

# County of Volusia Title VI Nondiscrimination Policy and Plan



Adopted 2017  
(Updated July 16, 2021)

123 W. Indiana Ave., DeLand, FL 32720  
Office: 386-736-5920  
Website: <https://www.Volusia.org>



## **County of Volusia Nondiscrimination Policy Statement**

It is the County of Volusia's policy to comply with Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990 and other Federal and State discrimination laws and regulations. The County prohibits discrimination by its employees, contractors and consultants in all of its programs, services and activities. The County is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its services on the basis of race, color, sex, religion, national origin, age, income, disability or family status.

Moreover, Volusia County believes the best programs and services result from careful consideration of the needs of all of its communities and their involvement in the public policy and governmental services decision-making process. Volusia County values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level.

Dated April 5, 2019

By 

George Recktenwald  
County Manager/Chief Executive Officer

## Table of Contents

<b>Introduction and Plan Statement</b>	<b>5</b>
<b>Title VI Organization and Staffing</b>	<b>6</b>
<b>Complaint Procedures</b>	<b>7</b>
<b>ADA/504 Statement</b>	<b>10</b>
<b>Limited English Proficiency (LEP)</b>	<b>11</b>
<b>Public Involvement</b>	<b>17</b>
<b>Data Collection</b>	<b>18</b>
<b>Assurances</b>	<b>18</b>
<b>Adoption</b>	<b>19</b>

# Appendixes

<b>Document</b>	<b>1-19</b>
<b>Appendix A-1</b>	<b>20</b>
<b>Appendixes A and E Florida Department of Transportation Appendixes A and E</b>	<b>21</b>
<b>Appendix B</b>	<b>24</b>
<b>Appendix C</b>	<b>25</b>
<b>Appendix D</b>	<b>26</b>
<b>Appendix F</b>	<b>28</b>
<b>Appendix G</b>	<b>29</b>
<b>Appendix H (Letter of Finding)</b>	<b>30</b>
<b>Appendix I List of Title VI Investigations, Complaints and Lawsuits</b>	<b>31</b>
<b>Appendix J Language Identification Card</b>	<b>32</b>

# County of Volusia Title VI Nondiscrimination Policy and Plan

## **Introduction**

This plan was developed to guide the County of Volusia in its administration and management of Title VI-related programs, services and activities.

Title VI of the Civil Rights Act of 1964 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.

This Title VI Nondiscrimination Policy and Plan applies to all programs, services and activities offered by Volusia County and its various departments/divisions, including, but not limited to, public works, public protection, health services, emergency medical services, fire and rescue, and community services/assistance, as well as to those doing business with Volusia County.

Separate Title VI plans specific to Daytona Beach International Airport and Votran public transportation have been adopted and can be viewed on the County's website, [www.volusia.org](http://www.volusia.org). This plan is general in scope and is not intended to supersede or otherwise conflict with more specific plans as may be adopted by a particular division or department of the County.

## **Plan Statement**

The County of Volusia is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964.

Volusia County values diversity and welcomes input from all interested parties, regardless of cultural identity, background, or income level. Moreover, Volusia County believes the best programs and services result from careful consideration of the needs of all of its communities and their involvement in the public policy and governmental services decision-making process.

## **Title VI Plan Organization and Staffing**

The County Manager will appoint a Title VI Coordinator to generally oversee the County's Title VI program, and department/division directors will designate one or more Title VI liaisons within their respective departments/divisions.

### **Title VI Coordinator**

The Title VI Coordinator is responsible for the overall management of the Title VI Program and the Limited English Proficiency (LEP) Access Plan described in this document, under the supervision of the Human Resources Division and the County Attorney's Office.

Title VI Coordinator's responsibilities include:

- Processing Title VI compliance complaints received by the County of Volusia.
- Coordinating with Title VI and LEP Plan liaisons in County departments/divisions as needed to compile statistical data related to race, color, national origin, etc., and participation by LEP citizens in County programs and services.
- Conducting training related to Title VI and the LEP Plan requirements for County staff who are responsible for Title VI and LEP Plan compliance.
- Keeping an accurate and updated list of all Title VI and LEP Plan department/division liaisons.
- Maintaining permanent records, which include, but are not limited to, copies of Title VI complaints or lawsuits and related documentation; records of correspondence to and from complainants; Title VI investigations; and LEP Plan forms and materials.
- Maintaining a current list of all County employees who speak or write any languages other than English and their contact information.
- Ensuring signage indicating the availability of free interpreter and translator services is placed at primary points of contact in County facilities, such as the information desk and department/division reception areas.

## **Title VI and LEP Plan Department/Division Liaisons**

The responsibilities of the Title VI and LEP Plan department/division liaisons include:

- Ensuring compliance with Title VI requirements and the LEP Access Plan within their departments/divisions.
- Collecting LEP related data as needed, such as language used and County services requested by LEP citizens.
- Maintaining copies of any Title VI complaints, correspondence or other documents relating to Title VI and their department/division.
- Attending Title VI and LEP plan training.

### **Title VI Coordinator Contact Information**

Cindy Hancock Finney, Title VI Coordinator

County of Volusia

Human Resources Division

125 W. New York Ave., Suite 141

DeLand, FL 32720

cfinney@volusia.org

Phone: 386-736-5951; Fax: 386-740-5149

Hearing impaired: 711 (Florida Relay)/800-955-8771 (Florida Relay for TTY Users).

### **Title VI Information Dissemination Procedure**

Title VI information shall be publicly displayed on the County's website, [www.volusia.org](http://www.volusia.org), along with the name and contact information of the Title VI Coordinator. Additional information relating to the County's non-discrimination obligation can be obtained from the Volusia County Title VI Coordinator.

### **Subcontractors and Vendors**

All subcontractors and vendors who receive payments from the County of Volusia where funding originates from any Federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Title VI language is included in all County requests for proposals (RFPs), bids and contracts.

### **Title VI Complaint Procedures: How to File a Title VI Complaint**

Volusia 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/she has

been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, family or income status in any of Volusia County's programs, services or activities may file a complaint with the Volusia County Title VI Coordinator.

**Please note:** Daytona Beach International Airport (DBIA) and Votran have separate complaint procedures which can be found in their respective Title VI plans, which are also posted on the County's website, [www.volusia.org](http://www.volusia.org). For any other departments or divisions adopting a Title VI plan after the date this plan is approved, the Title VI Coordinator shall forward any received complaints to such department or division for further processing consistent with their complaint procedures.

The complainant may file a signed, written complaint using the Title VI Complaint Form (Appendix D) up to 180 days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and contact information (telephone number, email address, etc.).
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant.

The complaint may be mailed to Cindy Hancock Finney, Title VI Coordinator at the County of Volusia, Human Resources Division, 125 W. New York Ave., Suite 141, DeLand, FL 32720. Email [cfinney@volusia.org](mailto:cfinney@volusia.org).

**Please note:** The County of Volusia encourages complainants to certify all mail that is sent through the U.S. Postal Service to ensure that all written correspondence can be easily tracked. A complaint must be mailed to the Title VI Coordinator no later than 180 days from the date of the alleged act of discrimination.

#### **Daytona Beach International Airport (DBIA)**

Title VI complaints regarding DBIA may be directed to DBIA's designated Title VI contact for processing in accordance with DBIA's adopted Title VI Procedures and Plan. Please contact: Greg Winquist, DBIA Title VI Coordinator, Daytona Beach International Airport, 700 Catalina Drive, Suite 300, Daytona Beach, FL 32114. Email [gwinquist@volusia.org](mailto:gwinquist@volusia.org) or call 386-248-8030.



## **Votran**

Title VI complaints regarding Votran, Volusia County's public transportation system, should be directed to Votran's Civil Rights Officer for processing in accordance with Votran's adopted Title VI Procedures and Plan posted on [www.votran.org](http://www.votran.org), which are specific to Votran and its operations. Please contact the Votran Civil Rights Officer at 386-756-7496 at Votran, 950 Big Tree Road, South Daytona, FL 32119.

## **What Happens When a Complaint is Submitted**

All complaints alleging discrimination based on race, color or national origin in a program, service or activity provided by the County of Volusia will be addressed by the Title IV Coordinator. The County of Volusia shall make every effort to address all complaints in an expeditious and thorough manner.

A letter from the Title VI Coordinator acknowledging receipt of the complaint will be mailed to the complainant within seven business days (Appendix F).

The County has 60 business days to investigate the complaint. If more information is needed to resolve the case, the County's Title VI Coordinator may contact the complainant in writing via letter or email.

The complainant will have 10 business days from the date of the written correspondence (letter or email) to send the requested information to the Title VI Coordinator.

If the Title VI Coordinator is not contacted by the complainant or the Coordinator does not receive the additional information within 10 business days, the Coordinator can administratively close the case. A case also can be administratively closed if the complainant no longer wishes to pursue his/her case.

The Title VI Coordinator also shall provide appropriate assistance to complainants with disabilities or those who are limited in their ability to communicate in English.

## **Notification of Outcome**

After the case has been investigated, the Title VI Coordinator will issue one of two letters to the complainant, subject to review by the County Attorney's Office: a closure letter (Appendix G) or a letter of finding (LOF) (Appendix H).

A closure letter summarizes the allegations and states there was no Title VI violation and the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident and explains whether any disciplinary action, additional staff training, or other action will occur.

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

If the Coordinator finds the complaint is not substantiated, the letter will advise the complainant of his/her right to appeal within 10 business days of the date of the County's final written decision.

A complaint may also be filed directly with the U.S. Department of Justice at the following address:

Federal Coordination and Compliance Section - NWB  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

For more information, see <https://www.justice.gov/crt/how-file-complaint> or call 1-888-TITLE-06 (1-888-848-5306) (Voice or TDD).

When required by applicable Federal law or regulation, the County shall forward copies of written complaints to the appropriate Federal agency. Similarly, each County department/division shall provide any periodic or cumulative reports regarding Title VI complaints in accordance with applicable Federal laws or regulations.

Each County department/division shall comply with any complaint and reporting requirements as may be imposed by Federal agencies providing funding to or oversight of each such department/division.

### **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.

Volusia County will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities.

Volusia County encourages the public to report any facility, program, service, or activity that appears inaccessible to persons with disabilities. Furthermore, Volusia County will provide reasonable accommodation to disabled individuals who wish to participate in events open to the public or who require special assistance to access County facilities, programs, services, or activities.

Because providing reasonable accommodation may require outside assistance, additional organization, or resources, Volusia County asks that requests be made at least two business days prior to the need for the accommodation.

Questions, concerns, comments or requests for accommodation should be made to Volusia County's Facilities Director, James Corbett. Email [jcorbett@volusia.org](mailto:jcorbett@volusia.org) or call 386-248-1760. Hearing Impaired: 711 (Florida Relay)/800-955-8771 (Florida Relay for TTY Users).

### **Limited English Proficiency (LEP) Access Plan**

The goal of Volusia County's Limited English Proficiency (LEP) Access Plan is to ensure the County recognizes the needs of limited English proficient members of the community and implements a plan to communicate effectively with them and ensure reasonable access to County programs and services as well as County processes, information and decision-making.

Most individuals in Volusia County read, write, speak and understand English. However, there are many individuals whose primary language is not English. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English can be limited English proficient, or "LEP." This language barrier may prevent individuals from accessing Volusia County services and programs.

Title VI of the Civil Rights Act of 1964, Executive Order 13166, Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, and various directives from the U.S. Department of Justice and U.S. Department of Transportation, require Federal aid recipients to take reasonable steps to ensure those who do not speak English well have meaningful access to programs, services and activities.

As a recipient of Federal funds, the County is required to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services.

### **County of Volusia Four Factor Analysis**

To determine the extent to which LEP services are required and in which languages, the law requires the analysis of the four factors listed below. The following sections address each of these with respect to services provided by Volusia County.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by Volusia County's programs, services or activities;
2. The frequency with which LEP individuals come in contact with these programs, services or activities;
3. The nature and importance of the program, service, or activity to people's lives; and
4. The resources available and the overall cost to Volusia County.

### **Factor 1: Review of LEP Populations**

Understanding the needs of the community begins with identifying the number of LEP persons eligible to be served, likely to be served, or likely to be encountered by the County through its programs, services or activities.

To determine the potential LEP needs for services provided by the County, County staff reviewed data available through the U.S. Census Bureau's American Community Surveys (ACS).

The ACS 2019 One-Year Estimates indicated that 3.1% (16,448) of the Volusia County population of 527,182 speak English "less than very well." This is a 12% decrease in the number LEP persons (18,849) identified in 2018 ACS One-Year Estimates. A further breakdown of the 2019 data showed that 2.1% of LEP persons speak Spanish as their primary language. Other languages spoken by Volusia residents who speak English "less than very well" include Indo-European (0.4%), Asian and Pacific Islander (0.4%) and Other Languages (0.3%). See Table 1 below.

**Table 1**

<b>Percentage of LEP Speakers and Languages Spoken                      in Volusia County (U.S. Census Bureau's 2019                      American Community Survey One Year Estimates)</b>						
<b>Total                      Population                      5 years of                      Age and                      Older</b>	<b>Number                      of LEP                      Persons</b>	<b>Percentage                      of LEP                      Persons</b>	<b>LEP                      Persons                      Who                      Speak                      Spanish</b>	<b>LEP                      Persons                      who Speak                      Indo-                      European                      Languages</b>	<b>LEP                      Persons                      Speak                      Asian &amp;                      Pacific                      Islander                      Languages</b>	<b>LEP                      Persons                      Who Speak                      Other                      Languages</b>
<b>527,182</b>	<b>16,448</b>	<b>3.1%</b>	<b>2.1%</b>	<b>0.4%</b>	<b>0.4%</b>	<b>0.3%</b>

A breakdown of Volusia County Spanish LEP populations by city, (2019 ACS Five-Year Estimates), indicated concentrations of Spanish speaking LEP persons in the city of Deltona (6.3%) and the town of Pierson (9.2%).

Given this information, Volusia County staff believe that a relatively small number of its service population is comprised of LEP speakers and the majority of the LEP individuals in Volusia County claim Spanish as their primary language.

**Factor 2: Assessing Frequency of Contact with LEP Persons**

Volusia County shall assess the frequency at which staff has or could possibly have contact with LEP persons. This includes a review by the Title VI Coordinator of external data sources (U.S. Census, American Community Survey, Department of Education, etc.) and internal data.

### **Factor 3: Assessing the Importance of County Programs**

The County must ensure that all segments of the population, including LEP persons, have meaningful access to County services and programs and have the opportunity to do business with the County.

Among the most important County services are those related to safety, health, emergency services, recreation, and transportation, as well as the award of contracts and public participation. The County must ensure that all segments of the population, including LEP persons, have meaningful access to County services and the opportunity to do business with the County.

Presently there is no large geographic concentration of any one type of LEP community within the County; however, the overwhelming majority of the LEP population speaks Spanish as a primary language. Given the foregoing, the majority of the County's efforts to assist LEP individuals are directed toward Spanish speaking individuals.

### **Factor 4: Determining Available Resources**

When planning any activity, it is imperative that an organization assess the resources available to conduct the activity in a way that is meaningful and balances those efforts with the overall cost to the organization.

Currently the County uses Language Line, a translation and interpretation service provider. Directions on using the service to assist LEP persons by telephone or in person have been provided to all County departments. Other resources that could be used to provide language assistance include maintaining a list of bi-lingual employees and their contact information, reaching out to area universities, the court system, and faith-based and community organizations for assistance with translations.

Given the size of the Spanish LEP population in the County and the County's existing budget, full language translations of all documents published by the County are not considered warranted or cost feasible at this time; however, the County will conduct periodic reviews to determine, based upon demand, whether certain documents or forms require translation.

### **Conclusion**

The analyses of these four factors suggest extensive LEP services are not required at this time by most County departments/divisions. The use of an interpretation and translation service provider such as Language Line has been sufficient to meet the current need. Those departments that may require more LEP services, such as the Daytona Beach International Airport, Corrections and Votran, have formal LEP programs in place.

The County believes that Spanish language assistance is necessary for certain programs and activities in order to provide broad access by members of the public, and the County's general LEP Plan will continue to be developed together with specific plans as may be appropriate for County departments/divisions providing services to LEP populations.

### **LEP Access Plan Components**

An LEP Plan helps management and staff members understand their roles and responsibilities with respect to overcoming language barriers for LEP individuals. Volusia County has developed the following plan for providing language assistance to LEP persons.

1. Identifying LEP individuals who need language assistance;
2. Language assistance services;
3. Training staff;
4. Providing notice to LEP persons; and
5. Monitoring and updating the LEP Plan

### **Identifying LEP Individuals Who Need Language Assistance**

There are several measures that the County has taken to identify individual persons who may need language assistance. They include:

- Posting notices in County facilities of the County's LEP Plan and the availability of free interpretation or translation services in languages LEP persons would understand.
- Providing Volusia County staff with language identification cards (Appendix K) to assist in identifying the language interpretation services needed if the occasion arises.
- Periodically surveying Volusia County staff regarding their interaction with LEP persons.

### **Language Assistance Services**

The two types of language services are interpretation and translation. Interpretation is the immediate rendering of oral language from the source language into the target language. Translation is the rendering of a written text from one language (source language) into another language (target language).

Where interpretation/translation is necessary to provide meaningful access

to County programs, activities and services, LEP persons will be advised that the County will provide a competent interpreter/translator at the County's expense, or they may secure the assistance of an interpreter/translator of their choice at their own expense.

When translation is needed, documents to be translated upon request will be those determined to be vital, which is defined as those documents without which a person would be unable to access County services.

Signage indicating the availability of free interpreter and translator services has been placed at primary points of contact in County facilities such as reception areas. Such services will be provided during all normal business hours and when an emergency has been determined to exist during non-business hours.

Other County actions taken have included:

- Maintaining an updated list of employees who speak or write any languages other than English. Performing language services is a collateral duty for these employees and is subject to supervisory approval and workload constraints.
- Identifying events and activities that may require an interpreter/translator to ensure meaningful access by LEP persons.
- Identifying critical and essential documents that may need to be provided in Spanish language format.
- Providing meeting notifications in English and Spanish, as needed and where appropriate.
- Providing Spanish language outreach materials from other organizations including Federal, State and local agencies in County facilities when possible.

### **Training Staff**

County department/division directors and managers are crucial to the implementation of the LEP Access Plan. Each department/division has appointed a designated Title VI liaison who is the lead person for ensuring compliance with Title VI and LEP procedures. This person will attend Title VI training.

### **Providing Notice to LEP Persons**

County offices must provide reasonable notification to eligible LEP persons in a way they will understand that language services are available. This



includes notices posted at all County facilities in prominent locations and near reception areas for County departments and divisions.

### **Monitoring and Updating the LEP Access Plan**

The LEP Plan is designed to be flexible and should be viewed as a work in progress. The County periodically evaluates and monitors its implementation to ensure that the LEP Plan contains updated information on relevant LEP populations, addresses current language assistance needs, and is consistent with the objectives of the LEP Program.

### **Dissemination of the LEP Access Plan**

The County's LEP Plan is part of its Title VI Plan document and is posted on the County's website. County managers and directors, as well as members of the public and outside agencies, can download the Title VI/LEP Plan document as needed. LEP persons may obtain copies/translations of the plan upon request.

For questions or concerns regarding the County of Volusia's commitment to nondiscrimination or to request LEP services, contact Cindy Finney, Title VI Coordinator, at 386-736-5951 or [cfinney@volusia.org](mailto:cfinney@volusia.org).

### **Public Involvement**

In order to plan for efficient, effective, safe, equitable, and reliable governmental and proprietary services, Volusia County must have the input of its public. Volusia County spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community.

The Volusia County Council and its various advisory boards and committees meet at publicly advertised dates and times throughout the year to discuss and evaluate various County projects, initiatives, and services. All meetings are held pursuant to Florida's Government in the Sunshine laws and are open to comments from the public.

Such boards and committees include, but are not limited to, the Volusia County Council, the Children and Families Advisory Board, the Transportation Disadvantaged Local Coordinating Board, and the Human Services Advisory Board. Volusia County staff also attend and participate in various community events to promote County services and programs offered to the public.

Finally, Volusia County is continually seeking ways of measuring the effectiveness of its public involvement, including encouragement of public comment at its various public meetings.

Persons wishing to request special presentations by Volusia County, volunteer in any of its activities, or offer suggestions for improvement of Volusia County public involvement may contact Cindy Finney, the County's Title VI Coordinator.

### **Data Collection**

Federal regulations require Federal-aid recipients to collect racial, ethnic, and other similar demographic data on beneficiaries of or those affected by the County's programs, services, and activities. Volusia County accomplishes this through the use of the U.S. Census Bureau's American Community Surveys (ACS) data and reports, and other methods appropriate to County departments/divisions such as consulting studies.

From time to time, Volusia County may find it necessary to request voluntary identification of certain racial, ethnic, or other data from those who participate in its programs and services. This information assists Volusia County with improving its targeted outreach and measures of effectiveness.

Self-identification of personal data to Volusia County will always be voluntary and anonymous to the extent permitted by applicable law. Moreover, Volusia County will not release or otherwise use this data in any manner inconsistent with applicable Federal and State law and regulations.

### **Assurances**

Depending on the department/division providing a particular service or program, Volusia County may be required to periodically certify to appropriate Federal agencies that certain programs and services are being implemented and administered in a nondiscriminatory manner.

These certifications are termed 'assurances' and serve two important purposes. First, they document Volusia County's commitment to nondiscrimination and equitable services to its community. Second, they serve as a legally enforceable agreement by which Volusia County may be held liable for breach.

The public may view the annual assurance on Volusia County's website or by visiting Volusia County's offices. Assurances shall be provided to appropriate State and Federal agencies by County departments/divisions in accordance with applicable law, rules, and regulations.

**Adoption**

This Title VI nondiscrimination policy statement and LEP Access Plan for Volusia County is executed and adopted by the County Manager's Office as set forth below:

Dated April 5, 2019

By



George Recktenwald  
County Manager/Chief Executive Officer

**Remainder of page intentionally left blank**

# Appendixes

## Appendix A-1 Florida Department of Transportation Title VI Nondiscrimination Assurances

Pursuant to Section 9 of US DOT Order 1050.2A, the County of Volusia assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity. The County of Volusia further assures FDOT that it will undertake the following with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of *Appendices A and E* of this agreement in every contract subject to the Acts and the Regulations
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other Federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Recipient.

Dated April 5, 2019

By



George Recktenwald  
County Manager/Chief Executive Officer

## **Appendixes A and E**

### **Florida Department of Transportation**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

- (1.) **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in the Regulations.
- (3.) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4.) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.

(5.) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:

- a) withholding of payments to the Contractor under the contract until the Contractor complies, and/or
- b) cancellation, termination or suspension of the contract, in whole or in part.

(6.) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (7) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(7.) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs

or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

## **Appendix B**

### **Notifying the Public of Rights under Title VI**

The County of Volusia operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the County of Volusia.

For more information on the County of Volusia's Title VI Nondiscrimination Program and Plan, and the procedures to file a complaint, contact Cindy Finney, Title VI Coordinator for the County of Volusia at 386-736-5951; email [cfinney@volusia.org](mailto:cfinney@volusia.org), or visit <https://www.volusia.org>.

Persons may file a complaint directly with the U.S. Department of Justice at the address below:

Federal Coordination and Compliance Section - NWB  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

For more information, see <https://www.justice.gov/crt/how-file-complaint> or call 1-888-TITLE-06 (1-888-848-5306) (Voice or TDD)



## **Appendix C**

### **Summary of Title VI 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 County of Volusia may file a Title VI complaint by completing and submitting the County’s Title VI Complaint Form. Volusia County investigates complaints received no more than 180 days after the alleged incident, and will process complaints that are complete.

Once the complaint is received, the designated Title VI Coordinator will review it to determine if the County has jurisdiction. The complainant will receive an acknowledgement letter informing him/her whether the County of Volusia will investigate the complaint.

The County has 60 business days to investigate the complaint. If more information is needed to resolve the case, the County’s Title VI Coordinator may contact the complainant in writing. 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 his/her case.

After the case is investigated, one of two letters will be issued to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states there was not a Title VI violation, and the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional staff training, 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 the U.S. Department of Justice, Federal Coordination and Compliance Section – NWB, Civil Rights Division 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530.

**Appendix D**  
**Title VI Complaint Form**

If you feel you have been discriminated against in the use of any County of Volusia services, programs or activities, please provide the following information in order to assist us in processing your complaint and send it to:

Cindy Hancock Finney, Title VI Coordinator  
County of Volusia, Human Resources Division  
125 W. New York Ave., Suite 141  
DeLand, FL 32720

Please print clearly:

Name

\_\_\_\_\_

Address

\_\_\_\_\_

City, state, zip code

\_\_\_\_\_

Telephone number \_\_\_\_\_ (home) \_\_\_\_\_ (cell) \_\_\_\_\_

Name of person discriminated against:

\_\_\_\_\_

Address of person discriminated against:

\_\_\_\_\_

City, state, zip code: \_\_\_\_\_

Please indicate why you believe the discrimination occurred

- \_\_\_\_\_ Race or color
- \_\_\_\_\_ National origin
- \_\_\_\_\_ Income
- \_\_\_\_\_ Other

Date of the alleged discrimination: \_\_\_\_\_

Where did the alleged discrimination take place?

---

Please describe the circumstances as you saw them. You may use additional paper if needed.

---

---

---

---

---

---

Please list names of any and all witnesses and their phone numbers.

---

---

---

---

Please attach any documents you have which support the allegation. Then date and sign this form and mail it to:

Cindy Hancock Finney, Title VI Coordinator  
County of Volusia, Human Resources Division  
125 W. New York Ave., Suite 141  
DeLand, FL 32720

---

Your signature

---

Print your name

---

Date

**Appendix F**  
**Letter Acknowledging Receipt of Complaint**

Today's Date

Complainant's Name  
Complainant's Address

Dear (Mr./Ms.):

This letter is to acknowledge receipt of your complaint against the County of Volusia regarding \_\_\_\_\_

\_\_\_\_\_.

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. My contact information is below.

Sincerely,

Cindy Hancock Finney, Title VI Coordinator  
County of Volusia  
Human Resources Division  
125 W. New York Ave. Suite 141  
DeLand, FL 32720  
cfinney@volusia.org  
Phone: 386-736-5951

**Appendix G**  
**Notification the Complaint was Not Substantiated**  
**(Closure Letter)**

Today's Date

Complainant Name  
Complainant Address

Dear (Mr./Ms.)

The matter referenced in your complaint of \_\_\_\_\_(date) against the County of Volusia alleging \_\_\_\_\_ has been \_\_\_\_\_ investigated and the results do not indicate the provisions of Title VI of the Civil Rights Act of 1964 were violated.

Title VI prohibits discrimination based on race, color, or national origin in any program receiving Federal financial assistance. The County Attorney's Office analyzed the materials and facts pertaining to your case for evidence of the County's failure to comply with any of the civil rights laws. There was insufficient evidence found that any of these laws have been violated.

Because your complaint was not substantiated, 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 County of Volusia, and/or 2) file a complaint externally with the U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, NWB 950 Pennsylvania Ave., N.W. Washington D.C. 20530.

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

Sincerely,

Cindy Hancock Finney, Title VI Coordinator  
County of Volusia  
Human Resources Division  
125 W. New York Ave., Suite 141  
DeLand, FL 32720

**Appendix H**  
**Notification the Complaint was Substantiated**  
**(Letter of Finding)**

Today's Date  
Complainant's Name  
Complainant's Address

Dear (Mr./Ms.):

The matter referenced in your letter of \_\_\_\_\_(date) against the County of Volusia alleging a Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts (identify corrective actions – you may use an exhibit to do so) are underway to correct these deficiencies.

Thank you for bringing this important matter to our attention. You may be hearing from this office, or from Federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Cindy Hancock Finney, Title VI Coordinator  
County of Volusia  
Human Resources Division  
125 W. New York Ave., Suite 141  
DeLand, FL 32720



## Appendix I List of Title VI Investigations, Complaints and Lawsuits

The County of Volusia received one complaint in 2020, as shown below. To date, this is the only complaint the County has received. Future disclosures will be listed under this appendix in the Title VI Program Plan.

	Date of Complaint (month, day, year)	Complaint (include basis of complaint; race, color, or national origin, etc.)	Status of Complaint	Action(s) Taken
<b>Investigations</b>				
1.				
2.				
<b>Lawsuits</b>				
1.				
2.				
<b>Complaints</b>				
1.	Sept. 30, 2020	Complaint was made regarding a real estate website unaffiliated with the County of Volusia listing a home without the owner's permission.	Closed	Complainant was sent letter stating the County had no jurisdiction over the website.
2.				

## Appendix J

### Language Identification Flash Card

<b>Interpreter Services Desk Guide</b> 			
<b>English</b>	Do you speak...?	Please be seated while I call someone to interpret for you.	
<b>Albanian</b>	Flisni shqip?	Uluni ju lutem derisa të thërras një përkthyes për ju.	
<b>Arabic</b>	هل تتكلم اللغة العربية؟	تفضل بالجلوس بينما نستدعي لك مترجماً	
<b>Bengali</b>	আপনি কি বাংলা বলতে পারেন?	অনুগ্রহ করে বসুন মখন আমি আপনার হয়ে দোভাষীর কাজ করার জন্ত কারও সঙ্গে যোগাযোগ করছি।	
<b>Bosnian</b>	Govorite li bosanski?	Molimo vas da sjednete dok ja ne pozovem osobu koja će da prevodi za vas.	
<b>Chinese</b>	<b>Mandarin</b>	您說中文國語嗎？	我設法為您尋找一位翻譯，請坐下等待。
	<b>Cantonese</b>	您說廣東話嗎？	我設法為您尋找一位翻譯，請坐下等待。
	<b>Fujian</b>	您說福州話嗎？	我設法為您尋找一位翻譯，請坐下等待。
	<b>Wenzhou</b>	您說溫州話嗎？	我設法為您尋找一位翻譯，請坐下等待。
<b>Farsi</b>	آیا شما فارسی حرف می زنید؟	لطفاً بفرمائید، ضمناً برای ترجمانی شما کسی را احضار می کنم.	
<b>French</b>	Parlez-vous français?	Veillez vous asseoir, et je vais vous appeler un interprète.	
<b>Haitian Creole</b>	Èske w pale Kreyòl?	Tanpri chita, mwen pral rele yon entèprèt pou ou.	
<b>Hindi</b>	क्या आप हिन्दी बोलते हैं ?	कृपया अपनी सीट पर बैठे रहें जब तक कि हम किसी दुभाषिये (इन्टरप्रेटर) को आपको समझाने के लिए कॉल करें।	
<b>Italian</b>	Parla italiano?	Prego si accomodi e attenda mentre Le chiamo un interprete.	
<b>Korean</b>	한국어를 사용하십니까?	제가 귀하를 위해 통역해드릴 사람을 부르는 동안 앉아서 기다리십시오.	
<b>Polish</b>	Czy Pan/Pani mówi po polsku?	Proszę siadać, podczas gdy wołam tłumacza.	
<b>Russian</b>	Вы говорите по-русски?	Посидите, пожалуйста, и подождите, пока вам предоставят переводчика.	
<b>Spanish</b>	¿Habla español?	Favor de tomar asiento mientras le llamamos al intérprete.	
<b>Tagalog</b>	Marunong ka bang mag-Tagalog?	Maupo muna habang tumatawag ako ng taong magsasalín para sa iyo.	
<b>Ukrainian</b>	Чи Ви розмовляєте українською мовою?	Будь ласка, посидьте, поки я викликаю перекладача для Вас.	
<b>Urdu</b>	کیا آپ اردو بولتے ہیں؟	برائے مہربانی اپنی سیٹ پر بیٹھے رہیں جب تک کہ ہم آپ کو سمجھانے کے لیے کسی ترجمان (انٹریٹر) کو کال کریں.	
<b>Vietnamese</b>	Quý vị nói tiếng Việt phải không?	Xin ngồi chờ, tôi sẽ gọi thông dịch viên cho quý vị.	
<b>Yiddish</b>	צו רעדט איר אידיש?	ביטע זעצט אייך דערווייל וואס איך רוף עמיצן צו דאלמעטשן פאר איך.	
<b>Deaf / Hearing Impaired</b>	 Do you use sign language?	Please be seated while I call someone to interpret for you.	

PUB # 4843 (6/04)