

RESOLUTION NO. 2019- 2644

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A TITLE VI PROGRAM PLAN IN ACCORDANCE WITH TITLE VI, 42 U.S.C. SECTION 2000D, CIVIL RIGHTS ACT OF 1964, AS REQUIRED FOR THE TOWN TO RECEIVE FEDERAL PASS-THROUGH FUNDING FROM MIAMI-DADE TRANSIT AGENCY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”), through Miami-Dade Transit, was a sub-recipient of the American Recovery and Reinvestment Act (“ARRA”) Economic Stimulus Grant funding from the Federal Transit Administration (“FTA”); and

WHEREAS, the FTA requires that sub-recipients have a “Program Plan” to comply with the regulation implementing Title VI of the Civil Rights Act of 1964 (“Title VI”), which provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (42 U.S.C Section 2000d); and

WHEREAS, on December 13, 2016, the Town Commission adopted Resolution No. 2016-2406 approving a Title VI Plan to comply with federal requirements; and

WHEREAS, the FTA requires Title VI plans to be updated and approved by the governing body every three years; and

WHEREAS, the Town Commission wishes to readopt the Title VI Program Plan in substantially the form attached hereto as Exhibit “A”; and

WHEREAS, adopting the Title VI Program Plan will provide education to both the community and Town staff and discourage discrimination on the basis of race, color, or national origin; and

WHEREAS, the Title VI Program Plan serves to ensure that users of the Town’s transit services are able to make anti-discrimination complaints and to have procedures in place for investigating, tracking, and providing an administrative remedy to these types of complaints; and

WHEREAS, the Town Commissions finds that readopting the Title VI Program Plan is in the best interest and welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That the above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval. That the Town Commission approves the Title VI Program Plan in substantially the form attached hereto as Exhibit "A."

Section 3. Implementation. That the Town Manager and/or his designee is authorized to take any and all action reasonably necessary to implement the purposes of this Resolution and the Title VI Program Plan.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on this 12th day of November, 2019.

Moved By: Vice Mayor Gielchinsky

Second By: Commissioner Karukin

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen	<u>Yes</u>
Commissioner Michael Karukin	<u>Yes</u>
Commissioner Tina Paul	<u>Yes</u>
Vice Mayor Daniel Gielchinsky	<u>Yes</u>
Mayor Daniel Dietch	<u>Yes</u>




Daniel Dietch
Mayor

ATTEST:

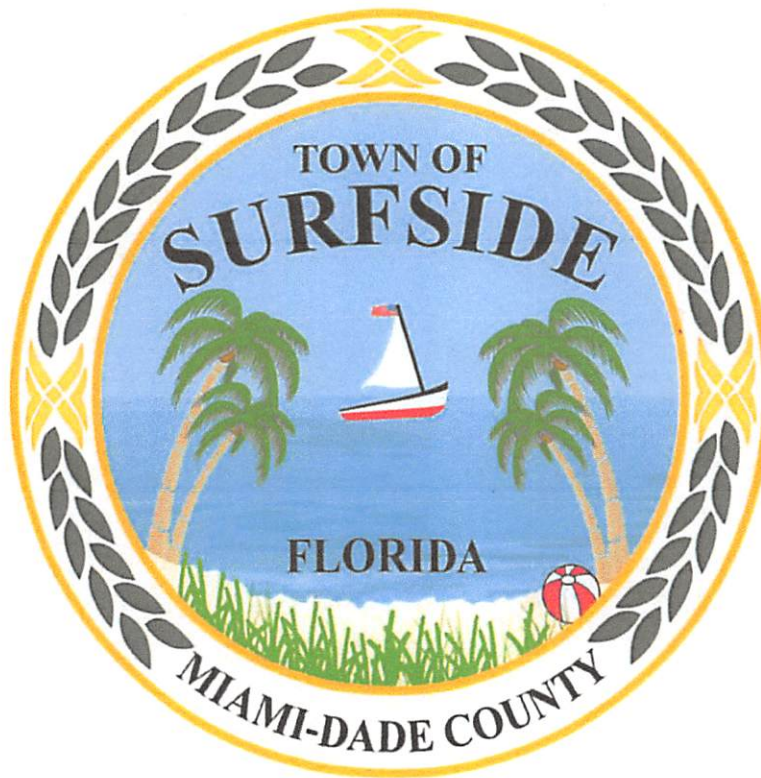


Sandra Novoa, MMC
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



TITLE VI PROGRAM PLAN

**TOWN OF SURFSIDE
9293 Harding Avenue
Surfside, FL 33154
Tel: 305-861-4863
Fax: 305-861-1302**

Website: www.townofsurfsidefl.gov

Town of Surfside Title VI Program Plan

Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The Town of Surfside is committed to ensuring that no person is excluded from participation in, or denied the benefits of Miami-Dade transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B.

Information Notices

Title VI information notices are prominently and publicly displayed in the Town Hall lobby and the Community Center.

The name and contact information of the Title VI coordinator is available on the Town's website, at www.townofsurfsidefl.gov. Additional information relating to the Town's nondiscrimination obligation is provided in this document.

Further information can be obtained directly from the Town's Title VI Coordinator:

**Rosendo Prieto Title VI Coordinator
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154
305-861-4863**

Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

Complaints

The complainant may file a signed, written complaint no later than 180 days after the date of the alleged discrimination. The complaint procedures are described in detail herein (see Appendix A). Each complaint should include the following information:

- Full name
- Mailing address
- Contact Information (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against, including location, names and contact information of any witnesses
- Other information that you consider significant

The Title VI Complaint Form, (see Appendix B), may be used to submit the complaint information. The complaint may be filed in writing to the Town at the following address:

Town of Surfside
Attention: Rosendo Prieto, Title VI Coordinator
9293 Harding Avenue
Surfside, FL 33154

The Town encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. Complaints must be mailed to the Title VI Coordinator no later than 180 days after the date of the alleged discrimination.

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by the Town will be directly addressed by the Title VI Coordinator who shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English.

Additionally, the Town shall make every effort to address all complaints in an expeditious and thorough manner. A letter acknowledging receipt of complaint will be mailed within seven days (see Appendix C). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

The Town of Surfside will send a final written response letter (see Appendix D) to the complainant. If the complaint is found to be not substantiated (see Appendix E), the complainant is also advised of his or her right to:

- 1) Appeal within seven calendar days of receipt of the final written decision from the Town, and/or
- 2) File a complaint externally with the U.S. Department of Transportation and/or the FTA.

Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

Once sufficient information for investigating the complaint is received by the Town, a written response will be drafted subject to review by the Town Attorney. If appropriate, the Town Attorney may administratively close the complaint. In this case, the Town will notify the

complainant of the action as soon as possible.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor — TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Limited English Proficiency (LEP)

The Town of Surfside has a land area of 1.0 Square Miles. According to the 2010 Census, the Town has an approximate total population of 5,744 people, composed of 94.6% White or Caucasian, 46.5 % Hispanic or Latino, Non-Hispanic White 50.1%, and 1.0% other races. Of the Town's population over the age of 5, 34.8% of residents speak English at home, 44% speak Spanish at home, (73.1% speak English very well, and 26.9% speak English less than very well).

The Town provides information in English. Residents can request translations of documents that are in English. Most departments have at least one or more employees that are bilingual and Spanish speakers are accommodated with a translator when requested.

The Town's Title VI Policy and Complaint Procedures is hosted on the Town's web page in English and made available in other languages as requested.

The Town educates our staff and contractors on the following procedure (see Appendix F):

- a. Understanding the Title VI Policy and LEP responsibilities
- b. How to access Title VI Policy and Procedures via the Town's website.
- c. Document and resolve any language assistance deficiencies
- d. The procedure if a Title VI and/or LEP complaint is filed.

The Town will review LEP procedures annually to determine if modifications are needed to meet language assistance deficiencies.

Public Participation Plan

The Town of Surfside seeks to engage the public in its planning and decision-making processes. Members of the public may make statements at Commission meetings, which occur on the second Tuesday of every month. Town Commission agendas are available for review by the public late in the afternoon on the Wednesday prior to Commission meetings via the Town's website. Consideration of Town Ordinances is published in the Daily Business Review.

The Town and its records are available to the public. The Town's Title VI Complaint Procedure is available to the public via the Town's website www.townofsurfsidefl.gov.

Decision Making Bodies

The Town of Surfside does not have any transit related non-elected planning boards or advisory councils or planning boards or committees. If any such committees are established in the future, this plan will be amended to depict minority representation on such committees and to describe the efforts made to encourage participation of minorities on such committees.

Transit Programs/Service Standards

Town of Surfside operates a circulator bus within the Town of Surfside in compliance with an interlocal agreement with Miami-Dade County Transit. All other transit services are provided and operated by Miami-Dade County Transit.

Transit Facilities

The Town has a lease agreement for the circulator bus service and does not have any storage, maintenance facilities, or operation centers.

Town of Surfside Title VI Program Plan

Appendices

Appendix A	Complaint Procedures
Appendix B	Complaint Form
Appendix C	Letter Acknowledging Receipt of Complaint
Appendix D	Letter Notifying Complainant That the Complaint is Substantiated
Appendix E	Letter Notifying Complainant that the Complaint is not Substantiated
Appendix F	Employee Annual Education Form
Appendix G	Record of Investigations, Complaints, and/or Lawsuits

Town of Surfside Title VI Program Plan

Appendix A

Complaint Procedures

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Any person who believes he or she has been discriminated against on the basis of race, color, or national origin by the Town of Surfside may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. A complaint may be filed no later than 180 days after the date of the alleged discrimination. The Town or its designated Title VI Coordinator will process complaints that are complete.

Once the complaint is received, the Title VI Coordinator will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing him/her whether the complaint will be investigated by our office.

The Town has 60 days to investigate the complaint. If more information is needed to resolve the case, the Town's Title VI Coordinator may contact the complainant. The complainant will have 10 business days from the date of the letter to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the Title VI Coordinator can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the case is investigated he/she will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur.

If the complainant wishes to appeal the decision, he/she has 10 business days after the date of the LOF to do so.

A person may also file a complaint directly with:

**Federal Transit Administration
FTA Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC 20590.**

Town of Surfside Title VI Program Plan

Appendix B

Complaint Form

If you feel you have been discriminated against, please provide the following information in order to assist us in processing your complaint and send it to:

**Town of Surfside
Attention: Rosendo Prieto, Title VI Coordinator
9293 Harding Avenue
Surfside, FL 33154**

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: (cell) _____ (home) _____

Person discriminated against: _____

Address of person discriminated against: _____

City, State, Zip Code: _____

Please indicate why you believe the discrimination occurred:

- Race or color**
- National origin**
- Income**
- Other**

What was the date of the alleged discrimination? _____

Where did the alleged discrimination take place? _____

Please describe the circumstances as you saw it:

Please list any and all witnesses' names and phone numbers:

Please attach any documents which support the allegation.

Date and sign this form and send to the Title VI Coordinator.

Your signature

Print your name

Date

Town of Surfside Title VI Program Plan

Appendix C

Letter Acknowledging Receipt of Complaint

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms):

This letter is to acknowledge receipt of your complaint against the Town of Surfside alleging:

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 305-861-4863, or write to me at this address.

Sincerely,

**Town of Surfside
Attention: Rosendo Prieto, Title VI Coordinator
9293 Harding Avenue
Surfside, FL 33154**

Town of Surfside Title VI Program Plan

Appendix D

Letter Notifying Complainant that the Complaint is Substantiated

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms):

The matter referenced in your letter of _____ (date) against the Town of Surfside alleging Title VI violation has been investigated.

The violation of the Title VI of the Civil Rights Act of 1964 mentioned in your letter was identified. Corrective action of this deficiency(s) is being implemented to ensure that this issue does not arise again

Thank you for bringing this important matter to our attention.

Sincerely,

**Town of Surfside
Attention: Rosendo Prieto, Title VI Coordinator
9293 Harding Avenue
Surfside, FL 33154**

Town of Surfside Title VI Program Plan

Appendix E

Letter Notifying Complainant that the Complaint is not Substantiated

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms)

The matter referenced in your complaint of _____ (date) against the Town of Surfside alleging a Title VI violation has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

The Town Attorney has analyzed the materials and facts pertaining to your case for evidence of the Town's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that the Town is closing this matter in our files as of _____. (date) You have the right to:

- 1) Appeal within seven calendar days of receipt of this final written decision from the Town, and/or**
- 2) File a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:**

**Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor
TCR 1200 New Jersey Ave., SE
Washington, DC 20590**

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Rosendo Prieto, Title VI Coordinator

Town of Surfside Title VI Program Plan

Appendix F

Employee Annual Education Form

To all employees of the Town of Surfside:

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of the Town of Surfside and its contractors are expected to consider, respect, and observe this policy in their daily work and duties.

If a citizen approaches you with a question or complaint, direct him or her to contact:

**Town of Surfside
Attention: Rosendo Prieto, Title VI Coordinator
9293 Harding Avenue
Surfside, FL 33154**

In all dealings with citizens, use courtesy titles (i.e. Mr., Ms., etc.) to respectfully address the citizens without regard to race, color or national origin.

