I hereby certify this to be a true and exact copy of the : Reso 3452-19 an instrument of the City of Punta Gorda, Charlotte County, Florida, consisting of 15 page(s)

City Clerk 11/8/19 Date

(not valid without City Seal)

CITY OF PUNTA GORDA

RESOLUTION NO. 3452-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, ADOPTING UPDATES TO THE CITY OF PUNTA GORDA TITLE VI/NON-DISCRIMINATION POLICY AND PLAN; AUTHORIZING EXECUTION AND IMPLEMENTATION OF THE POLICY AND PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title VI of the Civil Rights Act of 1964 provides that no person shall on the grounds of race, color, national origin, sex, religion, age, disability, family or income status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal funds; and

WHEREAS, as the sub-recipient of Federal funds, the City of Punta Gorda must comply with federal and state laws, related statutes, to ensure equal and opportunity to all persons with respect to all services and programs and activities without regards to race, color, national origin, sex, religion, age, disability, family or income status; and

WHEREAS, the City of Punta Gorda Title VI/Non-discrimination Plan and Policy was adopted by Resolution 3247-16 on August 24, 2016, to assure that all services, programs and activities are offered, conducted, and administered fairly; and

WHEREAS, the City of Punta Gorda will review and readopt its Title VI/Non-discrimination Plan and Policy every three years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, THAT:

1. The City of Punta Gorda, Florida's Title VI/Non-discrimination Policy and Plan (November 2019), a copy of which is attached hereto and incorporated herein by reference, is hereby adopted.

2. The City of Punta Gorda, Florida's Title VI/Non-discrimination Policy and Plan will be implemented as outlined, and the City will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance.

3. The Human Resources Manager will be designated Title VI Coordinator and will be responsible for initiating and monitoring Title VI activities and other required matters.

4. The City of Punta Gorda, will review and renew the Title VI/Non-discrimination Policy and Plan every three (3) years, or commensurate with a change in city executive leadership year or as directed by the Florida Department of Transportation and certified to the Federal Highway Administration and the Florida Department of Transportation, or any other federal agency, that its programs, services and activities are being conducted in a non-discriminatory manner.

CITY OF PUNTA GORDA TITLE VI NON-DISCRIMINATION POLICY AND PLAN

REVISED NOVEMBER 6, 2019
Resolution 3452-19

Human Resources Manager/
Non-discrimination Coordinator
326 W Marion Avenue
Punta Gorda, Florida 33950
HumRes@cityofpuntagordafl.com
Phone: 941-575-3308
Fax: 941-575-3300
TTY: (941) 575-5013
Florida Relay Service at 1-800-955-8771

Punta Gorda

Title VI / Non-discrimination Assurances

Pursuant to Section 9 of US DOT Order 1050.2A, the City of Punta Gorda, Florida (City) 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 Non-discrimination 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 City 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 (City Manager).
2. Issue a policy statement signed by the Chief Executive Officer (City Manager), which expresses its commitment to the Non-discrimination provisions of Title VI. The policy statement shall be circulated throughout the City's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. 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 City shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other Non-discrimination 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 City.

Dated: 11-6-2019

By: _____

Howard Kunik, Punta Gorda City Manager (Chief Executive Officer)

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 Non-discrimination 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. ***Non-discrimination:*** 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 Non-discrimination 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 Non-compliance:** In the event of the Contractor's noncompliance with the Non-discrimination 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:

- withholding of payments to the Contractor under the contract until the Contractor complies, and/or
- 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 Non-discrimination 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 Ill 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).

Title VI/Non-discrimination Policy and Plan

Policy Statement

The City of Punta Gorda (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 its communities 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 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.

Non-discrimination Assurances

Every three years, or commensurate with a change in executive leadership, the City must certify to Federal Highway Administration (FHWA) and Florida Department of Transportation (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 Non-discrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the City may be held liable for breach. Those wishing to view the

City's Non-discrimination Assurance may do so by visiting the City's website (www.cityofpuntagordafl.com) or Human Resources Office.

Complaint Procedures

The City 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, religion, age, disability or family status in any City program, service or activity may file a complaint with the City's Title VI/Non-discrimination Coordinator:

Philip Wickstrom, Human Resources Manager
Non-discrimination Coordinator
City of Punta Gorda
326 W Marion Avenue,
Punta Gorda, FL 33950
Email: humres@CityofPuntaGordaFL.com
Telephone: (941) 575-3300
Florida Relay 1(800)955-8770 (Voice) or 1(800)-955-8771(TTY)
1-800-955-9770 (English); 1-877-955-8707 (Spanish); or 1-877-955-8707 (French Cr).

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 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/Non-discrimination Coordinator for assistance.

The complaint must be filed no later than 180 calendar days after the following:

1. The date of the alleged act of discrimination; or
2. The date when the person(s) became aware of the alleged discrimination; or
3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

The Title VI/Non-discrimination 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) Office.

The City's Title VI Coordinator has 'easy access' to the City Manager (Chief Executive Officer CEO) and is not required to obtain management or other approval to discuss

discrimination issues with the CEO. 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 32399

ADA / 540 Posted 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 those with disabilities and ensure that their needs are equitably represented in transportation programs, services and activities.

The City will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The City will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities 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 individuals with disabilities 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 calendar fifteen (15) days prior to the need for accommodation.

Questions, concerns, comments or requests for accommodation should be made to:

5. The City Manager is hereby authorized to sign said plan and submit to the Florida Department of Transportation.

6. The City Manager is further authorized to approve modifications to the Plan as deemed necessary and directed by the Florida Department of Transportation.

7. The Resolution shall become effective immediately upon adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this 6th day of November 2019.

NANCY PRAFKE, Mayor

ATTEST:

KAREN SMITH, City Clerk

APPROVED AS TO FORM:

DAVID M. LEVIN, City Attorney

Philip Wickstrom, Human Resources Manager
ADA Coordinator
City of Punta Gorda
326 W Marion Avenue,
Punta Gorda, FL 33950
Email: humres@CityofPuntaGordaFL.com
Telephone: (941) 575-3300
Florida Relay 1(800)955-8770 (Voice) or 1(800)-955-8771(TTY)
1-800-955-9770 (English); 1-877-955-8707 (Spanish); or 1-877-955-8707 (French Cr).

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:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the City's programs, services or activities.

Using census data, the City has determined that LEP individuals speaking English less than well represent approximately 8% of the community. The City realizes that such statistical data can become outdated or inaccurate. Given this information, the City reasons that a relatively small portion of its service population are LEP speakers of Spanish.

2. The frequency with which LEP individuals encounter these programs, services or activities.

The City has not received requests for translation or interpretation of its programs, services or activities into Spanish or other language(s).

3. The nature and importance of the program, service, or activity to people's lives.

The City 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 City published documents in print and on the City's website that advises the public of how to access its Non-discrimination and public involvement policies, as well as those that impact public safety, health and welfare and emergency services.

4. The resources available to the City/County and the likely costs of the LEP services.

The City will provide language services, as needed, at no or minimal cost to the City. The analyses of these factors suggest that LEP services are not required at this time. Therefore the City has committed to the following:

- Maintain a list of employees who competently speak Spanish and other languages and who are willing to provide translation and/or interpretation services.
- Distribute this list to staff that regularly has contact with the public.
- Provide notification in Spanish of the availability of LEP assistance in public meeting notices and on public involvement event signage.
- Translate essential documents into Spanish

The City understands that its community profile is changing and the four (4) factors analysis may reveal the need for more or varied LEP services in the future. As such, it will annually examine it LEP plan to ensure that it remains reflective of the communities' needs Persons requiring special language services should contact the City's Title VI/Non-discrimination Coordinator:

Philip Wickstrom, Human Resources Manager
Non-discrimination Coordinator
City of Punta Gorda
326 W Marion Avenue,
Punta Gorda, FL 33950
Email: humres@CityofPuntaGordaFL.com
Telephone: (941) 575-3300
Florida Relay 1(800)955-8770 (Voice) or 1(800)-955-8771(TTY)
1-800-955-9770 (English); 1-877-955-8707 (Spanish); or 1-877-955-8707 (French Cr).

Public Involvement

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, 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 hosts a number of transportation meetings, workshops and other events designed to gather public input on project planning and construction. Further, 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.

Persons wishing to request special presentations by the City; volunteer in any of its activities; offer suggestions for improvement; or to simply learn more about City's programs and services should contact:

Philip Wickstrom, Human Resources Manager
Non-discrimination Coordinator
City of Punta Gorda
326 W Marion Avenue,
Punta Gorda, FL 33950
Email: humres@CityofPuntaGordaFL.com
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1-800-955-9770 (English); 1-877-955-8707 (Spanish); or 1-877-955-8707 (French Cr).

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 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 City may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in City programs, services or activities. 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.

Assurances

Every three years 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 as the City's commitment to Non-discrimination and equitable service to its community. The public may view the assurance on the City's website (www.cityofpuntagordafl.com) or by visiting the City's Human Resource's office.

Dated: 11-6-2019

By _____
Howard Kunik, Punta Gorda City Manager

CITY OF PUNTA GORDA

PHILIP WICKSTROM
HUMAN RESOURCES MANAGER
TITLE VI/NON-DISCRIMINATION COORDINATOR
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3300
HumRes@CityofPuntaGordaFL.com

CITY OF PUNTA GORDA, FLORIDA
Title VI / Non-discrimination Program
Complaint of Discrimination

Complaint(s)							
Name		**Phone**		**Email**			
Address		**City**		**State**		**Zip**	
Complainant's Representative's Name, Address, Phone Number and Relationship (e.g. friend, attorney, parent, etc):							
Name		**Phone**		**Email**			
Address		**City**		**State**		**Zip**	
Name(s) and Address of Agency, Institution, or Department whom you Allege Discrimination Against You:							
Name		**Phone**		**Email**			
Address		**City**		**State**		**Zip**	
Name and Address of Agency, Institution, or Department Whom You Allege Discriminated Against You:							
Names of the Individual(s) Whom You Allege Discriminated Against You (If Known):							
Discrimination Because Of:	__Race __Color __Sex __Age __Disability __Income Status __Retaliation __National Origin __Other _____						
Date or Dates of Alleged Discrimination:							
Please explain as clearly as possible *how, why, when and where* you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Additional pages may be attached if needed.							
Please list the name(s) and phone number(s) of any person, if known, that the City's Non-discrimination Coordinator could contact for additional information to support or clarify your allegation(s).							
Complainant(s) or Complainant(s) Representatives Signature:				**Date:**			

Return completed form to the City's Title VI Non-discrimination Coordinator at address or email listed above