

# City of Clearwater Title VI/Nondiscrimination Policy and Plan for Sub-Recipients in the Local Agency Program (LAP)

## Policy Statement:

The City of Clearwater values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the City of Clearwater believes that the best programs and services result from careful consideration of the needs of all of its communities and when those communities are involved in the transportation decision making process. Thus, City of Clearwater does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the City of Clearwater 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.

## Complaint Procedures:

The City of Clearwater 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, family or income status in any of City of Clearwater's programs, services or activities may file a complaint with the City of Clearwater Title VI/Nondiscrimination Coordinator:

Dieunice Deris

P.O. Box 4748 Clearwater, FL 33758

E-mail: [Dieunice.Deris@myclearwater.com](mailto:Dieunice.Deris@myclearwater.com)

Phone #: 727-562-4866

Fax #: 727-562-4877

If possible, the complaint should be submitted in writing and contain the identity 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/Nondiscrimination Coordinator for assistance. The Title VI/Nondiscrimination Coordinator will respond to the complaint within thirty (30) calendar days and will take reasonable steps to resolve the matter. Should the City of Clearwater be unable to satisfactorily

resolve a complaint, the City of Clearwater will forward the complaint, along with a record of its disposition to the appropriate District of the Florida Department of Transportation (FDOT).

The City of Clearwater's Title VI Coordinator has 'easy access' to the City Manager of The City of Clearwater and Human Resources Director and is not required to obtain management or other approval to discuss discrimination issues with the City Manager or Humans Resources Director. However, should the complainant be unable or unwilling to complain to the City of Clearwater, the written complaint may be submitted directly to Florida Department of Transportation (FDOT). FDOT will serve as a clearing house, forwarding the complaint to the appropriate state or federal agency:

Florida Department of Transportation Equal Opportunity Office  
ATTN: Title VI Complaint Processing  
605 Suwannee Street MS 65  
Tallahassee, FL 32399

**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 transportation programs, services and activities.

The City of Clearwater will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The City of Clearwater 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 of Clearwater encourages the public to report any facility, program, service or activity that appears inaccessible to those who are disabled. Furthermore, the City of Clearwater 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 of Clearwater asks that requests be made at least thirty (30) calendar days prior to the need for accommodation.

Questions, concerns, comments or requests for accommodation should be made to the City of Clearwater's ADA Officer:

Dieunice Deris

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

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 LEP services are required and in which languages, the law requires the analysis of four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the City of Clearwater programs, services or activities.
  - The frequency with which LEP individuals come in contact with these programs, services or activities.
  - The nature and importance of the program, service, or activity to people's lives and;
  - The resources available to the City of Clearwater and the likely costs of the LEP services.
1. Using census data, the City of Clearwater has determined that LEP individuals speaking English less than well represent approximately 8.1% of the community. The City of Clearwater realizes that such statistical data can be outdated or inaccurate. Therefore, City of Clearwater contacted local law enforcement, social services agencies and the school board to determine the proportion of LEP served by those entities. Spanish was reported to be the prevalent LEP language and an estimated 1% of calls for service for these agencies were in the Spanish language. Given this information, the City of Clearwater reasons that a relatively small portion of its service population is LEP speakers of Spanish.
  2. The City of Clearwater has received requests for translation or interpretation of its programs, services or activities into Spanish. The City of Clearwater has conducted community outreach at public events attended by significant numbers of Spanish speakers. Informal data collection at these events indicates that an estimated 1.5% is LEP.

3. The City of Clearwater believes that transportation is of critical importance to its public, as access to health care, emergency services, employment, and other essentials would be difficult or impossible without reliable transportation systems. In that spirit, the City of Clearwater defines (insert the documents, if any, that the City of Clearwater defines as essential), along with those documents that advise the public of how to access its nondiscrimination and public involvement policies.
4. The City of Clearwater is fortunate to house within its jurisdiction a number of institutions of higher education which has extensive language services. Further, the City of Clearwater maintains cordial relationships with a number of faith based and community organizations who offer competent language services at no cost to the City of Clearwater.

The analyses of these factors suggest that LEP services are not required at this time. Therefore the City of Clearwater has committed to the following:

- Maintain a list of employees who competently speak Spanish and other languages and who are willing to provide translation and/or interpretation services.
- Distribute this list to staff that regularly has contact with the public.
- Provide notification in Spanish of the availability of LEP assistance in public meeting notices and on public involvement event signage.
- Develop agreements with Spanish speaking community to provide oral and written LEP services with reasonable notification.
- Develop agreements with (LEP churches, catholic charities, etc) to provide oral and written LEP services with reasonable notification.
- Translate the following essential documents into Spanish.

The City of Clearwater understands that its community profile is changing and the four factor analysis may reveal the need for more or varied LEP services in the future. As such, it will annually examine its LEP plan to ensure that it remains reflective of the community's needs.

Persons requiring special language services should contact the City of Clearwater Title VI/Nondiscrimination Officer:

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## **Public Involvement:**

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, the City of Clearwater must have the input of its public. The City of Clearwater spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The City of Clearwater holds a number of transportation meetings, workshops and other events designed to gather public input on project planning and construction. Further, the City of Clearwater attends and participates in other community events to promote its services to the public. Finally, the City of Clearwater is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations by the City of Clearwater; volunteer in any of its activities or offer suggestions for improvement of City of Clearwater public involvement may contact:

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## **Data Collection:**

Federal Highway Administration 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 of Clearwater accomplishes this through the use of census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys, its community development department and other methods. From time to time, the City of Clearwater 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 of Clearwater with improving its targeted outreach and measures of effectiveness. Self identification of personal data to the City of Clearwater will always be voluntary and anonymous. Moreover, the City of Clearwater will not release or otherwise use this data in any manner inconsistent with the federal regulations.

**Assurances:**

Every three years, or commensurate with a change in City of Clearwater executive leadership year, the City of Clearwater must certify to FHWA and FDOT 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 of Clearwater’s commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the City of Clearwater may be held liable for breach. The public may view the annual assurance on the City of Clearwater website or by visiting the City of Clearwater offices.