

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-22-0210

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH ADOPTING THE UPDATED CITY  
5 OF LONG BEACH TITLE VI PROGRAM  
6

7 WHEREAS, Title VI of the Civil Rights Act of 1964 provides that “no person  
8 in the United States shall, on the grounds of race, color, or national origin, be excluded  
9 from participation in, be denied the benefits of, or be subjected to discrimination under any  
10 program or activity receiving federal financial assistance; and

11 WHEREAS, the City of Long Beach (the “City”) is a sub-recipient of financial  
12 assistance from federal aid programs; and

13 WHEREAS, sub-recipients of this financial assistance are mandated by the  
14 United States Department of Justice to comply with various non-discrimination laws and  
15 regulations, including Title VI of the Civil Rights Act of 1964; and

16 WHEREAS, on July 18, 2017, the City adopted a Title VI Program (the  
17 “Program”), and on September 17, 2019 the Program was updated; and

18 WHEREAS, the City has again updated the Program, attached hereto as  
19 Exhibit “A”;

20 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
21 follows:

22 Section 1. That the City Council of the City of Long Beach adopts the  
23 updated City of Long Beach Title VI Program, attached hereto as Exhibit “A”.

24 Section 2. This resolution shall take effect immediately upon its adoption  
25 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_ December 13 \_\_\_\_\_, 2022, by the following vote:

Ayes: Councilmembers: Zendejas, Price, Supernaw, Mungo, Saro,  
Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Allen, Uranga.

Recusal(s): Councilmembers: None.

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

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EXHIBIT "A"



## **TITLE VI PROGRAM**

**Updated December 2022**

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**Title VI Non-Discrimination Policy Statement**

The City of Long Beach, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the City of Long Beach, on the grounds of race, color and national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers. The City of Long Beach further assures every effort will be made to ensure non-discrimination in all of its programs, activities and services, whether those programs, activities and services are federally funded or not.

A handwritten signature in blue ink, appearing to read "T. Modica", written over a horizontal line.

THOMAS MODICA  
CITY MANAGER  
CITY OF LONG BEACH



**EQUAL EMPLOYMENT OPPORTUNITY NON-DISCRIMINATION POLICY**

It is the policy of the City of Long Beach to actively promote and provide equal employment opportunity to all persons on all matters affecting City employment.

The City of Long Beach is committed to a policy of non-discrimination in employment practices, and reaffirms its commitment that no person shall benefit or be discriminated against on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sex, sexual orientation, or any other basis that is inconsistent with federal or state statutes, the City Charter, ordinances, resolutions, rules or regulations.

To ensure the enactment of this policy, the City Manager has approved the Equal Employment Opportunity Plan. The plan analyzes the City's work force, identifies areas of under-utilization and establishes specific objectives for achieving a representative workforce at all levels of employment.

## **A. INTRODUCTION**

The City of Long Beach is a sub-recipient of financial assistance from federal aid programs. Sub-recipients of this financial assistance are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. section 2000d). Title VI of the Civil Rights Acts of 1964 forbids discrimination against anyone in the United States because of race, color or national origin by any agency receiving federal funds. Title 49 of the U.S.C. section 47123, “Nondiscrimination” further prohibits recipients of FAA financial assistance from engaging in discrimination based on sex and religion. The Federal-Aid Highway Act of 1973 also added the requirement that there be no discrimination on the grounds of sex. Additionally, the Age Discrimination Act of 1975, as amended (42 U.S.C. Section 6101 et seq.) prohibits discrimination against FAA program beneficiaries on the grounds of race. The Civil Rights Restoration Act of 1987 defines the word “program” to make clear that **discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance.**

The City of Long Beach commits to ensure that none of its activities or programs treats any part of the community any differently than another. The City expects every manager, supervisor, employee, and vendor and contractor sub-recipient of federal aid funds administered by the City to be aware of and apply the intent of Title VI of the Civil Rights Act of 1964 in performing assigned duties.

The Federal Aviation Administration (FAA), Federal Highway Administration (FHWA) and Federal Transportation Authority (FTA) requires recipients of Federal financial assistance in FAA programs, Federal-aid highway funds and Federal-aid 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 City’s Title VI Program focuses on fair and equitable access by the public and provides the policy direction necessary to ensure compliance with Title VI of the Civil Rights Act of 1964.

## **B. 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, or national origin, be excluded from participation in, be denied benefits or, or be 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 Civil Rights Restoration Act of 1987** broadened the scope of Title VI coverage by expanding to the recipients, subrecipients and contractors, whether such programs are Federally funded or not (PL100259).

**Environmental Justice Executive Order 12898** (issued February 11, 1994) addresses disproportionate adverse environmental, social, and economic impacts that may occur in minority and low-income populations. Agencies must develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations; promote nondiscrimination in federal programs substantially affecting human health and the environment; and 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.

**Limited English Proficiency Executive Order 13166** (issued August 16, 2000) improves access to services for persons with limited English proficiency. Agencies are directed to evaluate services provided and implement a system that ensures that Limited English Proficiency (LEP) persons are able to meaningfully access the services provided, consistent with, and without unduly burdening the fundamental mission of the local agency. Agencies are directed to ensure that recipients of federal financial assistance provide meaningful access to programs, services and information to their LEP applicants and beneficiaries free of charge.

**Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008** prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, and transportation.

## **C. ORGANIZATION, STAFFING AND RESPONSIBILITIES**

### Title VI Coordinator

The Citywide Accessibility 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. This Citywide Accessibility Coordinator reports to the City Manager and responsibilities include:

- Promptly processing and resolving Title VI complaints;
- The collection of statistical data (race, color, and national origin) or participants in and beneficiaries of the City's federal aid programs, activities and services;
- The identification and elimination of discrimination when found to exist;
- Promptly resolving areas of deficiency;
- Conducting annual Title VI reviews of the City's federal aid program areas;
- Ensuring that Title VI requirements are included in policy directives and that the procedures used have built-in safeguards to prevent discrimination;
- Coordinating the development and implementation of staff training of the City's Title VI program;

- Providing an annual report of the City’s accomplishments, deficiencies and upcoming goals including an annual update to the Title VI Program that reflects organizational, policy and implementation changes;
- Assisting City staff and leadership to correct Title VI problems or discriminatory practices or policies when conducting self-monitoring and review activities;
- Developing Title VI information for public dissemination, where appropriate, in languages other than English.

Title VI Departmental Liaisons

All Title VI departmental liaisons will work with the Title VI Coordinator to accomplish Title VI goals and responsibilities, including the implementation and monitoring of the Title VI requirements for Federally funded projects in which their department is involved.

The following Liaison responsibilities apply to Liaison staff in every department with regard to Federal funded projects in the department:

- a. Detail efforts taken to identify minority or low-income populations affected by Federally funded project activities including rights-of-way, roads, bridges, airport facilities, etc.
- b. Conduct meetings to provide information to local populations concerning proposed projects.
- c. Attend public meetings to document and verify the level of participation of Title VI protected group members.
- d. Ensure LEP individuals affected by contract awards or construction projects receive meaningful access to the process that allows them to participate
- e. Ensure that proper Title VI training is received by staff, consultants and vendors.

**D. FEDERAL AID TITLE VI IMPLEMENTATION**

1. Public Participation/Outreach Activities

- a. The City will develop and publish a Public Notice that programs are equal opportunity and indicate that federal law prohibits discrimination as seen in **Attachment A**.
- b. The City will disseminate Title VI information and related statutes to the general public and, where appropriate, in languages other than English stating that the City 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 City will develop and publish a Title VI brochure to provide the public with this Title VI information. In accordance with our Language Access Policy, the brochure will be translated into Khmer, 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

brochures 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 City 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 City shall take reasonable steps to provide information in appropriate languages to such persons.
- d. A Citywide Civil Rights Title VI Program web page will be developed containing this Title VI Program information and will be accessible to all City employees and the public.
- e. Site and facility location – The City shall not make a selection of a site or location of a facility for participants in and beneficiaries of the City’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 City, the City will provide sign language interpreters and make information available to the public in alternate formats, such as Braille or large text. 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 Citywide Accessibility Coordinator at (562) 570-6257 or TTY (562) 570-2779. Requests should be made at least 72 hours in advance. Some services require more time to process.*

## 2. Department Programmatic Activities

### a. Limited English Proficiency Program

In accordance with Executive Order 13166 (“Improving Access to Services for Persons with Limited English Proficiency”), the City 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 City are provided, free of charge, meaningful access to programs, services. Specifically, the LEP program will address language barriers that could prevent LEP persons from obtaining services and information relating to services, programs and projects and understanding the benefits to which they are entitled.

For federal aid programs administered by the City, the City 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 City 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 City shall not make a selection of a site or location of a facility for participants in and beneficiaries of the City’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 City will gather, analyze and maintain statistical data on race, color and national origin of participants in and beneficiaries of the City’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 City 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.

e. Complaint Process

The City will ensure that no employee or agent of the City 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 City. Guidance for the complaint process is outlined in **Attachment C**.

f. Training

The City will provide training on Title VI and its related statutes, including the Executive Order on Limited English Proficiency, for managers, supervisors, staff - especially those with frequent public interaction, and applicable vendors.

g. Title VI Contract Provisions

Federal aid construction contracts must include provisions, which require compliance with Title VI. The specific contract provision language to be included can be found in the Federal Highway Administration (FHWA) Form 1273. Additional information can be found [here](#).

h. Consultant Procurement

City contracts should contain the following or similar 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).*

3. Program Assessment

The City will perform a periodic assessment of the Public Participation Plan, as outlined in **Attachment D**, to determine the City's effectiveness in ensuring that no person, shall on the grounds of race, color, and national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any federal aid programs or activities it administers. Any Title VI compliance issues identified will be addressed by immediate action or by revision of or addition to the Public Participation Plan.

#### 4. Annual Report

Per FHWA requirements, The City will develop an annual report of Title VI accomplishments and upcoming goals including an update to the Title VI Program that reflects organizational, policy and implementation changes, as well as activities and goals for the coming year.

**ATTACHMENT A**

**Public Notice**

## CITY OF LONG BEACH PUBLIC NOTICE

In accordance with the requirements of Title II of the American with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008, the City of Long Beach does not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the City of Long Beach shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

Citywide Accessibility Coordinator:

Jennifer Kumiyama  
Office of the City Manager  
411 W. Ocean Boulevard, 10th Floor  
Long Beach, CA 90802

(562) 570-6257  
Jennifer.Kumiyama@longbeach.gov

To request this information in an alternative format, please call (562) 570-6257 or TTY (562) 570-2779 or email [ada@longbeach.gov](mailto:ada@longbeach.gov).

Para solicitar información en un formato alternativo, llame al (562) 570-6257 o al número TTY (562) 570-2779, o envíe un correo electrónico a [ada@longbeach.gov](mailto:ada@longbeach.gov).

ស្នើសុំព័ត៌មានក្នុងទម្រង់ជំនួសទៀតសូមទូរស័ព្ទ (562) 570-6257 ឬ (562) 570-2779 ឬអ៊ីម៉ែល  
[ada@longbeach.gov](mailto:ada@longbeach.gov).

Upang hilangin ang impormasyong ito sa alternatibong format, pakitawagan ang (562) 570-6257 o TTY (562) 570-2779 o i-email ang [ada@longbeach.gov](mailto:ada@longbeach.gov).

CITY OF  
LONG BEACH

## **ATTACHMENT B**

### **Limited English Proficiency (LEP) Plan**

#### **PURPOSE**

In City of Long Beach Resolution 13-007, Language Access Policy, it is understood that removing language barriers is critical to achieving equitable access to available City services. This policy promotes greater access to services, programs and activities with the goal of attaining meaningful and understandable access for limited English language proficiency (LEP) individuals.

Title VI of the Civil Rights Act of 1964 requires 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.”

Executive Order 13166 was adopted to improve access to federally conducted, and federally assisted programs and activities for persons who as a result of national origin, are limited in their English proficiency. This plan reiterates the City of Long Beach's position that it will provide the language assistance necessary for meaningful participation in its programs and services to persons who, as a result of national origin, are limited in English proficiency. The City of Long Beach, through their Language Access Policy (LAP), is consistent with the spirit of Title VI and the requirements of Executive Order 13166.

#### **References**

- Federal Register, Volume 68, Number 103, Civil Rights Center; Enforcement of Title VI of the Civil Rights Act of 1964; Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons: Notice (May 29, 2003)
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000)
- Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) 26-02, Publication of Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (May 29, 2003)
- The City of Long Beach Language Access Policy

#### **BACKGROUND**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. In order to avoid discrimination against LEP persons on the grounds of national origin, we must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information.

Language barriers prohibit LEP persons from obtaining services and information relating to a variety of services and programs because they may not be able to read instructions or correspondence written in English and may not understand verbal information. Many times, they are not aware of regulatory requirements and legal implications of the services they seek. When LEP persons receive legal documents, they often do not understand the contents of the correspondence and its implication to their daily lives. LEP persons may not be able to take advantage of services, which can affect different aspects of their lives.

## **GOALS**

It is essential that City staff be informed about their diverse clientele from a linguistic, cultural and social perspective. These individuals will be culturally competent so they can encourage vulnerable LEP minority populations to access and receive appropriate services with more knowledge and confidence. The key to providing meaningful access to LEP persons is to ensure that LEP persons can communicate effectively and act appropriately based on that communication. Minimum reasonable measures would be to ensure that LEP persons are given adequate information, are able to understand that information, and are able to participate effectively in programs or activities.

Spanish, Khmer and Tagalog are the most requested languages for interpreters in the City of Long Beach. City staff will make designated publications available in languages other than English and provide interpretation/translation services to persons who are not proficient in English.

The City will take reasonable steps to ensure that LEP persons are given adequate information, are able to understand that information, and are able to participate effectively in recipient programs or activities, where appropriate.

## **FOUR FACTOR ANALYSIS**

The first section in this document describes the purpose of the Limited English Proficiency Plan (LEP). The second section in this document provides the four-factor Limited English Proficiency (LEP) analysis as outlined in the Department of Transportation (DOT) used to identify LEP needs and assistance measures. The four-factor LEP analysis includes:

- 1. The number or proportion of LEP persons in the service area who may be served by the City.** City staff reviewed the 2017 American Community Survey to determine the approximate number of LEP persons age 5 years and older in the City of Long Beach. City staff also reviewed the 2020 U.S. Census to determine that 43.9% of the City's population spoke a language other than English at home. This meets the Department of Justice (DOJ) Safe Harbor provision of every 1000 speakers or 5% of the population, whichever is less.

**Estimated Population of Long Beach (2020 U.S. Census) – 466,742**

<b>Limited English Proficiency (LEP)</b>	<b>Estimated Population</b>	<b>Percentages</b>
<b>Long Beach</b>	<b>466,742</b>	<b>100%</b>
Speak only English	<b>253,907</b>	<b>54.4%</b>
Speak a language other than English	<b>204,899</b>	<b>43.9%</b>
<b>Spanish</b>	<b>158,225</b>	<b>33.9%</b>
<b>Asian and Pacific Island languages</b>	<b>44,340</b>	<b>9.5%</b>
<b>Other Indo-European languages</b>	<b>44,340</b>	<b>2.1%</b>
<b>Other languages</b>	<b>3,267</b>	<b>0.7%</b>

**2. The frequency with which LEP persons come into contact with City programs, activities or services**

We have a wide variety of people from various backgrounds who participate in our programs and services representing diverse age groups, ethnicities, abilities, and languages spoken. While we do not collect average statistics across all City programs, we are prepared to serve people who speak multiple languages via a multi-pronged approach consisting of City staff, contracted interpreters and translated written materials.

**3. The nature and importance of programs, activities or services provided by the City to the LEP population.**

The City recognizes that over 43% of the City’s population speaks a language other than English at home. In addition, the most frequently requested interpretation services are for Spanish, followed by Khmer and Tagalog. The City offers a wide variety of customer service assistance through the various City Departments. The provision of resources, direct services, and programs through our public facilities, including but not limited to, our civic center, community centers, development (building permits, etc.) services, health department, libraries, senior centers, and youth programs, play a significant role in allowing access to social and recreational enrichment opportunities, which improve the quality of life in Long Beach.

**4. The resources available to the recipient of federal funds and overall cost to provide LEP assistance**

Outreach expenses as they relate to LEP populations are shared among several departments. Most of the City’s public counters have bilingual speakers and there is an internal bilingual staff directory available, listing employees who speak Arabic, Cambodian, Chinese, French, Italian, Khmer, Korean, Laotian, Pilipino, Portuguese, Samoan, Spanish, Tagalog, Thai, Vietnamese and those who are proficient in American Sign Language. Also available to each department is contracted services with Language Line at no charge to the resident.

The City provides document translation by request in Spanish, Khmer and Tagalog, and has minimum turnaround times for each. Costs for marketing materials and translation of documents for outreach are minimal and have not been quantified. The City also provides Spanish, Khmer and Tagalog options to phone trees and auto attendants and has translated content on essential web pages.

The FY2020 budget will provide funding for a full-time position dedicated to the Language Access Program to increase the program's coordination and oversight.

## **5. Summary**

Based on the four-factor analysis, the City of Long Beach has identified the language needs and services required to provide meaningful access to information for the LEP residents of Long Beach. This LEP Plan will be reviewed on an annual basis and incorporate LEP information that further identify additional language needs for the top languages identified.

## **PLANNING – UTILIZING OUR LANGUAGE ASSISTANCE PROGRAM (LAP)**

### **A. Identification of LEP Persons**

City staff will continue to use the following methods to identify LEP persons:

- Display language identification card which invite LEP persons to identify their language needs to our staff members.
- Provide contact information on public notices who to contact to request reasonable accommodations prior to meeting date.

### ***Safe Harbor Provision***

*DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safer harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide 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.*

*These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to the LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language*

*and therefore require oral interpretation. In such cases, a background documentation regarding the determination shall be provided to FTA in the Title VI Program.*

## **B. Language Assistance Measures**

Staff will continue to accomplish several language assistance measures through our Language Access Program, including:

- Translate an inventory of existing materials in a variety of languages based on demographics, including Spanish, Khmer and Tagalog.
- Regularly review and update these materials.
- Assure LEP persons have access to staff or contractors that are trained and competent in the skill of interpreting/translation.
- Contract with an outside interpreter service for trained and competent spoken language interpreters and American Sign Language (ASL) interpreters.
- Contract for telephone language interpretation services.
- Post language identification cards and maintain signs in lobbies, reception areas and other initial points of entry in languages other than English. In order to be effective, these signs should inform the public of their right to free language assistance services and invite them to identify themselves as persons needing such services.
- Translate application forms and instructional, informational, and other written materials into appropriate non-English languages by competent translators.
- For LEP persons where written documents do not exist in their language, assistance should be provided from an interpreter/translator to explain the contents of documents.
- Efforts for assistance to low-frequency, unusual or unexpected languages may include, but are not limited to, using a telephone language line, and locating and temporarily employing a qualified interpreter who can communicate in the appropriate language.
- Notices and information that are generally available to the public will be made available to identified LEP populations.
- Establish uniform procedures for timely and effective telephone communication between staff and LEP persons. This will include instructions for English-only-speaking employees to obtain assistance from interpreters or bilingual staff when receiving calls from or initiating calls to LEP persons.
- Statements about the services available and the right to free language assistance services, in appropriate non-English languages, will be included in brochures, booklets, outreach and recruitment information and other materials that are routinely disseminated to the public.
- Ensure that translated materials provide referrals to telephone numbers or websites that are linguistically accessible.

## **C. Training**

Training for front-line staff members, who are often the first points of contact with LEP individuals is provided by City Personnel. Staff training includes:

- Identifying and tracking language preference information of LEP persons;
- Delivering services effectively to LEP persons;
- Assuring staff sensitivity to the literacy level of LEP persons;
- Describing LEP services offered to the public;
- Procuring interpreter services;
- Identifying and documenting language needs of LEP persons;
- Processing a Title VI/LEP complaint;
- Familiarity with Disability Awareness, Ethics, Civil Rights and Conflict Management issues.

This LEP plan will be available electronically to all staff and included in the City’s new employee orientation.

#### **D. Providing Notice to LEP Persons**

Notice of language assistance services will be accomplished as follows:

- Signs “Title VI is the Law” to be posted in the entry areas.
- At service counters Language Identification cards regarding the availability of interpreting services free of charge.
- Website, documents, community meeting notices, and brochures will be offered or printed in alternative languages upon request free of charge.
- Staff will inform LEP persons that language assistance is available and is free of charge.

#### **MONITORING AND UPDATING THE LEP**

Each year, the Citywide Accessibility Coordinator will work with the City’s Language Access Program staff to review the effectiveness of the LEP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies.

Elements of the evaluation may include:

- Identification of the number of LEP persons requesting interpreters/translators;
- Review of up-to-date community and demographic information;
- Determination of whether interpretation/translation services have been effective;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessment whether staff members adequately understand LEP guidelines, service provider procedures, and how to carry them out;
- Gathering feedback from LEP communities at community outreach program events and meetings.

#### **DEFINITIONS**

##### **Limited-English-Proficient Persons**

Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any City aid or service.

**Linguistically Isolated**

This term is defined in the Census as the percentage of the persons in households in which no one over the age of 14 speaks English well, and is used as a direct measure of those persons with a severe language barrier, as distinct from those of foreign origin who speak English well.

**Low Frequency and Unusual or Unexpected Languages**

An individual with limited English skills who does not speak a language spoken by a significant number or proportion of the population.

**Qualified Interpreter**

Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially, either for individuals with disabilities or for individuals with limited English skills. The interpreter should be able to interpret both receptively and expressively, using any necessary specialized vocabulary.

**Non-English Language Relay Service**

A telecommunications relay service that allows persons with hearing or speech disabilities who use languages other than English to communicate with voice telephone users in a shared language other than English, through a communications assistant who is fluent in that language.

The City's LEP Plan and Title VI Complaint Procedure are available on the City of Long Beach's website @<http://www.longbeach.gov/citymanager/titlevi/>. Any person may request a copy of the LEP Plan via telephone, fax, mail, or in person and shall be provided a copy of the Plan at no cost.

Questions or comments about the LEP Plan may be submitted to:

Jennifer Kumiyama  
Citywide Accessibility Coordinator  
Office of the City Manager  
411 W Ocean Blvd, 10<sup>th</sup> Floor  
Long Beach, CA 90802

(562) 570-6257 Direct Line  
[Jennifer.Kumiyama@longbeach.gov](mailto:Jennifer.Kumiyama@longbeach.gov)

**ATTACHMENT C**  
**City of Long Beach Title VI Complaint Procedure**

**Title VI**

The City of Long Beach, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the City of Long Beach shall, on the grounds of race, color and national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

**Title VI Complaint Procedures**

Any person who believes that he or she has been discriminated against on the basis of race, color, or national origin may file a Title VI complaint with the City of Long Beach's Citywide Accessibility Coordinator. The complaint must be filed within 180 days of the date of the alleged discrimination. To file a formal complaint, please submit a written Title VI Complaint Form to:

Mail:  
Civic Center Plaza  
Attn: Jennifer Kumiyama, Citywide Accessibility Coordinator  
411 W Ocean Blvd, 10<sup>th</sup> Floor  
Long Beach, CA 90802

Email: [Jennifer.Kumiyama@longbeach.gov](mailto:Jennifer.Kumiyama@longbeach.gov)

Complainants will receive a written response within 15 days acknowledging receipt of the complaint. The Citywide Accessibility Coordinator will review the complaint to determine whether it falls under its jurisdiction. All complaints falling under the City of Long Beach's jurisdiction will be investigated as quickly as possible. A written notice of findings will be provided upon completion of the investigation. If more information is needed to evaluate the complaint, the Citywide Accessibility Coordinator may contact you.

Complaints that do not fall under the City of Long Beach's jurisdiction will be referred, wherever possible, to the California Department of Transportation, the Federal Highway Administration, the Federal Transit Authority, or the US Department of Transportation and/or the complainant will be advised.

Complaints may also be filed directly with:

Federal Aviation Administration (FAA) Office of Civil Rights. For more information, please contact (866) 835-5322 or visit [https://www.faa.gov/about/office\\_org/headquarters\\_offices/acr](https://www.faa.gov/about/office_org/headquarters_offices/acr).

Federal Highway Administration (FHWA) Office of Civil Rights. For more information, please contact (202) 366-0693 or visit [www.fhwa.dot.gov/civilrights/](http://www.fhwa.dot.gov/civilrights/).

Federal Transit Administration (FTA) Office of Civil Rights. For more information, please contact (888) 446-4511 or visit [www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/](http://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/).

The California Department of Transportation Discrimination Unit. For more information, please contact (916) 445-5308 or visit [http://www.dot.ca.gov/hq/bep/title\\_vi/t6\\_index.htm](http://www.dot.ca.gov/hq/bep/title_vi/t6_index.htm).



ADA/Title VI Compliance Office  
 Civic Center Plaza  
 411 W Ocean Blvd, 10th Floor  
 Long Beach, CA 90802

(562) 570-6257  
[heather.vanwijk@longbeach.gov](mailto:heather.vanwijk@longbeach.gov)

TITLE VI DISCRIMINATION COMPLAINT FORM

Name of Complainant	Telephone Number: ( )	Email:
Mailing Address		
What is the most convenient time for us to contact you about this complaint?		
Basis of Discrimination <u>    </u> Race <u>    </u> Color <u>    </u> National Origin	If you have a representative, please provide the following information: Name: _____ Firm Name: _____ Address: _____ Telephone Number: ( ) _____	
Date and place of the alleged discrimination.		
Explain as clearly as possible what happened and why you believe you were discriminated against. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).		
Names of individuals responsible for the discriminatory action(s):		
Names of individuals (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint:		
<u>    </u> Name	<u>    </u> Address	<u>    </u> Phone Number

TITLE VI COMPLAINT FORM

The laws prohibit retaliation against anyone because he/she has taken action, or participated in an action, to secure rights protected by these laws. If you feel you have been retaliated against (separate from the discrimination alleged above), please explain the circumstances below. Please explain what action you took which you believe was the basis for the allegation.

What remedy, or action, are you seeking for the alleged discrimination?

Have you filed this complaint with any other Federal, State, or local agency, or with any 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 Highway Administration/U.S. Dept. of Transportation  
\_\_\_\_ Federal Transit Administration/U.S. Dept. of Transportation

If you have already filed a charge or complaint, 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 the investigation:

Note: The use of the complaint form is not mandatory. You may submit your complaint in any form that includes your signature. Please sign and date the complaint form below.

Signature of Complainant:	Date of Filing:
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Complaints may also be filed with the Federal Highway Administration by contacting (202)366-0693 or [CIVILRIGHTS.FHWA@FHWA.DOT.GOV](mailto:CIVILRIGHTS.FHWA@FHWA.DOT.GOV).

## ATTACHMENT D

### Title VI Public Participation Plan

#### PURPOSE

The City of Long Beach's Public Participation Plan (PPP) is organized to work in concert with the Title VI Plan and the Language Access Policy. The purpose of the PPP is to establish procedures that allow for, encourage, and monitor participation of all citizens living and working in the City. Special attention will be paid to soliciting input from low-income and minority communities that are traditionally underrepresented. A survey tool will be used to seek feedback about the most effective channels of communication for the City to engage our communities.

#### GOALS & OBJECTIVES

The City's PPP has a single comprehensive goal: to allow the public opportunities throughout our many different planning processes to make their ideas and concerns known. To meet this goal, the City has established the following objectives:

1. Identify the most appropriate methods for reaching the public.
2. Determine what language and other cultural barriers exist to public participation within the City.
3. Hold meetings in locations which are accessible and reasonably welcoming to all Long Beach residents.
4. Keep the public informed through effective channels of communication and allow input through additional channels.
5. Work to actively engage the public in programs, projects and policy-making.
6. Ensure that the City's public involvement plan is dynamic and responsive.
7. Use various illustrative visualization techniques to convey the information including but not limited to charts, graphs, photos, maps and the internet.

#### IDENTIFICATION OF STAKEHOLDERS

Stakeholders are those who are either directly, or indirectly, affected by a plan, or the recommendations of that plan. Those who may be adversely affected, or who may be denied benefit of a plan's recommendation(s), are of particular interest in the identification of specific stakeholders. Stakeholders are broken down into several groups: general citizens, minority and low-income persons, public agencies, and private organization and businesses.

**General Citizens:** The City of Long Beach is the 7<sup>th</sup> largest city in California with a population of 466,742 as of July 2020 (U.S Census Bureau). About 43% of the population is Hispanic, 49% White, 13% African American, 13% Asian, and .6 % Native Hawaiian/Other Pacific Islander.

**Low-income:** Residents with income below the poverty level account for almost 16% of Long Beach's population and should be given every reasonable opportunity to provide input on various community plans and programs.

**Public Agencies:** Public agencies can provide valuable input to the planning process, in addition to assisting in gaining attention from traditionally under-represented populations.

**Private Organizations and Businesses:** Private organizations and businesses offer a number of perspectives that are valuable to the planning process and their perspective will be welcomed in the planning process.

## **OUTREACH TECHNIQUES**

Engaging minority and Limited English Proficiency populations can be challenging. Below is a list of outreach techniques that the City will use to actively solicit public input in the planning process of a project.

### *Newsletters:*

The #GOLONGBEACH biweekly newsletters will be available in both print and e-formats. Newsletters provide the public and local government partners with progress updates on projects and programs. These newsletters will provide a frequent channel of communication with the public and allow the public to stay informed.

### *Website:*

A well organized and engaging website is the cornerstone of the City's communication strategy. The website will offer a user-friendly structure and linguistic style understandable to lay people interested in projects and the planning process. In addition, the website will be developed following guidelines of Section 508 of the Rehabilitation Act, as well as, WCAG 2.0 to ensure accessibility for users who have a disability.

### *Social Media:*

The City will utilize common social media forums (Facebook, Twitter, etc.) to disseminate project and program information.

### *Public Notices:*

The City will include notations in public notices in appropriate non-English languages that will provide a contact where the individual can be informed of the process/project and will have an opportunity to give input.

### *Public Meetings & Focus Groups:*

When hosting public meetings, the City will provide adequate notice to the public and follow all federally prescribed guidelines regarding public comment periods. The City will make a good faith effort to notify the public and will utilize visualization aides, such as power-points and maps to assist the public in understanding the situation during public meetings.

### *Contracted Language Interpretation Services:*

The City has a very robust Language Access Policy and provides language translation services through this program. Language identification cards are made available at public counters and service can be provided upon request. The City also has an ongoing contract with LiNKS and Purple Communications, Inc. to provide American Sign Language interpreting services.

## **PERFORMANCE METHODS**

On an annual basis, the City will undertake an internal review of its public participation plan's effectiveness of engaging the public, by examining criteria, such as:

- Records from public meetings,
- Records of responses to citizen email, and
- Input from the general public

## **PUBLIC PARTICIPATION PLAN (PPP)**

Availability of this plan for review will be advertised in a manner reasonably expected to reach the general public, as well as minority populations, low-income persons, and traditionally underserved populations. This plan will be available in English, Khmer, Spanish, and Tagalog languages.

For more information, please contact:

Jennifer Kumiyama  
Citywide Accessibility Coordinator  
City of Long Beach  
411 W Ocean Blvd, 10<sup>th</sup> Floor  
Long Beach, CA 90802  
(562) 570-6257 office  
[Jennifer.Kumiyama@longbeach.gov](mailto:Jennifer.Kumiyama@longbeach.gov)