

**RESOLUTION NO. R2014-30**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF NORTH MIAMI BEACH, APPROVING, IN SUBSTANTIAL FORM, A TITLE VI PROGRAM PLAN FOR THE CITY OF NORTH MIAMI BEACH; AND AUTHORIZING THE CITY ADMINISTRATION TO FINALIZE AND IMPLEMENT THE PROGRAM PLAN.**

**WHEREAS**, the City of North Miami Beach (“City”), through Miami-Dade Transit, was a sub-recipient of the American Recovery and Reinvestment Plan (“ARRA”) Economic Stimulus Grant funding from the Federal Transit Administration (“FTA”); and

**WHEREAS**, FTA requires that sub-recipients have a Title VI Program Plan of the Civil Rights Act of 1964; and

**WHEREAS**, Title VI provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance; and

**WHEREAS**, the City has prepared and proposed the “Title VI Program Plan for the City of North Miami Beach” (attached hereto as Exhibit “A”) which complies with the federal requirements; and

**WHEREAS**, the proposed Title VI Program Plan would be advantageous for the City as it will help to not only manage complaints efficiently by having set procedures, information, and points of contact, but also to proactively discourage discrimination on the basis of race, color, or national origin by educating the community and the City staff; and

**WHEREAS**, the Mayor and City Council hereby find the Title VI Program Plan, attached hereto as Exhibit “A” and made a part of this Resolution, to be in the best interests of the City.

**RESOLUTION R2014-30**

**NOW, THEREFORE,**

**BE IT RESOLVED** by the Mayor and the City Council of the City of North Miami Beach, Florida, that:

**Section 1.** The foregoing recitals are true and correct and are incorporated herein.

**Section 2.** The Mayor and the City Council hereby approve and adopt in substantial form, the attached Title VI Program Plan, provided however, that should any material provisions change, the Program Plan will come before the City Council for review and approval.

**Section 3.** The Mayor and the City Council hereby authorize the City Administration to finalize and implement the Program Plan.

**APPROVED AND ADOPTED** by the City of North Miami Beach City Council at the regular meeting assembled this **5th day of August, 2014.**

ATTEST:

  
PAMELA L. LATIMORE  
CITY CLERK

  
GEORGE VALLEJO  
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE  
AND FOR EXECUTION

  
JOSE SMITH  
CITY ATTORNEY

Sponsored by: Mayor and Council

# **TITLE VI PROGRAM PLAN**

**CITY OF NORTH MIAMI BEACH**

## **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 City of North Miami Beach 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

The City of North Miami Beach's Title VI Notification to the Public states:

The City of North Miami Beach is committed to providing equal access to its services regardless of race, color or national origin, in accordance with Title VI of the Civil Rights Act. If you feel you have been discriminated against because of any of these conditions, you may contact the Title VI Coordinator Rose Amberson at 305-787-6035. For more information, visit [www.citynmb.com](http://www.citynmb.com).

La Ciudad de North Miami Beach se compromete a observar el Título VI de la ley de derechos civiles y proporcionar igualdad de acceso a sus servicios sin consideración de raza, color u origen nacional. Si a usted le parece que han discriminado en su contra debido a alguna de éstas condiciones, usted puede ponerse en contacto con la Título VI Coordinator Rose Amberson al telefono 305-787-6035. Para obtener más información, visite [www.citynmb.com](http://www.citynmb.com).

La Vil North Miami Beach angaje li a bay aksè ekitab asèvis li yo san fè regadans sou ras, koulè, oswa orijinnasyon, an akò ak Tit VI nan Lwa Dwa Sivil la. Si w panse w te viktm diskriminasyon poutèt youn nan kondisyon sa yo, w ka kontakte Title VI Coordinator Rose Amberson nan 305-787-6035. Pou plis enfòmasyon, vizite [www.citynmb.com](http://www.citynmb.com).

Title VI information notices are prominently and publicly displayed inside four City facility lobbies including City Hall, in the vehicle(s) which operate(s) the NMB Line, and on the City's website: [www.citynmb.com](http://www.citynmb.com).

The name and contact information of the Title VI coordinator is available on the City's website, at [www.citynmb.com](http://www.citynmb.com). Additional information relating to the City's nondiscrimination obligation is provided in this document.

## **Record Keeping and Complaints**

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 (*see Attachment A*).

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 Attachment B*).

Each complaint should include the following information:

- Full name
- Mailing address
- Contact Information (i.e. telephone number(s), 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 Attachment C*), may be used to submit the complaint information. The complaint may be filed in writing to the City at the following address:

Rose Amberson, Title VI Coordinator  
City of North Miami Beach  
17011 NE 19<sup>th</sup> Avenue  
North Miami Beach, FL 33162

The City 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 received by 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 City 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.

The City shall make every effort to address all complaints in an expeditious and thorough manner. A letter acknowledging receipt of the complaint will be mailed within seven days. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

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.

### **Record Keeping and Complaints (continued)**

Once sufficient information for investigating the complaint is received by the City, a written response will be drafted subject to review by the City Attorney. If appropriate, the City Attorney may administratively close the complaint. In this case, the City will notify the complainant of the action as soon as possible.

The City of North Miami Beach will send a final written response letter to the complainant. If the complaint is found to be not substantiated, the complainant is also advised of his or her right to:

- (1) appeal within seven calendar days of receipt of the final written decision by contacting the City Attorney's Office, and/or
- (2) file a complaint externally with the Federal Transit Administration.

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

Records will be maintained and available in accordance with applicable Florida Sunshine law.

### **Limited English Proficiency (LEP)**

The City of North Miami Beach has a land area of approximately 5.3 Square Miles. According to the 2010 Census, the City has an approximate total population of 41,523 people, composed of 41.4% African Americans, 36.1% Hispanic or Latino, 47.1% White and 4% other races. Of the City's population over the age of 5 years, 38.5% of residents speak English as their first language, 31.97% speak Spanish as their first language, and 19.32% speak French Creole (primarily Haitian Creole) as their first language.

The City provides information in English, Spanish and Haitian Creole. Residents can request translations of documents that are in English. Most City departments have at least one or more employees that are bilingual and Spanish and Haitian Creole speakers are accommodated with a translator when requested. The City regularly disseminates information in Spanish or Haitian Creole via its website and utility bills.

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

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

## **Public Participation Plan**

The City of North Miami Beach seeks to engage the public in its planning and decision-making processes. Members of the public may make statements at Council meetings, which occur the first and third Tuesday of every month. City Council agendas are available for review by the public no less than two (2) days before Council meetings. Notices of resolutions or ordinances under Council consideration are announced in print in local newspapers and on the City's website. Residents and other stakeholders may schedule appointments with City staff, such as the City Manager or an appropriate designee.

The City continuously seeks innovative methods to engage the public in its outreach activities. Recent outreach initiatives, unrelated to Title VI, include:

- City Newsletter
- Announcements with North Miami Beach Chamber of Commerce
- On-site postings
- Mailings

Ordinances and resolutions adopted by the City to apply for and utilize federal and state grant funding are placed on the public hearing/meeting agenda and are subject to public notice and comment procedures.

The City and its records are available to the public and the City welcomes the public's input. The City's Title VI Complaint Procedure is available to the public via the City's website: [www.citynmb.com](http://www.citynmb.com).

## **Decision Making Bodies**

The City of North Miami Beach does not have any transit related non-elected planning boards, advisory councils, 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**

In addition, the City of North Miami Beach operates the NMB-line, which provides (1) free shuttle transportation to the public during the workweek, and (2) provides North Miami Beach residents transportation van service to medical appointments, grocery shopping, the NMB Library, NMB Post Office, the NMB Performing Arts Theater and other sites within the incorporated areas of North Miami Beach.

Additional transit programs and/or services are provided and operated by Miami-Dade County Transit (MDT). For more information or to contact Miami-Dade County Transit, please visit: [www.miami-dade.gov](http://www.miami-dade.gov).

**Attachment A**

**List of City’s Title VI Investigations, Complaints and/or Lawsuits**

<b>Type (complaint, investigation, or lawsuit)</b>	<b>Date</b>	<b>Basis</b>	<b>Status</b>	<b>Action(s) Taken</b>

**Note:** The City of North Miami Beach does not have any Title VI investigations, complaints, or lawsuits to disclose at this time. Any future disclosures will be listed under the Title VI Program Plan.

## Attachment B

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

Any person who believes he or she has been discriminated against on the basis of race, color, or national origin by the City of North Miami Beach 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 City 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 City has 60 days to investigate the complaint. If more information is needed to resolve the case, the City’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: (1) letter of closure (LOC), or a letter of finding (LOF). An LOC serves as notice that the City has determined that a Title VI violation could not be substantiated, and informs the complainant that the case will be closed. An LOF summarizes the factual findings regarding the alleged incident, and explains what remedial actions (e.g. disciplinary action, additional training of the staff, or other action) will occur or has already occurred.

If the complainant disagrees with the determination and wishes to appeal the decision, he/she has 10 business days after the date of the LOC 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.

**Attachment C**

Please see attached.

## TITLE VI COMPLAINT FORM

<b>Section I</b>		
Name: _____		
Address _____, _____, _____ <i>Please provide mailing address in the following format: Street Address, City, State, Zip Code</i>		
Telephone: <i>(Please provide at least one number)</i>	Home (____) ____ - ____	
Cell: (____) ____ - ____	Work (____) ____ - ____	
Electronic Mail (e-mail) Address: _____ <i>(To be used solely for the purposes of this complaint)</i>		
If we have additional questions, what is the best method to contact you: <i>(Check all that apply)</i>		
Email <input type="checkbox"/>	Home Phone <input type="checkbox"/>	Cell Phone <input type="checkbox"/>
Work Phone <input type="checkbox"/>		
If you are disabled and require an accommodation, please check all applicable formats.	Large Print <input type="checkbox"/>	Audio Tape <input type="checkbox"/>
	TDD <input type="checkbox"/>	Other Please explain _____ _____
<b>Section II</b>		
Are you filing this complaint on your own behalf? <i>(Please check one)</i>		Yes* <input checked="" type="checkbox"/> No <input type="checkbox"/>
<i>*If you answered "Yes" to this question above, skip to Section III, below.</i>		
If not, please supply the following information about the person for whom you are complaining:		
Name: _____		
<i>[Note: The person identified above shall be the subject of Section III, below; and will be referred to as "you" throughout this form.]</i>		
Address _____, _____, _____ <i>Please provide mailing address in the following format: Street Address, City, State, Zip Code</i>		
Phone Number: Home (____) ____ - ____ Cell: (____) ____ - ____		
Description of relationship <i>(e.g. parent, sibling, spouse, lawyer, etc.)</i> _____		
Please explain why you have filed for a third party: _____ _____ _____		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. <i>(Please check one, if applicable)</i>		Yes <input type="checkbox"/> No <input type="checkbox"/>

<b>Section III</b>		
Please identify on what basis you believe you were discriminated against ( <i>Check all that apply</i> ):		
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
Date of Alleged Discrimination (Month, Day, Year): __/__/____		
<b>NOTE: YOU HAVE 180 DAYS FROM THE DATE OF THE INCIDENT TO FILE A COMPLAINT.</b>		
Explain as what happened and why you believe you were discriminated against. Identify all persons who were involved in the alleged discrimination, and describe their actions in detail. Provide the name (s) and contact information (telephone number, email, and/or address) for any witnesses. You may attach any written materials or other information that you think is relevant to your complaint. If more space is needed, please use the back of this form. _____		
_____		
_____		
_____		
_____		
<b>Section IV</b>		
Have you previously filed a Title VI complaint with this agency? <i>*If you answered "No" to this question above, skip to Section V, below.</i>	Yes <input type="checkbox"/>	No* <input type="checkbox"/>
• If "yes," please state how many complaints have been filed? _____		
• If "yes," has a violation ever been found?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Section V</b>		
Have you filed this complaint with any other Federal, State, or local agency, or with any court? Yes <input type="checkbox"/> No* <input type="checkbox"/> <i>*If you answered "No" to this question, skip to Section VI on page 3.</i>		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency:		
<input type="checkbox"/> Federal Court	<input type="checkbox"/> State Agency	
<input type="checkbox"/> State Court	<input type="checkbox"/> Local Agency	
Please provide a copy of the complaint, and/or the following contact information about the agency/court where you filed the other complaint(s).		
Name: _____		
Title: _____		
Agency: _____		
Address: _____		
Telephone: (____) ____ - _____		
Date filed: _____		
If the matter was resolved, please provide a copy of the findings or order, and/or provide a brief summary of the findings here. _____		
_____		
_____		

**Section VI**

**BY SIGNING BELOW, I HEREBY DECLARE, UNDER PENALTY OF PERJURY,  
THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please submit this form, in person or via mail, to the address below:

Rose Amberson, Title VI Coordinator  
City of North Miami Beach  
17011 NE 19<sup>th</sup> Avenue  
North Miami Beach, FL 33162  
305-787-6035

NARRATIVE RE TITLE VI

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

VIA: Dotie Joseph, Deputy City Attorney  
Ralph Rosado, Assistant City Manager  
Rose Amberson, Director of Human Resources

DATE: Tuesday, August 5, 2014

RE: Title VI Program Plan

BACKGROUND  
ANALYSIS:

The City of North Miami Beach, through Miami-Dade Transit, was a sub-recipient of the American Recovery and Reinvestment Plan ("ARRA") *Economic Stimulus Grant* funding from the Federal Transit Administration ("FTA").

The FTA requires that sub-recipients have a "Program Plan" to comply with the regulations implementing Title VI of the Civil Rights Act of 1964 ("Title VI"). 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).

Accordingly, the City Manager's Office has collaborated with the City Attorney's Office to develop the proposed "Title VI Program Plan for the City of North Miami Beach" (Title VI Plain") to comply with these federal requirements. The Title VI Program Plan will be advantageous for the City, as it will help to not only manage any related complaints efficiently by having set procedures, information, and points of contact, but will also proactively discourage discrimination on the basis of race, color, or national origin by educating the community and the City staff.

FISCAL/BUDGETARY  
IMPACT:

No fiscal impact for FY 2014

RECOMMENDATION:

It is recommended that Resolution No. R2014-30 be passed by the City Council in order that the Title VI Program Plan may be implemented in keeping with federal requirements.