

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

THE ADOPTION OF THE ORANGE COUNTY TITLE VI
NONDISCRIMINATION POLICY AND PLAN FOR COMPLIANCE
WITH THE TITLE VI REQUIREMENTS OF THE CIVIL RIGHTS ACT
OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973,
AND OTHER NONDISCRIMINATION AUTHORITIES

RESOLUTION NO. _____

WHEREAS, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other nondiscrimination authorities (Authorities) require that “no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any federally-funded program, policy, or activity on the basis of race, color, national origin, disability, religion, income, sex, age, or familial status”; and

WHEREAS, Orange County is a direct and sub-recipient of federal-aid highway and other program funds and is in the process of recertifying as a Florida Department of Transportation (FDOT) Local Agency Program (LAP) Certified County; and

WHEREAS, the Implementation and Review Procedures of the Title VI Program and Related Statutes, 23 C.F.R. Part 200, requires FDOT to conduct reviews of sub-recipients of federal-aid highway funds to ensure the compliance of sub-recipients with Title VI of the Civil Rights Act and various other nondiscrimination authorities; and

WHEREAS, LAP Recertification requires the submittal of a Sub-Recipient Compliance Assessment Tool (SCAT) to the FDOT that includes certification of compliance with nondiscrimination provisions of Title VI and with Title II of the Americans with Disabilities Act (ADA); and

WHEREAS, the LAP SCAT requires that Orange County adopt by resolution a written Title VI Nondiscrimination Policy and Plan which establishes the County’s nondiscrimination policy statement, complaint filing procedures, outreach to advise the public of

nondiscrimination policies and obtain input, and provide other assurances, including the FDOT Title VI/Nondiscrimination Assurance document, attached hereto as Appendix “A” and incorporated herein, to certify to the FDOT and Federal Highway Administration (FHWA) that the County’s programs, services, and activities are being conducted in a nondiscriminatory manner, including appropriate public involvement and services for persons with limited English proficiency as defined by the U.S. Census; and

WHEREAS, the proposed Orange County Title VI Nondiscrimination Policy and Plan (“Policy and Plan”), attached hereto as Appendix “B” and incorporated herein, provides for Orange County to continue to build public facilities and infrastructure in compliance with ADA standards, to make reasonable accommodations to allow persons with disabilities to access county facilities, and to comply with Title II of the ADA through implementation and update of the County’s ADA Transition Plan for the construction and repair of sidewalks, curb ramps, and other facilities within public-rights-of-way, as described in Resolutions 2014-M-07, 2016-M-10, 2019-M-18, and 2022-M-11;

WHEREAS, in compliance with federal nondiscrimination authorities, the proposed Policy and Plan provides for the identification, avoidance, and mitigation of disproportionately high and adverse environmental, social, or economic effects on minority or low-income populations from the County’s programs, policies, and activities; and

WHEREAS, in compliance with federal nondiscrimination authorities and based on the needs of the County’s population, the Policy and Plan provides for full and fair participation of all potentially affected communities in transportation decisions and prevention of denial, reduction, or significant delays in benefits to minority and low-income populations; and

WHEREAS, the Policy and Plan must be noticed and made available to the general public following adoption and be recertified to the FDOT and FHWA every three (3) years.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY (the “BCC”):

Section 1. The foregoing premises are incorporated herein and are found to be fair and accurate statements.

Section 2. Orange County hereby adopts the proposed Orange County Title VI Nondiscrimination Policy and Plan to effectuate the nondiscrimination policy statement, protocols, processes, and procedures contained therein, and agrees to provide other assurances, including certain nondiscrimination assurances outlined in the FDOT Title VI/Nondiscrimination Assurance document. The proposed Orange County Policy and Plan includes the County's Title VI/Nondiscrimination Policy, Title II ADA Compliance Statement, complaint procedures, and to assist persons with Limited English Proficiency in accessing County programs and services.

Section 3. A copy of this Resolution shall be attached to the aforementioned Orange County Title VI Nondiscrimination Policy and Plan.

ADOPTED THIS _____ DAY OF _____ March, 2025.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller,
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

TITLE VI/ NONDISCRIMINATION ASSURANCE

Orange County Board of
County Commissioners

Pursuant to Section 9 of US DOT Order 1050.2A, the _____
"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 _____

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).

Appendix “B”: Orange County Title VI Policy and Plan