

RESOLUTION R-21-035

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF THE 2021 TITLE VI/NONDISCRIMINATION ASSURANCE AND ANY REQUIRED SUPPORTING DOCUMENTS TO THE FLORIDA DEPARTMENT OF TRANSPORTATION

WHEREAS, the Federal Highway Administration and Federal Transit Administration require that all funding recipients document their compliance with Title VI requirements once every three (3) years; and

WHEREAS, the Board of County Commissioners must approve the submission of Title VI Program Updates and the Title VI/Nondiscrimination Assurance to federal and state funding partners; and

WHEREAS, Board of County Commissioners delegate authority to specific staff for submittal of Title VI program updates and Title VI/Nondiscrimination Certification and/or Assurance.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. The BOARD hereby approves the 2021 Title VI Program/Nondiscrimination Assurance.
2. The Public Works Director or designee, is hereby authorized to sign the Title VI Assurances as requested by Florida Department of Transportation (FDOT) District I.
3. The BOARD hereby authorizes the ADA/Tile VI Coordinator to electronically submit Title VI program updates, and the signed 2021 Title VI/Nondiscrimination Assurance, and any other supporting documentation which may be required in connection with the Manatee County Government Title VI Program.

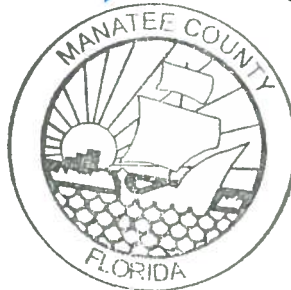
PASSED AND DULY ADOPTED with a quorum present and voting this the 9th day of March 2021.

**BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

By: _____
Vanessa Baugh, Chairperson

**ATTEST: Angelina Colennoso
Clerk of the Circuit Court**

By: _____



TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the Manatee County Government 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 Manatee County Government further assures FDOT that it will undertake the following with respect to its programs and activities:

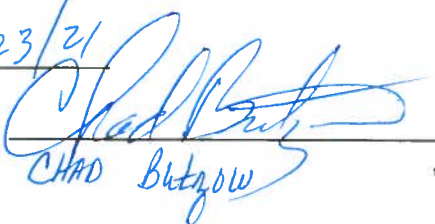
1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy 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

3/23/21

by


CHAD Butzow

, Public Works Director

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).



Approved in Open Session 3/23/21
Manatee County
Board of County Commissioners

Board of County Commissioners March 23, 2021 - Regular Meeting

SUBJECT

ADOPTION OF RESOLUTION R-21-035 AUTHORIZING SUBMISSION OF THE 2021 MANATEE COUNTY GOVERNMENT TITLE VI/NONDISCRIMINATION ASSURANCE TO THE FLORIDA DEPARTMENT OF TRANSPORTATION

Category

CONSENT AGENDA

Briefings

None

Contact and/or Presenter Information

Carmine DeMilio, ADA/Title VI Coordinator
Carmine.Demilio@mymanatee.org, (941) 792-8784 x8203

William Steele, Transit Division Manager
William.Steele@mymanatee.org, (941) 747-8621 x7440

Action Requested

1. Adoption of Resolution R-21-035 authorizing the Public Works Director to execute the Title VI/Nondiscrimination Assurance; and
2. Authorization for the ADA/Title VI Coordinator to submit the signed Title VI/Nondiscrimination assurance and Sub-Recipient Compliance Assessment Tool (SCAT) Form to the Florida Department of Transportation (FDOT) District I using the LAPIT software tool.

Enabling/Regulating Authority

Title VI of the Civil Rights Act of 1964.

Background Discussion

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) Title VI implementing regulations ensure nondiscrimination with respect to transportation and

transit programs, services, and activities and, in so doing, transportation and transit programs, services, and economic quality of life for all Americans.

Overall, Title VI Program compliance includes a Title VI Notice, complaint procedure, and complaint form, Limited English Proficiency (LEP) Plan, Public Participation Plan, and a list of any Title VI investigations, lawsuits, and/or complaints, etc.

As a recipient of FHWA, FTA, and FDOT funding, Manatee County Government must ensure that it is following all applicable Title VI implementing regulations and is required to provide a Title VI/Nondiscrimination compliance assurance every three years to FDOT (Title VI Assurance is attached). Execution of the updated Title VI/Nondiscrimination Assurance ensures that Manatee County Government is eligible to receive state and federal funding for transportation programs.

Attorney Review

Not Reviewed (No apparent legal issues)

Other (if applicable)

Reviewing Attorney

Instructions to Board Records

Please forward three original copies of the signed Resolution to Carmine DeMilio, ADA/Title VI Coordinator, Carmine.DeMilio@mymanatee.org, (941) 792-8784 x8203.

Cost and Funds Source Account Number and Name

N/A

Also to L. Stephens & M. Dunnam
3/26/21, RT

Amount and Frequency of Recurring Costs

N/A

TITLE VI/ NONDISCRIMINATION ASSURANCE

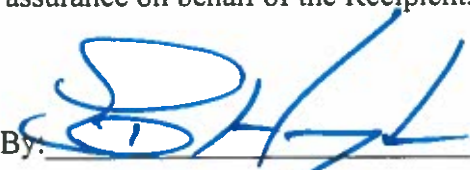
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Dated 7-7-16

By: 
 Chief Executive Officer

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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).



23 Code of Federal Regulations (CFR) Part 200 requires that the Florida Department of Transportation (FDOT) conduct periodic reviews of cities, counties, planning agencies and other recipients of Federal-Aid Highway Program funds to ensure they are complying with Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities. See Chapter 3 of the [LAP Manual](#) and the [LAP Title VI and Nondiscrimination webpage](#) for complete information on the history, definitions, and detailed requirements of the FDOT Sub-Recipient Compliance Assessment (SCAT) process.

Please complete the Assessment and upload it to [LAPIT](#), attaching related documents as requested. Contact your [District LAP Administrator](#) or the Statewide LAP Administrator with questions, or refer to the [LAP Nondiscrimination Handbook for Local Agencies](#).

Name of Agency: [Click here to enter text.](#)

Number of Employees: [Choose an item.](#)

1. Complete and upload a FDOT Title VI/Nondiscrimination Assurance. A copy of the document may be obtained at [Attachment B](#).

LAPIT Document No. [Click here to enter text.](#)

2. Post your agency's written Title VI/Nondiscrimination Plan to your website that includes:

- Title VI/Nondiscrimination policy notice to the public.
- Filing procedures for discrimination complaints based on race, color, national origin, sex, age, disability, religion, or family status. (*Note, this request **does not** include your agency's employment discrimination policies/procedures.*)

Provide website location of posted document: [Click here to enter text.](#)

3. Does your agency construct/improve curb ramps pursuant to the DOJ/DOT Technical Assistance Memo, including installation of truncated domes?

http://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta.cfm

[Choose an item.](#)

If no, briefly explain:

[Click here to enter text.](#)

4. What design standards does your agency use to comply with ADA when planning, designing

or constructing transportation facilities for projects located on local roadways? *(Note, projects located on the State or National Highway Systems require use of Florida DOT Design standards.)*

Check only one:

- 2010/2006 Standards for Transportation Facilities
- Public Rights of Way Accessibility Guidelines (PROWAG)
- Florida DOT Design Standards
- Florida Greenbook

5. Has your agency completed and publicly posted an ADA Transition Plan for the accessibility of pedestrian facilities within your public rights of way? *(Note, this is a requirement of all government agencies with 50 or more employees, regardless of funding source. See 28 CFR 35.105 and 150(d)).*

Choose an item.

6. Enter (or verify) the name(s), title and contact information of your agency's Title VI/Nondiscrimination and ADA Coordinator(s) in LAPIT

Check the box provided when you have completed this item

7. Has your agency been the subject of discrimination complaints (race, national origin, color, sex, age, disability, religion or family status) during the past three years? *(Note, this excludes employment discrimination complaints).*

Choose an item.

If yes, briefly explain or attach documentation of complaint, dates and disposition, if any:

[Click here to enter text.](#)

8. How does your agency advise the public of nondiscrimination policies or other similar information? Electronic or web-based posting alone is insufficient.

Check a minimum of two that apply to your agency:

- Web Page
- Social Media
- Postings in Public Buildings
- Public Meetings
- Publications/Media

9. Recipients of federal funding are required to collect and analyze demographic data to ensure

nondiscrimination and equity in recipient programs, services and activities. Identify your agency's sources for collection and review of demographic data (race, national origin, age, etc.) on those affected your organizational decisions?

Check all that apply:

- Census
- American Community Survey
- Department of Education
- School Board
- Community Development Offices
- Other sources [Click here to enter text.](#)

10. Has your agency completed a written plan for providing language services to those who do not speak English proficiently, based upon analysis of the four factors described in [Executive Order 13166](#) and related directives? (For more information or resources visit www.lep.gov).

Choose an item.

11. A cornerstone of nondiscrimination is robust public involvement in recipient decision making regarding its programs, services and activities. Indicate how your agency provides outreach to and solicits input from minority, low income, elderly and disabled populations within your jurisdictional boundaries?

Check all that apply:

- Targeted public involvement of these communities
- Committees or advisory groups representing these communities (may include religious or social organizations).
- Community Development Department within the agency serving these communities
- Other [Click here to enter text.](#)

12. My agency is completing this SCAT form to:

- Certify as a LAP agency
- Re-Certify as a LAP agency
- Comply with a request by FDOT and/or FHWA