



**RESOLUTION NO. 967**

**A RESOLUTION OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA AMENDING VILLAGE OF VIRGINIA GARDENS TITLE VI PLAN AND PROVIDING FOR EFFECTIVE DATE.**

WHEREAS, The Village of Virginia Gardens adopted the Village of Virginia Gardens Title VI Plan on July 16, 2015 (Resolution No. 898);

WHEREAS, The Village of Virginia Gardens has determined that it needs to amend its Title VI Plan to meet Local Agency Program certification requirements;

NOW, THEREFORE, BE IT DULY RESOLVED BY THE VILLAGE OF VIRGINIA GARDENS, FLORIDA;

Section 1. That the recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. That the Village of Virginia Gardens amends its Title VI Plan as provided for in Exhibit "A".

Section 3. This Resolution shall become effective immediately upon its adoption.

APPROVED, PASSED, AND ADOPTED this 23<sup>rd</sup> day of April, 2020, at a regular meeting of the Village Council of the Village of Virginia Gardens, Florida.

\_\_\_\_\_  
MARITZA FERNANDEZ FRED SPENCER DENO, IV  
VILLAGE CLERK MAYOR OF THE

VILLAGE OF VIRGINIA GARDENS

\_\_\_\_\_  
GABRIEL FERNANDEZ, PRESIDENT

VOTE OF THE COUNCIL:



Council President Fernandez  
Councilman Arce  
Councilman Block  
Councilwoman Conover  
Councilman Fernandez  
Councilwoman Taylor-Martinez

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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APPROVED AS TO FORM AND SUFFICIENCY:

\_\_\_\_\_  
GUILLERMO CUADRA, ESQ.

## EXHIBIT "A"

VILLAGE OF VIRGINIA GARDENS  
TITLE VI PROGRAM PLAN

Village of Virginia Gardens

6498 NW 38<sup>th</sup> Terrace

Virginia Gardens, Florida 33166

Tel: 305-871-6104

Fax: 305-871-1120

Website: [www.viriniagardens-fl.gov](http://www.viriniagardens-fl.gov)

### I. Policy Statement:

The Village of Virginia Gardens values diversity and welcomes input from all interested parties, regardless of race, color, national origin, sex, age, disability, religion or family status (including limited English proficiency). Moreover, the Village 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 Village of Virginia Gardens 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 Village of Virginia Gardens 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 or family status(including limited English proficiency).

### II. Nondiscrimination Assurances:

Every three years, or commensurate with a change in executive leadership, the Village of Virginia Gardens must certify to Federal Highway Administration (FHWA) and Florida Department of Transportation (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 Village of Virginia Gardens commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the Village of Virginia Gardens may be held liable for breach. Those wishing to view the Village's Nondiscrimination Assurance may do so by visiting the Village website or administration offices.

### III. Complaint Procedures:

The Village of Virginia Gardens 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 or family status (including limited English proficiency) in any Village program, service or activity may file a complaint with the Village's Title VI/Nondiscrimination Coordinator:

Village of Virginia Gardens  
Tracy Byrd  
Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166  
Tel: 305-871-6104  
TByrd@viriniagardens-fl.gov

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, family status or limited English proficiency); 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 Title VI/Nondiscrimination Coordinator for assistance. The Title VI/Nondiscrimination Coordinator will respond to the complaint within thirty (30) calendar days and will take reasonable steps to resolve the matter. Should the Village be unable to satisfactorily resolve a complaint, the Village will forward the complaint, along with a record of its disposition to the appropriate FDOT District Office.

The Village Title VI Coordinator has 'easy access' to the Mayor and is not required to obtain management or other approval to discuss discrimination issues with the Mayor. However, should the complainant be unable or unwilling to complain to the Village, the written complaint may be submitted directly to Florida Department of Transportation (FDOT). FDOT serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing:

Florida Department of Transportation Equal  
Opportunity Office ATTN: Title VI Complaint  
Processing  
605 Suwannee  
Street MS 65  
Tallahassee, FL 32399

IV. ADA/504 Posted 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 those with disabilities and ensure that their needs are equitably represented in transportation programs, services and activities. The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups. The Village encourages the public to report any facility, program, service or activity that appears inaccessible to those who are disabled. Furthermore, the Village will provide reasonable accommodation to individuals with disabilities 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 Village asks that requests be made at least three (3) calendar days prior to the need for accommodation. Questions, concerns, comments or requests for accommodation should be made to the Village ADA

Officer: Village of Virginia Gardens  
Tracy Byrd  
Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166  
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V. Limited English Proficiency (LEP) Guidance:

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.

The Village of Virginia Gardens has a land area of 2.88 Square Miles. According to the 2010 Census, the Village has an approximate total population of 2,375 residents which is composed of 71.3% Hispanic/Latino, 19.3% White, 1.6% African American and 7.8% other races. Of the City's population over the age of 5, 27.5% of residents speak English at home, 72.5% speak Spanish at home. The Village provides information in English and in Spanish when it is requested. Residents can request translations of documents that are in English. All Village departments have at least one or more employees that are bilingual and Spanish speakers are accommodated with a translator when requested. The Village regularly disseminates information via its website. The Village Title VI Policy and Complaint Procedures is hosted on the Village's web page in English and made available in other languages as requested.

The Village educates our staff and contractors on the following procedure :

- a. Understanding the Title VI Policy and LEP responsibilities
- b. How to access Title VI Policy and Procedures via the Village's website.
- c. Document and resolve any language assistance deficiencies
- d. The procedure if a Title VI and/or LEP complaint is filed.

The Village did not receive any requests for translation services during FY 2018-2019 nor during the current fiscal year. The Village will review LEP procedures annually to determine if modifications are needed to meet language assistance deficiencies.

#### VI. Public Involvement:

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, the Village must have the input of its public. The Village spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The Village hosts an informative website that advises the public how it can access information and provide input. The Village also holds public meetings, workshops and other

events designed to gather public input on program/project planning and construction. Further, the Village sponsors, attends and participates in other community events to promote its services to the public. Finally, the Village is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations by the Village; volunteer in any of its activities; offer suggestions for improvement; or to simply learn more about Village programs and services should visit:

Village of Virginia Gardens  
Tracy Byrd  
Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166  
Tel: 305-871-6104  
TByrd@viriniagardens-fl.gov

#### VII. 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 Village accomplishes this through the use of census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys, its community development department and other methods. From time to time, the Village may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in Village programs, services or activities. This information assists the Village with improving service equity and ensuring effective outreach. Self identification of personal data to the Village will always be voluntary and anonymous. Moreover, the Village will not release or otherwise use this data in any manner inconsistent with the FHWA regulations.

## Village of Virginia Gardens Title VI Program Plan

### Appendices

Appendix A: Complaint Form

Appendix B: Letter Acknowledge Receipt of Complaint

Appendix C: Letter Notifying Complainant That the Complaint is Substantiated

Appendix D: Letter Notifying Complainant That the Complaint is not Substantiated

Appendix E: Record of investigations, Complaints and/or Lawsuits

Village of Virginia Gardens  
Title VI Program Plan  
Appendix A

Complaint Form

If you feel you have been discriminated against, please provide the following information in order to assist us in processing your complaint and send it to:

Village of Virginia Gardens  
Attention: Tracy Byrd, Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166

Please print clearly:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Cod: \_\_\_\_\_

Telephone Number: (cell) \_\_\_\_\_ (home), \_\_\_\_\_

Person discriminated against: \_\_\_\_\_

Address of person discriminated against: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Please indicate why you believe the discrimination occurred:

Race \_\_ Color \_\_ National Origin \_\_ Sex \_\_ Religion \_\_ Disability \_\_ Family Status \_\_ Age \_\_

What was the date of the alleged discrimination? \_\_\_\_\_

Where did the alleged discrimination take place? \_\_\_\_\_

\_\_\_\_\_





**Appendix B**  
**Letter Acknowledging Receipt of Complaint**

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms):

This letter is to acknowledge receipt of your complaint against the Village of Virginia Gardens alleging:

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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 by telephoning 305-871-6104, or write to me at the address listed below.

Sincerely,

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Village of Virginia Gardens  
Tracy Byrd, Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166

Appendix C

Letter Notifying Complainant that the Complaint is Substantiated

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms): \_\_\_\_\_

The matter referenced in your letter dated \_\_\_\_\_ against the Village of Virginia Gardens alleging Title VI violation has been investigated.

The violation of the Title VI of the Civil Rights Act of 1964 mentioned in your letter was identified. Corrective action of this deficiency(s) is being implemented to ensure that this issue does not arise again.

Thank you for bringing this important matter to our attention.

Sincerely,

\_\_\_\_\_  
Village of Virginia Gardens  
Tracy Byrd  
Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166

Appendix D

Letter Notifying Complainant that the Complaint is not Substantiated

Date  
Complainant's Name  
Complainant's Address

Dear (Mr/Ms)

The matter referenced in your complaint dated \_\_\_\_\_ that was submitted to Virginia Gardens has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance. The Village Attorney has analyzed the materials and facts pertaining to your case for evidence of the Village's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that 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 Village, and/or

2) File a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator East Building, 5th Floor  
TCR 1200 New Jersey Ave., SE  
Washington, DC 20590

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

Sincerely,

\_\_\_\_\_  
Tracy Byrd, Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166



**Appendix E**  
**Record of Investigations, Complaints and/or**  
**Lawsuits**

TYPE of COMPLAINT	DATE of COMPLAINT	BASIS of COMPLAINT	STATUS of COMPLAINT	ACTION(S) TAKEN

Note: The Village of Virginia Gardens does not have any investigations, complaints, or lawsuits to disclose at this time. Any future disclosures will be listed under the Title VI Program Plan