

EXHIBIT A  
ADMINISTRATIVE CODE  
TITLE VI NONDISCRIMINATION PROGRAM  
IMPLEMENTATION PLAN

CODE NUMBER: AC-19-10

TITLE: TITLE VI NONDISCRIMINATION PROGRAM  
IMPLEMENTATION PLAN

ADOPTED: February 20, 2019  
Re-Certified May 4, 2022

ORIGINATING DEPARTMENT: Public Works

PURPOSE/SCOPE: Provide documentation of compliance with Title VI  
Nondiscrimination Program

Rule 1.00 - Purpose

The City of Bonita Springs is a recipient of federal funds from the U.S. Department of Transportation modal agencies, including Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). All Recipients of federal funding must comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations, and authorities. This Implementation Plan describes how the City effectuates nondiscrimination in the delivery of its federally assisted programs, services, and activities. The Plan includes the structure of the City’s Title VI/Nondiscrimination program as well as the policies, procedures, and practices that the City uses to comply with nondiscrimination requirements. The Plan is intended to be a living document, regularly policed, and updated by the City to meaningfully reflect the program as it changes and grows. Anyone wishing to provide input into the City’s Title VI Nondiscrimination Implementation Plan is encouraged to contact the Title VI Nondiscrimination Program Coordinator, Brenda Reetz, whose email address is [Brenda.Reetz@cityofbonitasprings.org](mailto:Brenda.Reetz@cityofbonitasprings.org), or by calling City Hall at (239) 949-6262. One may also submit input in writing mailed to City Hall, whose mailing address is City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, Florida 34135-4215.

Rule 2.00 - Policy Statement

The City of Bonita Springs (hereinafter, the “City”) values diversity and welcomes input from all interested parties, regardless of cultural identity, background, or income level. Moreover, the City believes that the best programs and services result from careful consideration of the needs of its communities and of when those communities are involved in the transportation decision-making process. Thus, the City 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 City 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.

It is the policy of the City to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental Justice) and 13166 (Limited English Proficiency). In addition, the City complies with the Florida Civil Rights Act and does not permit discrimination on the basis of religion or family status in its programs, services, or activities.

The City has adopted the Florida Department of Transportation Department Title VI Nondiscrimination policy and ADA policy by reference Topic No.: 275-010-010-f-Title VI Program and Related Statutes – Implementation and Review Procedures.

#### Rule 3.00 - Nondiscrimination Assurances

Every three years, the City 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 the City’s commitment to nondiscrimination and equitable service to the community. Secondly, they serve as a legally enforceable agreement by which the City may be held liable for breach. Citizens wishing to view the City’s Nondiscrimination Assurance may do so by visiting the City’s website or administration offices.

#### Rule 4.00 - Complaint Procedures

The City has established a discrimination complaint procedure as described herein and will take prompt and reasonable action to investigate and eliminate discrimination when found.

1. Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation prohibited by the Title VI of the Civil Rights Act of 1964, as amended, and related statutes, may file a written complaint. All written complaints received by the City shall be referred immediately by the City’s Title VI Coordinator to the FDOT’s District One Title VI Coordinator for processing in accordance with approved State procedures.
2. Verbal and other non-written complaints received by the City shall be resolved informally by the City’s Title VI Coordinator. If the issue has not been satisfactorily resolved through informal means, or if at any time the person(s) request(s) to file a formal written complaint, the City’s Title VI Coordinator shall refer the complainant to the FDOT’s District One Title VI Coordinator for processing in accordance with approved State procedures.

3. The City's Title VI Coordinator will advise the FDOT's District One Title VI Coordinator within five (5) business days of receipt of the allegations. The following information will be included in every notification to the FDOT's District One Title VI Coordinator:
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of respondent.
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status, or retaliation).
  - d. Date of alleged discriminatory act(s).
  - e. Date of complaint received by the recipient.
  - f. A statement of the complaint.
  - g. Other agencies (state, local or federal) where the complaint has been filed.
  - h. An explanation of the actions the recipient has taken or proposed to resolve the allegation(s) raised in the complaint.
4. Within ten (10) business days, the City's Title VI Coordinator will acknowledge receipt of the allegation(s), inform the complainant of action taken or proposed action to process the allegation(s), and advise the complainant of other avenues of redress available, such as the FDOT's Equal Opportunity Office (EEO).
5. Within sixty (60) business days, the City's Title VI Coordinator will conduct and complete a review of the verbal or non-written allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the City Manager.
6. Within ninety (90) business days of receipt of verbal or non-written allegation(s), the City Manager, or designee, will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of their right to file a formal complaint with the FDOT's EEO, if they are dissatisfied with the final decision rendered by the recipient. The City's Title VI Coordinator will also provide the FDOT's District One Title VI Coordinator with a copy of this decision and summary of findings.
7. The City's Title VI Coordinator will maintain a log of all verbal and non-written complaints received by the recipient. The log will include the following information:
  - a. Name of complainant
  - b. Name of respondent
  - c. Basis of complain (i.e., race, color, national origin, sex, age, disability, religion, familial status, or retaliation)
  - d. Date verbal or non-written complaint was received by the City
  - e. Date the City notified the FDOT's District One Title VI Coordinator of the verbal or non-written complaint.
  - f. Explanation of the actions the City has taken or proposed to resolve the issue in the complaint.

## Rule 5.00 - 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 City will make every effort to ensure its facilities, programs, services, and activities are accessible to those with disabilities. The City will also make every effort to ensure its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The City encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Furthermore, the City 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 City asks that requests be made at least two (2) business days prior to the need for accommodation.

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

Brenda Reetz  
9101 Bonita Beach Road  
Bonita Springs, FL 34135  
[Brenda.Reetz@cityofbonitasprings.org](mailto:Brenda.Reetz@cityofbonitasprings.org)  
(239) 949-6262  
Hearing Impaired: Upon Request

## Rule 6.00 - Limited English Proficiency (LEP) Guidance

Title VI of the Civil Rights Act of 1964, Executive Order 13166 and various directives from the U.S. Department of Justice (DOJ) and the U.S. 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 (4) factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the City'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 City and the likely costs of the LEP services.

1. Using Census Data, the City has determined that LEP individuals speaking English “less than very well” represent approximately 26.7% (US Census Data American Community Survey 2020) of the City of Bonita Springs community. The City realizes such statistical data can become outdated or inaccurate. Therefore, the City contacted local law enforcement, social services agencies, and the school board to validate the proportion of LEP served by those entities. Spanish was reported to be the prevalent LEP language with an estimate of 21.1% eligible to be served.
2. The City has not received requests for translation or interpretation of its programs, services, or activities into Spanish or other language(s). In addition, the City sponsored community outreach or public events are not attended by significant numbers of LEP individual speakers. Thus, the City estimates its contact with the LEP individuals to be moderate.
3. The City believes transportation is of critical importance to its public, as access to health care, emergency services, employment and other essentials would be difficult or impossible without reliable transportation systems. In that spirit, the City defines as essential any document that advises the public of how to access nondiscrimination and public involvement policies, as well as those that impact public safety, health and welfare and emergency services. A translated essential document may be obtained by contacting the City’s Title VI Nondiscrimination Coordinator.
4. The City is fortunate to house within/near its jurisdiction one or more institutions of higher education which have extensive language resources. Further, the City maintains cordial relationships with faith-based organizations and community organizations that offer competent language services at low or no cost to the City. Finally, the City employs a number of proficient Spanish speakers that are able to interpret or provide translation services. At a minimum, the City commits to:
  - Maintaining a list of employees who competently speak the LEP language(s) and who are willing to provide translation or interpretation services.
  - Distribute this list to staff that regularly has contact with the public.
  - Provide public notification in the LEP language of the availability of language assistance free of charge.
5. The City understands that its community characteristics change and that the four-factor analysis may reveal the need for more or varied LEP services in the future. As such, the City will at least triennially examine its LEP plan to ensure it remains reflective of the community’s needs.
6. Persons requiring special language services are encouraged to contact the Title VI Nondiscrimination Coordinator.

## Rule 7.00 - Public Involvement

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, the City must have the input of its public. The City spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The City hosts an informative website that advises the public how it can access information and provide input. The City also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction. Further, the City sponsors, attends and participates in other community events to promote its services to the public. Finally, the City is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentation by the City; volunteer in any of its activities; offer suggestions for improvements; or to simply learn more about City programs and services should visit the City's website at [www.cityofbonitasprings.org](http://www.cityofbonitasprings.org), or contact:

Name and Title: Lora Taylor, Director of Communications  
Address: 9101 Bonita Beach Road, Bonita Springs, FL 34135  
Email: [lora.taylor@cityofbonitasprings.org](mailto:lora.taylor@cityofbonitasprings.org)  
Phone: (239) 949-6262  
Hearing Impaired: Upon Request

## Rule 8.00 – 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 City 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 City may find it necessary to request voluntary identification of certain racial, ethnic, or other data from those who participate in City programs, services, or activities. This information assists the City with improving service equity and ensuring effective outreach. Self-identification of personal data to the City will *always* be voluntary and anonymous. Moreover, the City will not release or otherwise use this data in any manner inconsistent with the FHWA regulations.

## Rule 9.00 – Annual Certification Compliance

Title VI of the Civil Rights Act of 1964 provides that: “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from, participation in, or be denied the benefits of, or be subjected to discrimination under any program, or activity receiving Federal financial assistance.” Other federal legislation extended the protections under Title VI of the Civil Rights Act of 1964 to prohibit discrimination based on sex, disability, and age.

Federal rule, 23 CFR 450.316(b)(2), requires that the City's transportation construction and construction administration process "be consistent with Title VI of Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794, which ensure that no person shall, on the grounds of race, color, sex, national origin, or physical handicap, be excluded from participation in, be denied benefits, or be otherwise subjected to discrimination under any program receiving Federal assistance from the United States Department of Transportation." An effective public involvement process is integral to providing assurances that the City's transportation construction and construction administration process is consistent with Title VI.

The City must annually certify to the FHWA that the City's transportation construction and construction administration process is being conducted in accordance with Title VI of the Civil Rights Act of 1964. No specific federal guidance exists regarding what a City must do to demonstrate that its transportation construction and construction administration process is consistent with Title VI. Each City has flexibility regarding how it will ensure consistency with Title VI.

The City uses a variety of strategies to demonstrate their construction process is consistent with Title VI. These strategies include, but are not limited to, the following:

- Developing and updating a Title VI plan.
- Designing the City's public involvement plan with specific Title VI strategies.
- Evaluating any existing public involvement Title VI strategies.
- Reviewing projects for socioeconomic and culture evaluation in the EDTM process; and,
- Maintaining documentation of its Title VI strategies.

As part of the annual Federal Planning Certification process, the FDOT Department staff will review the City's activities ensuring its transportation construction process is consistent with Title VI. In addition, records may be requested and reviewed that documented the City's Title VI strategy and implementation. Such records could include:

- Specific mention of Title VI issues in various plan documents (e.g., Title VI plan, public involvement plan, long-range transportation plan).
- Records pertaining to public involvement strategies (e.g., public notice, sign-in sheets, minutes of public meetings/hearing); and
- Records of comments received on the City's plans and how the City considered those comments in the development of transportation plans.

FDOT Department staff should certify the City's transportation construction process is consistent with Title VI if the City:

1. Has a documented process or strategy for ensuring Title VI consistency.
2. Can document implementation of this strategy.

Attachments:

FY2022 City of Bonita Springs Title VI Nondiscrimination Assurance  
Appendices A and E

## TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the City of Bonita Springs "Subrecipient" 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 Subrecipient 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 Subrecipient'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 Subrecipient'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 assurance 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 Subrecipient 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 Subrecipient.

Dated May 4, 2022

by \_\_\_\_\_, Chief Executive Officer



## APPENDICES A and E

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 (6) 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).