



MEMO

DATE: June 13, 2018
 TO: Lynn Lanier, Central Services Director
 CC: Sherry Herring, Budget & Finance Officer
 FROM: Heather Pullen, Sr. Public Affairs Consultant
 RE: Gulf County Federal, State and Local Program Nondiscrimination Policy

On May 22, 2018, the Gulf County BOCC adopted the Gulf County Federal, State and Local Program Nondiscrimination Policy as the County’s internal overarching policy that includes regulatory, statutory and other provisions that are required by several different grant programs that are administered by the County Administration and Clerk’s Office.

This Policy has undergone additional changes since its adoption on May 22nd to delete the following attachments:

- Attachment 2: Title VI/NONDISCRIMINATION ASSURANCE;
- APPENDIX A TO TITLE VI/DISCRIMINATION ASSURANCE; and
- APPENDIX B TO TITLE VI/DISCRIMINATION ASSURANCE.

Attachment 1: The Gulf County BOCC Title VI Program Complaint of Discrimination Form will remain as an attachment to the updated Gulf County Federal, State and Local Program Nondiscrimination Policy when it goes back to the BOCC for adoption.

No further content changes are anticipated by Langton Consulting.

Please let me know if you have any questions.

FILED FOR RECORD
 REBECCA L. NORRIS
 CLERK OF CIRCUIT COURT
 GULF COUNTY, FLORIDA
 18 JUN 19 PM 2:00

BCC APPROVED
 DATE 6/26/18 D.C.

6/26/18 MS

Gulf County BOCC, Florida
Federal, State and Local Program Nondiscrimination Policy
Including Limited English Proficiency Plan

I. Policy Statement

No person in the United States shall, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. In order to help ensure this type discrimination is not existent in our Federal, State and local programs, Gulf County BOCC, County Officials, and its employees will comply with the following statutory, regulatory and other provisions, as required.

1. Statutory Provisions

- a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.)
 - i. Title VII Exemption for Religious Organizations (42 U.S.C. § 2000e-1(a))
- b. Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.)
- c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794)
- d. The Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), including the ADA Amendments Act of 2008 (Public Law 110-325)
- e. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.)

2. Regulatory Provisions

- a. Treasury Title VI regulations, 31 CFR Part 22, implement Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §§ 2000d et seq.)
- b. Treasury Title IX regulations, 31 Part 28, implement Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.)

3. Other Provisions

- a. Parts II and III of Executive Order 11246 (30 Fed. Reg. 12319, 1965), "Equal Employment Opportunity," as amended by Executive Order 11375 (32 Fed. Reg. 14303, 1967) and Executive Order 12086 (43 Fed. Reg. 46501, 1978)
- b. Executive Order 13166 (August 11, 2000) "Improving Access to Services for Persons with Limited English Proficiency."

4. Protections for Whistleblowers (41 U.S.C. § 4712)

The Gulf County BOCC ("County") values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the County believes that the best programs and services result from careful consideration of the needs of all of its communities. Thus, the County does not tolerate discrimination in any of its programs, services or activities and henceforth implements this Federal, State and Local Program Nondiscrimination Policy ("Nondiscrimination Policy") and Limited English Proficiency Plan ("LEP Plan").

II. Statutory, Regulatory, and Other Provision Statements

Title VI and VII of the Civil Rights Act of 1964

Pursuant to Title VI of the Civil Rights Act of 1964 ("Act") and other federal and state law and regulations, the County 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 County 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 County'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 County staff.

In addition to Title VI of the Civil Rights Act of 1964 requirements, the County will not prohibit participation in Federal, State and local programs based on religion, religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

Title IX of the Education Amendments of 1972

Pursuant to Title IX of the Education Amendments of 1972, the County will not prohibit participation in, deny the benefits of, or subject to discrimination anyone based on sex under federally assisted education programs or activities.

Section 504 of the Rehabilitation Act of 1973 and The Americans with Disabilities Act of 1990, as amended

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 County's programs, services and activities.

The County will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The County 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 County encourages the public to report any facility, program, service or activity that appears inaccessible to those who are disabled. Furthermore, the County 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 County asks that requests be made at least 15 calendar days prior to the need for accommodation. For accommodations at County Board meetings, individuals may call 850-229-6106 (or TDD 850-855-1155) 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 County's website under County Government, Boards & Commissions.

Additional information is provided on the County's website under County Government, Departments & Divisions, Human Resources, Americans' with Disabilities Act. Questions, concerns, comments should be made to the County's ADA Director:

ADA Director
Brad Bailey, Building Official
1000 Cecil Costin Blvd.
Port St. Joe, FL 32456
850-229-8944
bbailey@gulfcounty-fl.gov

The Age Discrimination Act of 1975, as amended

Pursuant to The Age Discrimination Act of 1975, the County will not prohibit participation in, deny the benefits of, or subject to discrimination anyone based on age in programs or activities receiving Federal financial assistance.

Parts II and III of Executive Order 11246 "Equal Employment Opportunity"

In order to remain in compliance with Executive Order 11246 requirements, Gulf County requires that all federally assisted construction bid documents and contracts include all necessary nondiscrimination provisions of §§ 202 and 203 of Executive Order 11246 and Department of Labor regulations implementing Executive Order 11246 (41 CFR § 60-1.4(b), 1991).

Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency"

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 County's programs, services or activities.*

Using the 2010 census data, the Gulf County BOCC (15 thousand pop.) has determined that LEP individuals speaking English less than very well represent approximately 2% of the community. Of the 2%, LEP individuals speaking Spanish make up 0.7%, LEP individuals speaking Asian or Pacific Islands make up 0.2% and LEP individuals speaking other Indo-European languages make up 0.1%. The County realizes that such statistical data can be outdated or inaccurate. Therefore, the County contacted local entities to determine the estimated proportion of LEP citizens served by those entities. The Florida Department of

Transportation, LEP Guidance references that 351 [approximately 2% of Gulf's population] Spanish speaking residents are located in Gulf County. Given this information, the County reasons that a relatively small portion of its service population are LEP speakers of Spanish or other languages.

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

The County 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 County'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 County 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 County and the likely costs of the LEP services.*

In August of 2010 Gulf County contracted with OPTIMAL phone interpreters (OPI) to provide multiple language services for the county residents and visitors. When needed, the County can request assistance from this organization who then in turn offers competent language services at a minimal cost. The analysis of these factors suggests that extensive LEP services are not required at this time. Nevertheless, the County believes that occasional Spanish language assistance may be necessary for meaningful access by members of the public. To date the service has not been utilized.

The analysis of these factors suggests the LEP services are not required at this time. At a minimum, the County commits to:

- Maintain a list of employees who competently speak the LEP language (s) and who are willing to provide translation and/or interpretation services.
- Distribute this list to staff that regularly has contact with the public.
- Provide public notification in the LEP language of the availability of language assistance, free of charge.

The County understands that its community profile can change causing the four factor analysis to be reviewed. As such, the County 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 County's Title VI Coordinator:

Brett Lowry, Human Resources Director
Gulf County Board of County
Commissioners
Robert M. Moore Administration Bldg.,
Rm 301A
1000 Cecil Costin Blvd.

Port St. Joe, FL 32456
850-229-5335 Office
850-512-1374 Fax
blowry@gulfcounty-fl.gov

Protections for Whistleblowers

In accordance with 41 U.S.C. § 4712, the County, nor its subrecipients, contractors, vendors, or subcontractors may discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to a person or entity listed below that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract or grant:

- a. A Member of Congress or a representative of a committee of Congress;
- b. An Inspector General;
- c. The General Accountability Office;
- d. A Treasury employee responsible for contract or grant oversight or management;
- e. An authorized official of the Department of Justice or other law enforcement agency;
- f. A court or grand jury; and/or
- g. A County official or other employee, a subrecipient, contractor, vendor, or subcontractor who has the responsibility to investigate, discover or address misconduct.

All related complaints or reports regarding these protections will be handled by the County's Title VI Policy Coordinator in accordance with Section IV of this "Nondiscrimination Policy."

III. Public Notice

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

The Title VI Policy statement posted in County buildings and on County 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 Gulf County BOCC 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 Gulf County BOCC, 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 County’s Title VI Coordinator:**

Title VI Coordinator
Brett Lowry, Human Resources Director
Gulf County Board of County
Commissioners
Robert M. Moore Administration Bldg.,
Rm 301A
1000 Cecil Costin Blvd.
Port St. Joe, FL 32456
850-229-5335 Office
850-512-1374 Fax
blowry@gulfcounty-fl.gov

IV. Complaint Procedures

The County has established 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 County’s Title VI Coordinator:

Title VI Coordinator
Brett Lowry, Human Resources Director
Gulf County Board of County
Commissioners
Robert M. Moore Administration Bldg.,
Rm 301A
1000 Cecil Costin Blvd.
Port St. Joe, FL 32456
850-229-5335 Office
850-512-1374 Fax
blowry@gulfcounty-fl.gov

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 County be unable to satisfactorily resolve a complaint, the County 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 County 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 County does not receive the requested information within the thirty (30) business days, the County can administratively close the case. A case may also be administratively closed if the complainant no longer wishes to pursue the case.

The County's Title VI Coordinator shall report all Title VI discrimination issues directly to the County Administrator and is not required to obtain management or other approval to discuss discrimination issues with the County Administrator. Upon completion of an investigation or the closing of a case, the Title VI Coordinator will supply the County 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.

If no violation is found and the complainant wishes to appeal the decision, he or she may contact the Florida Department of Transportation Equal Opportunity Office ATTN: Title VI Complaint Processing 605 Suwannee Street MS 65 Tallahassee, FL 32399.

Complainant may submit complaint directly to the Florida Department of Transportation Equal Opportunity Office ATTN: Title VI Complaint Processing 605 Suwannee Street MS 65 Tallahassee, FL 32399.

FDOT will serve as a clearing house, forwarding the complaint to the appropriate state or federal agency.

VI. Public Involvement

The County strongly encourages the participation and input from its public in planning for efficient, effective, safe programs and services. The County hosts an informative website that advises the public how it can access information and provide input. The County also holds a number of public meetings, workshops and other events designed to gather public input.

Persons wishing to request special presentations by the Agency; volunteer in any of its activities; offer suggestions for improvement; or to simply learn more about Agency programs and services should contact:

Title VI Coordinator
Brett Lowry, Human Resources Director
Gulf County Board of County

Commissioners
Robert M. Moore Administration Bldg.,
Rm 301A
1000 Cecil Costin Blvd.
Port St. Joe, FL 32456
850-229-5335 Office
850-512-1374 Fax
blowry@gulfcounty-fl.gov

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 County accomplishes this through the use of census data, and other resources. The County 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 County with improving its targeted outreach and measures of effectiveness. Self-identification of personal data to the County will always be voluntary and anonymous. Moreover, the County 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 County executive leadership, the County 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 County's commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the County may be held liable for breach. The public may view the assurance on the County's website or by contacting the Title VI Coordinator.

Gulf County BOCC 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:	Date of Alleged Discrimination:
<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	
Please list the name(s) and phone number(s) of any person, if known, that the Gulf County BOCC 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:

Brett Lowry, Human Resources Director
 1000 Cecil Costin Blvd.
 Port St. Joe, FL 32456
 Email: humanresources@gulfcourtyl.gov

Phone: 850-229-5335