

The City of Venice Title VI and Americans with Disabilities Act (ADA) Plan



Related to Programs, Activities and Services July 29, 2016

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Florida Relay Services: 711 or 1-800-955-8771 (TTY)
1-800-955-8770 (Voice)

Introduction

As a recipient of Federal funds, the City of Venice is required to issue a policy statement expressing a commitment to the non-discrimination provisions of Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA) of 1990 and related Federal and State nondiscrimination statutes and regulations. This document highlights the City's efforts with regards to Title VI, ADA and related Federal and State statutes and regulations compliance.

The City of Venice has a population of approximately 21,000 residents. According to the 2010 U.S. Census 57% of the population is 65 years of age and over, 5.8% speak a language other than English at home, and 12.9% of the population 65 and under is considered disabled (2000 Census). The population contains 2.7% Hispanic/Latino, .6% African American/Black, and less than 1% for all other races. 8.1% of the population lives below poverty level. There are several census blocks in the city that have more than 48% of low income residents. There is also one housing authority that was newly constructed in 2013.

Title VI of the Civil Rights Act and related Federal and State nondiscrimination statutes and regulations prohibits discrimination on the basis of race, color or national origin, sex, age, disability, family or religious status, in programs, activities or services receiving federal financial assistance. To address these federal requirements, the City of Venice has developed a Title VI and ADA Plan. The following sections provide a summary of the City's activities relating to those requirements.

Title VI and ADA Plan

The City of Venice, acting as the citywide planning agency and a federal fund designated recipient, has a goal not to discriminate against any person with respect to any City program, activity or service. To meet this goal, the City has developed a Title VI and ADA Plan pursuant to Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990, as amended and related Federal and State nondiscrimination statutes and regulations. The City's Title VI and ADA Plan defines what Title VI and ADA is, includes a written process on how to file a Title VI or an ADA complaint should one arise, and describes the complaint investigation process.

The City of Venice will make every effort to ensure that its facilities, programs, services and activities are accessible to those with disabilities. The City encourages the public to report any facility, program, service or activity that appears inaccessible to those who are disabled.

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

Contact: Alan Bullock
Administrative Services Director
City of Venice
401 West Venice Avenue
Venice, Florida 34285

Email: abullock@venicegov.com
Phone: 941-486-2626 ext. 2001

Public Notification Process

The City's goal is not to discriminate against any person with respect to a City program, activity or service. This commitment is incorporated into all public outreach efforts to engage all segments of the population in the City's planning process. The City actively provides information regarding its Title VI and ADA obligations to the public using a variety of methods.

Information, such as reference to Federal circulars and the City's Title VI and ADA Plan and complaint procedure, is available, upon request at City offices, on the City's website and is provided to staff, citizens, consultants, subgrantees and contracted providers. The Notice of nondiscrimination policy is included in all City contracts, public meetings and bid advertisements.

The City shall require of itself and each subgrantee and service provider to certify each year that there have been no Title VI or ADA complaints or lawsuits. As a policy, City staff is educated on the Title VI and ADA requirements. The entire nondiscrimination clauses (See Appendix A) shall be included in all consultant contracts and subgrantee agreements.

The following statement is posted in City facilities: "The City of Venice does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status in administration of its programs, activities or services."

To find out more, visit:

www.venicegov.com

or Contact: Alan Bullock

Administrative Services Director

City of Venice

401 West Venice Avenue

Venice, Florida 34285

Email: abullock@venicegov.com

Phone: (941) 486-2626 ext. 21001

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Inclusive Public Participation

The City shall seek out and consider viewpoints of low-income, minority, elderly, disabled, Limited English Proficiency (LEP), ethnic and religious groups in the course of conducting public outreach and involvement activities in regards to planning activities. These public outreach activities can include:

- City Website and Publications: The City includes information on its website regarding City planning activities. Activities are also included in the monthly City newsletter.
- City Council meetings are regularly re-broadcast on a local public television station. The

City can supply documents, upon request, in a variety of alternative formats. Vital documents and those documents having a wide distribution may be translated into foreign languages, as appropriate, based on federally mandated assessments.

- **Public Meetings and Workshops:** City staff hosts and participates in many public meetings and workshops to share information about City programs, activities and services and to collect information from users of these programs. All City sponsored meetings or workshops are conducted in ADA accessible locations and have readily available access to transit. Availability of accessibility assistance is included in each meeting and workshop notice. Meets are held in facilities close to the target audience. When conducting public meetings and workshops, staff shall make reasonable attempts to provide meaningful access including having translators, hearing devices for persons with hearing difficulties, accessible facilities and suitable materials in alternative formats available.
- **Public Hearings:** The City conducts formal public hearings and provides opportunities for citizen input on City programs and planning activities. Public hearings are conducted periodically and as required by law for a wide variety of topics. Public Hearing notices are placed in the local newspapers of general circulation, are mailed and emailed to City mailing list, posted in Venice City Hall and on the City's website.
- **Surveys:** The City may utilize survey instruments on its website, distributed through e-mail and direct mail and at various workshops to collect public input. Surveys are often tailored to information from targeted populations such as the elderly or minority persons and will be designed to include the collection gender, ethnicity and racial data. Staff considers the needs of those who cannot read or write and will verbally read the survey and record the respondent's comments upon request.

All Public Participation materials may be made available in alternative formats such as large type.

Record of Title VI/ADA Activities and General Reporting Requirements

- a. A list of all-active lawsuits or complaints alleging discrimination on the basis of race, color, national origin, etc. with respect to service or other transit benefits:

The City has no active lawsuits nor is aware of any complaints on the basis of race, color or national origin sex, age, disability, family, or religious status at this time.

- b. A description of all pending applications for financial assistance currently provided by Federal agencies to the grantee:

The City regularly receives pass through or direct funding from the Federal Aviation Administration, Florida Department of Transportation/Federal Highway Administration, the Office of Housing and Urban Development, U.S. Department of Justice, Federal Emergency Management Agency, and U.S. Department of Energy.

- c. A summary of all civil rights compliance reviews conducted by other local, state or federal agencies in the last 3 years.

FDOT and the Federal Highway Administration (FHWA) conducted technical assistance visit in August 2010.

Record of Title VI/ADA Investigations, Complaints or Lawsuits

The City will maintain a file for Title VI and ADA complaints, investigations and lawsuits. To date, no complaints have been received.

Sub Recipient Title VI/ADA Assistance and Guidance

If such agreements are entered into with either party, it will actively assist each subrecipients/subgrantees in complying with the general Title VI/ADA reporting requirements and work closely the Florida Department of Transportation, the Federal Highway Administration, Federal Aviation Administration, the US Department of Energy, US Department of Justice, Office of Housing and Urban Development or other appropriate agencies to ensure substantial compliance with nondiscrimination regulations.

Title VI/ADA Complaint Process and Procedures

City of Venice Discrimination Complaint Procedure:

Title VI of the Civil Rights Act of 1964, the ADA of 1990 as amended and related Federal and State nondiscrimination statutes and regulations prohibits discrimination on the basis of race, color, national origin sex, age, disability, family or religious status for programs, activities and services receiving federal financial assistance. As a recipient of federal financial assistance, the City of Venice has in place a Title VI and ADA complaint procedure:

1. Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation, by the City of Venice in administration of any program, activity or service, as prohibited by Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act (ADA) or related statutes, may file a written complaint. All written complaints regarding Title VI or ADA received by the City shall be referred immediately by the Administrative Services Director to FDOT's Title VI, ADA or the appropriate agency Coordinator for processing in accordance with approved State procedures.

Written complaints may be sent to:

Alan Bullock
Administrative Services Director
City of Venice
401 West Venice Avenue
Venice, Florida 34285
Email: abullock@venicegov.com
941-486-2626 ext. 21001

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Florida Relay Services: 711 or 1-800-955-8771 (TTY)
1-800-955-8770 (Voice)

2. The City's Administrative Services Director shall make every reasonable attempt to resolve verbal and non-written complaints received by the City informally. If the issue has not been satisfactorily resolved through informal means, or if at any time the Complainant requests to file a formal written complaint, the Complainant shall be referred to the FDOT's Title VI, ADA, or other appropriate agency's Coordinator, for processing in accordance with approved State procedures.
3. The City's Administrative Services Director will advise the FDOT's Title VI, ADA or other appropriate agency Coordinator within thirty (30) calendar days of receipt of the allegations. The following information will be included in every notification to the FDOT's Title VI, ADA or other appropriate agency Coordinator:
 - a. Name, address, and phone number of the Complainant;
 - b. Name and address of the City;
 - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation);
 - d. Date of alleged discriminatory act(s);
 - e. Date complaint received by the City;
 - f. A statement of the complaint;
 - g. Other agencies (state, local or Federal) where the complaint has been filed; and
 - h. An explanation of the actions the City has taken or proposed to resolve the allegation(s) raised in the complaint.
4. Within ten (45) calendar days, the City's Administrative Services Director will acknowledge receipt of the allegation(s), inform the Complainant of action taken or proposed action to process the allegation(s), and advise the Complainant of other avenues of redress available, such as the FDOT's Equal Opportunity Office (EOO).
5. Within sixty (60) calendar days, the recipient's Administrative Services Director will conduct and complete a review of the verbal or non-written allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to City Manager.
6. Within ninety (90) calendar days of the verbal or non-written allegation(s) receipt, the City Manager will notify the Complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the Complainant of his/her right to file a formal complaint with the FDOT's EOO, or other appropriate agency, if they are dissatisfied with the final decision rendered by the City. The City's Administrative Services Director will also provide the FDOT's Title VI, ADA or other appropriate agency Coordinator with a copy of this decision and summary of findings.
7. The City's Administrative Services Director will maintain a log of all verbal and non-written complaints received by the recipient. The log will include the following information:
 - a. Name of Complainant;

- b. Name of Respondent;
- c. Basis of complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation);
- d. Date verbal or non-written complaint was received by the recipient;
- e. Date recipient notified the FDOT's Title VI, ADA or appropriate agency Coordinator of the verbal or non-written complaint; and
- f. Explanation of the actions the City has taken or proposed to resolve the issue raised in the complaint.

Access for LEP Persons

To provide meaningful access to City programs, activities and services to persons who are Limited English Proficient (LEP), the City has assessed LEP needs in the City. This LEP Plan shall serve as a training tool and guide for City staff on how to recognize a person who may need language assistance and how to provide that assistance. The City has identified a very small community of Hispanic speaking residents. According to the 2006-2008 American Community Survey published by the U.S. Census Bureau, data on the population speaking a language other than English is so small that it was not reported. In the U.S. Census it states that 2009-2013 percentage is 5.8% of the people in Venice speak a language other than English. Staff has reported that about 8-10 times a week a Spanish speaking person calls for assistance. Most know limited English or have someone in the household that speaks English. The City Clerk stated that no requests for translation services have come in for public meetings, nor has it been an issue during meetings or workshops. Individual City departments have employees who may be available for translation service or we will use a low cost multi-language telephone service such as Applied Language Solutions. LEP factors will be reviewed yearly to assess the need for LEP offerings.

Recipient LEP Assistance and Guidance

If subagreements are entered into, the City will actively assist each recipient in complying with the general LEP requirements and work closely the FHWA, FDOT or other appropriate agencies to ensure substantial compliance with nondiscrimination regulations. If such agreements are entered into the City shall assist its recipient:

- Recipient will be provided with a copy of and/or the Internet link to the City's LEP plan. The LEP plan shall also include information on informing beneficiaries of their rights under Title VI and ADA and the procedures on how to file a complaint.
- City recipient contracts or agreements shall include the Civil Rights clauses (see Appendix A).
- The City's Administrative Services Director shall monitor the flow down of LEP requirements associated with the recipient third party contracts.

Record of Language Assistance

The City shall maintain a file for language assistance requests.

Required Consultant and Subgrantee Title VI and ADA and Related Federal and State Nondiscrimination Statutes and Regulations Contract Clauses

As a policy, the following civil rights clauses regarding non-discrimination shall be included in all City contracts and subgrantee agreements:

CIVIL RIGHTS - The following requirements apply to this AGREEMENT:

- A. Nondiscrimination - In accordance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332:

The CONSULTANT or SUBGRANTEE shall not discriminate on the basis of race, age, creed, disability, marital status, color, national origin, or sex in the performance of this contract. The CONSULTANT or SUBGRANTEE shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of (Florida Department of Transportation, the Federal Highway Administration, Federal Aviation Administration, the US Department of Energy, US Department of Justice, or Office of Housing and Urban Development) assisted contracts. Failure by the CONSULTANT or SUBGRANTEE to carry out these requirements is a material breach of this AGREEMENT, which may result in the termination of this AGREEMENT or such other remedy, as the City deems appropriate.

Each subcontract the CONSULTANT or SUBGRANTEE signs in regards to this federal aid PROJECT must include the assurance in this paragraph (see 49 CFR 26. 13(b)). The CONSULTANT or SUBGRANTEE agrees to comply with all applicable federal implementing regulations and other implementing requirements the Federal government may issue.

- B. Equal Employment Opportunity - The following equal employment opportunity requirements apply to this AGREEMENT:

(1) Race, Color, Creed, National Origin, Sex - In accordance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the CONSULTANT or SUBGRANTEE agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the PROJECT.

The CONSULTANT or SUBGRANTEE agrees to take all reasonable steps to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following:

Employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for

training, including apprenticeship. In addition, the CONSULTANT or SUBGRANTEE agrees to comply with any implementing requirements the Federal government may issue.

(2) Age - In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 through 634 and Federal transit law at 49 U.S.C. § 5332, the CONSULTANT or SUBGRANTEE agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the CONSULTANT or SUBGRANTEE agrees to comply with any implementing requirements the Federal government may issue.

(3) Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the CONSULTANT or SUBGRANTEE agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the CONSULTANT or SUBGRANTEE agrees to comply with any implementing requirements the Federal government may Issue.

(4) Access to Services for Persons with Limited English Proficiency - To the extent applicable and except to the extent that the Federal agency determines otherwise in writing, the CONSULTANT or SUBGRANTEE agrees to comply with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," 42 U.S.C. § 2000d-1 note, and with the provisions of U.S. DOT Notice, "DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries," 66 Fed. Reg. 6733 et seq., January 22, 2001. The City's LEP Plan is available in the Title VI/ADA plan at City facilities or may be viewed online at www.venicegov.com

(5) Drug or Alcohol Abuse - Confidentiality and Other Civil Rights Protections - To the extent applicable, the CONSULTANT or SUBGRANTEE agrees to comply with the confidentiality and other civil rights protections of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1101 et seq., with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4541 et seq., and with the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 201 et seq., and any amendments to these laws.

(6) Other Nondiscrimination Laws - The CONSULTANT or SUBGRANTEE agrees to comply with all applicable provisions of other federal laws, regulations, and directives pertaining to and prohibiting discrimination, except to the extent the Federal Government determines otherwise in writing. The CONSULTANT or SUBGRANTEE also agrees to include these requirements in each subcontract financed in whole or in part with federal assistance, modified only if necessary to identify the affected parties.

**TITLE VI AND ADA PROGRAM AND RELATED STATUTES
DISCRIMINATION COMPLAINT AGAINST THE CITY OF VENICE**

Please Print

Name: _____

Address: _____

Telephone (home): _____

Telephone (work): _____

Name of City Staff Person that You Believe Discriminated Against You: _____

Address: _____

Date of Alleged Incident: _____

You were discriminated because of: (please check one or more)

Race Retaliation Color National Origin (Language) Sex Age

Familial Status Religion Disability Other

Explain as briefly and clearly as possible what happened and how you were discriminated against.

Indicate who was involved. Be sure to include how other persons were treated differently than you.

Also attach any written material pertaining to your case.

Signature: _____

Date: _____

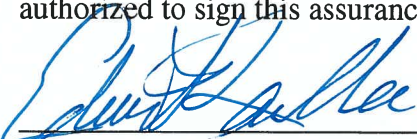
TITLE VI/NONDISCRIMINATION POLICY STATEMENT

The City of Venice assures 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 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

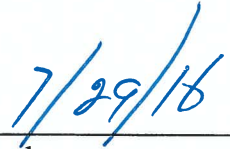
The City of Venice further agrees to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization with direct 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 Appendix A 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 appropriate agency;
5. Participate in training offered on Title VI and other nondiscrimination requirements;
6. If reviewed by a federal agency, 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.



Signed, Edward Lavallee



Dated

Title VI Nondiscrimination Policy Statement - Appendix A

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 Aviation Administration, the US Department of Energy, US Department of Justice, or Office of Housing and Urban Development* 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 Aviation Administration, the US Department of Energy, US Department of Justice, or Office of Housing and Urban Development* 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 *Florida Department of Transportation, the Federal Highway Administration, Federal Aviation Administration, the US Department of Energy, US Department of Justice, or Office of Housing and Urban Development* 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 (6) 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 Aviation Administration, the US Department of Energy, US Department of Justice, or Office of Housing and Urban Development* 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, the Federal Highway Administration, Federal Aviation Administration, the US Department of Energy, US Department of Justice, or Office of Housing and Urban Development* to enter into such litigation to protect the interests of the *Florida Department of Transportation, the Federal Highway Administration, Federal Aviation Administration, the US Department of Energy, US Department of Justice, or Office of Housing and Urban Development*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.