

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BE IT FURTHER RESOLVED that all policies or resolution or parts of resolutions or policies in conflict herewith are repealed to the extent of such conflict.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

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:
Address:
Phone number:
Fax:
Email:
Florida Relay/TDD:

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:
Address:
Phone number:
FAX:
Email:
Florida Relay/TDD:

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:

Address:

Phone Number:

FAX:

Email:

Florida Relay/TDD:

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.**