

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

RESOLUTION NO. RES-19-0138

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH UPDATING THE CITY OF LONG  
BEACH TITLE VI PROGRAM

WHEREAS, on July 17, 2017, the City of Long Beach ("City") adopted the  
Title VI Program; and

WHEREAS, the City is required to have in place a Title VI program that  
ensures that City programs and services are provided in a nondiscriminatory manner,  
promotes full and fair participation in program decision-making without regard to race,  
color or national origin, and ensures meaningful access to programs and activities by  
persons with limited English proficiency; and

WHEREAS, the City has updated the City of Long Beach Title VI Program  
(the "Program"), attached hereto as Exhibit "A," and includes references to Federal  
Transit Authority; and

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

Section 1. That the City Council of the City of Long Beach adopts the  
updated City of Long Beach Title VI Program.

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

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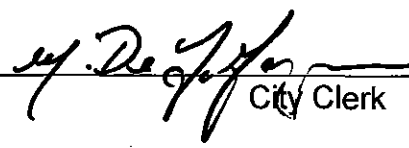
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of September 17, 2019, by the following vote:

Ayes: Councilmembers: Pearce, Price, Supernaw, Mungo,  
Andrews, Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

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

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# EXHIBIT "A"

CITY OF  
**LONG BEACH**

**TITLE VI PROGRAM**

**Est. July 2017**

**Updated September 2019**

**TABLE OF CONENTS**

Title VI Related Statutes Non-Discrimination Statement.....3

Equal Employment Opportunity, Non-Discrimination Policy.....4

A. Introduction.....5

B. Title VI of the Civil Rights Act of 1964 and Related Authorities.....6

C. Organization, Staffing and Responsibilities.....7

D. Federal Aid Title VI Implementation.....7

    1. Public Participation/Outreach Activities.....7

    2. Department Programmatic Activities.....8

        a. Limited English Proficiency Program.....8

        b. Environmental Justice in Minority and Low-Income Populations.....9

        c. Site and Facility Location.....9

        d. Data Collection.....9

        e. Complaint Process.....10

        f. Training.....10

        g. Title VI Contract Provisions.....10

        h. Consultant Procurement.....10

    3. Program Assessment.....10

    4. Annual Report.....11

Attachment A – Public Notice.....12

Attachment B – Limited English Proficiency (LEP) Plan.....13

Attachment C – Complaint Procedure and Form.....20

Attachment D – Public Participation Plan.....23



**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.

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PATRICK WEST  
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. 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. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination on the grounds of sex. 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 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 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, 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 Educational Amendments Act of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973.

**Executive Order 12898** (issued February 11, 1994) addresses Environmental Justice regarding 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.

**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. Language barriers have the potential of prohibiting LEP persons from:

- Obtaining services and information relating to services, programs and projects.
- Taking advantage of the transit system, which could affect their jobs and social opportunities.
- Understanding the benefits to which they are entitled when their home or business property is acquired through eminent domain.

## **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) of 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.

## **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 to 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, and staff, especially those with frequent public interaction.

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. Instructions for certifications and assurances for Federal Transit Authority (FTA) grants can be found on the FTA website.

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.