

City of DeLand



Title VI
Civil Rights Act of 1964

Updated February 16, 2015

Prepared by:
Community Development
120 S. Florida Avenue
DeLand, FL 32720
(386) 626-7018

City of DeLand

Title VI Civil Rights Act of 1964

Introduction

The City of DeLand grants all citizens equal access to all its transportation services. It is further the intent of the City of DeLand that all citizens are aware of their rights to such access. This is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protect their benefit of the City of DeLand programs and services, specifically, as it relates to Title VI of the Civil Rights Act of 1964.

Civil Rights Act of 1964 requiring that “No person in the United States 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.”

Note that Title VI does not address gender discrimination. It only covers race, color and national origin. Other Civil Rights laws prohibit gender discrimination.

City of DeLand Intermodal Transportation Facility (ITF) Overview

The Intermodal Transportation Facility (ITF) provides ease of traffic congestion on Woodland Boulevard (U.S. 17-92), a congested roadway, preserving green space and safeguarding the environment, as well as promoting economic growth. The facility provides alternative mobility options to better serve the community’s travel needs by providing more efficient transit linkages within the City of DeLand and its surrounding areas in a convenient and centralized location. It is also part of the River to Sea Transportation Planning Organization. Services will include the local transportation provider VOTRAN (fixed route), connection to SunRail and accommodations for bicyclists and pedestrian travelers by way of the Alabama Avenue Greenway.

Notice to the Public

The following statement shall be posted on site at the City of DeLand Community Development office, on the City of DeLand website (www.deland.org); permanently displayed on public transit vehicles; and other appropriate materials made available to the public: *(Documents will be translated into languages other than English, upon request.)*

Non-Discrimination - Your Rights Under Title VI of the Civil Rights Act of 1964

The United States Department of Transportation (DOT) ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color or national origin in the provisions of benefits and services resulting from federally assisted programs and activities. Any person who believes the City of DeLand has violated his / her Title VI protections should contact the City of DeLand Community Development, Phone: (386) 626-7018 iveym@deland.org. The City of DeLand has also developed a policy to assist individuals who are Limited English Proficient (LEP). Translation services to assist LEP individuals shall be made available to City of DeLand's customers upon request. The City of DeLand's Title VI policy, complaint procedures and LEP Plan shall be made available upon request by contacting the City of DeLand Community Development Department at the above-noted information. For federal Title VI information, please contact the Federal Transit Administration (FTA), Region 4 at 404-865-5471. Federal Title VI information, including filing complaints, can also be accessed on the FTA web site at: www.fta.dot.gov.

Complaint and Investigation Procedures

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the City of DeLand.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the City of DeLand may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint.

The following measures will be taken to resolve Title VI complaints:

A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin, sex, disability, age), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

The City of DeLand strongly encourages the use of the attached **Title VI Complaint Form** when filing official complaints.

The preferred method is to file your complaint in writing using the *Title VI Complaint Form*, and sending it to:

- 1) Title VI Coordinator
Community Development
City of DeLand
120 S. Florida Ave., 1st Floor
DeLand, FL 32720
Phone: (386) 626-7018
Email: iveym@deland.org
- 2) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the City of DeLand Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the City of DeLand Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3) When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) days by registered mail.
- 4) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 5) Within 15 business days from receipt of a complete complaint, the City of DeLand will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Community Development Department Director or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of the City of DeLand's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When the City of DeLand does not have sufficient jurisdiction, the Community Development Department Director or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
- 7) If the complaint has investigative merit, the Community Development Department Director or his/her authorized designee will instruct the Title VI Coordinator to fully

investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Community Development Department Director within 60 days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.

- 8) The Community Development Department Director or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 days from receipt of the complaint.
- 9) If the Complainant is dissatisfied with the City of DeLand's resolution of the complaint, he/she has the right to file a complaint with the:

Federal Transit Administration
Region 4
Attn: Civil Rights Officer
404-865-5471
carlos.gonzalez3@dot.gov

FTA Complaint procedures can also be found on the FTA web site at: www.fta.dot.gov. These procedures are also outlined in FTA Circular 4702.1A, Chapter IX.

Complaints

The City of DeLand has no Title VI investigations, complaints, or lawsuits in the past three years.

TITLE VI COMPLAINT FORM

Instructions: If you would like to submit a Title VI complaint to the City of DeLand, please fill out the form below and send it to: City of DeLand, Title VI Coordinator, Community Development Department, 120 S. Florida Ave., 1st Floor, DeLand, FL 32720. For questions or a full copy of the City's Title VI policy and complaint procedures, call (386) 626-7018 or Email: iveym@deland.org.

Section I				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
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.			Yes	No
Section III				
I believe the discrimination I experienced was based on (check all that apply): [
] Race [] Color [] National Origin				
Date of Alleged Discrimination (Month, Day, Year):				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved, including the name and contact information of the person(s) who discriminated against you (if known), as well as the names and contact information of others involved:				

Language Assistance Implementation Plan for Limited English Proficient Persons (LEP)

As part of Title VI requirements, the City of DeLand has developed a Limited English Proficiency (LEP) Plan to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to City of DeLand services as required by Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000). A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

Refer to the attached LEP.

Adoption Resolution

The Commission of the City of DeLand adopted Resolution 2015-11 authorizing all documents and submittal of the City's application with the Federal Transit Administration (FTA) for federal assistance. A copy is attached.

City of DeLand



**Language Assistance Implementation Plan
for
Limited English Proficient Persons (LEP)**

(Requirement of Title VI, Civil Rights Act of 1964)

Updated February 16, 2015

**Prepared by:
Community Development
120 S. Florida Avenue
DeLand, FL 32720
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City of DeLand

Language Assistance Implementation Plan for Limited English Proficient Persons (LEP)

(Requirement of Title VI, Civil Rights Act of 1964)

Introduction

The purpose of the *City of DeLand Language Assistance Implementation Plan for Limited English Proficiency Persons* (LEP) is to fulfill the requirements of Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” issued on August 11, 2000, and Federal Transit Administration LEP policy guidance (70 FR 74087, December 14, 2005). Executive Order 13166 clarifies existing requirements for LEP persons under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and FTA policy guidance (70 FR 74087) provides recipients of FTA financial assistance with guidance and instructions necessary to carry out the U.S. Department of Transportation Title VI regulations (49 CFR Part 21).

Goal of City of DeLand LEP Plan

The goal of the City of DeLand (“City”) is to reduce the language barriers for LEP individuals seeking to utilize the City’s services. The City has in place, and will continue ongoing, reasonable measures to ensure accessibility to LEP persons.

Four Factor Analysis

In developing the plan while determining the City’s extent of obligation to provide LEP services, the City undertook a U.S. Department of Transportation four factor LEP analysis which considers the following: 1) the number or proportion of LEP persons eligible in the City service area who may be served or likely to encounter a City program, activity, or service; 2) the frequency with which LEP persons come in contact with a City service; 3) the nature and importance of the program, activity or service provided by the City to the LEP population; and 4) the resources available to the City and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

Number and Proportion of LEP Persons

The City examined both DeLand and Volusia County's data (per Census Bureau's American Community Survey 5-Year Estimates) and was able to determine that approximately 13% spoke a language other than English. Of those reporting they speak other languages than English, approximately 4.5% of respondents speak English less than "very well". Refer to Appendix A, Languages Spoken At Home charts.

Frequency of Contact of LEP Persons with City Services

The City assessed the frequency at which staff have or could possibly have contact with LEP persons, including documenting phone inquiries and verbally surveying the staff. The City has an occasional request for interpreters and requests for translated City documents.

Nature and Importance of Service to LEP Population

There is no large geographic concentration of any one type of LEP individuals located in both in the City of DeLand or Volusia County service areas. The overwhelming majority of the population speaks only English (87%). Therefore, there is a lack of any social, service, professional and leadership organizations within the City of DeLand service area that focuses on outreach or membership of LEP individuals. However, in another service area of Volusia County, there is the Volusia Hispanic Chamber of Commerce in Deltona, FL.

Available Resources to the City and Overall Costs to Provide LEP Assistance

The City assessed its available resources – identifying how much a professional interpreter and translation service would cost on an "as needed" basis; which documents would be the most valuable to be translated if and when the population supports it; taking an inventory of available organizations that the City could partner with for outreach and translation efforts; and what level of staff training is needed.

After analyzing the four factors, the City developed the approach in the following section for assisting persons of limited English proficiency.

Methods for Assisting LEP Persons

While the City's assessment of the LEP population is majority English speaking, the City has taken steps to provide language assistance for LEP persons seeking meaningful access to the City's services.

Assistance Measures

Bus Schedules – The primary publication in use for transmitting service description is the published schedule. It contains service description in Spanish specifically on the subjects of: welcome message containing system overview, fare information and where to buy special passes, and travel tips on how to ride the bus. This document is on the Web.

Persons with Disabilities – Para-transit service is described in a guide book which has been approved by the Transportation Disadvantaged Local Coordinating Board. It is also published in Spanish. A spoken version can be distributed on tape. All of these formats are on the Web for download.

Language Assistance – The online translation application called Babel Fish is used to provide written assistance whenever requested. Customer service staff will identify circumstances requiring an interpreter. The nature of the language assistance varies and each special circumstance is reviewed by the Customer Service manager or an Operations Supervisor.

Public Notices – As service changes may affect riders in the Volusia County area with higher representation of minorities, the notice is published in Spanish.

Special Language Needs – The City of DeLand has bilingual staff to assist individuals who need interpretation or language assistance. They are available to interpret “in-person” or “over-the-phone” as needed.

Employee Training

The City of DeLand hires and compensates bilingual employees to provide interpreter services as needed. They are required to participate in the Spanish proficiency training offered by the Spanish program at Stetson University and to maintain an understanding of the requirements that are needed to communicate with LEP persons. The City of DeLand assessed its available staff resources that could be used for providing LEP assistance. At present, there are ten (10) Hispanic employees available to assist with interpretation; there are eleven (11) more prospective employees to be qualified.

Public Participation Plan

With its authority and mission to serve Volusia County with a full array of mobility options, the City of DeLand participates with Votran who maintains a program to proactively inform the public and afford public involvement in the early development and implementation state of the City of DeLand and Votran services, service changes, fare adjustments, capital investments, and planning activities when appropriate in accordance with federal and state rules and regulations.

It is the intent of the City of DeLand & Votran to ensure its actions are reasonable, non-capricious, and considerate of public comment in its mission to provide mobility services for the welfare and convenience of residents and visitors.

The City of DeLand & Votran operates programs without regard to race, color, and national origin.

The City of DeLand & Votran implements its public involvement program by utilizing continuous communications and various outreach techniques that appropriate to the proposed action to be taken and the public groups to be affected. In accordance with the City of DeLand & Votran's Public Involvement Program, these Administrative Operating Procedures have been developed to ensure proper public input to the development and implementation of the City of DeLand & Votran mobility services.

There are two types of activities for which procedures are established:

- 1) Activities that require public involvement based on federal and/or state regulations:
and
- 2) Activities for which the City of DeLand & Votran desires public involvement as part of its overall strategies to provide market driven transportation services.

Below are specific activities that warrant public involvement for the two types of activities.

Fare Increases

Required Activities

The General Manager is to conduct the following activities to solicit public input prior to Fare Increases:

1. Prepare notices in the form of press releases and notices on-board buses;
2. Schedule public hearings;
3. Notice public hearings in accordance with notice procedures below; and
4. Hold public hearings to gain public input.

Fare increases are increases to the base full adult fare. When the full adult fare is increased, discount fares and fare media may also be increased at the same time. Fare increases are adopted by the Volusia County Council for all Cities.

Other Activities Related to Fare Increases – Not Required

When deemed appropriate and reasonable, the General Manager may also elect to conduct other activities with the City of DeLand to solicit public comment, including but not limited to:

1. Hold public workshops in communities affected by the fare increases;
2. Make presentations to local jurisdictions;
3. Make presentations to business and community groups; and
4. Publicize the fare increase via promotions on radio, television, and newspapers.

Service Reductions

Service Reductions occur when Votran does the following to an individual route or to set of routes:

- > Reduce the span of service hours (hours in a day when service operates);
- > Reduce the days in which service operates;
- > Reduce the frequency of service; and
- > Elimination of a route, unless the route is a planned service development or experimental services that has been in existence less than two years.

Required Activities

Public involvement is required if any of the above activities impact more than 10% of an individual route total service hours or 10% of an individual route's current ridership. When the General Manager deems that one or both criteria have been met, the following activities will occur.

1. Make presentation to the Volusia County Council;
2. Schedule a public hearing;
3. Publish public hearing in accordance with notice procedures listed below; and
4. Hold public hearing to gain public input.

Other Activities Related to Service Reductions – Not Required

When deemed appropriate and reasonable, the General Manager may also elect to conduct other activities within the City of DeLand to solicit public comment, including but not limited to:

- > Hold public workshops in communities affected by the service reductions;
- > Make presentations to local jurisdictions;
- > Make presentations to business and community groups; and
- > Publicize service alternatives via promotions on radio, television and in newspapers.

Public Notice

When formal public notice is warranted for public hearings, Votran shall publish notice at least twenty-one (21), days prior to proposed action(s). The notice shall include:

1. Proposed of public hearing;
2. The date, time, and location of the public hearing;
3. Address and business hours whereby information regarding the action can be available for public review;
4. Contact address and period of time in which written public comment will be received;
5. Contact telephone number for public to gain additional information; and
6. Votran maps and schedules are available in large print and audio. Currently the City of DeLand with Votran is working with Volusia County Community Public Information to provide translation in Spanish.

After the public hearing and at the conclusion of public comment period, the General Manager is charged with summarizing and packaging all public comments for presentation to the Volusia County Council and the City of DeLand Commissioners prior to the time action is taken.

Public hearings conducted by the Volusia County Council shall be at regularly scheduled monthly meetings adopted by the County that are published each year for the following year. Public hearings by staff may be conducted at any time on federal or state requirements or based on the impacts to a particular community or customer base. Notice provisions for public hearings shall be the same as those indicated above.

All public comments received through any of the means listed above will be summarized and presented to the Volusia County Council prior to adoption or implementation of the action taken.

Public Outreach Activities

Public outreach is not required but is aggressively pursued by the City of DeLand and Votran and may take various forms tailored to the specific activity involved. Public outreach activities are designed to increase public awareness of the City of DeLand and Votran, survey public attitudes regarding transit improvements, and to gain public consensus and support for the importance of public transportation to the quality of life in the region. The City of DeLand and Votran will seek to maintain a comprehensive and continuous public involvement program to include such efforts as:

- I. Development and update of the *Transportation Development Plan* and *Transportation Disadvantaged Service Plan*.
- II. Volusia Transportation Planning Organization (VTPO), Coordination – includes participation in the Technical Committee, Bicycle/Pedestrian Advisory Committee, Board meetings, and presentations when appropriate to the Citizens Advisory Committee.
 - A. Transportation Improvement Program (TIP) – annual submission to the VTPO.
 - B. Unified Planning Work Program (UPWP) – annual submission of proposed planning projects to the funding in the UPWP.

- C. Long Range Transportation Plan – participation and input into development of local jurisdiction transportation system.
- III. Votran Customer Service
- A. Telephone system that consists of Service Representative Response that enables callers to retrieve information regarding Votran services and leave voice messages for further follow up.
 - B. Internet E-mail with response from the City of DeLand with Votran staff.
 - C. Web site <http://votran.org/>
 - D. Web comment form <http://votran.org/form2.htm>
- IV. Speakers’ Bureau – includes presentations by the City of DeLand and Votran staff to community groups, business organizations, elected officials, and neighborhood/community associations.
- V. Information and Awareness Program – Includes promotions presenting the Votran image in the community to riding and non-riding customers.

Plan Updates and Notice

Plan Updates

- The four factor review will be conducted each year so that the county demographics will be collected and reviewed to track community changes in the service area
- Each citizen doing business with the City of DeLand Intermodal Facility completes a survey which will include a question about language proficiency

Notices

- The *City of DeLand Language Assistance Implementation Plan for Limited English Proficiency Persons* (LEP) will be posted on site at the City of DeLand Community Development office, on the City of DeLand’s website www.deland.org.
- Votran’s Transit Development Plan was updated and adopted on December 2012. It is located on Votran’s website www.votran.org. The TDP examines the overall service, community needs, available resources and the consistency of the transit agency goals and objectives with the comprehensive planning efforts and policies of the County. The study to prepare the plan will include an analysis of passengers with regard to language service needs. The LEP efforts and development plan will be developed in coordination with the County.

- Votran's Limited English Proficiency Plan was updated and adopted December 2013. It is located on Votran's website www.votran.org.

APENDIX A

U.S. Census Bureau

AMERICAN
FactFinder



S1601

LANGUAGE SPOKEN AT HOME

2009-2013 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Subject	DeLand city, Florida				
	Total		Percent of specified language speakers		
			Speak English "very well"		Speak English less than "very well"
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Population 5 years and over	25,928	+/-329	95.2%	+/-1.5	4.8%
Speak only English	86.3%	+/-2.3	(X)	(X)	(X)
Speak a language other than English	13.7%	+/-2.3	65.3%	+/-7.9	34.7%
Spanish or Spanish Creole	8.6%	+/-2.0	68.0%	+/-9.3	32.0%
Other Indo-European languages	3.5%	+/-1.7	69.6%	+/-16.4	30.4%
Asian and Pacific Island languages	1.6%	+/-0.9	41.8%	+/-31.4	58.2%
Other languages	0.2%	+/-0.2	51.3%	+/-51.3	48.7%

Subject	Volusia County, Florida				
	Total		Percent of specified language speakers		
			Speak English "very well"		Speak English less than "very well"
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Population 5 years and over	472,134	+/-86	95.8%	+/-0.3	4.2%
Speak only English	87.3%	+/-0.4	(X)	(X)	(X)
Speak a language other than English	12.7%	+/-0.4	67.4%	+/-1.7	32.6%
Spanish or Spanish Creole	8.8%	+/-0.3	68.4%	+/-2.2	31.6%
Other Indo-European languages	2.6%	+/-0.3	71.4%	+/-4.6	28.6%
Asian and Pacific Island languages	0.9%	+/-0.1	51.1%	+/-6.9	48.9%
Other languages	0.4%	+/-0.1	55.2%	+/-11.8	44.8%

RESOLUTION NO. 2015 – 11

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, APPROVING THE CITY'S UPDATED TITLE VI CIVIL RIGHTS COMPLIANCE PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of DeLand received federal transportation funding for the establishment of the Intermodal Transportation Facility (ITF) located on 119 East Euclid Avenue; and

WHEREAS, one of the prerequisites to receiving such funding was the adoption, by the City Commission, of a program that would allow persons to address complaints regarding violation of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in any program receiving federal financial assistance; and

WHEREAS, in accordance with the aforesaid requirement, the City of DeLand adopted Resolution 2006-70, pursuant to which the City adopted both a Title VI compliance program as well as a Language Assistance Implementation Plan for Limited English Proficiency Persons (LEP); and

WHEREAS, City staff has updated the Title VI compliance program, to include the LEP, based upon comments received from staff at the Federal Transportation Administration; and

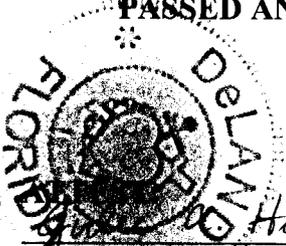
WHEREAS, although the genesis for adoption of the City's Title VI compliance program was the federal funding of the ITF, the City Commission hereby finds and declares that it is in the best interests of the citizens of the City of DeLand, and that justice and equality is promoted by, the adoption of the updated Title VI compliance program and LEP attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission hereby adopts the Title VI compliance program and LEP attached hereto as Exhibit "A."

Section 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 11th day of February, 2015.



Julie A. Hennessy
Julie A. Hennessy
City Clerk – Auditor

Robert F. Apgar
Robert F. Apgar
Mayor-Commissioner

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
Darren J. Elkind
City Attorney