



# Town of Cutler Bay

Town Hall  
10720 Caribbean Blvd  
Cutler Bay, FL 33189

## Memorandum

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**File #:** Item # 2019-45, **Version:** 1

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## MEMORANDUM

**To:** Honorable Mayor and Town Council

**From:** Rafael G. Casals, ICMA-CM, CFM, Town Manager

**Date:** February 20, 2019

**Re:** Adoption of the FDOT Limited English Proficiency Plan

### REQUEST

**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.**

### BACKGROUND AND ANALYSIS

In compliance with Title VI of the Civil Rights Act of 1964, the Town of Cutler Bay (the “Town”) operates all of its federal aid highway programs without regard to race, color, or national origin. As the sub-recipient of federal transportation funds, the Town must comply with federal and state laws, and related regulations, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color or national origin. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

Title VI of the Civil Rights Act of 1964, The Civil Rights Restoration Act of 1987; 42 USC 2000(d) to 2000-4; and Executive Order 13166 prohibit recipients of federal financial assistance from discriminating against individuals based on race, color and national origin. Other federal and state nondiscrimination regulations prohibit discrimination against individuals based on age, sex, disability, religion, and family or income status. The Town, as a recipient of federal financial assistance, takes reasonable steps to ensure meaningful access to its programs, services and activities for all citizens including those individuals with limited English proficiency. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English may be considered Limited English Proficient (“LEP”). It was discovered that the

Title VI Non-Discrimination Plan and the Limited English Proficiency Plan needed to be updated.

The Town may interact and serve persons who may be LEP during the administration of its programs, services and activities. This guidance ensures that LEP individuals are provided meaningful access to the Town's programs, services and activities. LEP services can be provided in two ways: verbal interpretation and written translation of vital documents. Florida is a richly diverse state with residents and visitors from all over the world. The Town's own staff is representative of that diversity and has competent language speakers of a variety of languages. The Town does provide verbal interpretation with reasonable notice, regardless of the LEP language.

There are no costs associated with these changes. Future costs may occur as the Town addresses additional languages under the plan. Following Councils approval of the plans, they will be added to the Town's website.

### **RECOMMENDATION**

It is recommended that the Mayor and Town Council adopt the attached Resolution adopting the Limited English Proficiency (LEP) Plan.