de alegada discriminacion.