

COUNTY OF HENDRY, STATE OF FLORIDA

RESOLUTION NO. 2016 - 133

RECORDED IN RESOLUTION BOOK XXIX , PAGE 235

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, ADOPTING AN AMENDED AND RESTATED TITLE VI AND NONDISCRIMINATION POLICY AND PLAN FOR HENDRY COUNTY.**

WHEREAS, as a condition of receipt of federal grant funds, the County is required to have in place a formal policy concerning compliance with federal civil rights laws; and

WHEREAS, on August 27, 2013, by Resolution No. 2013-55, the Board of County Commissioners adopted a Title VI Nondiscrimination Policy and Plan for Hendry County; and

WHEREAS, the Board wishes to amend the policy.


**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, that:**


The Board hereby adopts the Amended and Restated Title VI and Nondiscrimination Policy and Plan in the form attached hereto and authorizes the County Administrator or designee to administer this policy and plan.

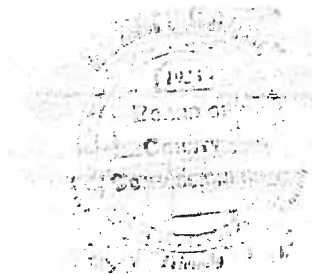
Duly considered and adopted by the Board of County Commissioners of Hendry County, Florida, this 13<sup>th</sup> day of December, 2016.

BOARD OF COUNTY COMMISSIONERS  
OF HENDRY COUNTY, FLORIDA

ATTEST:

  
Barbara Butler, Clerk

  
\_\_\_\_\_  
Michael Swindle, Chairman



**Amended and Restated  
Title VI and Nondiscrimination Policy and Plan**

**Policy Statement:**

Hendry 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 public policy and governmental services result from careful consideration of the needs of all of its communities and when those communities are involved in the public policy and governmental services decision-making process. Thus, the County does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and related laws and regulations, the County will not exclude from participation in, deny the benefits of, or subject to discrimination or retaliation anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status.

**Complaint Procedures:**

The County has established a discrimination/retaliation complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination/retaliation when found. Any person who believes that he or she has been subjected to discrimination or retaliation based upon race, color, national origin, sex, age, disability, religion, income or family status in any of the County's programs, services or activities may file a complaint with the County Title VI/Nondiscrimination Coordinator:

Audelia Bustamante  
Title VI/Nondiscrimination Coordinator  
Mailing Address: P.O. Box 2340, LaBelle, FL 33975  
Physical Address: 640 S. Main Street, LaBelle, FL 33935  
Email: [audelia.bustamante@hendryfla.net](mailto:audelia.bustamante@hendryfla.net)  
Phone: (863) 675-5352  
Fax: (863) 674-4194  
Hearing Impaired: Florida Relay 7-1-1

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, age, disability, religion, income or family status); and a description of the alleged discrimination or retaliation 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) days and will take reasonable steps to resolve the matter. Should the County be unable to satisfactorily resolve the complaint, the Title VI/Nondiscrimination Coordinator will forward the complaint, along with a record of its disposition, to the appropriate Federal and/or State agency for further processing.

The County's Title VI/Nondiscrimination Coordinator reports directly to the County Administrator and is not required to obtain management or other approval to discuss discrimination issues with the County Administrator. However, should the complainant be unable or unwilling to complain to the County, or if the complainant is dissatisfied with the County's handling of a complaint, the written complaint may be submitted directly to the U.S. Department of Justice (DOJ) as detailed below. DOJ will ensure that the matter is assigned to the correct Federal or State authority for processing.

U.S. Department of Justice  
Civil Rights Division  
Federal Coordination and Compliance Section, NWB  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Title VI Hotline: 1-888-TITLE-06  
(1-888-848-5306) (Voice / TTY)  
<http://www.justice.gov/crt/about/cor/coord/titlevi.php>

For discrimination/retaliation complaints related to grants issued by the DOJ, complaints may be filed with:

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street, N.W.  
Washington, D.C. 20531

**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 County 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 encourages the public to report any facility, program, service or activity that appears inaccessible to the 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 five (5) calendar days prior to the need for accommodation.

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

Audelia Bustamante  
ADA Officer  
Mailing Address: P.O. Box 2340, LaBelle, FL 33975  
Physical Address: 640 S. Main Street, LaBelle, FL 33935  
Email: [audelia.bustamante@hendryfla.net](mailto:audelia.bustamante@hendryfla.net)  
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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 federal agencies 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 County's 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 County and the likely costs of the LEP services.

Using census data, the County has determined that LEP individuals speaking English less than well represent approximately 16% of the community. The County realizes that such statistical data can be outdated or inaccurate. Therefore, the County contacted County departments, local law enforcement, social services agencies and schools to determine the proportion of LEP persons served by those entities. Spanish was reported to be the prevalent LEP language and an estimated 6% of calls for service for these agencies were by LEP Spanish-speakers. Given this information, the County reasons that a relatively small portion of its service population are LEP speakers of Spanish.

The County occasionally receives requests for interpretation or translation of its programs, services or activities into Spanish. Some County-sponsored public events are attended by significant numbers of Spanish speakers, sometimes more than half of the attendees, depending on the location.

The County utilizes its bilingual employees to provide interpretation services to Spanish speakers by assigning a bilingual employee to each department. Additionally, the County has a contract with Optimal Phone Interpreters, Inc. to provide on-call interpretation services for Spanish and most other languages spoken by anyone who may be in the United States. The County continually evaluates which documents are commonly used by Spanish speakers and arranges for their translation. Additionally, the County will post this policy and plan in Spanish on its website so every member of the public is aware of its nondiscrimination and public involvement policies.

The analysis of the above factors suggests that the following LEP services are called for:

- Continue to provide the documents that are currently provided in Spanish, adding and discontinuing documents based upon demand.
- Maintain a list of employees who competently speak Spanish and other languages and who are willing to provide interpretation and/or translation services and 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.
- Maintain the agreement with Optimal Phone Interpreters, Inc. or another appropriate firm to provide oral interpretation services as needed.

The County understands that its community profile is changing and the four factor analysis may reveal the need for more LEP services in the future. As such, it will biannually 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/Nondiscrimination Coordinator:

Audelia Bustamante  
Title VI/Nondiscrimination Coordinator  
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**Public Involvement:**

In order to plan for efficient, effective, safe, equitable and reliable government services, the County must have the input of its public. The County spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. Any person may attend any County Commission meeting and speak during the Hearing of the Public portion of the agenda concerning a matter of County business of concern to the person. County Commission meetings are generally held the second and fourth Tuesdays of each month at 5:00 p.m., with the second Tuesday meeting held at Clewiston City Hall, 115 W. Ventura Ave., Clewiston, and the fourth Tuesday meeting held at the Hendry County Courthouse, 25 E. Hickpochee Ave., LaBelle. Persons should check the County's website, [www.hendryfla.net](http://www.hendryfla.net) for any changes to meeting dates, times and location. Meeting locations are accessible to the disabled.

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

Audelia Bustamante  
Title VI/Nondiscrimination Coordinator

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**Data Collection:**

FHWA 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 American Community Survey reports and other methods. From time to time, 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.

**Assurances:**

Every three years the County 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 document the County's commitment to nondiscrimination and equitable service to its community. The public may view the assurances on the County's website or by visiting the County's offices.