

TOWN OF BAY HARBOR ISLANDS



TITLE VI PROGRAM PLAN

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or 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)

Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154
Tel: 305-866-6241
Fax: 305-866-4863
Website: www.bayharborislands.org

Introduction

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

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

Information Notices

Title VI information notices are prominently and publicly displayed on the three Town Hall lobbies including Police Department, Community Development/Building & Zoning and Utility Payments/Human Resources

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

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

J.C. Jimenez
Assistant Town Manager
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Record Keeping

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

Complaints

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

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

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

Town of Bay Harbor Islands Attention:
J.C. Jimenez, Assistant Town Manager
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

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

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

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

The Town of Bay Harbor Islands will send a final written response letter (see Appendix D) to the complainant. If the complaint is found to be not substantiated (see Appendix E), the

complainant is also advised of his or her right to:

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

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

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

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

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

Limited English Proficiency (LEP)

The Town of Bay Harbor Islands has a land area of .6 Square Miles. According to the 2010 Census, the Town has an approximate total population of 5,628 people, composed of the following:

Black or African American alone, percent, 2010 (a)	2.5%
American Indian and Alaska Native alone, percent, 2010 (a)	0.2%
Asian alone, percent, 2010 (a)	1.2%
Native Hawaiian and Other Pacific Islander alone, percent, 2010 (a)	0.0%
Two or More Races, percent, 2010	2.3%
Hispanic or Latino, percent, 2010 (b)	46.3%
White alone, not Hispanic or Latino, percent, 2010	49.1%

Of the Town’s population over the age of 5:

- 54.4% of residents speak a language other than English at home
- 45.6% speak English at home

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

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

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

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

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

Public Participation Plan

The Town of Bay Harbor Islands 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 second and fourth Tuesday of every month. Town 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.

The Town continuously seeks innovative methods to engage the public in its planning and decision-making processes, as well as its outreach activities. Recent outreach initiatives include:

- Public notices in local and county wide newspapers
- Florida League of Cities
- On site posting
- Utility bills
- Inviting public inquires

Ordinances and resolutions adopted by the Town 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 Town and its records are available to the public and the Town welcomes their input. The Town's Title VI Complaint Procedure is available to the public via the Town's website www.bayharborislands.org.

Decision Making Bodies

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

Transit Programs/Service Standards

The Town of Bay Harbor Islands operates a fixed rout circulator service (20 passenger bus) which travels to throughout the Town and into the neighboring municipalities of Surfside, Bal Harbour and North Miami. The circulator service route, however, does not utilize any of the federally funded bus shelters in the Town. The programs and/or services utilizing those bus shelters are provided and operated by Miami-Dade County Transit (MDT). You may contact Miami-Dade County Transit at www.miami-dade.gov for additional information. If the Town's route changes in the future to include stops utilizing these shelters, the Town will confer with Miami-Dade Transit to ensure the Town meets all Title VI requirements.

Transit Facilities

The Town does not have any storage, maintenance facilities or operation centers. Since the Town's fixed route circulator service is operated by a third party contractor, all maintenance and storage is handled offsite. If there are any changes in the future, as related to Title VI, the Town will confer with Miami-Dade Transit to ensure the Town meets all requirements.

Appendices

Appendix A: Complaint Procedure

Appendix B: Complaint Form

Appendix C: Letter Acknowledging Receipt of Complaint

Appendix D: Letter Notifying Complainant That the Complaint is Substantiated

Appendix E: Letter Notifying Complainant that the Complaint is not Substantiated

Appendix F: Employee Annual Education Form

Appendix G: Record of Investigations, Complaints and/or Lawsuits

Appendix A

Complaint Procedures

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

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

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

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

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

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

A person may also file a complaint directly with:

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



**Town of Bay Harbor Islands
Title VI Non-Discrimination Program
Complaint of Discrimination**

Complainant (s) Name:	Complainant(s) Address:	
Complainant (s) Phone Number:		
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);		
I believe the discrimination I experienced was based on: (check all that apply):	<input type="radio"/> Race <input type="radio"/> Color <input type="radio"/> National Origin	Date of Alleged Discrimination:

Mail to: Town of Bay Harbor Islands, 9665 Bay Harbor Terrace, Bay Harbor Islands, FL 33154 Attn: J.C. Jimenez

This form may also be faxed to: **305-866-4863** Attn: J.C. Jimenez

A complaint must be filed no later than 30 days after the date of the alleged discrimination.



**Town of Bay Harbor Islands
Title VI Non-Discrimination Program
Complaint of Discrimination**

Please list the name(s) and phone number(s) of any person, if known, that the Town of Bay Harbor Islands 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:

Appendix C

Letter Acknowledging Receipt of Complaint

Town Letterhead Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms):

This letter is to acknowledge receipt of your complaint against the Town of Bay Harbor Islands alleging:

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 305-866-6241, or write to me at this address.

Sincerely,

J.C. Jimenez
Assistant Town Manager/Title VI Coordinator
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Appendix D

Letter Notifying Complainant that the Complaint is Substantiated

Town Letterhead Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms):

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

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

Thank you for bringing this important matter to our attention.

Sincerely,

J.C. Jimenez
Assistant Town Manager/Title VI Coordinator
Town of Bay Harbor Islands
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Appendix E

Letter Notifying Complainant that the Complaint is not Substantiated

Town Letterhead Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms)

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

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

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

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to:

1) Appeal within seven calendar days of receipt of this final written decision from the Town, and/or

2) File a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

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

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

Sincerely,

J.C. Jimenez

Assistant Town Manager

Appendix F

Employee Annual Education Form

To all employees of the Town of Bay Harbor Islands:

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

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

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

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

Town of Bay Harbor Islands Attention:
J.C. Jimenez, Assistant Town Manager
9665 Bay Harbor Terrace
Bay Harbor Islands, FL 33154

Appendix G



List of TITLE VI Investigations, Lawsuits and Complaints

Type (Investigation, Lawsuit or Complaint)	Date of Complaint (Month/Day/Year)	Summary of Complaint (include basis of Complaint; race, color or national origin)	Status of Complaint	Action(s) Taken