

**RESOLUTION NO. 898**

**A RESOLUTION OF THE VILLAGE OF VIRGINIA GARDENS, FLORIDA ADOPTING VILLAGE OF VIRGINIA GARDENS TITLE VI PLAN AND PROVIDING FOR EFFECTIVE DATE.**

WHEREAS, The Village of Virginia Gardens desires to adopt the Village of Virginia Gardens Title VI Plan;

WHEREAS, The Village of Virginia Gardens has determined that it is beneficial for the Village to adopt the Village of Virginia Gardens Title VI Plan;

NOW, THEREFORE, BE IT DULY RESOLVED BY THE VILLAGE OF VIRGINIA GARDENS, FLORIDA;

1. This Resolution shall take effect and be in force from and after its date of passage.
2. The Village Clerk and Title VI Coordinator shall carry out and implement the Title VI Plan as required.

APPROVED, PASSED, AND ADOPTED this 16th day of July, 2015, at a regular meeting of the Village Council of the Village of Virginia Gardens, Florida.

**ATTEST:**

  
VILLAGE CLERK

  
FRED "SPENCER" DENO IV  
MAYOR OF VIRGINIA GARDENS

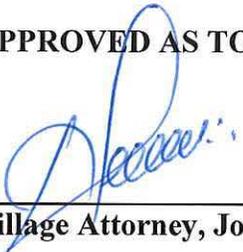
  
JORGE ARCE  
COUNCIL PRESIDENT

**RESOLUTION NO. 898**

**Vote of the Council:**

<b>Councilman Arce</b>	<u>YES</u>
<b>Councilman Block</b>	Absent
<b>Councilwoman Conover</b>	<u>YES</u>
<b>Councilman Petterson</b>	<u>YES</u>
<b>Councilwoman Taylor-Martinez</b>	<u>YES</u>

**APPROVED AS TO FORM AND SUFFICIENCY:**



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**Village Attorney, Jose M. Herrera, Esq.**

VILLAGE OF VIRGINIA GARDENS  
TITLE VI PROGRAM PLAN

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d)

Village of Virginia Gardens  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166  
Tel: 305-871-6104  
Fax: 305-871-1120  
Website: [www.virginiagardens-fl.gov](http://www.virginiagardens-fl.gov)

Village of Virginia Gardens  
Title VI Program Plan

Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The Village of Virginia Gardens is committed to ensuring that no person is excluded from participation in, or denied the benefits of Miami-Dade transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B.

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Title VI Program Plan

Information Notices

Title VI information notices are prominently and publicly displayed at these locations: Village Hall lobby, Police Department, Community Center, Public Works Department, and Parks and Recreation.

The name and contact information of the Title VI coordinator is available on the Village's website, at [www.viriniagardens-fl.gov](http://www.viriniagardens-fl.gov). Additional information relating to the Village's nondiscrimination obligation is provided in this document.

Further information can be obtained directly from the Village's Title VI Coordinator:

Village of Virginia Gardens  
Tracy Byrd, Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166  
Tel: 305-871-6104

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Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

Complaints

The complainant may file a signed, written complaint no later than 180 days after the date of the alleged discrimination. The complaint procedures are described in detail herein (see Appendix A). Each complaint should include the following information: · Full name · Mailing address · Contact Information (i.e., telephone number, email address, etc.) · How, when, where and why you believe you were discriminated against, including location, names and contact information of any witnesses · Other information that you consider significant

The Title VI Complaint Form, (see Appendix B), may be used to submit the complaint information. The complaint may be filed in writing to the Village at the following address:

Village of Virginia Gardens  
Attention: Tracy Byrd Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166

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The Village encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. Complaints must be mailed to the Title VI Coordinator no later than 180 days after the date of the alleged discrimination.

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by the Village will be directly addressed by the Title VI Coordinator who shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English.

Additionally, the Village shall make every effort to address all complaints in an expeditious and thorough manner. A letter acknowledging receipt of complaint will be mailed within seven days (see Appendix C). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

The Village of Virginia Gardens will send a final written response letter (see Appendix D) to the complainant. If the complaint is found to be not substantiated (see Appendix E), the complainant is also advised of his or her right to:

- 1) Appeal within seven calendar days of receipt of the final written decision from the Village, and/or
- 2) File a complaint externally with the U.S. Department of Transportation and/or the FTA.

Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

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Once sufficient information for investigating the complaint is received by the Village, a written response will be drafted subject to review by the Village Attorney. If appropriate, the Village Attorney may administratively close the complaint. In this case, the Village will notify the complainant of the action as soon as possible.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator  
East Building, 5th Floor — TCR  
1200 New Jersey Ave., SE Washington, DC 20590

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Limited English Proficiency (LEP)

The Village of Virginia Gardens has a land area of 2.88 Square Miles. According to the 2010 Census, the Village has an approximate total population of 2,375 residents which is composed of 71.3% Hispanic/Latino, 19.3% White, 1.6% African American and 7.8% other races. Of the City's population over the age of 5, 27.5% of residents speak English at home, 72.5% speak Spanish at home.

The Village provides information in English and in Spanish when it is requested. Residents can request translations of documents that are in English. Most Village departments have at least one or more employees that are bilingual and Spanish speakers are accommodated with a translator when requested. The Village regularly disseminates information via its website.

The Village Title VI Policy and Complaint Procedures is hosted on the Village's web page in English and made available in other languages as requested.

The Village educates our staff and contractors on the following procedure (see Appendix F): a. Understanding the Title VI Policy and LEP responsibilities b. How to access Title VI Policy and Procedures via the Village's website. c. Document and resolve any language assistance deficiencies d. The procedure if a Title VI and/or LEP complaint is filed.

The Village will review LEP procedures annually to determine if modifications are needed to meet language assistance deficiencies.

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Public Participation Plan

The Village of Virginia Gardens seeks to engage the public in its planning and decision-making processes. Members of the public may make statements at Village Council meetings, which occur the third Thursday of every month. Village Council agendas are available for review by the public no less than two (2) days before Council meetings. Notices of resolutions or ordinances under Commission consideration are announced in print in local newspapers.

The Village continuously seeks innovative methods to engage the public in its planning and decision-making processes, as well as its outreach activities. Recent outreach initiatives include:

- Public notices in local and county wide newspapers
- Florida League of Cities
- On site posting
- River Cities Gazette

Ordinances and resolutions adopted by the Village to apply for and utilize Federal and State grant funding are placed on the public hearing/meeting agenda and are subject to public notice and comment procedures.

The Village and its records are available to the public and the Village welcomes their input. The Village's Title VI Complaint Procedure is available to the public via the Village's website [www.virginiagardens-fl.gov](http://www.virginiagardens-fl.gov).

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Title VI Program Plan

Decision Making Bodies

The Village of Virginia Gardens does not have any transit related non-elected planning boards or advisory councils or planning boards or committees. If any such committees are established in the future, this plan will be amended to depict minority representation on such committees and to describe the efforts made to encourage participation of minorities on such committees.

Transit Programs/Service Standards

Excluding bus shelters, the Village of Virginia Gardens does not have and/or operate any type of transit programs and/or services, therefore, the Village does not have any Service Standards. Transit programs and/or services are provided and operated by Miami-Dade County Transit (MDT). You may contact MiamiDade County Transit at [www.miami-dade.gov](http://www.miami-dade.gov).

Transit Facilities

Since the Village of Virginia Gardens does not operate any type of transit programs, the Village does not have any storage, maintenance facilities or operation centers and has no plans, at the present, to establish a transit program. If in the future the Village decides to establish a transit program or project related to Title VI, the Village will confer with Miami-Dade Transit to ensure the Village meets all requirements.

Village of Virginia Gardens  
Title VI Program Plan

**Appendices**

**Appendix A:** Complaint Procedures

**Appendix B:** Complaint Form

**Appendix C:** Letter Acknowledge Receipt of Complaint

**Appendix D:** Letter Notifying Complainant That the Complaint is Substantiated

**Appendix E:** Letter Notifying Complainant That the Complaint is not Substantiated

**Appendix F:** Employee Annual Education Form

**Appendix G:** Record of Investigations, Complaints and/or Lawsuits

## **Appendix A**

### **Complaint Procedures**

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Any person who believes he or she has been discriminated against on the basis of race, color, or national origin by the Village of Virginia Gardens may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. A complaint may be filed no later than 180 days after the date of the alleged discrimination. The Village or its designated Title VI Coordinator will process complaints that are complete.

Once the complaint is received, the Title VI Coordinator will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgment letter informing him/her whether the complaint will be investigated by our office.

The Village has 60 days to investigate the complaint. If more information is needed to resolve the case, the Village's Title VI Coordinator may contact the complainant. The complainant will have 10 business days from the date of the letter to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, the Title VI Coordinator can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

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After the case is investigated he/she will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur.

If the complainant wishes to appeal the decision, he/she has 10 business days after the date of the LOF to do so.

A person may also file a complaint directly with:

Federal Transit Administration  
FTA Office of Civil Rights  
1200 New Jersey Avenue SE  
Washington, DC 20590.

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Title VI Program Plan

**Appendix B**  
**Complaint Form**

If you feel you have been discriminated against, please provide the following information in order to assist us in processing your complaint and send it to:

Village of Virginia Gardens  
Attention: Tracy Byrd, Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166

Please print clearly:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone Number: (cell) \_\_\_\_\_ (home) \_\_\_\_\_

Person discriminated against: \_\_\_\_\_

Address of person discriminated against: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_





Village of Virginia Gardens  
Title VI Program Plan

**Appendix C**  
**Letter Acknowledging Receipt of Complaint**

Village Letterhead

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms):

This letter is to acknowledge receipt of your complaint against the Village of Virginia Gardens alleging:

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An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 305-871-6104, or write to me at this address.

Sincerely,

Village of Virginia Gardens  
Attention: Tracy Byrd, Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166

Village of Virginia Gardens  
Title VI Program Plan

**Appendix D**  
**Letter Notifying Complainant that the Complaint is Substantiated**

Village Letterhead

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms):

The matter referenced in your letter of \_\_\_\_\_ (date) against the Village of Virginia Gardens alleging Title VI violation has been investigated.

The violation of the Title VI of the Civil Rights Act of 1964 mentioned in your letter was identified. Corrective action of this deficiency(s) is being implemented to ensure that this issue does not arise again

Thank you for bringing this important matter to our attention.

Sincerely,

Village of Virginia Gardens  
Attention: Tracy Byrd, Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166

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**Appendix E**  
**Letter Notifying Complainant that the Complaint is not Substantiated**

Village Letterhead

Date

Complainant's Name

Complainant's Address

Dear (Mr/Ms)

The matter referenced in your complaint of \_\_\_\_\_ the Village of Virginia Gardens alleging \_\_\_\_\_ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

The Village Attorney has analyzed the materials and facts pertaining to your case for evidence of the Village's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

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Title VI Program Plan

You have the right to:

- 1) Appeal within seven calendar days of receipt of this final written decision from the Village, and/or
- 2) File a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator East Building, 5th Floor  
TCR 1200 New Jersey Ave., SE  
Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Village of Virginia Gardens  
Attention: Tracy Byrd, Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166

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Title VI Program Plan

**Appendix F**  
**Employee Annual Education Form**

To all employees of the Village of Virginia Gardens:

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of the Village of Virginia Gardens and its contractors are expected to consider, respect, and observe this policy in their daily work and duties.

If a citizen approaches you with a question or complaint, direct him or her to contact:

Village of Virginia Gardens  
Attention: Tracy Byrd, Title VI Coordinator  
6498 NW 38<sup>th</sup> Terrace  
Virginia Gardens, Florida 33166

In all dealings with citizens, use courtesy titles (i.e. Mr., Ms., etc.) to respectfully address the citizens without regard to race, color or national origin.

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**Appendix G**  
**Record of Investigations, Complaints and/or Lawsuits**

<u>TYPE of COMPLAINT</u>	<u>DATE of COMPLAINT</u>	<u>BASIS of COMPLAINT</u>	<u>STATUS of COMPLAINT</u>	<u>ACTION(S) TAKEN</u>

Note: The Village of Virginia Gardens does not have any investigations, complaints, or lawsuits to disclose at this time. Any future disclosures will be listed under the Title VI Program Plan.