

FY 23/24

***Civil Rights Act, Title VI
Nondiscrimination Policy, Plan
and Monitoring Report***

With

***Policy, Plan and Monitoring Report
for Serving Persons with Limited
English Proficiency (LEP)***

Lee County, Florida

2115 Second Street

Fort Myers, FL 33901

239.533.2111

Florida Relay 711

www.leegov.com/ada/



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Lee County's Civil Rights Act, Title VI Notice is available in English, Spanish and Haitian Creole. Alternate formats are available by contacting the Title VI Nondiscrimination Coordinator:

El Condado de Lee tiene un procedimiento de reclamo de derechos civiles. Para mas informacion, pongase en contacto con el Coordinador sin discriminacion del Titulo VI del Condado de Lee:

Konte Lee gen yon pwosedir plent dwa sivil. Kontakte Koodinate Ned Diskriminasyon Tit VI nan Konte Lee:

Joan D. LaGuardia
Title VI Nondiscrimination Coordinator
1500 Monroe Street, 4th Floor
Fort Myers FL 33902
jlguardia@leegov.com
(239) 839-6038 - mobile
Florida Relay Service 711

I. Civil Rights Act Title VI Policy Statement

The Lee County Board of County Commissioners values diversity and welcomes input from all interested parties, regardless of cultural identity, background, or income level. Moreover, Lee County believes that the best programs and services result from careful consideration of the needs of all residents especially in the decision-making process for transportation, public transit, human services, and disaster recovery. Therefore, Lee County does not tolerate discrimination in any of its programs, services, or activities and will not exclude anyone from participation, deny benefits, or discriminate on the grounds of race, color, national origin, sex, age, disability, religion, income, or family status.

Details about Lee County's Notice of Policy Pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. can be found online at leegov.com/civilrights. Lee County departments further comply with the implementing regulations of the United States departments of Justice, Transportation including Executive Order 13166, and Housing and Urban Development (HUD) including 24 CFR Part 1.

As part of this compliance, Lee County and subrecipients of HUD federal financial assistance will provide meaningful access to all programs and activities for persons with limited English proficiency. The County will demonstrate this compliance through annual monitoring that includes the required four-factor analysis set forth in Federal Register notice (FR-4878-N-01).

II. Title VI Complaint Procedures

Lee County has a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. All persons who believe they have been subjected to discrimination based on race, color, national origin, sex, age, disability, religion, income, or family status in any of the County's programs, services or activities may file a complaint with the County Title VI Nondiscrimination Coordinator:

Joan D. LaGuardia
Title VI Nondiscrimination Coordinator
1500 Monroe Street, 4th Floor
Fort Myers FL 33902
jlaguardia@leegov.com
(239) 839-6038 - mobile
Florida Relay Service 711

The County's Title VI Coordinator has easy access to the County Manager and is not required to obtain management or other approval to discuss discrimination issues with the County Manager.

If possible, the complaint should be submitted in writing and contain the identity of the

complainant, the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability or family or income 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 Title VI Nondiscrimination Coordinator to discuss alternative methods of communication.

The Title VI Nondiscrimination Coordinator will meet with the complainant within 30 calendar days and will take reasonable steps to resolve the matter. Within 30 calendar days of the meeting, the Title VI Nondiscrimination Coordinator will report on the resolution of the matter in writing or in an alternate format accessible to the complainant. If the resolution does not satisfactorily resolve the issue, the complainant and/or a designee may appeal the decision within 15 calendar days after receipt of the response to Glen Salyer, Assistant County Manager, or his designee.

Regarding Lee County Department of Transportation: The County will forward the complaint, along with a record of its disposition, to the appropriate District of the Florida Department of Transportation (FDOT). Should the complainant be unable or unwilling to complain to the County, the written complaint may be submitted directly to the Florida Department of Transportation (FDOT). FDOT will serve as a clearinghouse, forwarding the complaint to the appropriate state or federal agency:

Florida Department of Transportation
Equal Opportunity Office
ATTN: Title VI Complaint Processing
605 Suwannee Street MS 65
Tallahassee, FL 32399

Regarding Lee LeeTran (public transit): A complainant may communicate directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights below, or by calling 888-446-4511. The complaint information should be emailed to FTACivilRightsCommunications@dot.gov with "FTA complaint form" included in the subject line.

Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor-TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Regarding Lee County Department of Human and Veteran Services: Should the complainant be unable or unwilling to complain to the County, the written complaint may be submitted directly to the regional HUD Fair Housing and Equal Opportunity (FHEO) office at the address below, or by calling 1-800-669-9777 or by submitting online at https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint:

Miami FHEO Center
909 SE First Ave.
Suite 500
Miami FL 33131

Regarding FEMA or HUD disaster recovery programs: Should the complainant be unable or unwilling to complain to the County, the written complaint may be submitted directly to

HUD's Office of Fair Housing and Equal Opportunity

Phone: 1-800-669-9777 or TTY: 1-800-877-8339

Online at: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

Or

Atlanta Regional Office of FHEO

U.S. Department of Housing and Urban Development

Five Points Plaza

40 Marietta Street

Atlanta, GA 30303

(678) 732-2493

(800) 440-8091

TTY (404) 730-2654

Civil Rights Complaints: ComplaintsOffice04@hud.gov

III. ADA/504 Statement

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and related federal and state laws and regulations forbid discrimination against those who require accommodation to access facilities, services, and programs. Furthermore, these laws require federal aid recipients and other government entities to take affirmative steps to reasonably accommodate ADA-qualified individuals and ensure that their needs are equitably represented in programs, services, and activities, including transportation, public transit, human services, and disaster recovery.

Lee County makes every effort to ensure that its facilities, programs, services, and activities are accessible to all. The County also makes every effort to ensure that its advisory committees, public involvement activities, and all other programs, services and activities include representation by the disabled community and disability service groups.

The County encourages the public to report any facility, program, service, or activity that appears inaccessible to those who require accommodations.

The County will provide reasonable accommodation to ADA-qualified individuals who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance or additional resources, the County asks that requests be submitted at least five (5) business days prior to the need for accommodation.

Questions, concerns, comments, or requests for accommodation should be made to the County's ADA Coordinator:

Joan D. LaGuardia
Title II ADA Coordinator
1500 Monroe St., 4th Floor
Fort Myers, FL 33902
jla Guardia@leegov.com
adarequests@leegov.com
(239) 839-6038 - mobile
Florida Relay Service 711

Details for Lee County's Notice of ADA Policy and Notice of Grievance Procedure are available at www.leegov.com/ada/.

IV. Limited English Proficiency (LEP) Guidance

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ), the US Department of Housing and Urban Development (HUD), and the US Department of Transportation's (DOT) Federal Highway Administration and Federal Transit Administration require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services, and activities by those who do not speak English proficiently.

Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or "LEP," and may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Examples of populations likely to include LEP persons who are encountered and/or served by HUD recipients and should be considered when planning language services include, but are not limited to:

- Persons who seek housing assistance from a public housing agency or assisted housing provider or are current tenants in such housing;
- Persons who seek assistance from a state or local government for home rehabilitation;
- Persons who attempt to file housing discrimination complaints with a local Fair Housing Assistance Program grantee;
- Persons who are seeking supportive services to become first-time homebuyers;
- Persons seeking housing-related social services, training, or any other assistance from HUD recipients; and
- Parents and family members of the above.

Lee County's detailed LEP policy and Language Access Plan (LAP) and its FY23/24 annual monitoring report is in the Appendix of this document.

To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by Lee County 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 County and the likely costs of the LEP services.

V. Public Involvement

To plan for efficient, effective, safe, equitable, and reliable County services, including those delivered by the departments of Transportation, LeeTran (public transit), Human and Veteran Services, and all other County departments, particularly those responsible for disaster recovery, the County must gather public input. The County spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community.

Public involvement policies and procedures specifically required by grantors, including FWA, FTA, HUD, and FEMA will be reviewed as part of grant compliance documents. For general business, the County holds meetings, workshops, and other events designed to gather public input on project planning and construction. Further, the County attends and participates in other community events to promote its services to the public. Finally, the County continually seeks ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations, volunteer in County activities, or offer suggestions for improvement of County public involvement may contact:

Joan D. LaGuardia
1500 Monroe St.
Fort Myers, FL 33902
jlaguardia@leegov.com
(239) 839-6038 - mobile
Florida Relay Service 711

VI. Data Collection

Lee County's Title VI Nondiscrimination Coordinator annually reviews countywide demographic data. This data applies to all operating departments which receive federal funds including the departments of County Administration, Transportation, LeeTran

(public transit), Human and Veteran Services, and Public Safety.

Therefore, from time to time, the County finds it necessary to request voluntary identification of certain racial, ethnic, or other data from those who participate in its public involvement events. This information assists the County with improving its targeted outreach and measures of effectiveness. Self-identification of personal data to the County will always be voluntary and anonymous. The County will not release or otherwise use this data in any manner inconsistent with the federal regulations.

VII. Assurances

Regarding Transportation: Every three years or commensurate with a change in Lee County executive leadership, the County must certify to FHWA, FDOT, and HUD that its programs, services, and activities are being conducted in a nondiscriminatory manner. These assurances serve two important purposes. First, they document the County's commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the County may be held liable for breach. The public may view the assurance on the County's website or by visiting the County offices.

Assurances by LeeTran (public transit) and the Department of Human and Veterans Services are similarly updated as required.

VIII. Appendix – Title VI Annual Monitoring

A. Lee County Civil Rights Act Title VI Monitoring – Public Involvement

Lee County continually invites public input into decision-making without discrimination and in compliance with the Civil Rights Act, particularly Title VI. Public meetings and hearings to solicit public input for the period Oct. 1, 2022, to the present and including meetings scheduled through FY23/24, include:

Department/Advisory Board	Date	Topic	Location
Transportation	6/20/23	Alternatives Workshop for the Cape Coral Bridge	Florida Southwestern State College, 8099 College Pkwy, Fort Myers
Charter Review Commission	6/13/2023	Review of Home Rule Charter	Lee County Administration East Building, 2201 Second St., Fort Myers
ResilientLee Recovery Task Force	5/24/2023	Town Hall Meeting – Fort Myers	Dunbar High School, 3800 Edison Ave., Fort Myers
ResilientLee Recovery Task Force	5/18/2023	Virtual Town Hall Meeting - Spanish	Virtual
ResilientLee Recovery Task Force	5/17/2023	Town Hall – Boca Grande	Boca Grande Community Center, 131 1st Street, Boca Grande
ResilientLee Recovery Task Force	5/16/2023	Virtual Town Hall Meeting - English	Virtual
ResilientLee Recovery Task Force	5/11/2023	Town Hall - Estero	Estero Recreation Center, 9200 Corkscrew Palms Blvd., Estero
Transportation	5/11/2023	Alico Road Extension Project – Phase 1	Hilton Garden Inn, 16410 Corporate Commerce Way, Fort Myers
ResilientLee Recovery Task Force	5/10/2023	Town Hall – Cape Coral	Cape Coral City Hall, 1015 Cultural Park Blvd., Cape Coral
ResilientLee Recovery Task Force	5/9/2023	Town Hall - Alva	River Hall Elementary School, 2800 River Hall Pkwy, Alva
ResilientLee Recovery Task Force	5/9/2023	Town Hall – Lehigh/Buckingham	East County Regional Library, 881 Gunnery Rd N, Lehigh Acres
Charter Review Commission	5/9/2023	Review of Home Rule Charter	Lee County Administration East Building, 2201 Second St., Fort Myers
ResilientLee Recovery Task Force	5/8/2023	Virtual Town Hall Meeting - Spanish	Virtual
ResilientLee Recovery Task Force	5/4/2023	Town Hall – Iona/McGregor	Heights Elementary School, 15200 Alexandria Ct, Fort Myers

ResilientLee Recovery Task Force	5/4/2023	Town Hall Meeting - Fort Myers Beach	DiamondHead Resort, 12000 Estero Blvd, Fort Myers Beach
ResilientLee Recovery Task Force	5/3/2023	Town Hall Meeting - Pine Island	Pine Island Elementary School, 5360 Ridgewood Dr, Bokeelia
ResilientLee Recovery Task Force	5/2/2023	Town Hall Meeting – Gateway/Airport	Gateway Elementary School, 13280 Griffin Drive, Fort Myers
ResilientLee Recovery Task Force	5/1/2023	Town Hall Meeting- Sanibel	BIG ARTS, 900 Dunlop Rd, Sanibel
ResilientLee Recovery Task Force	4/26/2023	Town Hall Meeting- Bonita Springs	Bonita Springs Elementary School, located at 10701 Dean St., Bonita Springs
ResilientLee Recovery Task Force	4/25/2023	Town Hall Meeting- North Fort Myers, Bayshore, Burnt Shore	North Fort Myers Park and Recreation Center, 2000 North Recreation Park Way, North Fort Myers
ResilientLee Recovery Task Force	4/22/2023	Town Hall – Fort Myers	Fort Myers City Hall, located at 2200 Second Street, Fort Myers
ResilientLee Recovery Task Force	4/19/2023	Town Hall - San Carlos and Southeast Lee	San Carlos Park, Elementary School, 17282 Lee Rd, Fort Myers
Charter Review Commission	4/11/2023	Review of Home Rule Charter	Lee County Administration East Building, 2201 Second St., Fort Myers
Board of County Commissioners	4/4/2023	Agenda includes discussion of features and amenities for Lee Civic Center	Lee County Commission Chambers, 2120 Main St., Fort Myers
Parks and Recreation	4/3/2023	Survey launched regarding features and amenities for Lee Civic Center	Online https://www.leegov.com/CivicCenter
Board of County Commissioners	3/21/2023	Agenda includes discussion of features and amenities for Lee Civic Center	Lee County Commission Chambers, 2120 Main St., Fort Myers
Charter Review Commission	3/14/2023	Review of Home Rule Charter	Lee County Administration East Building, 2201 Second St., Fort Myers
Lee County Utilities	1/31/2023	Southeast Water Reclamation Facility	Hilton Garden Inn 16410 Corporate Commerce Way, Fort Myers

B. Lee County Civil Rights Act Title VI Monitoring – Data Collection

Source: United States Census Bureau

Countywide Population Estimate: July 1, 2022: 822,453

April 1, 2020: 760,820

April 1, 2010: 618,754

Geography: Population per square mile, 2020 - 974.2

Population per square mile, 2010 - 788.7

Land area in square miles, 2020 - 781.01

Land area in square miles, 2010 - 784.51

Demographics:

AGE AND SEX	
Persons under 5 years, percent	4.40%
Persons under 18 years, percent	17.30%
Persons 65 years and over, percent	29.10%
Female persons, percent	50.80%
RACE AND HISPANIC ORIGIN	
White alone, percent	86.50%
Black or African American alone, percent	9.20%
American Indian and Alaska Native alone, percent	0.50%
Asian alone, percent	1.80%
Native Hawaiian and Other Pacific Islander alone, percent	0.10%
Two or More Races, percent	1.90%
Hispanic or Latino, percent	23.80%
White alone, not Hispanic or Latino, percent	64.80%
POPULATION CHARACTERISTICS	
Veterans, 2017-2021	53,265
Foreign born persons, percent, 2017-2021	17.10%
HOUSING	
Housing units, July 1, 2022, (V2022)	

Housing units, July 1, 2022, (V2022)	442,027
Owner-occupied housing unit rate, 2017-2021	72.70%
Median value of owner-occupied housing units, 2017-2021	\$248,300
Median selected monthly owner costs -with a mortgage, 2017-2021	\$1,569
Median selected monthly owner costs -without a mortgage, 2017-2021	\$606
Median gross rent, 2017-2021	\$1,307
Building permits, 2022	13,621
FAMILIES AND LIVING ARRANGEMENTS	
Households, 2017-2021	298,343
Persons per household, 2017-2021	2.49
Living in same house 1 year ago, percent of persons age 1 year+, 2017-2021	85.30%
Language other than English spoken at home, percent of persons age 5 years+, 2017-2021	23.70%
COMPUTER AND INTERNET USE	
Households with a computer, percent, 2017-2021	95.30%
Households with a broadband Internet subscription, percent, 2017-2021	89.10%
EDUCATION	
High school graduate or higher, percent of persons age 25 years+, 2017-2021	89.80%
Bachelor's degree or higher, percent of persons age 25 years+, 2017-2021	29.00%
HEALTH	
With a disability, under age 65 years, percent, 2017-2021	8.30%
Persons without health insurance, under age 65 years, percent	19.30%
ECONOMY	
In civilian labor force, total, percent of population age 16 years+, 2017-2021	53.30%

In civilian labor force, female, percent of population age 16 years+, 2017-2021	49.40%
Total accommodation and food services sales, 2017 (\$1,000)	1,925,727
Total health care and social assistance receipts/revenue, 2017 (\$1,000)	5,215,601
Total transportation and warehousing receipts/revenue, 2017 (\$1,000)	836,219
Total retail sales, 2017 (\$1,000)	12,227,771
Total retail sales per capita, 2017	\$16,498
TRANSPORTATION	
Mean travel time to work (minutes), workers age 16 years+, 2017-2021	27.8
INCOME AND POVERTY	
Median household income (in 2021 dollars), 2017-2021	\$63,235
Per capita income in past 12 months (in 2021 dollars), 2017-2021	\$37,550
Persons in poverty, percent	12.20%
BUSINESS	
Total employer establishments, 2021	21,202
Total employment, 2021	233,367
Total annual payroll, 2021 (\$1,000)	11,463,537
Total employment, percent change, 2020-2021	-1.00%
Total nonemployer establishments, 2019	79,000
All employer firms, Reference year 2017	16,043
Men-owned employer firms, Reference year 2017	9,290
Women-owned employer firms, Reference year 2017	3,004
Minority-owned employer firms, Reference year 2017	2,093
Nonminority-owned employer firms, Reference year 2017	12,586
Veteran-owned employer firms, Reference year 2017	1,021

Nonveteran-owned employer firms, Reference year 2017	13,489
Population per square mile, 2020	974.2
Population per square mile, 2010	788.7
Land area in square miles, 2020	781.01
Land area in square miles, 2010	784.51

C. Lee County Notice of ADA Policy and Grievance Procedure

This is a Notice of Policy that Title II of the Americans with Disabilities Act of 1990 governs the processes and standards by which the County serves its public customers. Lee County will not discriminate against qualified individuals on the basis of disability in the County's services, programs, or activities.

Employment:

Title I of the ADA addresses employment. Lee County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

Effective Communication:

Lee County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County's programs, services, and activities, including qualified sign language interpreters, documents translated into preferred digital or print formats, and other ways of making information and communications accessible to those who use accommodations for speech, hearing, or vision.

Lee County provides online content in formats accessible to optical character readers (OCR) and screen readers. If you have problems accessing any web content, please contact Samantha Westen at 239-533-2112 or swesten@leegov.com.

Modifications to Policies and Procedures:

Lee County will make all reasonable modifications to policies and procedures to ensure that our customers have an equal opportunity to enjoy all its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a

modification of policies or procedures to participate in a County program, service or activity, should contact Joan LaGuardia, jlaguardia@leegov.com, (239) 839-6038 – mobile or Florida Relay Service 711, as soon as possible but no later than five (5) business days before the scheduled event.

The ADA does not require Lee County 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 Lee County is not accessible to persons with disabilities should be directed to Joan LaGuardia, jlaguardia@leegov.com, (239) 839-6038 – mobile, or Florida Relay Service 711,

Lee County will not place a surcharge on a particular 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.

Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Lee County, Florida (“Lee County”). Lee County’s Personnel Policies and Procedures govern employment-related complaints of disability discrimination by Lee County employees.

Any complaint by a member of the public alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Lee County should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant 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.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Joan D. LaGuardia, ADA Coordinator, Lee County Manager’s Office 2115 Second Street P.O. Box 398 Fort Myers, FL 33901, (239) 839-6038 – mobile or Florida Relay Service 711, jlaguardia@leegov.com.

Within 15 calendar days after receipt of the complaint, Lee County’s ADA Coordinator or his/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 or his/her designee 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 Lee County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee 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 the County Manager or other appropriate high-level official designated by Lee County, or his/her designee.

Within 15 calendar days after receipt of the appeal, the County Manager or other Lee County official or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County Manager or other Lee County official or his/her designee 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 Lee County's ADA Coordinator or his/her designee, appeals to the County Manager or other appropriate high-level official or his/her designee, and responses from these two offices will be retained by Lee County for at least three (3) years.

Additional documents and details related to Lee County's ADA Title II Compliance Self-Evaluation Report and Transition Plan can be found at www.leegov.com/ada/.

IX. Appendix – Lee County Policy for Limited English Proficiency (LEP) and Language Access Plan (LAP)

A. Language Access Plan (LAP) Purpose

All departments and offices reporting to the Lee County Board of County Commissioners, their contractors and subcontractors, and other agents who receive federal or state financial assistance for their programs and services must comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) et seq.; Executive Order 13166; and the U.S. Department of Labor Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons. This statement of policy and the County's Language Access Plan (LAP) provide a framework for the provision of timely and reasonable language assistance to persons with LEP who encounter all Lee County programs.

B. LEP Policy

All departments and offices reporting to the Lee County Board of County Commissioners will comply with these guidelines to take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have timely, meaningful access and an equal opportunity to participate in services and benefits provided by the County. Through its Language Access Plan, Lee County will accomplish these goals:

- Annually assess target audiences for LEP services;
- Ensure meaningful verbal communication with LEP persons and their authorized representatives;
- Communicate information contained in vital documents;
- Provide ADA compliant interpretation services at no cost to the person being served;
- Inform LEP persons of these services and their right to access them free of charge;
- Accommodate public input from the LEP community;
- Comply with HUD's published Safe Harbor provisions; and
- Manage this plan routinely to ensure continuing compliance.

Definition: A Limited English Proficiency (LEP) person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. Persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

C. Language Access Plan (LAP) Development

This plan was developed through analysis of four factors:

1. The number or proportion of eligible LEP persons in the Lee County service area;
2. The frequency with which LEP individuals come in contact with County service providers;

3. The nature and importance of the program, activity or service provided to the LEP population; and
4. Available resources and overall costs to provide LEP assistance.

D. LAP Procedure Including Required Four-Factor Analysis

1. Annually Assess the Proportion of LEP Persons Eligible to be Served

Using U.S. Census/American Community Survey data, statistics from the Lee County School District, Lee County Community Development, and Lee County GIS resources, the Lee County Civil Rights Act Title VI Nondiscrimination Coordinator will annually assess the languages spoken by LEP persons within Lee County and the number of LEP persons who are eligible for the services. The coordinator will ensure distribution of the information among all County departments, including Transportation, LeeTran (public transit), Human and Veteran Services, and all departments providing disaster recovery programs. The coordinator will update the LAP and translator services contracts as needed.

2. Record the Frequency of LEP Service Requests

Lee County acknowledges its responsibility to record the frequency by which LEP individuals use Lee County programs, services, or activities. Note that nearly 18% of Lee County's population speaks Spanish within their households and nearly 5% of those households have been identified by the 2021 American Community Survey, United States Census Bureau, as having limited English proficiency. The County's hiring practices reflect this. Bilingual staff provide routine customer service in Spanish. In addition, operations departments and service offices track specific requests for translation when bilingual staff is not immediately available. Staff also tracks specific language-related requests, including verbal, print, and digital translations.

Both the hiring of bilingual staff and the tracking of specific requests allow the County to determine the frequency of contact with customers who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. The more frequent the contact and/or the number of associated requests for alternate format(s) for languages other than English, as self-identified by applicants and participants in its programs, the more likely that language services – including increased hiring of bilingual staff – for a specific language group will be needed. Measures necessary for a program that serves a person with LEP occasionally may differ from those that serve persons with LEP every day. Regardless of the frequency of LEP-related requests, the County requires all departments to provide service for LEP persons.

3. Provide Notice

Lee County will inform LEP persons that the County will provide them with language assistance at no charge. Written notice will be provided on the Lee County website, which has compliant language translation options for its content; by posting notices at appropriate points of service and points of entry; and by including references to LEP rights and services in public notices.

LEP persons are encouraged through these public notices to seek services and provide input at public meetings by requesting interpreter and translator services, which the

County provides at no charge to the requestor.

The LEP Plan procedure for Lee HVS specifically establishes contact protocols for its main lobby, for telephone interaction, and for providing both interpretation and translation services.

The main lobby front desk is properly equipped to inform LEP persons of the availability of the language access program. To effectively inform LEP persons seeking assistance or encountered by HVS of programs available, proper signage translated into Spanish is available. A sign notifying LEP persons that language services are available and are free of charge is posted at the main window. HVS also has an "I Speak" handout at the front desk for customers to identify their language of communication.

Telephone intake lines accommodate persons who are LEP with a Spanish-language version of the menu of options and services.

When a person is identified as needing language assistance, staff can consult the HVS telephone directory for a list of who can provide interpreter services in HVS. This list is distributed electronically to all staff and is updated as changes occur by the Office Manager. Staff are available to assist on the telephone and in person and are expected to translate in areas outside of their program area on an as needed basis. Program areas that provide services to customers employ at least one bilingual (Spanish) staff person.

HVS will provide, at no cost to the customer, interpreters where necessary to afford LEP persons an equal opportunity to participate or benefit from the services. For those languages not spoken by HVS staff, HVS will work closely with Language Line Solutions. For instant translation, until such time HVS has access to oral and written translators for a variety of languages, staff may use Language Line Solutions.

When interpretation is necessary and reasonable, staff shall provide interpreters in a timely manner. To be meaningfully effective, language assistance should be timely. While there is no single definition for "timely" applicable to all types of interactions at all times by all types of customers, one clear guide is that the language assistance should be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the person with LEP. The customer's file shall be documented identifying the auxiliary aid or services provided, as well as any future services needed to ensure effective communication.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by HVS. Such an offer and response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, interpreter services will be provided by HVS staff to the LEP person. The LEP person may also choose to secure the assistance of an interpreter of the LEP person's own choosing, at his or her own expense. If the LEP person decides to provide his/her own interpreter,

the LEP person's election of this choice would be documented.

HVS shall continue its practice of offering oral interpretation at no charge at public meetings provided that the need is identified by the participant(s) at least 72 (seventy-two) hours prior to the event. Written communication advertising such meetings shall provide instructions for requesting interpretation services.

For written translation, HVS management and staff have identified vital documents and widely used written materials in need of translation. These documents are contained on the computer for access by staff in their program areas. More commonly used documents are contained on the shared drive with access by all staff. HVS will regularly assess the needs of the populations frequently encountered or affected by the program to determine whether certain materials should be translated. All current and any future documents identified will be translated by a contracted professional language translation service (Language Line Solutions) and reviewed by staff. These documents will be prepared electronically and disseminated to HVS staff as appropriate.

Legal documents that are translated will have the following language displayed on the document: "This document is a translation of a legal document. The Lee County Human and Veteran Services provides this translation to you merely as a convenience to assist in your understanding of your rights and obligations. The English version of this document is the official, legal, controlling document. This translated document is not an official document."

Any public notice in the local newspaper will also have information on translation of the notice and how to access the information in Spanish. Additionally, anyone accessing HVS' website can click an icon for translation into various languages to include Spanish, Creole, German, and French.

4. Provide Language Assistance

Lee County will take reasonable steps to assure that LEP persons receive the language assistance necessary for meaningful access to our programs and services with communication that is both verbal and written. To accomplish these goals, the County will:

- i. Identify the initial point of contact and subsequent points of contact with LEP persons where language assistance is likely to be needed. This includes ensuring that bilingual staff serves in an adequate number of customer service positions;
- ii. Provide a method or methods at the initial point of contact to notify LEP persons that:
 - a. Upon request, they are offered language assistance.
 - b. They will not be personally charged for the cost of language assistance.
 - c. They will not be personally charged for the cost of translating vital documents.
- iii. Based on its assessments and these guidelines, Lee County will access appropriate interpreters and translators. Lee County maintains purchase order

agreements with private vendors to provide these services. The Lee County Visitor & Convention Bureau also maintains a list of volunteer translators for general LEP translation services available to departments countywide. Departments with frequent contact with LEP customers hire bilingual staff.

- iv. The language needs, the resources to provide effective language, and the arrangements to access these resources in a timely fashion shall be promptly determined and prominently displayed for future reference. These arrangements may include the use of:
 - a. A list of interpreters who have agreements with multiple Lee County departments;
 - b. A list of bilingual staff; and
 - c. Online resources, such as Google translate, <http://translate.google.com>.
 - d. Translators personally selected by LEP persons may be used only when the LEP person:
 - i. Specifically requests this option;
 - ii. Understands that Lee County will provide an interpreter at no charge;
 - iii. Understands that Lee County is not responsible for any fees or charges owed to the personally selected interpreter, and the LEP person must pay those fees or charges at their own expense;
 - iv. Understands that Lee County may object to the use of a personally selected translator due to concerns about accuracy of interpretation, confidentiality, privacy, and/or conflict of interest.
 - v. Agrees to document this choice and understanding.
- v. When written translation of vital documents is needed, each program area will submit documents to Lee County's Title VI Nondiscrimination Coordinator or the appointed departmental staff person who retains translated versions of vital documents.
- vi. **Safe Harbor Provisions** – In consideration of HUD and other federal assistance programs, Lee County acknowledges these guidelines for “safe harbor.”

Many recipients of federal assistance subject to the requirements described herein desire greater certainty that they comply with their obligations to provide written translations in languages other than English. As such, HUD published safe harbor provisions that, if implemented, will be considered strong evidence of compliance with written-translation obligations. A “safe harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations. There are two safe harbor provisions:

- A. The HUD recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely

to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

- B. If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the recipient does not translate vital written materials but instead provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.
- C. The table below sets forth safe harbors for written translations.

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required

These safe harbor provisions only apply to written documents and do not negate the requirement to provide meaningful access to LEP persons through competent oral translation services where such services are needed and reasonable.

Based on the data identified in Factor 1, translation into Spanish would satisfy the safe harbor provision.

E. Annual Monitoring for FY23/24

Lee County will monitor and periodically evaluate the Language Access Plan and the County's compliance. At a minimum, the overall monitoring program will determine whether:

- A. Contractors hired to provide County services or Lee County grant subrecipients comply with Title VI;
- B. Existing language assistance is meeting LEP persons' needs;
- C. Staff is trained in current LEP policies; and

D. Resources and arrangements for assisting LEP persons are current and viable.


Analysis Factor 1: Lee County Annual Proportion Assessment

According to Lee County’s Limited English Proficiency Policy and Language Access Plan, Lee County will annually assess the proportion of persons with limited English proficiency residing in Lee County. The FY 23/24 assessment was conducted in June 2023 and verifies that Lee County has a significant number of Spanish speakers with limited English proficiency. The County continues to provide services in Spanish. The annual monitoring has found that existing language assistance is meeting LEP persons’ needs.

Data Collection - Proportion of the Population

Approximately 18 percent of Lee County households speak Spanish as a primary language and nearly 5% of all Lee households with Spanish speakers are considered to have limited English proficiency. Approximately 18% of Lee County residents age 5 and older speak Spanish.

Table: ACSST1Y2021.S1602

S1602 Limited English Speaking Households	Lee County, Florida 			
	Total	Percent	Limited English-speaking households	Percent limited English-speaking households
Label	Estimate	Estimate	Estimate	Estimate
All households	320,466	(X)	15,401	4.8%
Households speaking --				
Spanish	55,448	17.3%	13,412	24.2%
Other Indo-European languages	15,831	4.9%	1,632	10.3%
Asian and Pacific Island languages	3,958	1.2%	357	9.0%
Other languages	1,286	0.4%	0	0.0%

Source: American Community Survey, 2021

Measure	Estimates	Percent of Total Population
Total population 5 yrs. And over	721,860	
Speak a language other than English	166,847	23.1%
Speak Spanish	128,354	17.8%
Speaks other Indo-European language	29,932	4.1%

Speaks Asian & Pacific Island languages	6,847	0.9%
Speaks other languages	1,714	0.2%

Source: American Community Survey, 2020

The Lee County School District's 2020-2021 school year Impact Report counted 38,094 students who live in homes where English is not the primary language. 8,423 students – 9.67 percent of the of its 94,927 enrollment as primarily Spanish speaking. The next significant group of students with limited English proficiency speak Haitian Creole, but this group of 698 students represents less than 1 percent of the enrollment. The American Community Survey does not estimate the number of persons in Lee County that currently speak Haitian Creole.

As the primary provider of HUD-funded services, the Lee County Department of Human and Veteran Services tracks the proportion of LEP recipients, who are advised to examine prior experiences with LEP encounters to determine the scope of language services needed. HVS tracks the number of LEP persons encountered through the intake process. Due to a change in program tracking requirements in 2021, figures available for this report do not contain data from the Low-Income Housing Energy Assistance Program. The number of clients seen through HVS's intake from 9/01/2021 through 8/31/2022 indicates that the most frequently encountered language other than English is Spanish.

Language	#	Percent of Total Clients seen through HVS Intake
English	2112	91.3%
Spanish	189	8.2%
Haitian	8	0.3%
Other	4	0.2%
Total	2313	100%

Analysis Factor 2: Frequency of Contact with LEP Customers

Lee County departments determine the frequency by which staff encounters customers who have a limited ability to read, speak, write, or understand English. The more frequent the contact and/or the number of associated requests for languages other than English, as self-identified by applicants and participants in its programs, the more likely that language services for a specific language group will be needed. Annual monitoring has

determined that existing language assistance is meeting LEP persons' needs. Resources and arrangements for assisting LEP persons are current and viable.

Data Collection – Frequency of Contact

Bilingual staff provides routine customer service in Spanish and Haitian Creole where needed. For most departments, routine daily interactions in Spanish are too numerous to count.

For specific HUD compliance, HVS compiles information regarding the frequency of contact with LEP persons. As noted into the HVS Intake chart above, 8.2% of HVS clients speak Spanish. The more frequent the contact and/or the number of associated requests for alternate format(s) for languages other than English, as self-identified by applicants and participants in its programs, the more likely that language services for a specific language group will be needed. Measures necessary for a program that serves a person with LEP one time or occasionally will necessarily be different from those that serve persons with LEP every day. While less frequent contact suggests a different, less intense solution, some services may still be necessary for times when a LEP person occasionally seeks services.

In interviewing staff who have first contact with customers through the HVS main lobby, Spanish is the most common language identified in need of interpretation. Also, all other program areas were consulted, and Spanish was identified as the language in most need of translation and consistent with the demographic data.

Analysis Factor 3: Nature and Importance of the Program

Lee County continues to recover from Hurricane Ian, a Category 4 windstorm with significant coastal surge from the Gulf of Mexico that made landfall in Lee County on Sept. 28, 2022. As this annual monitoring report is being prepared, Lee County remains under a Local Declaration of Emergency. County administration and operations staff recognizes that disaster recovery programs, including programs for housing, infrastructure, public services, and economic stability require intense attention to Civil Rights programs, including the Language Access Plan. All community outreach and public notices are offered in Spanish and Haitian Creole versions. All pages on Lee County's website can be viewed in Spanish and Haitian Creole. This annual monitoring has determined that existing language assistance has risen to increased demand for important programs to meet LEP persons' needs, and that resources and arrangements for assisting LEP persons are current and viable.

In its disaster response efforts as well as its routine programs, Lee HVS recognizes that some are more vital than others. While it is HVS' intent to provide meaningful access to all participants and eligible persons, the availability of resources may limit the provision of language services in some instances. Activities such as outreach, intake, housing contracts, legal documents, grievance procedure and the like have a high priority. Information about and an understanding of these activities should be effectively communicated to all persons affected by them. Other activities such as public facilities, social activities, optional meetings, and related areas are a lower priority.

When persons with LEP are being asked to execute a waiver, consent, or release of information form it is imperative that nature of the requested action is clearly communicated in a language understood by the customer. Likewise, when a LEP person's application or request for services is rejected or participation in a program or service is terminated, HVS must ensure these actions are communicated in a language accessible to the person with LEP.

Managers have analyzed the various areas and services. Documents, pamphlets, forms, etc. and other high priority information have been translated into Spanish. Additionally, staff who can interpret/translate Spanish continue to be employed in key areas of the front desk and intake where initial and frequent contact is made with customers. Managers and staff in need of translation services for oral and written communication will utilize Language Line Solutions as per Lee County Procurement Management Contract PB160148 specifications.

In addition, Lee County administration maintains similar annual service contracts and purchase orders with other local vendors for translation and interpretation services.

Analysis Factor 4: Available Resources

Response to Hurricane Ian has constrained Lee County staff capacity and fiscal resources. Despite increased federal and state funding, this will continue throughout FY23/24 as Lee County launches its intensive recovery effort. That effort is expected to more than double the budget that was managed by Lee County in FY22/23 and will provide opportunities to increase staff and consultant capacity. Lee County is working directly with HUD and FEMA representatives to manage direct allocations of federal funds. This includes routine reviews of Lee County's Civil Rights and LEP compliance. Lee County was approved as compliant. In addition, Lee County's Civil Rights compliance and LAP were reviewed by state administrators of federal funds including the Florida Department of Transportation and the Florida Department of Economic Opportunity. Our cross-cutting programs were deemed compliant. Annual LAP monitoring has determined that existing language assistance is meeting LEP persons' needs. Resources and arrangements for assisting LEP persons are current and viable. Contractors hired to provide County services and Lee County grant subrecipients comply with Title VI.

Federal funding as a result of Hurricane Ian is expected to exceed \$1.5 billion. Lee County will devote resources to ensuring the LEP compliance of its outreach and levels of service. Monitoring of all programs – especially recovery programs – through FY23/24 will include reviews of LAP effectiveness

HVS is providing the most cost-effective means of delivering competent and accurate language services within its department. HVS will continue to monitor the need for additional language assistance, including the need for greater dissemination of information. HVS currently has staff available in various program areas to assist in the oral and written translation. Multiple bi-lingual staff has been certified through Language Line Solutions' Language Line Academy Testing to provide such translation services. For other languages identified besides Spanish, HVS will utilize the translation services

provided by Language Line Solutions. HVS will continue coordination with other agencies, review technological solutions, and leverage existing resources to implement the LAP as needed.

The HVS' intake line continues to accommodate persons who are LEP by providing a Spanish-language version of the menu of options and services. Also, the website for the HVS has translation capability into various languages. HVS has advertised key positions as "bi-lingual preferred" noting that Spanish is the preferred language when advertising vacancies. This practice will be continued for key positions.

Evaluation of Contractors and Grant Subrecipients

For FY23/24, Lee County has purchase order agreements with four local vendors to provide language interpretation and translation services, including American Sign Language, Spanish, and Haitian Creole. Lee County also has access to volunteer translators associated with the Lee County Visitor and Convention Bureau. There were no reports from staff of any problems with those sources of assistance.

The County monitors subcontractors and subrecipients for Title VI compliance. The Lee County Civil Rights Coordinator has received no complaints or grievances in the period from Oct. 1, 2022, to the present.

Specifically within the HVS Language Access Plan, HVS will ensure that the interpreter/translator (a) demonstrates proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g. consecutive, simultaneous, summarization or sight translation); (b) have knowledge in both languages of any specialized terms or concepts peculiar to the program or activity and or any particular vocabulary and phraseology used by the person with LEP; (c) understand and follow confidentiality and impartiality rules; (d) understand and adhere to their role as interpreters without deviating into other roles such as counselor, legal advisor, etc.; (e) be able to show sensitivity to the person's culture. Translation skills can be very different from those of interpretation. Translated documents may be checked by a second translator to confirm accuracy.

Evaluation of Staff Trained in Current LEP Policies

Lee County has a Civil Rights Title VI Coordinator who monitors Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) et seq.; Executive Order 13166; and the U.S. Department of Labor Revised Guidance Regarding the Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons. Each Department also has someone who serves as a contact for Title VI and ADA compliance.

HVS provides training to its staff regarding its LAP and policies. A determination of the frequency of staff encounters with LEP persons shall dictate the level of detail of this training. All employees who are likely to have contact with LEP persons shall be trained to ensure that they know LEP policies and procedures, that they work effectively with in-person and telephone interpreters, and they understand the dynamics of interpretation among LEP providers and interpreters. Staff having the greatest contact shall be trained first to effectively implement the LAP and policies through standardized procedures.

Those staff having the least amount of contact with LEP persons shall, at a minimum, be trained to be fully aware of the Plan and Policies so that they may reinforce its importance and ensure implementation by other staff. Orientation for all new employees includes LAP training.

Annual LEP plan monitoring has determined that staff is trained in current LEP policies.

Assessment of Resources and Arrangements

No Lee County Departments reported an inability to provide timely language assistance when needed or are in the process of requesting additional resources for unmet demands or language assistance. No grievances from the public were made.

Conclusion

Lee County complies with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) et seq.; Executive Order 13166; and the U.S. Department of Labor Revised Guidance Regarding the Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons. Additional resources will be needed to provide and monitor LEP assistance during Hurricane Ian recovery, however, grant funding for recovery programs is sufficient to ensure continued compliance.