



CITY OF PINOLE

PUBLIC WORKS DEPARTMENT

TITLE VI PLAN

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I. INTRODUCTION

As a recipient of federal funds, the City of Pinole's Department of Public Works (Department) (hereinafter referred to as "Department") is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a nondiscriminatory basis. The Department has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with the guidelines found in the Federal Transit Administration Circular 4702.1B, dated October 1, 2012.

Title VI states that:

"No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, religion, sexual orientation, or gender identity be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance."

The Department is committed to complying with Title VI requirements for all programs and services delivered to the public. Furthermore, the Department expects every manager, supervisor, employee, and vendor and contractor sub-recipient of federal aid funds administered by the City of Pinole's Department of Public Works to be aware of the apply the intent of Title VI of the Civil Rights Act of 1964 in performing assigned duties.

The Federal Highway Administration (FHWA) and Federal Transportation Authority (FTA) requires recipients of federal-aid highway funds and public transportation funds to prepare and implement a program to clarify roles, responsibilities and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

The Department's Title VI Program (Program) focuses on fair and equitable access by the public and provides policy direction necessary to ensure compliance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

The Program includes a general overview of how the Department will:

- Handle a Title VI Complaint
- Engage public participation
- Provide services to Limited English Proficiency populations
- Train employees and managers in recognizing Title VI situations

II. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND RELATED AUTHORITIES

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance (implementation through 23 CFR 200.9 and 49 CFR 21).

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.) added the requirement that there be no discrimination on the grounds of sex.

Section 504 of the Rehabilitation Act of 1973 provides nondiscrimination under Federal grants and programs

The Age Discrimination Act of 1975 (Section 6101-6107, Title 42 U.S.C.) prohibits discrimination in federally assisted programs.

The Civil Rights Restoration Act of 1987, P.L. 100-209 – provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (It restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include **all** programs and activities of federal-aid related, sub-recipients and contractors, whether such programs and activities are federally assisted or not.

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964: 42 USC 2000d to 2000d-4; 42 USC 460 to 4655; 23 USC109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3; EO 13166.

III. ORGANIZATION, STAFFING, AND RESPONSIBILITIES

Title VI Coordinator

The Title VI Coordinator is responsible for the overall Title VI program implementation and performs the lead and participatory role in the development and implementation of Title VI program compliance.

The Department has identified the position of Senior Project Manager to perform the duties of the Title VI Coordinator. The position is located within the Public Works Administration & Engineering division of the Public Works Department. The Senior Project Manager is:

Misha Kaur
Senior Project Manager
Title VI Coordinator
510-724-9839
mkaur@ci.pinole.ca.us

The Senior Project Manager provides guidance and technical assistance on Title VI matters and has overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures. This Senior Project Manager is appointed by and reports directly to the Director of Public Works and responsibilities include:

- Preparing a Title VI plan and annual report on the agency's behalf;

- Processing, recording, and disseminating Title VI complaints received by the Department;
- Developing procedures for the prompt processing and disposition of complaints;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination;
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

IV. DESIGNATION OF TITLE VI COORDINATOR

In complying with the Title VI of the Civil Rights Act of 1964, and other federal mandates, I hereby designate the Senior Project Manager as the Public Works Department Title VI Coordinator.



 Tamara Miller, P.E.
 Director of Public Works

5/20/2020
 Date

V. FEDERAL-AID TITLE VI IMPLEMENTATION

1. Public Participation/Outreach Activities

The intent of the public participation is to help ensure that the citizens of Pinole are kept informed and involved in Department's various programs, projects and activities. The Department is committed to ensuring it serves the citizens in the City of Pinole by delivering efficiency, responsive and cost-effective public works services that protect and enhance the safety, health, and quality of life in the City of Pinole. The Department values public participation and encourages involvement by the community.

Following are the outreach strategies that will be implemented by the Department in an effort to reach the citizens of the City of Pinole and provide equal access to up-to-date information and promote an active channel of communication.

- a) The Department will develop and publish a "Notice of Rights" that as a recipient of federal-aid funds the federal-aid programs are equal opportunity programs and indicating that federal law prohibits discrimination. Attachment A.
- b) The Department will disseminate Title VI information and related statutes to the general public and, where appropriate, in languages other than English stating that the Department administers programs subject to the non-discrimination requirements of Title VI, summarizing those requirements, noting the availability of Title VI information from the City and state and federal agencies, stating persons' rights under the laws, and briefly explaining the procedures for filing complaints. The Department will develop and publish a Title VI brochure to provide the public with this Title VI information. The brochure will also be

translated into Spanish, and Tagalog. This brochure will be offered for distribution to the general public and other parties or individuals participating in or otherwise benefitting from federal aid programs. The brochure will be available in mediums other than the written word upon request, and the brochure will be periodically reviewed, and revisions will be made as appropriate. Where feasible, the brochure and other materials relevant to this Title VI program will be prominently displayed. The Department will also include information on Title VI requirements, complaint procedures and the rights of beneficiaries in handbooks, manuals, pamphlets, and other material which are ordinarily distributed to the public to describe the federal aid programs and the requirements for participation by recipients and beneficiaries.

- c) Where a significant number or proportion of the population eligible to be served or likely to be directed affected by a federal aid program needs service or information in a language other than English in order to be effectively informed or to participate in the program, the Department shall take reasonable steps to provide information in appropriate languages to such persons.
- d) A Department of Public Works Civil Rights Title VI Program webpage will be developed containing this Title VI federal-aid Program and other information and publications regarding Title VI and related statutes. The web page will be accessible to all Department employees and the public via internet.
- e) Site and facility location – The Department shall not make a selection of a site or location of a facility for participants in and beneficiaries of the Department’s federal aid programs if that selection could exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination on the grounds of race, color, and national origin or could substantially impair the accomplishment of the objectives of non-discrimination on the aforesaid grounds.
- f) Upon request from persons served by or participating in federal-aid programs administered by the Department, the Department will provide sign language interpreters and make information available to the public in alternate formats, such as Braille. The following language (or a version of) will be incorporated into all public participation/outreach materials:

Individuals requiring reasonable accessibility accommodations may request written materials in alternate formats, physical accessibility accommodations, sign language interpreters, language interpreters, or other reasonable accommodations by contacting our Senior Project Manager at (510) 724-9839, from 7:30 am – 5 pm, Monday through Thursday (excluding holidays). Persons who are deaf or hard of hearing may make contact by first dialing the California Relay Service at 7-1-1. Requests should be made at least one week in advance to ensure availability.

2. Department Programmatic Activities

a) Limited English Proficiency Program

In accordance with the Executive Order 13166 (“Improving Access to Services For Persons with Limited English Proficiency”), the Department will develop an evaluation and implementation program to ensure that Limited English Proficiency (LEP) persons who are served by federal-aid programs administered by the Department are provided, free of charge, meaningful access to programs, services, and information to without unduly burdening the fundamental mission of the Department. Specifically, the LEP program will address language barriers that could prevent LEP persons from obtaining services and information relating to services, programs, and projects.

For federal-aid programs administered by the Department, the Department will conduct an LEP Needs Assessment using the four-factor analysis recommended by United States Department of Transportation to identify reasonable steps to ensure meaningful access to its programs and activities by Limited English Proficiency (LEP) persons in accordance with the guidance described in Attachment B.

b) Environmental Justice in Minority and Low-Income Populations

In accordance with Executive Order 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) the Department will develop strategies to address disproportionately high and adverse human health or environmental effects on minority and low-income populations, to promote nondiscrimination in Federal-aid programs substantially affecting human health and the environment, and to provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment.

c) Site and Facility Location

The Department shall not make a selection of a site or location of a facility for participants in and beneficiaries of the Department’s federal aid programs if that selection could exclude individuals from participation in, to deny them the benefits of, or subject them to discrimination on the grounds of race, color and national origin or could substantially impair the accomplishment of the objectives of nondiscrimination on the aforesaid grounds.

d) Data Collection

The Department will gather, analyze and maintain statistical data on race, color and national origin of participants in and beneficiaries of the Department’s federal-aid programs to determine the investment benefits and burdens to the eligible population, including minority and low-income populations. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data administration. The Department will regularly analyze and evaluate the data collected and data-collecting procedures to determine the effectiveness of outreach methods in meeting requirements of the Title VI Program to ensure no group is excluded during the decision-making process or is not given an opportunity to voice their opinions or concerns. The Title VI Coordinator will collect annual data on DBE goals, LEP encounters and requests, discrimination

complaints, and construction contract oversight and verification of Title VI compliance.

e) Complaint Process

The Department will ensure that no employee or agent of the Department shall intimidate, retaliate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege to file a complaint, or because an individual has made or participated in a complaint. If any individual believes that s/he or any other federal aid program beneficiaries have been subjected to unequal treatment or discrimination on the grounds of race, color or national origin, s/he may exercise their right to file a complaint with the Department.

All complaints received by the Department will be forwarded to Caltrans to be submitted to the Federal Highway Administration (FHWA) Division Office. Complaints received by the Department will be sent within one business day of receipt via email to Title.VI@dot.ca.gov.

The Department's Discrimination Complaint Procedure and Complaint forms are available online at https://www.ci.pinole.ca.us/city_government/public_works

A Spanish version of the Complaint Procedure and Complaint Form can be made available upon request. Requests should be made to the Department's Title VI Coordinator. The Complaint Process and the Complaint Form is outlined in Attachment C.

f) Training

The Department will provide training every two years on Title VI and its related statutes, including the Executive Order on Limited English Proficiency, for managers, supervisors, and staff, especially those with frequent public interaction in the administration of federal-aid programs.

g) Title VI Construction Contract Provisions

The Department shall include the provisions indicated in Appendix A of Exhibit B of the "Administering Agency-State Agreement for Federal-Aid Projects Master Agreement" of the Local Assistance Program Manual (LAPM) in contacts and agreements, where applicable, between the Department and contractors.

Federal-aid construction contracts must include provisions, which require compliance with Title VI. The specific contract provision language is included in the Federal Highway Administration (FHWA) Form 1273 that is physically inserted in the federal-aid construction contract (See Chapter 12, "Plans, Specifications and Estimate", of the LAPM).

The "Local Agency Construction Contract Administrative Checklist" (Exhibit 15-A of the LAPM) confirms that DBE and labor/EEO compliance requirements are performed and documented in project files. Exhibit 15-A of the LAPM documents that the local agency will meet all of the requirements prior to the award of the construction contract (See Chapter 15, "Advertise and Award Project", of the LAPM).

The "Resident's Engineer's Construction Contract Administration Checklist" (Exhibit 15-B of the LAPM) is completed by the local agency Resident Engineer. The purpose of this checklist is to assist the local agencies in administering federal-aid highway construction projects. It also provides a record that the EEO/Wage Rate/False Statements posters are being posted at specific locations, that employee interviews will be conducted in accordance with the Labor Compliance/EEO interview form, and that DBE requirements are met. The local agency submits Exhibit 15-B, along with the Award Package, shortly after award of the construction contract (See Chapter 15, "Advertise and Award Project", of the LAPM).

h) Consultant Procurement

The Director of Public Works is responsible for recommending consultant firms to the City Council for final selection, negotiation, and award. Title VI language is incorporated in Public Works' consultant contracts.

Department contracts contain the following language regarding Compliance and Civil Rights Laws:

Compliance with Civil Rights Laws

Contractor hereby assures that it will comply with Subchapter VI of the Civil Rights Act of 1964, 42 USC Sections 2000 (e)(17), to the end that no person shall, on the grounds of race, color, and national origin, be excluded from participation in, be denied the benefits or, or be otherwise subjected to discrimination under this Contract or under any project, program or activity supported by this Contract. Contractor shall comply with its EEO Certification (Form PW-7).

i) Program Assessment and Remedial Action

The Department will conduct periodic Title VI self-assessment of its programs and activities for compliance. Where applicable, revise policies, procedures and directives to include Title VI requirements.

When irregularities occur in the administration of Title VI programs, corrective action will be taken to resolve identified Title VI issues. Swift action will be taken to correct any deficiencies found by the Department, Caltrans, or the Federal Highway Administration (FHWA), not to exceed 90 days, in order to implement Title VI compliance in accordance with this plan.

The Department will periodically conduct Title VI compliance reviews of Consultants, Contractors, and Subcontractors. The review of select recipients of Federal Aid Highway or other Federal Funds, will be conducted to ensure adherence to Title VI requirements. The Department shall confirm guidelines provided to consultants, contractors, or subcontractors including Title VI language, provisions, and related requirements, as applicable.

j) Design/Environmental Review Process

The scope, complexity, and impacts of a project will determine which National Environmental Policy Act (NEPA) Environmental Document will be prepared: (1) A Categorical Exclusion (CE) for those actions that have been deemed

legislatively or administratively exempt from NEPA; (2) an Environmental Assessment (EA) and Find of No Significant Impact (FONSI) for actions that will not result in adverse environmental effects; and (3) an Environmental Impact Statement (EIS) for actions that will potentially involve adverse environmental effects.

The Department will ensure compliance with Title VI requirements in all aspects of conducting an EA or EIS. During the review process, adequate time will be given for appropriate review and comments, as applicable, on draft EIS/EA, to ensure there are no violations of the Federal Civil Rights Act, as amended.

In order to ensure dissemination of information and foster participation from affected populations when preparing an EA or EIS, Department staff will: place public notices in applicable general and minority media, select accessible locations and times for public hearings or meetings, and arrange for translation services as needed (particularly in projects impacting predominant minority communities). The Department will ensure that the public will be provided with information pertaining to their rights and given contact information to address environmental concerns.

k) Environmental Justice

The Department strives to identify and address the public works and transportation needs of the citizens of the City of Pinole and ensures that the benefits and burdens of investments are being fairly distributed. Safety and improving the quality of life of Pinole residents is the Department's primary concern.

The Department strives for accountability and transparency in all the services provided to the community. The Department maintains a staffed public service counter, Monday – Thursday 8 am – 12 pm, and 1 pm – 4:30 pm for both walk in assistance or contact by phone.

l) Environmental Activities

Executive Order 12898 directs federal agencies to identify and address the disproportionately high and adverse human health and environmental effects of their actions on minority and low-income populations. Subrecipients are required to comply with the federal government's Environmental Justice (EJ) policy by integrating EJ principals into their programs. EJ is the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

If a project has a federal permit requirement or a source of federal funding, it is also subject to the National Environmental Policy Act (NEPA) process. Federal projects must analyze the potential environmental effects, including human health, economic, and social effects of their proposed actions on minority and low-income communities when required by NEPA. Any proposed project that will have a disproportionately high and adverse effect on minority or low-income populations will be required to include analysis and provide mitigation measures or alternatives that would avoid or reduce the high and adverse effect.

To comply with NEPA, public involvement and community outreach is necessary during the environmental documentation process, from project scoping to circulation of the draft and final documents for public review and comment. Through this process, EJ is reinforced and offers protection to the low-income and minority communities from discrimination and ensures their full participation.

m) Right-of-Way Activities

Department staff manages and coordinates the appraisal and acquisition of real property and relocation assistance services for public works projects. The right of way acquisition process entails appraisal of property, negotiation of terms, and conditions for acquisition, and assistance in the relocation of displaced individual, business, farm operations, nonprofit organization, and property management.

The Department will ensure Title VI compliance of right of way projects as follows:

- Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements.
- Follow adopted procurement policies in the acquisition of contracted services.
- Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits, and leases to ensure the inclusion of appropriate clauses, including Title VI assurances.
- Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- If applicable, ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- Assist with communications with property owners, lessees, renters, and others, as appropriate, to help ensure we evaluate applicability of, and compliance with, LEP and EJ requirements for projects. Provide access to information in alternative languages when needed.
- Maintain statistical data, including race, color, national origin, age, gender, disability, LEP and income levels on all relocates affected by federally funded projects.

n) Construction Activities

Department staff is responsible for the planning, design, funding, operating and maintaining of roadway; bridges; buildings; water and wastewater facilities; drainage and related transportation facilities; and water resources. New construction contracts are used as well as in-house personnel, the resources of contractors, vendors, equipment, and materials. The Department's construction project information can be found on the Department webpages.

Department staff will ensure Title VI compliance of construction projects as follows:

- Review all federally funded projects for application of Disadvantaged Business Enterprise (DBE) goals. As appropriate, include DBE provisions in those projects with designated goals;

- Include Title VI language and provision language in all federally funded construction contracts. Documents and language shall be periodically reviewed to ensure compliance with current laws and regulations;
- Review and ensure all appropriate Title VI language is placed in bid announcements and applicable construction documents, consistent with the Department's Title VI Program;
- Monitor all maintenance and construction operations to ensure non-discrimination throughout all operations;
- Work closely with environmental, and other staff to avoid or minimize the environmental impact of a project during construction; and
- Address any LEP or EJ issues.

o) Annual Report:

Per FHWA requirements, the Department will develop an annual report of Title VI Goals and Accomplishments (G&A) to document progress towards compliance with Title VI in programs and activities. This report will include any updates to the Title VI Program that reflects organizational, policy, and implementation changes, and a Work Plan outlining Title VI monitoring and review activities planned for the coming plan year. The G&A Report will list all accomplishments that the Department has achieved in the area of Title VI, such as program area reviews, training, and processing of Title VI complaints. The Goals section of the report will explain what the Department plans to accomplish in the upcoming year in relation to the Title VI program.

ATTACHMENT A
NOTICE OF RIGHTS



City of Pinole
Department of Public Works

TITLE VI

Your Rights Under Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 provides that “no person in the United States 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.” Related statutes provide protection against discrimination on the basis of sex, age, disability, and socioeconomic status.

Any person who believes they have been discriminated against may file a written complaint within 180 days of the alleged discrimination. Additional information and Title VI Discrimination Complaint Forms can be obtained on the City of Pinole Department of Public Works webpage at www.ci.pinoles.ca.us/city_government/public_works

Title VI Discrimination Complaints may be submitted to:

Misha Kaur
Senior Project Manager
Title VI Coordinator

City of Pinole
Department of Public Works
2131 Pear Street
Pinole, CA 94564
(510) 724 – 9839
mkaur@ci.pinoles.ca.us

Para información en español, o para presentar una Queja de Discriminación del Título Vi, sírvase llamar al 510-724-9839 para asistencia.

ATTACHMENT B

Limited English Proficiency (LEP) Plan

As a recipient of federal funds, the City of Pinole's Department of Public Works (Department) (hereinafter referred to as "Department") is required to take reasonable steps to ensure meaningful access to its programs and activities by Limited English Proficiency (LEP) persons. While designed to be flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

- the proportion, numbers, and distribution of LEP Persons
- the frequency of contact with LEP individuals
- the nature and importance of the program, activity, or service to LEP; and
- the resources available to the Department and costs.

The intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small businesses, small local governments, or small nonprofit organizations. After applying the above four-factor analysis to the various kinds of contacts a recipient has with the public, the Department may conclude that different language assistance measures are sufficient to ensure meaningful access to the programs, activities, and services it offers. For instance, some of the Department's activities will have a greater impact on or contact with LEP persons than others, and thus may require more in the way of language assistance. The flexibility that the Department has in addressing the needs of the LEP populations it serves does not diminish, and should not be used to minimize, the obligation that those needs to be addressed. Sub-recipients of federal-aid funds from the United States Department of Transportation should apply the following four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons.

1. The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

The Census Bureau has a range of four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the 2013-2017 American Community Survey 5-Year Estimates show that 6,700 (36%) of individuals in the City of Pinole speak a language other than English; of those individuals, 2,293 (34%) have identified themselves as speaking English less than 'very well'. Of those individuals, there are 607 (26.5%) individuals in the Spanish language group, 331 (14.4%) individuals in the Indo-European languages group, and 1,355 (59.1%) individuals in the Asian and Pacific Islander languages group.

Table #1
LANGUAGE SPOKEN AT HOME

Language	Number of Speakers	Speak English less than "Very Well"
Population 5 years and over	18,481	2,293
Speak only English at Home	11,781	X

Speak a Language other than English at home	6,700	2,293
Spanish	2,398	607
Indo-European Languages	1,048	331
Asian and Pacific Island	3,167	1,355
All Other Languages	87	X

Source: U.S. Census Bureau, 2013 – 2017 American Community Survey 5-Year Estimates

2. Frequency of Contact with LEP Individuals

The Department has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that, indeed, they have had encounters with LEP individuals. The Department is prepared to serve people who speak multiple languages via a multi-pronged approach consisting of Department staff, translated written materials, and use of translation smartphone applications. Given the number of LEP individuals, as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is low.

3. The Nature and Importance of the Program, Activity, or Service to the LEP

The Department’s main functions is to improve and maintain the public infrastructure and assets within the City of Pinole. The infrastructure and assets include: roads and bridges, streetlights, signals, street trees, stormwater collection systems, parks, wastewater collection system, water pollution control plant, city owned buildings, and city owned fleets.

Any denial or delay of access to services or information provided by the Department could have serious implications on an LEP individual, especially services such as water, sewer, roads and bridges. Therefore, the denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population in the City of Pinole is low, the Department will ensure accessibility to all of our programs, services, and activities.

4. Resources available to the City of Pinole’s Department of Public Works and costs
 US Department of Transportation Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

” A recipient’s level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, “reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.”

Based on this guidance, we have reviewed our resources and deemed that given the low concentration of LEP individuals in the City of Pinole, upon request, we will translate our vital documents into the language requested to ensure accessibility.

Although there will not be a fixed amount allocated from our annual budget for the translation of documents, the cost associated with the necessary translation of document in order to comply with LEP requirements will be allocated on an as-needed basis and charged to the program that is responsible for the information being requested.

Safe Harbor Stipulation

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of the program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written translation obligations under “Safe Harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% 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.

This “Safe Harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given that the number of LEP individuals in the City of Pinole is **above** the Safe Harbor threshold, written translations of vital documents will be made upon request, or oral interpretation can be provided. The City of Pinole’s Department of Public Works upon request will translate vital documents, which may include but not be limited to: the complaint form, complaint procedures, and all public meeting notices. The Department has contracted with an interpretation and translation service to provide this service immediately.

Providing Notice to LEP Persons

Per USDOT LEP guidance, once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand. The guidance provides several examples of notification including:

1. Signage, in languages that an LEP individual would understand that free language is available with advance notice.
2. Stating in outreach materials that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of their recipient’s services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that those requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City of Pinole's Department of Public Works.

Options and Proposed Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.

The Department is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language or who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

Due to limited financial and staffing resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested appropriate assistance will be provided.

What the Department will do. What actions will the Department take?

- Notify the public that interpreter services are available upon request, with 72-hour advance notice.
- With advance notice of 72-hours, the Department will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The Census Bureau "iSpeak" Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals (Appendix A)
- Once the LEP individual's language has been identified, staff will use the LEP Staff Reference Card (Appendix B) and use the appropriate listed resources to provide interpretation or translation services.
- Publications of the City of Pinole's Department of Public Works complaint form and procedures are made available online and upon request (Spanish version will be developed).
- In the event that a Department employee encounters an LEP individual, the employee will follow the procedure listed below:

Office Customer Encounter

1. Provide an iSpeak Language Identification Card to determine the language spoken by the LEP individual.
2. Once the foreign language is determined, staff will use the LEP Staff Reference Card to access an interpreter, or staff can provide information to Title VI Coordinator who will contact an interpreter. The Department currently has one person on staff that is receiving a pay differential to provide interpreter and/or translation service in Spanish for City business. The LEP Staff Reference Card has their name and contact information listed. If an interpreter is not available, staff will be trained on using a smartphone application for translating in the requested language.

3. If the need is for a document to be translated, the Title VI Coordinator will coordinate to have the document translated and provided to the requestor as soon as possible.

Road/Parks/Facilities Customer Encounter

1. Road crew employee will immediately contact the Title VI Coordinator for assistance and provide an I-speak language identification card to the LEP individual to determine the language spoken by the individual.
2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI Coordinator will coordinate to have the document translated and provided to the requester as soon as possible.

In Writing

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator to determine the specifics of the letter request.
3. The Title VI Coordinator will work with the selected resource for translation and provide the requested service to the individual in a timely manner.

Over the Phone

1. If someone calls into our office speaking another language, every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line, and if possible, determine the language spoken by the caller.
2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

Staff Training

The City of Pinole's Department of Public Works staff will be provided training on the requirements for providing meaningful access to services for LEP persons. Training will include how to identify a LEP individual's language and contact and use in-house interpretation services and use translation smartphone application to translate in various languages.

LEP Plan Access

A copy of the LEP plan document can be requested at the City of Pinole's Department of Public Works main office during normal business hours and the Department will make the plan available on the website at https://www.ci.pinole.ca.us/government_services/public_works. Any person or agency may also request a copy by contacting:

Misha Kaur
Senior Project Manager
Title VI Coordinator
2131 Pear Street
Pinole, CA 94564
Phone: 510-724-9839
Email: mkaur@ci.pinole.ca.us

ATTACHMENT C

Discrimination Complaint Procedure for the City of Pinole's Department of Public Works

Federal law prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in any City of Pinole's Department of Public Works (Department) program or activity. This prohibition applies to all branches of the Department, its contractors, consultants, and anyone else who acts on behalf of the Department.

Any person who believes they have been discriminated against based on race, color, or national origin by the Department may file a Title VI complaint by completing and submitting a Title VI Complaint Form. If you need assistance to file your complaint or need interpretation services, please contact:

Misha Kaur, Title VI Coordinator
City of Pinole
Department of Public Works
mkaur@ci.pinole.ca.us
510-724-9839

Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Department program or activity because of their race, color, national origin, age, sex, or disability may file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated in a discrimination investigation.

How do you file a complaint?

Complaints must be filed in writing within 180 days from the last date of the alleged discrimination. However, contact Misha Kaur, Title VI Coordinator if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact Misha Kaur, Title VI Coordinator.

Complaints may be submitted via mail, email, fax or in person to:

Misha Kaur, Senior Project Manager
Title VI Coordinator
City of Pinole
Department of Public Works
mkaur@ci.pinole.ca.us
510-724-9839

Complaints may also be filed directly with the following agencies:
California Department of Transportation (Caltrans)
Federal Highway Administration, California Division

What happens after a complaint is filed?

All complaints received by the Department will be forwarded to Caltrans to be submitted to the Federal Highway Administration (FHWA) Division Office. Complaints will be sent within one business day of receipt. If Headquarters Office of Civil Rights (HCR) determines a Title VI complaint against the Department can be investigated by Caltrans, HCR may delegate the task of investigating the complaint to Caltrans.

Title VI complaints must be investigated within ninety (90) days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also request relevant information such as books, records, electronic information, and other sources of information from all involved parties. You may specify if there is a particular individual or individuals that you feel should not investigate your complaint due to conflict of interest or other reasons.

Please refer to Caltrans Office of Civil Rights website to further assist in Title VI complaint:
<https://dot.ca.gov/programs/civil-rights/title-vi/title-vi-complaint-process>

Federal law prohibits retaliation against individuals because they have files a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Title VI Discrimination Complaint Form

Name of Complainant: _____

Telephone Number: _____ E-mail: _____

What is the most convenient time for us to contact you about this complaint? _____

Basis of Discrimination

_____ Race _____ Age _____ Other

_____ Color _____ Sex

_____ National Origin _____ Disability

Where did the alleged discrimination take place? _____

In your own words, describe the alleged discrimination. Explain what happened and whom you believe to be responsible: _____

List any others who may have knowledge of this event. Please provide name, address, city, state, and zip code.

Have you filed this complaint with any other Federal, State, or local agency: or with the Federal or State Court?

_____ Yes _____ No

If yes, check all that apply

_____ U.S. Equal Employment Opportunity Commission

_____ Federal or State Court

_____ Department of Fair Employment and Housing

_____ Federal Transit Administration/ U.S. Dept. of Transportation

_____ Federal Highway Administration/ U.S. Dept. of Transportation

If you have already filed a charge, please provide the following information:

Agency/Court: _____ Attorney Name: _____

Address: _____ Firm Name: _____

Date Filed: _____ Address: _____

Case Number: _____ Telephone Number: _____

Date of Trial Hearing: _____

Status of case: _____

Please provide any additional information that you believe would assist in investigation:

Signature of Complainant

Date of Filing

APPENDIX A

APPENDIX B

TITLE VI LEP STAFF RESOURCE CARD

Interpretation & Translation Services

The Department provides reasonable language assistance free of charge upon request. Below are some resources if asked for language assistance.

If asked for language assistance, it is always best to use in-house staff as a first resort. This is often the quickest method to offer language assistance. First determine the language needed. Staff should use the iSpeak cards to verify the person's language. Once a language has been identified, use in-house staff as a first resort.

Spanish

Ana Aviles Avila 510-724-9837

Access for Visually and Hearing Impaired

Dial 711 to reach Relay California. Relay California is a free service that provides full telephone access to people who are deaf, hard of hearing, deaf-blind, or speech disabled.