CITY OF PANAMA CITY BEACH
Title VI and Nondiscrimination Policy and Plan

Policy Statement:

The City of Panama City Beach values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the City does not tolerate discrimination in any of its programs, services or activities. The City of Panama City Beach will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion or family status.

Limited English Proficiency (LEP) Guidance:

Executive Order 13166 and title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient (LEP). All recipients and sub-recipients of federal funding are required to take reasonable steps to provide meaningful access to LEP individuals.

In adherence with Federal regulations, the City of Panama City Beach will make reasonable efforts to ensure its programs, services and activities are meaningfully accessible to those who do not speak English proficiently. To determine if or when alternate language usage is required for meaningful access, the City of Panama City Beach will assess the program, service or activity using the following four factors.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by City of Panama City Beach'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 to the City of Panama City Beach and costs.
Vital documents must be translated when 1000 people or 5% of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

The obligation to provide meaningful opportunity to individuals who are LEP is not limited to written translations. Oral communications between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provisions of written materials may not be allowing LEP persons “effectively to be informed of or to participate in the program”.

The City of Panama City Beach will utilize its bilingual employees, faith-based organizations and community groups, and other language services to provide oral interpretation and translation of program documents, as required.

Persons requiring special language services should contact the City of Panama City Beach’s Title VI Officer:

   Name: Janine Thomas  
   Address: 116 South Arnold Road, Panama City Beach, FL. 32413  
   Phone number: (850) 233-5100 EXT 2400  
   Fax: (850) 233-5116  
   Email: Jthomas@pcbgov.com

Complaint Procedures:

The City of Panama City Beach has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discriminatory actions. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status may file a complaint with the City of Panama City Beach’s Title VI Officer:

   Name of Title VI Officer: Janine Thomas  
   Address: 116 South Arnold Road, Panama City Beach, FL. 32413  
   Phone number: (850) 233-5100 EXT 2400  
   Fax: (850) 233-5116  
   Email: Jthomas@pcbgov.com

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (ie, race, color, national origin, sex, religion, age, disability or family status); and a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, the
complainant should contact the City of Panama City Beach's Title VI Officer for assistance.

The Title VI Officer will respond to the complaint within thirty (30) days and will take reasonable steps to resolve the matter. Should the City of Panama City Beach be unable to satisfactorily resolve the complaint, the Title VI Officer will forward the complaint, along with a record of its disposition, to the Florida Department of Transportation (FDOT), Equal Opportunity Office, Statewide Title VI Coordinator. FDOT will assume jurisdiction over the complaint for continued processing.

The City of Panama City Beach will conduct an annual assessment of this policy by reviewing census and county labor-market data or review of statistics from school systems, community agencies and organizations and comparison to demographic data.

The City’s LEP Policy statement will be updated annually to ensure compliance with federal laws.

ADA/504 Statement:

The City of Panama City Beach makes great effort to ensure that its facilities, programs, services, and activities are available to those with disabilities. The City of Panama City Beach encourages its citizenry to report any facility, program, service or activity that appears inaccessible to the disabled. Furthermore, the City of Panama City Beach will provide reasonable accommodation to disabled individuals who wish to participate in public involvement or other events, with advance notification of seven (7) days.

Questions, concerns, comments or requests for accommodation should be made to the City of Panama City Beach’s ADA Officer:

Name of ADA Officer: Lori Philput
Address: 110 South Arnold Road, Panama City Beach, FL 32413
Phone Number: (850) 233-5100 EXT 2409
FAX: (850) 233-5108
Email: lphilput@pcbgov.com
TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the City of Panama City Beach 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, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The City of Panama City Beach further assures FDOT that it will undertake the following with respect to its programs and activities:

1. Designate a Title VI Coordinator that has a responsible position within the organization and access to the Recipient’s City Manager.
2. Issue a policy statement signed by the City Manager, 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 04/16/19

by

City Manager
Mario Gisbert
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 Appendix B of 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 statue (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12298, 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).
ADA Statement & Nondiscrimination Policy

In accordance with the requirements of Section 504 or the rehabilitation Act of 1973 (Section 504), title II of the Americans with Disabilities Act of 1990 ("ADA") and related federal state laws and regulations forbid discrimination against those who have disabilities. The City of Panama City Beach will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities.

- Employment: It is the policy of The City of Panama City Beach to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). A qualified individual with a disability will be afforded the same opportunity to compete in the workplace based upon the same performance standards and requirements expected of persons who are not disabled.

- Effective Communication: The City of Panama City Beach Any person requiring a special accommodation to participate in City meetings because of a disability or physical impairment should contact the City Clerk, at City Hall, 104 South Arnold Road, Panama City Beach, Florida, 32413 or by phone at (850) 233-5100 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay system which can be reached at (800) 955-8770 (Voice) or (800) 955-8771 (TDD).

- Reasonable Accommodations: The City of Panama City Beach will make all reasonable accommodations to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

The ADA does not require the City of Panama City Beach to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

- Complaints that a program, service, or activity of is the City of Panama City Beach not accessible to persons with disabilities should be directed to the City's HR Director and Risk Manager 850-233-5100 ext. 2409.

The City of Panama City Beach will not place a surcharge on an individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Anyone who requires an auxiliary aid or service for effective communication, or other reasonable accommodation to participate in a program, service, or activity of the City of Panama City Beach, should contact the HR Director and Risk Manager or City Clerk at 850-233-5100 as soon as possible but no later than 5 days before the scheduled event.
ADA and Nondiscrimination Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA") and state and federal nondiscrimination laws. It may be used by anyone who wishes to file a complaint alleging discrimination based on race, color, national origin, sex, age, disability, religion or marital status in the provision of services, activities, programs, or benefits by the City of Panama City Beach. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complaints and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape-recording of the complaint, will be made available for persons with disabilities upon request.

- Complaints should be submitted by the grievant and/or his /her designee as soon as possible but no later than 10 calendar days after the alleged violation to:

  The City of Panama City Beach ADA Coordinator
  c/o City Clerk
  110 S. Arnold Road
  Panama City Beach Florida 32413

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Panama City Beach and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to City Council, by filing a request with the City Manager.

Within 15 calendar days after receipt of the appeal, City Council will schedule a meeting with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor or City Manager will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator, appeals to the City Council, and responses from these two offices will be retained by the City of Panama City Beach for at least three years.
Nondiscrimination Policy

- The City of Panama City Beach does not tolerate discrimination in any of its programs, services or activities. The City of Panama City Beach will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion or marital status.

- The City of Panama City Beach is not legally required to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden, in order to provide language services for those who do not speak English.

- Anyone who requires special language services to participate in a City of Panama City Beach program, service or activity, should contact the City Clerk or ADA Coordinator at 850-233-5100 as soon as possible but no later than 5 hours before any scheduled event.
AMERICAN WITH DISABILITIES ACT
540 TRANSITION PLAN

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 City programs, services and activities.

The City will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The City will make every effort to ensure that its a programs, services and activities include representation by the disabled community and disability service groups.

Local agencies that have control over existing sidewalks or roadways must conduct self-evaluations of their facilities (including pedestrian rights of way) to determine accessibility. If the agency has more than fifty (50) employees, they must also develop a transition plan that details non-compliant features, the method that will be used to remediate them, the time for doing so, and the person responsible for ensuring compliance.

The City is now working on inventorying the location of sidewalks and multi-use paths within the City Limits. As part of this ADA Transition Plan we will also inventory, inspect and evaluate ADA Curb Ramps within City owned and maintained rights of way as part of our resurfacing program to determine/document existing physical barriers and to ensure the existing ramps comply with the Florida DOT Design Standards, Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (aka the Florida Greenbook) and the City’s Land Development Code. If a facility needs to be installed, or if a facility is found not to be in compliance, the necessary improvements shall be incorporated into the resurfacing project in order to bring the facility into compliance.

While inventorying, inspecting and constructing transportation facilities the City will refer to the Florida DOT Design Standards, Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (aka the Florida Greenbook) and the City Land Development Code for guidance of road and right of way facilities. Additional ADA resources and Toolkits can be found at the FOOT Americans with Disabilities Act (ADA) ADA/Accessibility Program and at the following website: http://www.ada.gov/pcatoolkit/toolkitmain.htm During construction of new pedestrian facilities, the City continually inspects the work to assure adherence to the design and completion of the facilities. A project is not closed out until it has been verified that accessible facilities have been completed.

The City will provide reasonable accommodation to disabled individuals who wish to participate in public Involvement events or who require special assistance to access facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, the City asks that requests be made at least five (5) calendar days prior to the need for accommodation.

Interim Public Works Director
Kelly Jenkins, P.E.
Public Works
116 S. Arnold Road
Panama City Beach, Fl. 32413
Phone: 850-233-5054
Email: kjenkins@pcbgov.com
RESOLUTION 19-83

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA; ADOPTING NON-DISCRIMINATION POLICIES TO ENSURE ACCESS TO CITY PROGRAMS, SERVICES AND ACTIVITIES; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of Panama City Beach, from and after the effective date of this Resolution, that the Nondiscrimination Policies attached and incorporated herein as Exhibit A to this Resolution, are hereby adopted.

AND BE IT FURTHER RESOLVED that all policies or resolution or parts of resolutions or policies in conflict herewith are repealed to the extent of such conflict.

This Resolution shall take effect on June 1, 2019.

PASSED, APPROVED and ADOPTED in regular session this 9th day of May, 2019.

CITY OF PANAMA CITY BEACH

MIKE THOMAS, MAYOR

ATTEST:

MARY JAN BOSSERT, CITY CLERK