



Lake ~ Sumter Metropolitan Planning Organization Title VI Program

*Prepared by the Lake ~ Sumter Metropolitan Planning Organization (MPO),
in cooperation with the Florida Department of Transportation (FDOT) and
the Federal Highway Administration (FHWA)*

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Adopted July 25, 2007

LAKE~SUMTER METROPOLITAN PLANNING ORGANIZATION

RESOLUTION 2007 - 11

RESOLUTION OF THE LAKE~SUMTER METROPOLITAN PLANNING ORGANIZATION (MPO) ENDORSING THE TITLE VI PROGRAM

WHEREAS, the Lake~Sumter Metropolitan Planning Organization (MPO), designated by the Governor of the State of Florida as the body responsible for the urban transportation planning process for the Lake-Sumter Urban area; and

WHEREAS, Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance; and

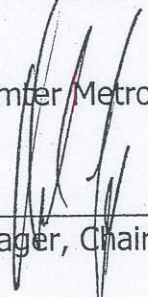
WHEREAS, Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub recipients, and consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [2.557] March 22, 1988); and

WHEREAS, a Title VI Program is defined as part of the transportation planning work program which identifies the planning strategies and the planning activities to be undertaken by the Lake~Sumter Metropolitan Planning Organization.

NOW, THEREFORE BE IT RESOLVED by the Lake~Sumter Metropolitan Planning Organization endorsement of the Title VI Program.

PASSED AND ADOPTED this 25th day of July, 2007.

Lake~Sumter Metropolitan Planning Organization



David Yeager, Chairman

Approved as to form and legality:



Sanford A. Minkoff, Attorney

Title VI Plan Policy Statement

The Lake~Sumter Metropolitan Planning Organization assures that no person shall on the grounds of race, color, national origin, sex, age, disability or income status, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity. The MPO further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that the MPO distributes federal aid funds to another entity, the MPO will include Title VI language in all written agreements and will monitor for compliance.

The Title VI Specialist is responsible for initiating and monitoring Title VI activities, preparing required reports and other MPO responsibilities as required.

By: David Yeager, Chairman

7/25/07
Date

Attest: Susan Goldfuss

7/25/07
Date

Authorities

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, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. (please refer to 23 CFR 200.9 and 49 CFR 21). Title VI of the Civil Rights Act of 1964, 42 United States Code 2000d to 2000-4; 42 United States Code 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; 29 Code of Federal Regulations 50.3

Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [2.557] March 22, 1988.

Title VI Delegation Chart

LAKE~SUMTER METROPOLITAN PLANNING ORGANIZATION

TJ Fish

Executive Director
(352) 315-0170

Title VI Specialist
Michael F. Woods
Transportation Planner
(352) 315-0170

Organization and Staffing - General

The Executive Director is responsible for ensuring the implementation of the MPO's Title VI program. The Title VI Specialist, on behalf of the Executive Director, is responsible for the overall management and day-to-day administration of the Title VI program.

Title VI Specialist Responsibilities

The Title VI Specialist is charged with the responsibility for implementing, monitoring, and ensuring the MPO's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by the MPO.
2. Collect statistical data (race, color, sex, age, disability or national origin) of participants in and beneficiaries of state highway programs, e.g., relocatees, affected citizens, and impacted communities.
3. Conduct annual Title VI reviews of program areas (planning, consultant selection) to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of consultants and other recipients of federal-aid highway fund contracts administered through the MPO.
5. Participate in training programs on Title VI and other related statutes for MPO employees and recipients of federal highway funds.
6. Prepare a yearly report of Title VI accomplishments and goals, as required by 23 CFR 200.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Conduct post-grant approval reviews of MPO programs and applicants (e.g., consultants, design and relocation, and persons seeking contracts with the MPO), for compliance with Title VI requirements.
9. Identify and eliminate discrimination.
10. Establish procedures for promptly resolving deficiency status and reducing or writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

Program Administration/ Title VI Responsibilities
General

The Title VI Specialist shall be responsible for coordinating the overall administration of the Title VI program, plan, and assurances (see Addendum 1). The Title VI Specialist serves under the direct supervision of the Executive Director of the Lake~Sumter Metropolitan Planning Organization, and is responsible for the program day-to-day administration.

A. Complaints

If any individual believes that she or he or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, sex, disability age or income status s/he may exercise their right to file a complaint with the MPO. Every effort will be made to resolve complaints informally at the MPO and consultant level.

(Please refer to Addendum II Lake~Sumter MPO Discrimination Complaint Procedure)

B. Data Collection

Statistical data on race, color, national origin, sex, age, disability and income status of participants in and beneficiaries of federally funded program will be gathered and maintained by the Title VI Specialist. Each of the Title VI program areas will maintain data to be incorporated in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

C. Title VI Program Reviews

The MPO's Title VI Program reviews will be performed by the Title VI Specialist to assess the MPO's administrative procedures, staffing, and resources available for Title VI compliance. All programs will be reviewed annually to assure their effectiveness in compliance with Title VI provisions. This is in addition to the day to day monitoring. Title VI Specialist will coordinate efforts to ensure their equal participation in all programs and activities at all levels. The Title VI Specialist will conduct reviews of consultants and all other subrecipients of FDOT's federal funds to ensure compliance with Title VI provisions.

D. Training Program

Title VI training will be made available at least annually to employees, consultants, subrecipients, and program area specialist. The training will provide comprehensive information on Title VI provisions, application to program operations, and identification of Title VI issues and resolution of complaints. A summary of the training conducted will be reported in the Annual Report.

E. Annual Reports

An annual report will be submitted to the FDOT District Five's Title VI Coordinator reviewing Title VI accomplishments achieved during the year. The Title VI Specialist will be responsible for coordination and preparation of the report. A Title VI Annual Report will be submitted to FDOT by June 1st of each year. The report will describe the accomplishments and changes to the program occurring during the preceding year, and will also include any changes to the goals and objectives for the upcoming year.

F. Public Dissemination

The Title VI Specialist will disseminate Title VI Program information to MPO employees, subrecipients, consultants, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts, and publishing annually the Title VI Policy Statement in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.

In accordance with Title VI of the Civil Rights Act of 1964, the MPO is committed to establishing and maintaining practices that will ensure meaningful access to the MPO's plans and programs by persons with Limited English Proficiency (LEP). It is the policy of the MPO to ensure that no person is denied access to plans and programs as the result of the inability or limited ability to communicate in the English language

G. Post-grant Reviews

Review post-grant approval procedures to ensure compliance with Title VI requirements.

H. Remedial Action

The MPO will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, corrective action will be taken to resolve Title VI issues, and reducing to writing a remedial action agreed upon to be necessary, all within a period not to exceed 90 days.

1. Subrecipients placed in a deficiency status will be given a reasonable time, (not to exceed 90 days after receipt of the deficiency letter), to voluntarily correct deficiencies.
2. The MPO will seek the cooperation of the subrecipient in correcting deficiencies found during the review. The MPO will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily.

3. When a subrecipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the MPO will submit to FDOT's Civil Rights Office or the FHWA two copies of the case file and a recommendation that the subrecipient be found in noncompliance.
4. A follow-up review will be conducted within 180 days of the initial review to ensure that the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

Title VI Responsibilities for Program Areas

Planning

LAKE~SUMTER METROPOLITAN PLANNING ORGANIZATION

LAKE~SUMTER METROPOLITAN PLANNING ORGANIZATION has the responsibility to develop long- and short-range plans to provide efficient transportation services to the citizens of the Lake and Sumter Counties.

LAKE~SUMTER METROPOLITAN PLANNING ORGANIZATION annually updates and coordinates the MPO's future transportation improvement plans and programs. A comprehensive transportation planning process is used which incorporates input from the public in coordination with the various jurisdictions affected. Planning includes the monitoring and collection of data. . Title VI responsibilities include but are not limited to:

1. Ensure that all aspects of the planning process operation comply with Title VI of the Civil Rights Act of 1964.
2. Ensure that various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic/gender related organizations and participating in roundtable meetings in predominantly minority communities.
3. Assist the Title VI Specialist in gathering and organizing the Planning section of the Annual Title VI Update Report.
4. Review the department's work program and other directives to ensure compliance with Title VI and other nondiscrimination program requirements.
5. Attend public meetings to verify the level of participation of Title VI protected group members when offered in predominantly ethnic minority communities.

Consultant Services

Contracting Services

The Procurement Department of Lake County is responsible for setting policy and establishing procedures for consultant selection, negotiation, and administration of consultant contracts for the MPO. Title VI responsibilities include but are not limited to:

1. Monitor DBE program requirements.
2. Ensure that all consultant contracts administered by the MPO have the appropriate Title VI provisions included.
3. Review directives and procedures to ensure Title VI compliance.
4. Maintain necessary data and documentation required for completion of the department's Title VI Annual Report.

Addendum I – Lake~Sumter Metropolitan Planning Organization Title VI Assurances

The Lake~Sumter Metropolitan Planning Organization (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, , 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, US Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the US Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, in accordance with the Act, Regulations, and other nondiscrimination authorities, no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program", "activity" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program" or "activity") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program and in adapted form in all proposals for negotiated agreements:

The Lake~Sumter Metropolitan Planning Organization in accordance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities hereby notifies all bidders that they will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises and/or disadvantaged business enterprise, as defined by 49 CFR Part 26, will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability or income status in consideration for an award.

(The MPO is required to follow the guidelines produced by the Lake County Procurement Department. Upon the initial request of a consultant's services, Procurement Department is available to assist the MPO's project manager with negotiation and administration of the contract.)

3. That the Recipient shall insert the clauses of Appendix A of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.
7. That the Recipient shall insert the appropriate clauses set forth in Appendix C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, consultants, subconsultants, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THESE ASSURANCES are given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other subrecipients, subgrantees, consultants, subconsultants, contractors, subcontractors transferees, successors in interest and other participants in the Department's Program. The person or persons whose signatures appear below are authorized to sign the Assurance on behalf of the Recipient.

TJ Fish

Date

Executive Director

Lake~Sumter Metropolitan Planning Organization

Addendum II - Lake~Sumter Metropolitan Planning Organization (MPO) Discrimination Complaint Procedure

Formal Complaints

Any person who believes the he or she, or any specific class or persons, has been subjected to discrimination or retaliation prohibited by the Title VI of the Civil Rights Act of 1964, as amended, and related statues, may file a formal written complaint. All formal written complaints received by the MPO shall be referred immediately by the MPO's Title VI Specialist to FDOT District Five's Title VI Coordinator for processing in accordance with approved state procedures.

Informal Complaints

Oral complaints received by the MPO shall be resolved informally by the MPO's Title VI Specialist. If the allegation(s) raised is not satisfactorily resolved through informal means, or if at any time the complainant requests to file a formal written complaint, the MPO's Title VI Specialist shall refer the complainant to FDOT District Five's Title VI Coordinator for processing in accordance with approved state procedures.

The MPO's Title VI Specialist will advise FDOT District Five's Title VI Coordinator within five (5) calendar days of receipt of an oral complaint. The following information will be included in every notification:

- a) Name, address, and phone number of the complainant.
 - b) Name(s) and address(es) of the respondent(s).
 - c) Basis of the complaint.
 - d) Date of the alleged discriminatory act(s).
 - e) Date the complaint was received by the MPO.
 - f) A statement of the complaint.
 - g) Other agencies where the complaint has been made.
 - h) An explanation of the actions the MPO has taken or proposed to resolve the allegation(s) raised in the complaint.
1. Within ten (10) calendar days, the MPO's Title VI Specialist will acknowledge receipt of the allegation(s), inform the complainant of action taken or proposed to resolve the allegation(s), and advise the complainant of other avenues of redress available, such as FDOT's Equal Opportunity Office (EEO).
 2. With sixty (60) calendar days, the MPO's Title VI Specialist will conduct and complete a review of the allegation(s) and, based on the information obtained, will render a recommendation for action in a report of findings to the MPO chair or designee.
 3. Within ninety (90) calendar days, the MPO chair 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 his or her right to file a formal written complaint with FDOT's EEO if dissatisfied with

the final decision reached by the MPO. The MPO's Title VI Specialist also will provide FDOT District's Five's Title VI Coordinator with a copy of this decision and report findings.

4. The MPO's Title VI Specialist will maintain a log of all oral complaints received by the MPO. The Log will include the following Information:
 - i) Name, address, and phone number of the complainant.
 - j) Name(s) and address(es) of the respondent(s).
 - k) Basis of the complaint.
 - l) Date of the alleged discriminatory act(s).
 - m) Date the complaint was received by the MPO.
 - n) A statement of the complaint.
 - o) Other agencies where the complaint has been made.
 - p) An explanation of the actions the MPO has taken or proposed to resolve the allegation(s) raised in the complaint.