

**RESOLUTION NO. 19-\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING A NONDISCRIMINATION POLICY AND THE INCLUSION OF A LIMITED ENGLISH PROFICIENCY PLAN REQUIRED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (“Town”) is a recipient of federal assistance and is currently being recertified as a Florida Department of Transportation (“FDOT”) Local Agency Program (“LAP”); and

**WHEREAS**, Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities require that no person 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**, LAP recertification requires the submittal of a Sub-Recipient Compliance Assessment Tool (SCAT) to FDOT; and

**WHEREAS**, the SCAT requires the Town to adopt, by resolution, a written Title VI Nondiscrimination Policy (“Title VI Nondiscrimination Policy”) and Limited English Proficiency Plan (“LEP”), which establishes the Town’s nondiscrimination policy statement, complaint filing procedures, and other assurances of nondiscrimination and certifies to FDOT and Federal Highway Administration (“FHWA”) that the Town’s programs, services, and activities are being conducted in a nondiscriminatory manner; and

**WHEREAS**, every three (3) years, the Title VI Nondiscrimination Policy must be noticed and made available to the general public as a requirement to being recertified as an LAP; and

**WHEREAS**, individuals that have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service benefit; and

**WHEREAS**, in accordance with Title VI regulations, the Town has drafted an LEP to detail the Town’s policy to accommodate persons with limited English proficiency that allows for appropriate access to services and activities; and

**WHEREAS**, the Town Council finds that the inclusion of the LEP in the Title VI Nondiscrimination Policy and the adoption of the Title VI Nondiscrimination Policy is in the best interest of the health, safety and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Adoption.** That Town Council hereby adopts the Title VI Nondiscrimination Policy and LEP, in substantially the form attached hereto as Exhibit "A".

**Section 3. Implementation.** The Town Manager is authorized to take all actions necessary to implement the standards identified in the Title VI Nondiscrimination Policy and LEP.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of February, 2019.

Attest:

\_\_\_\_\_  
TIM MEERBOTT  
Mayor

\_\_\_\_\_  
DEBRA E. EASTMAN, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.  
Town Attorney

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott \_\_\_\_\_

Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_

Council Member Robert “BJ” Duncan \_\_\_\_\_

Council Member Michael P. Callahan \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_