

**RESOLUTION NO. 24-045**

**A RESOLUTION ADOPTING A  
CIVIL RIGHTS POLICY OF NONDISCRIMINATION**

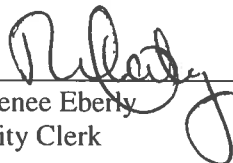
**FINDINGS:**

1. The City of Orange Beach complies with Federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with:
  - a. *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on race, color, or national origin (including language).
  - b. *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on disability.
  - c. *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on sex in education programs or activities.
  - d. *Age Discrimination Act of 1975*, which prohibits discrimination based on age.
  - e. *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on religion in social service programs.
2. In order to further promote compliance with Federal Civil Rights laws, the City of Orange Beach desires to adopt a policy specifically setting forth the rights of all persons, procedures to obtain accommodations, and procedures to file complaints.
3. The Orange Beach City Council has determined that it is in the best interest of the City of Orange Beach, Alabama, to adopt the attached Civil Rights Policy in compliance with Federal Law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

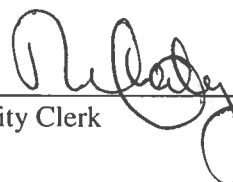
1. That the City Council hereby adopts the attached Civil Rights Policy in compliance with Federal Civil Rights Laws; and
2. That this Resolution shall become effective upon its adoption.

ADOPTED THIS 20<sup>th</sup> DAY OF FEBRUARY, 2024.

  
\_\_\_\_\_  
Renee Eberly  
City Clerk

**CERTIFICATE**

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 24-045, which was duly and legally adopted at a regular meeting of the City Council on February 20, 2024.

  
\_\_\_\_\_  
City Clerk



## EXHIBIT A

### City of Orange Beach, Alabama Nondiscrimination Policy Including Limited English Proficiency Plan

#### I. Policy Statement

The City of Orange Beach ("City") does not tolerate discrimination in any of its programs, services or activities and henceforth implements this Title VI Nondiscrimination Policy ("Title VI Policy") and Limited English Proficiency Plan ("LEP Plan").

Pursuant to Title VI of the Civil Rights Act of 1964 ("Act") and other federal and state law and regulations, the City will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status. The City will work to ensure environmental justices, as defined below, by identifying and addressing, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations.

Environmental justice means:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low income populations;
2. To ensure the full and fair participation by all potentially affected communities in the decision-making process; and
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

The responsibility for carrying out the City's commitment to this program has been delegated to the City Title VI Coordinator, as defined below, who will receive and investigate Title VI complaints. The City Title VI Coordinator and/or his designee will participate in any yearly Title VI training that is made available and will disseminate pertinent Title VI information to relevant City staff.

#### II. Public Notice

Notices for Title VI Policy are displayed in City buildings, and information is provided on the City's website under City Government, Departments & Divisions, Human Resources, Title VI.

The Title VI Policy statement posted in City buildings and on City website should read as follows:

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 City of Orange Beach is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination on the grounds of race, color, national origin, sex, age, disability, religion, income or family status. **If you feel you are being denied participation in or being denied benefits of the services provided by the City of Orange Beach, or otherwise being discriminated against because of your race, color, national origin, sex, age, disability, religion, income or family status, you may file a formal complaint with the City Title VI Coordinator, City Clerk or Human Resources Director:**

4099 Orange Beach Boulevard (Mailing Address: P.O. Box 458)  
Orange Beach, AL 36561  
cityclerk@orangebeachal.gov  
251-981-6979

### **III. Complaint Procedures**

The City establishes a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, and family or income status may file a complaint with the City Title VI Coordinator.

City Title VI Coordinator  
4099 Orange Beach Boulevard (Mailing Address: P.O. Box 458)  
Orange Beach, AL 36561  
cityclerk@orangebeachal.gov  
251-981-6979

If possible, the complaint should be submitted in writing (see Attachment 1, Title VI complaint form) and contain the identity, address and contact information of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, religion, age disability or family 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 City Title VI Coordinator for assistance. All complaints shall be filed no later than one hundred eighty (180) calendar days from the date of the alleged discrimination.

The City Title VI Coordinator will respond to the complaint within thirty (30) calendar days and will take reasonable steps to resolve the matter.

If more information is needed to resolve the case, the City may contact the complainant using any contact information provide by complainant on the complaint form. The complainant has thirty (30) business days from the date of initial contact to send requested information to the City Title VI Coordinator. If the City does not receive the requested information within the thirty (30) business days, the City can administratively close the case. A case may also be administratively closed if the complainant no longer wishes to pursue the case.

The City Title VI Coordinator shall conduct an investigation into the allegations received and shall report all allegations of discrimination directly to the City Administrator, City Attorney, and Human Resources Director and is not required to obtain management or other approval to discuss discrimination issues with the aforementioned City staff. Upon completion of an investigation or the closing of a case, the City Title VI Coordinator will supply the City Administrator, City Attorney, Human Resources Director and complainant with a final report. The final report will summarize the allegations and the information regarding the alleged incident related findings and if additional action is required. If a Title VI violation is found to exist, remedial steps as appropriate and necessary will be taken immediately.

Should the complainant be unable or unwilling to complain to the City, the written complaint may be submitted directly to the U.S. Department of Homeland Security Office of Civil Rights and Civil Liberties via the methods provided below. The Office of Civil Rights will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing.

<https://www.dhs.gov/crcl>  
CRCLcompliance@hq.dhs.gov  
1-866-644-8360

Persons with limited English proficiency or other disabilities may submit complaints either in person at Orange Beach City Hall or may visit the U.S. Department of Homeland Security Office of Civil Rights and Civil Liberties website for additional language options or may visit City Hall in person for assistance.

#### **IV. ADA/504 Statement**

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal aid recipients and other government entities to take affirmative steps to reasonably accommodate the disabled and ensure that their needs are equitably represented in City's programs, services and activities.

The City is committed to providing individuals with disabilities an equal opportunity to participate in and benefit from City programs, activities, and services. Individuals may request reasonable accommodations from City that they believe will enable them to have such equal opportunity to participate in our programs, activities, and services. To request reasonable accommodations, contact the City Title VI Coordinator at 251-981-6979 or reach out to the Director of the activity for which accommodations are being requested.

The City will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The City will make 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 City encourages the public to report any facility, program, service or activity that appears inaccessible to those who are disabled. Furthermore, the City will provide reasonable accommodation to disabled 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, organization or resources, the City asks that requests be made at least 15 calendar days prior to the need for accommodation. For accommodations at City Council meetings, individuals may call 251-981-6979 for further information. For accommodations at other board meetings, individuals may contact the staff assigned to the board. A list of boards and commissions with contact information may be found on the City's website.

Notification of request procedures shall be posted at all City facilities.

Additional information is readily available online on the City's website. Questions, comments, and/or concerns should be sent to the City Title VI Coordinator.

#### **V. Limited English Proficiency Plan**

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ) and US Department of Transportation (DOT) 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. To determine the extent to which Limited English Proficiency (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 the City's programs, services or activities.*

According to the 2022 American Community Survey 5-year estimates, the City of Orange Beach's LEP population that speaks English less than very well represents approximately 0.3% of the community. The Agency realizes that such statistical data can become outdated or inaccurate. Therefore, the Agency contacted Baldwin County and available data indicated that the most prevalent LEP language group, Spanish, represented less than 4.2% of the total population in Baldwin County. Given this information the City has concluded that a relatively small percentage of LEP persons are likely to encounter the City's programs, services or activities.

2. *The frequency with which LEP individuals come in contact with these programs, services or activities.*

The City has not received any requests for translation or interpretation of its programs, services or activities into Spanish or any other language.

3. *The nature and importance of the program, service, or activity to people's lives.*

The City does not provide any programs related to essential needs such as public transportation, housing, or health care. The City services provided are primarily recreational with the exception of police and fire. The City makes every effort to ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved in the planning processes to be consistent with its nondiscrimination goals.

4. *The resources available to the City and the likely costs of the LEP services.*

While certain factors suggest that extensive LEP services are not required at this time, the City believes that occasional Spanish language assistance may be necessary for meaningful access by members of the public. The City provides translation of essential public notification messages into Spanish. The City also understands that its community profile can change causing a need for re-analysis of necessary LEP services. As such, the City will periodically examine its LEP Plan to ensure that it remains reflective of the community's needs. Persons requiring special language services should contact the City Title VI Coordinator.

## **VI. Public Involvement**

The City spends extensive staff and financial resources in furtherance of promoting an environment of nondiscrimination and strongly encourages the participation of the entire community. The City hosts an informative website that advises the public how it can access information and provide input. The City also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction. Further, the City attends and participates in other community events to promote its services to the public and strives to continually measure the effectiveness of its public involvement.

Persons wishing to request special presentations by the City, volunteer in any of its activities, offer suggestions for improvement, or simply learn more about City programs and services should contact the Public Information Officer:

Public Information Officer  
4099 Orange Beach Boulevard (Mailing Address: P.O. Box 458)  
Orange Beach, AL 36561  
PIO@orangebeachal.gov  
251-981-6979

## **VII. Assurances**

Every four years, or commensurate with a change in City executive leadership, the City will certify that its programs, services and activities are being conducted in a nondiscriminatory manner. These certifications are termed 'assurances' and serve two important purposes. First, they document the City's commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the City may be held liable for breach. The public may view the resolution of assurance on the City's website or by contacting the City Title VI Coordinator.

**City of Orange Beach Title VI Program  
Complaint of Discrimination Form**

Complainant(s) Name:	Complainant(s) Address:
Complainant(s) Phone Number:	
Complainant(s) Email:	

Complainant's Representative's Name, Address, Phone Number and Relationship (e.g. friend, attorney, parent, etc):

Name and Address of Agency, Institution, or Department Whom You Allege Discriminated Against You:

Names of the Individual(s) Whom You Allege Discriminated Against You (If Known):

Discrimination Because Of:	<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Age	Date of Alleged Discrimination:
	<input type="checkbox"/> Income <input type="checkbox"/> Family Status <input type="checkbox"/> Religion <input type="checkbox"/> Disability	

Please list the name(s) and phone number(s) of any person, if known, that the City of Orange Beach could contact for additional information to support or clarify your allegation(s).

**Please explain as clearly as possible how, why, when and where you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Additional pages may be attached if needed.**

Complainant(s) or Complainant(s) Representatives Signature:	Date of Signature:
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Send completed form to:

Renee Eberly, City Clerk  
P.O. Box 458  
Orange Beach, AL 36561

Phone: 251-981-6806  
Email:reberly@orangebeachal.gov

**Public Notice and Frequently Asked Questions (FAQ) about  
Reasonable Accommodations for Individuals with Disabilities**

**NOTICE**

The City of Orange Beach, Alabama is committed to providing individuals with disabilities an *equal opportunity* to participate in and benefit from the City's programs, activities, and services.

Individuals may request *reasonable accommodations* from the City that they believe will enable them to have such equal opportunity to participate in our programs, activities, and services.

To request reasonable accommodations, contact the City Title VI Coordinator at 251-981-6979 or [cityclerk@orangebeachal.gov](mailto:cityclerk@orangebeachal.gov).

**FREQUENTLY ASKED QUESTIONS (FAQ)**

The following FAQ provides information on requesting reasonable accommodations in the City's programs and activities.

1. *What is a reasonable accommodation in the City's program?*

You may request a reasonable accommodation from the City at any time; however, making the request in advance of a meeting, conference call, or visit will help ensure that the City is able to fulfill the request for an accommodation. For certain accommodations, such as sign language interpretation, the City requests advance notice of at least two weeks.

2. *How do I request a reasonable accommodation?*

If you need a reasonable accommodation, please contact the City Title VI Coordinator at 251-981-6979 or [cityclerk@orangebeachal.gov](mailto:cityclerk@orangebeachal.gov).

3. *Does my request for a reasonable accommodation need to be in writing?*

No, you are not required to submit your request in writing; however, sending a written request can be helpful documentation to ensure that the City provides the desired accommodation. In addition, you do not need to use the specific words "reasonable accommodations" when making your request.

4. *When should I request a reasonable accommodation?*

You may request reasonable accommodations from the City at any time; however, making the request in advance of a meeting, conference call, or visit will help ensure that the City is able to fulfill the request for an accommodation. For certain accommodations, such as sign language interpretation, the City requests advance notice of at least two weeks.

5. *May someone request a reasonable accommodation on my behalf?*

Yes, anyone can request a reasonable accommodation on behalf of an individual with a disability who seeks to interact with City staff or participate in its programs or activities.

6. *What will the City do upon receiving my request for a reasonable accommodation?*

The City may contact you to obtain more information about your request and to better understand your needs. In addition, the City may review your request to determine the following:

- Whether the requested accommodation will be effective in allowing you to participate in the activity or program in which you are seeking participation;
- Whether the requested accommodation is reasonable, or an equally effective alternative to the requested accommodation is available; and
- Whether providing you with the requested accommodation would fundamentally alter the nature of the City's program or impose undue financial or administrative burdens on the City.

In addition, in some cases, the City may consult with you in an interactive process to determine on a case-by-case basis what accommodations can be made.

If the City determines that your requested accommodation would fundamentally alter the nature of the program or impose an undue financial or administrative burden, the City may deny your request; however, in the unlikely event that this occurs, the City will work with you to identify an alternative accommodation that allows you to effectively participate in the City's program, activity, or service.

7. *May the City request medical documentation from you after receiving your request for a reasonable accommodation?*

No, the City may not request medical documentation after receiving your request for a reasonable accommodation. The City's questions will be limited to understanding the barrier to your ability to participate in the program or activity in which you are interested and the nature of an accommodation that will remove this barrier.

8. *May the City charge you the cost of providing the reasonable accommodation?*

No, you are not responsible for the cost of an auxiliary aid or service the City provides to you.



## POLICY & NOTICE OF NONDISCRIMINATION

The City of Orange Beach, Alabama, complies with Federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on **race, color, or national origin** (including **language**).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

It is against the law for the City of Orange Beach to retaliate against anyone who takes action to oppose discrimination, files a grievance, or participates in the investigation of a grievance in accordance with the above authorities.

### To File a Complaint

If you feel that the City of Orange Beach has failed to provide these services or discriminated in another way based on race, color, national origin (including language), disability, sex, age, or religion, you can file a complaint in person, by phone, mail or email with: City Title VI Coordinator at 251-981-6979, City Human Resources Director at 251-981-6802, or City Clerk at 251-981-6979. For additional information: [www.orangebeachal.gov/titlevi](http://www.orangebeachal.gov/titlevi)

Civil rights complaints may also be filed with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL).

Email: [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov) (fastest method to submit your complaint)

Fax: 202-401-4708

U.S. Mail:

U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch, Mail Stop #0190  
2707 Martin Luther King, Jr. Ave., SE  
Washington, D.C. 20528

For additional information: [www.dhs.gov/crcl](http://www.dhs.gov/crcl) / Phone: 202-401-1474 / Toll-Free: 1-866-644-8360.