

**City of Pensacola, Florida
Title VI Nondiscrimination Policy
Including Limited English Proficiency Plan**

I. Policy Statement

The City of Pensacola (“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 of its communities. Thus, the City does not tolerate discrimination in any of its programs, services or activities and henceforth implements this Title VI Nondiscrimination Policy (“Title VI Policy”) and Limited English Proficiency Plan (“LEP Plan”).

Pursuant to Title VI of the Civil Rights Act of 1964 (“Act”) and other federal and state law and regulations, 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. The City will work to ensure environmental justices, as defined below, by identifying and addressing, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations.

Environmental justice means:

- (a) To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low income populations;
- (b) To ensure the full and fair participation by all potentially affected communities in the decision-making process;
- (c) To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

The responsibility for carrying out the City’s commitment to this program has been delegated to the Title VI Coordinator, as defined below, who will receive and investigate Title VI complaints. The Title VI Coordinator and/or his designee will participate in any yearly Title VI training that is made available and will disseminate pertinent Title VI information to relevant City staff.

II. Public Notice

Notices for Title VI Policy are displayed in City buildings, and information is provided on the City’s website under City Government, Departments & Divisions, Human Resources, Title VI.

The Title VI Policy statement posted in City buildings and on City website should read as follows:

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 City of Pensacola is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination on the grounds of race, color, national origin, sex, age, disability, religion, income or family status. **If you feel you are being denied participation in or being denied benefits of the services provided by the City of Pensacola, or otherwise being discriminated against because of your race, color, national origin, sex, age, disability, religion, income or family status, you may file a formal complaint with the City’s Title VI Coordinator:**

Title VI Coordinator
Ted Kirchharr
Human Resources Director
222 West Main Street
850-435-1727
TitleVI@cityofpensacola.com

III. Complaint Procedures

The City establishes 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, and family or income status may file a complaint with the City’s Title VI Coordinator:

Title VI Coordinator
Ted Kirchharr
Human Resources Director
222 West Main Street
850-435-1727
TitleVI@cityofpensacola.com

If possible, the complaint should be submitted in writing (see Attachment 1, Title VI complaint form) and contain the identity, address and contact information 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 Coordinator for assistance. All complaints shall be filed no later than sixty (60) calendar days from the date of the alleged discrimination.

The Title VI 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 report detailing the circumstances to the appropriate District of the Florida Department of Transportation (FDOT).

If more information is needed to resolve the case, the City may contact the complainant using any contact information provide by complainant on the complaint form. The complainant has thirty (30) business days from the date of initial contact to send requested information to the Title VI Coordinator. If the City does not receive the requested information within the thirty (30) business days, the City can administratively close the case. A case may also be administratively closed if the complainant no longer wishes to pursue the case.

The City's Title VI Coordinator shall report all Title VI discrimination issues directly to the City Administrator and is not required to obtain management or other approval to discuss discrimination issues with the City Administrator. Upon completion of an investigation or the closing of a case, the Title VI Coordinator will supply the City Administrator and complainant with a final report. The final report will summarize the allegations and the information regarding the alleged incident related findings and if additional action is required. If a Title VI violation is found to exist, remedial steps as appropriate and necessary will be taken immediately.

Should the complainant be unable or unwilling to complain to the Agency, 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

IV. ADA/504 Statement

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal aid recipients and other government entities to take affirmative steps to reasonably accommodate the disabled and ensure that their needs are equitably represented in City's 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 make every effort to ensure

that its advisory committees, public involvement activities and all other programs, services and activities include representation by the disabled community 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 disabled individuals who wish to participate in public involvement events or who require special assistance to access facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, the City asks that requests be made at least 15 calendar days prior to the need for accommodation. For accommodations at City Council meetings, individuals may call 435-1606 (or TDD 435- 1666) for further information. For accommodations at other board meetings, individuals may contact the staff assigned to the board. A list of boards and commissions with contact information may be found on the City's website under City Government, Boards & Commissions.

Additional information is readily available online and provided as a direct link on the City's website. Questions, concerns, comments should be made to the City's ADA Officer:

ADA Officer
Jonathan Bilby, Inspections Services Director
222 West Main Street
Pensacola, FL 32502
850-436-5600
jbilby@cityofpensacola.com

V. Limited English Proficiency Plan

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 Limited English Proficiency (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.*

According to the 2019 American Community Survey 5-year estimates, the City of Pensacola's LEP population that speaks English less than very well represents approximately 1% of the community. Of the 1%, LEP individuals speaking Spanish make up 0.3%, LEP individuals speaking Asian or Pacific Islander languages make up 0.4%, and LEP individuals speaking other Indo-European languages make up 0.3%. The Agency realizes that such statistical data can become outdated or inaccurate. Therefore, the Agency contacted Escambia County and available data indicated that the most prevalent LEP language group, Spanish and Spanish

Creole, represented less than 1.5% of the total population in Escambia County. Given this information, the City has concluded that a relatively small percentage of LEP persons are likely to encounter the City's programs, services or activities.

2. *The frequency with which LEP individuals come in contact with these programs, services or activities.*

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

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

All of the City's programs are important; however, those related to safety as well as transportation is of critical importance to its public, as access to health care, emergency services, employment, and other essentials would be difficult or impossible with reliable transportation systems. In that spirit, the City must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved in the planning processes to be consistent with its nondiscrimination goals.

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

The City is fortunate to house within its jurisdiction a number of institutions of higher education and military facilities, some of which have extensive language services. If needed, the City will request assistance from these organizations who could perhaps offer competent language services at no cost. The analysis of these factors suggests that extensive LEP services are not required at this time. Nevertheless, the City believes that occasional Spanish language assistance may be necessary for meaningful access by members of the public.

The City understands that its community profile can change causing the four factor analysis to be reviewed. As such, the City will periodically examine its LEP Plan to ensure that it remains reflective of the community's needs. Persons requiring special language services should contact the City's Title VI Coordinator:

Title VI Coordinator
Ted Kirchharr
Human Resources Director
222 West Main Street
850-435-1727
TitleVI@cityofpensacola.com

VI. 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 an informative website that advises the public how it can access information and provide input. The City also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction. Further, the City attends and participates in other community events to promote its services to the public and strives to continually measure 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 simply learn more about City programs and services should contact the Public Information Officer:

Kaycee Lagarde, Public Information Officer
222 West Main St.
Pensacola, FL 32502
850-435-1623
klagarde@cityofpensacola.com

VII. Data Collection

Federal Highway Administration (FHA) 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 and other resources. The City may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in its public involvement events. This information assists the City with improving its targeted outreach and measures of effectiveness. 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 federal regulations.

VIII. Assurances

Every three years, or commensurate with a change in City executive leadership, the City must certify 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 nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the City may be held liable for breach. The public may view the assurance on the City's website or by contacting the Title VI Coordinator.



Approved by:

City Administrator

Job Title:

10-01-2021

Effective Date:

Attachment 1

April 2014

City of Pensacola Title VI Program Complaint of Discrimination		
Complainant(s) Name:		Complainant(s) Address:
Complainant(s) Phone Number:		
Complainant(s) Email:		
Complainant's Representative's Name, Address, Phone Number and Relationship (e.g. friend, attorney, parent, etc):		
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:	<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Income <input type="checkbox"/> Family Status <input type="checkbox"/> Religion <input type="checkbox"/> Disability	Date of Alleged Discrimination:
Please list the name(s) and phone number(s) of any person, if known, that the City of Pensacola could contact for additional information to support or clarify your allegation(s).		
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.		
Complainant(s) or Complainant(s) Representatives Signature:		Date of Signature:

Send completed form to:

Edward F. Sisson, Chief Human Resources Officer
222 West Main Street
Pensacola, FL

Phone: 850-435-1725
Email: TitleVI@cityofpensacola.com

TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the _____ 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 nondiscrimination 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 _____ 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.
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 *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 Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination 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 Recipient.

Dated _____

by _____


Kerrith Fiddler

City Administrator, City of Pensacola

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 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 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 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 *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:
 - 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 (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 Nondiscrimination 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 III 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).