

# TOWN OF BAY HARBOR ISLANDS



## Title VI/Non-Discrimination Policy and Plan For Sub-Recipients in the Local Agency Program (LAP)

Town of Bay Harbor Islands  
1030 95<sup>th</sup> Street  
Bay Harbor Islands, FL 33154  
Tel: 305-866-6241  
Fax: 305-866-4863  
Website: <http://www.bayharborislands-fl.gov>

**Policy Statement:**

The Town of Bay Harbor Islands (the Town) values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the Town believes that the best programs and services result from careful consideration of the needs of all of its communities and when those communities are involved in the transportation decision making process. Thus, the Town of Bay Harbor Islands does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Town will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status.

**Complaint Procedures:**

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

Evelyn Herbello, Deputy Town Manager/Title VI/Non Discrimination Coordinator  
1030 95<sup>th</sup> Street  
Bay Harbor Islands, FL 33154  
Email: [eherbello@bayharborislands-fl.gov](mailto:eherbello@bayharborislands-fl.gov)  
Phone: 305-866-6241  
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If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability, income or family status); and a description of the alleged discrimination with the date of the occurrence. If the complaint cannot be submitted in writing, the complainant should contact the Title VI/Non Discrimination Coordinator for assistance.

The Title VI/Non Discrimination Coordinator will respond to the complaint within 30 calendar days and take reasonable steps to resolve the matter. Complaints will be investigated and a finding issued within 60 days of receipt. Should the Town be unable to satisfactorily resolve the complaint, the Town will forward the complaint, along with a record of its disposition to the appropriate District of the Florida Department of Transportation (FDOT).

The Town's Title VI Coordinator has "easy access" to the Town Manager and is not required to obtain management or other approval to discuss discrimination issues with the Town Manager. However, should the complainant be unable or unwilling to complain to the Town, the written complaint may be submitted directly to the Florida Department of Transportation (FDOT).

FDOT will serve as a clearing house, forwarding the complaint to the appropriate state or federal agency:

<b>Mail:</b>	<b>E-mail:</b>
Florida Department of Transportation Equal Opportunity Office ATTN: Title VI Complaint Processing 605 Suwannee Street, MS 65 Tallahassee, FL 32399	Florida Department of Transportation Equal Opportunity Office ATTN: State Title VI Coordinator, Stefan Kulakowski <a href="mailto:stefan.kulakowski@dot.state.fl.us">stefan.kulakowski@dot.state.fl.us</a>

**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 regulation forbid discrimination against those who have disabilities. Furthermore, these laws require federal aid and recipients and other government entities to take affirmative steps to reasonably accommodate the disabled and ensure that their needs are equitably represented in transportation programs, services and activities.

The Town will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Town will make every effort to ensure that its advisory committees, public involvement activities, and all other programs, services and activities include representation by the disabled community and disability service groups.

The Town encourages the public to report any facility, program, service or other activity that appears inaccessible to those who are disabled. Furthermore, the Town 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 Town asks that requests be made at least 7 calendar days prior to the need for accommodation.

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

Lindsley Noel, Town Manager / ADA Officer  
1030 95<sup>th</sup> Street  
Bay Harbor Islands, FL 33154  
Email: [lnoe1@bayharborislands-fl.gov](mailto:lnoe1@bayharborislands-fl.gov)  
Phone: 305-866-6241  
Fax: 305-866-4863

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

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ) and US Department of Transportation (DOT) require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English proficiently. To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the Town'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 Town and likely costs of the LEP services
1. Census data from the 2023 American Community Survey (ACS) estimates LEP individuals speaking English "less than very well" represent approximately 25% of the community, with Spanish accounting for almost half of this group (43.8%). The Town realizes that such statistical data are simply estimates that may either change or be inaccurate. Therefore, the Town contacted local law enforcement to determine the proportion of LEP individuals they serve. Consistent with ACS estimates, Spanish was reported to be the prevalent language and an estimated 15% of calls for service were in Spanish. Given this information, the Town reasons that a relatively small portion of its service population are LEP speakers of Spanish.
  2. The Town has not received any requests for translation or interpretation of its programs, services or activities into Spanish or any other language. The Town has conducted community outreach at public meetings/events, however no requests for translations of information or materials have been made. If such a request were to be made, the Town would provide the information/materials in the language requested.
  3. The Town believes that transportation is of critical importance to its public as access to healthcare, emergency services, employment, and other essentials would be difficult or impossible without reliable transportation systems. Currently, the Town offers free transportation services through Freebee, an on-demand ride service. In FY 2024, freebee completed 20,734 rides totaling 38,982 miles driven. The Town adapted to the changing landscape of transportation and mobility services by adding this free ridership service in 2022.
  4. The Town is fortunate to have within close proximity a number of institutions of higher education, which have extensive language services. A list of LEP services offered by each institution will be provided to the public through various communication or online methods.

The analyses of these factors suggests that LEP services are required at this time. Therefore, the Town has committed the following:

- Maintain a list of employees who competently speak Spanish and other languages and who are willing to provide translation and/or interpretation services.
- Distribute this list to staff that regularly have contact with the public.
- Provide notification in Spanish of the availability of LEP assistance in public meeting notices and on public involvement event signage.

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

People requiring special language services should contact the Town's Title VI/Non Discrimination Coordinator.

**Public Involvement:**

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

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

Lindsley Noel, Town Manager/Title VI/Non Discrimination Officer  
1030 95<sup>th</sup> Street  
Bay Harbor Islands, FL 33154  
Email: [lnoe1@bayharborislands-fl.gov](mailto:lnoe1@bayharborislands-fl.gov)  
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**Data Collection:**

Federal Highway Administration regulations require federal aid recipients to collect racial, ethnic, and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities. The Town accomplishes this through the use of census data, American Community Survey reports, driver and ridership surveys and other methods. From time to time, the Town 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 Town with improving its targeted outreach and measures of effectiveness. Self-identification of personal data to the Town will always be voluntary and anonymous. Moreover, the Town will not release or otherwise use this data in any manner inconsistent with the federal regulations.

### **Assurances**

Every three years, or commensurate with a change in Town executive leadership, the Town must verify to FHWA and FDOT that its programs, services, and activities are being conducted in a nondiscriminatory manner. These certifications are termed 'assurances' and serve two important purposes. First, they document the Town's commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the Town may be held liable for breach. The public may view the annual assurances by visiting Town Hall.