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**City of Livermore
Title VI Program and Implementation Plan
July 2022**

TITLE VI PROGRAM AND IMPLEMENTATION PLAN

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RESOLUTION NO.: 2022-119

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Record of Evaluation, Maintenance and Revisions

Brief Description of Change/ Addition	Date of Change	Changes Made By
Changed Title VI Manager to Stephanie Egidio	01/30/2024	Trisha Howard
Updated the Title VI program staffing org chart	01/30/2024	Trisha Howard
Updated Title VI poster photos in Eng/Spn	03/18/2024	Trisha Howard
Updated Title VI website photo	03/18/2024	Trisha Howard
Updated the Title VI program staffing org chart	03/18/2024	Trisha Howard
Updated Title VI training requirements	03/22/2024	Trisha Howard

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	TITLE VI POLICY STATEMENT	3
III.	ORGANIZATION, STAFFING, AND STRUCTURE	4
	Mission	4
	Function and Responsibilities.....	4
	Figure 1 - Organization Chart.....	7
IV.	TITLE VI PROGRAM MANAGER AND STAFFING PLAN	8
	Figure 2 - Title VI Program Staffing Plan	9
V.	KEY TITLE VI PROGRAM REQUIREMENTS	10
VI.	TITLE VI PROGRAM MONITORING	12
	Title VI Assurances	12
	Annual Update	12
VII.	PUBLIC INFORMATION REQUIREMENTS	13
	EXHIBIT 1 – WEBSITE POSTING	14
	EXHIBIT 2 - TITLE VI POSTER – ENGLISH.....	15
	EXHIBIT 3 - TITLE VI POSTER – SPANISH.....	16
VIII.	LIMITED ENGLISH PROFICIENCY FOUR FACTOR ANALYSIS	17
	Introduction.....	17
	Designing an Effective LEP Policy	17
	a) Elements of an Effective LEP Policy	17
	b) Methodology for Assessing Needs and Reasonable Steps	18
	c) The Four-Factor Analysis.....	18
	d) Safe Harbor Provision	20
	e) Translation of Vital Documents	21
	f) Language Assistance Measures	21
	g) LEP Plan Monitoring.....	22
	h) Staff LEP Training.....	22
IX.	COMPLAINTS PROCEDURE	24
	EXHIBIT 4 - TITLE VI COMPLAINT FORM - ENGLISH	28
	EXHIBIT 5 - TITLE VI COMPLAINT FORM - SPANISH	30
X.	DATA COLLECTION PROCEDURES.....	32
XI.	TITLE VI TRAINING	33
XII.	TITLE VI GOALS AND ACCOMPLISHMENTS REPORTING	35

EXHIBIT A

XIII. ATTACHMENTS36

ATTACHMENT A - FAA CIVIL RIGHTS, TITLE VI COMPLIANCE37

ATTACHMENT B - FHWA TITLE VI COMPLIANCE40

ATTACHMENT B1 - CALTRANS TITLE VI COMPLIANCE REVIEW42

ATTACHMENT C - FEMA TITLE VI COMPLIANCE.....45

ATTACHMENT C1 - FEMA FEDERAL PROVISIONS AND DBE FORMS.....46

ATTACHMENT D1 - CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS.....52

ATTACHMENT D2 – CERTIFICATION REGARDING LOBBYING54

ATTACHMENT D - WRITTEN TRANSLATION OF VITAL DOCUMENTS57

ATTACHMENT E - SAMPLE PUBLIC NOTICE (ENGLISH).....58

ATTACHMENT E1 - SAMPLE PUBLIC NOTICE (SPANISH).....59

ATTACHMENT F - TITLE VI COMPLAINT LOG60

ATTACHMENT G - LIMITED ENGLISH PROFICIENCY DATA COLLECTION FORM ...61

ATTACHMENT G1 - LEP STAFF SURVEY63

ATTACHMENT G2 - BILINGUAL STAFF.....65

ATTACHMENT H - TITLE VI TRAINING LOG.....66

I. INTRODUCTION

The City of Livermore (City) is a recipient of federal funds from a variety of sources, including but not limited to Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), Federal Emergency Management Agency (FEMA), United State Environmental Protection Agency (USEPA), Health and Human Services (HHS) Coronavirus Aid and Relief, and Economic Security (CARES) Act grants. Recipients of federal funds are required to comply with various federal nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (Title VI).

Title VI forbids discrimination against anyone in the United States on the basis of race, color, or national origin in the programs and activities of an agency receiving federal financial assistance. In addition to Title VI, the other nondiscrimination statutes that afford legal protection are: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990 (disability), and Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations and Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Together, these requirements define the over-arching Title VI Program.

Recipients of federal funds are required to prepare a plan to clarify roles, responsibilities, and procedures to ensure compliance with Title VI and related non-discrimination statutes. City of Livermore is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964.

The City through the approval and implementation of the Title VI Program and Implementation Plan (PLAN) will ensure compliance with the Title VI of the Civil Rights Act of 1964. The City expects every manager, supervisor, employee, and sub recipient of federal-aid funds administered by the City to be aware of and apply the intent of PLAN and related nondiscrimination statutes in performing assigned duties.

It is important to also understand that Title VI and the additional nondiscrimination requirements apply to all City of Livermore programs even when only one program receives federal funds. The Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal funds. Simply stated, the City of Livermore is to ensure that none of its activities or programs treats any part of a community any differently than another.

The PLAN is implemented under the designated Title VI Program Manager who works with Title VI Liaison Managers and Grant Managers in every department to implement and monitor compliance with Title VI Program and Implementation Plan. The designated Program Manager is currently the Assistant City Manager or their designee.

The Title VI Program Manager is responsible for developing procedures, reporting data, conducting assessments, providing training resources and tracking complaint resolution, etc. The Title VI Program and Implementation Plan focuses on the functional areas with significant public contact responsibilities and provides the policy direction necessary to ensure compliance with Title VI and related nondiscrimination statutes.

EXHIBIT A

The department level Title VI Liaison Managers and Grant Managers have the responsibility to implement and monitor the PLAN in their functional areas and provide input for program updates, elevate unresolved complaints, ensure that staff have received Title VI training during onboarding and every two years as required and manage program specific reporting and audits, etc.

Title 23 of the Code of Federal Regulations (CFR) 200.9(b)(11) requires an annual review of the Title VI Program and Implementation Plan to determine the effectiveness of program areas. The PLAN is a living document and will be amended annually to comply with 23 CFR 200.9(b)(11). The Title VI Program Manager, the Liaison Managers and Grant Managers will be responsible for the annual review and the update of the PLAN.

The PLAN must be submitted to State or Federal Agencies when a Title VI Compliance Review is initiated or when requested by these agencies.

II. TITLE VI POLICY STATEMENT

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

In addition to Title VI, the other nondiscrimination statutes that afford legal protection are: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990 (disability), and Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations and Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Together, these requirements define the over-arching Title VI Program.

The City of Livermore (City) is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI. This Title VI Program and Implementation Plan (PLAN) was developed to guide the City in its administration and management of all City programs and focuses on the functional areas with significant public contact and public impact responsibilities and provides the policy direction necessary to ensure compliance with Title VI and related non-discrimination statutes.

City through its Assistant City Manager or their designee, works with staff to implement and monitor compliance with Title VI non-discrimination requirements. The Title VI Program Manager is responsible for coordinating the efforts of the City to comply with Title VI and to ensure that any concerns, complaints, or requests regarding access to City programs, services, and activities are investigated and resolved.

The department Title VI Liaison and Grant Managers are responsible for the application of Title VI in their respective program areas and are responsible for ensuring Title VI compliance in their respective divisions through policy development, procedures, and monitoring. These individuals will work closely with the Title VI Program Manager

To obtain more information regarding the Title VI Program and Implementation Plan please contact:

Stephanie Egidio
Assistant to the City Manager
Title VI Program Manager
City of Livermore
City Manager's Office
1052 South Livermore Avenue
Livermore, CA 94550
TitleVI@livermoreca.gov
925-960-4040

The Title VI Program and Implementation Plan and Title VI Complaint Forms can be obtained on the City of Livermore's website at: www.livermoreca.gov/TitleVI.

III. ORGANIZATION, STAFFING, AND STRUCTURE

Mission

The City of Livermore provides efficient, attentive and courteous service; promotes economic vitality and innovation; and works to enhance the community and quality of life for Livermore residents.

Function and Responsibilities

The City has many programmatic responsibilities and oversees a variety of activities. The City's organizational structure and the functions and responsibilities to ensure compliance with the Title VI of the Civil Rights Act of 1964 are summarized below:

- **City Council:** The City Council is the legislative body and makes laws and policy decisions through the enactment of ordinances and resolutions. The City Council consists of four Council Members and a Mayor. The City Council guides the City on policies and programs to implement. To promote Title VI and to ensure equity, the City Council will support strategies to improve the participation of under-represented groups in the planning and decision making process.
- **City Manager:** The City Manager's Office implements the policy decisions and priorities of the City Council; communicates Livermore's vision and values as determined by the City Council and the community; and cultivates a customer service philosophy. The designated Title VI Program Manager is currently the Assistant City Manager or their designee. The Title VI Program Manager will work with Title VI Liaison Managers and Grant Managers in every department to implement and monitor compliance with the Title VI Program and Implementation Plan. Dissemination of vital documents will be in English and Spanish. If language assistance is requested, assistance will be provided by inhouse bilingual staff or language line service.
- **City Attorney:** The City Attorney is the legal counsel for the City Council, volunteer advisory groups, and City staff. Risk management is also under the City Attorney's Office. City attorney's office will work closely with other departments to ensure procurements and contracts are consistent with federal and state contracting laws and regulations, including Title VI requirements. Dissemination of vital documents will be in English and Spanish. If language assistance is requested, assistance will be provided by inhouse bilingual staff or language line service.
- **Administrative Services Department:** The Administrative Services Department is responsible for providing a number of administrative and support services to all of the City's operating departments, City Council, Commissions, City Manager, employees, and Livermore residents. The Department houses five divisions: City Clerk, Cybersecurity, Finance, Human Resources, and Information Technology. Division managers will work closely with other departments to ensure procurements and contracts, and dissemination of vital documents are consistent with federal and state laws and regulations, including Title VI requirements. Dissemination of vital documents will be in English and Spanish. If language assistance is requested, assistance will be provided by inhouse bilingual staff or language line service.
- **Community Development Department:** The Community Development Department provides services that relate to land use, building construction, infrastructure development, affordable housing and human services. The Department is responsible for implementing

City Council policies related to planning and managing the City's growth; matching development with service demands; and ensuring that new development is attractive, durable, and designed and constructed in a way which protects public health and safety. The Department houses four divisions: Building, Engineering, Housing and Human Services, and Planning. Division and Grant managers will ensure that procurements for construction contracts, Architectural & Engineering services and other professional services contracts are consistent with federal and state contracting laws and regulations, including Title VI requirements. Dissemination of key notices regarding projects will be in English and Spanish. If language assistance is requested, assistance will be provided by inhouse bilingual staff or language line service.

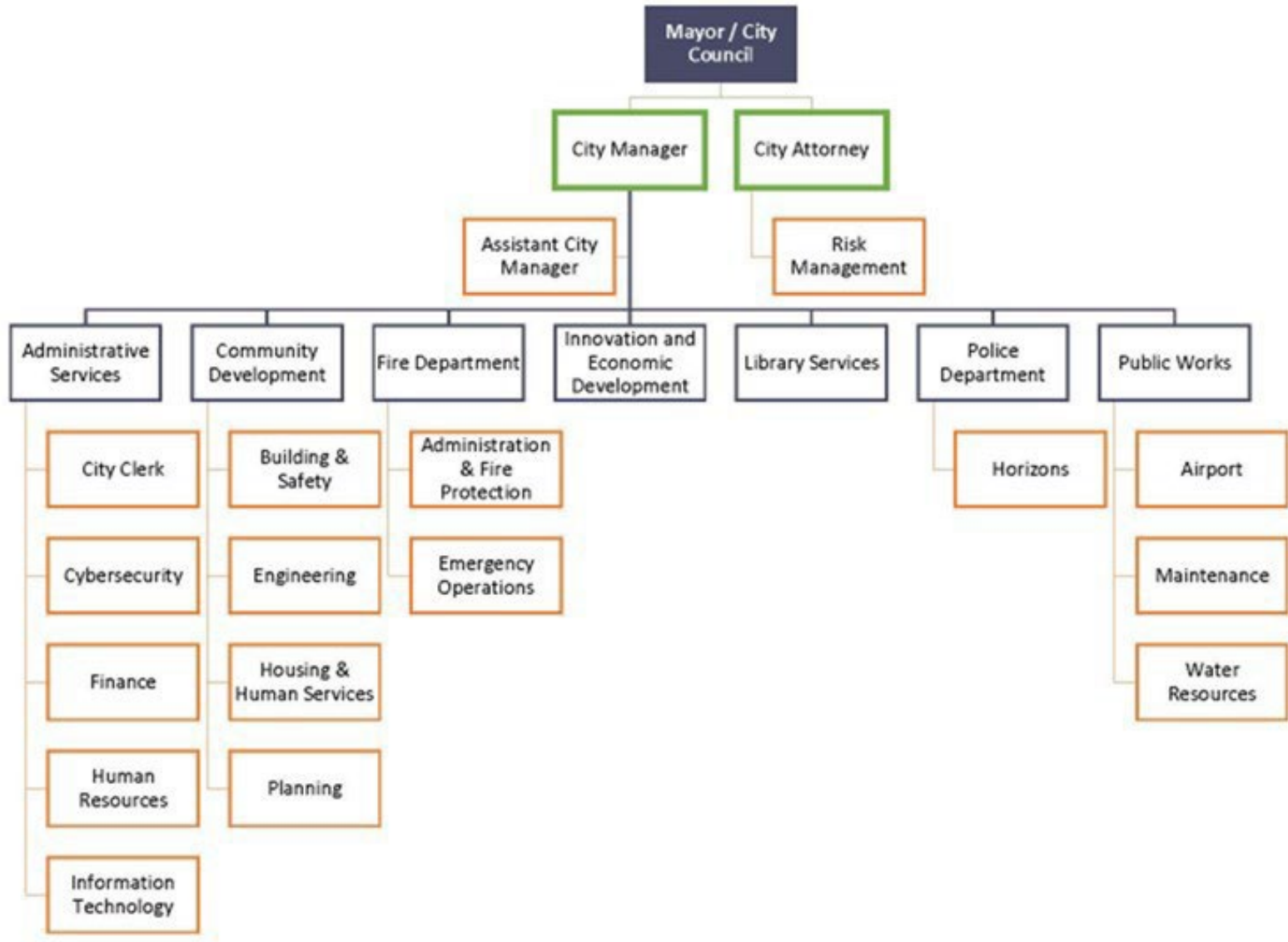
- **Livermore-Pleasanton Fire Department:** The Livermore-Pleasanton Fire Department is a Joint Powers Authority (JPA) that provides essential emergency response and community services to the Cities of Livermore and Pleasanton. The Department's goals are to limit the risk of fire; to limit injury and property damage associated with fire, explosions, hazardous materials incidents, storms or other natural and technological emergencies; to prepare City forces for disaster response; and to better prepare the community for self-help in the event of a major disaster. Grant managers will ensure that procurements and contracts are consistent with federal and state contracting laws and regulations, including Title VI requirements. Dissemination of vital notices regarding services will be in English and Spanish. If language assistance is requested, assistance will be provided by inhouse bilingual staff or language line service.
- **Innovation and Economic Development Department:** The Innovation and Economic Development Department is the primary point of contact with the business community, assisting companies that wish to start, grow, or relocate in Livermore. Specifically, the Department provides services that support and encourage the creation, growth, and attraction of diverse businesses that provide high quality employment opportunities, endure long-term financial stability through sales tax generation and property value stability, and facilitate desirable private and public amenities and services for residents and visitors. Grant managers will ensure that procurements and contracts are consistent with federal and state contracting laws and regulations, including Title VI requirements. Dissemination of vital notices regarding services will be in English and Spanish. If language assistance is requested, assistance will be provided by inhouse bilingual staff or language line service.
- **Library Services:** The Department of Library Services manages the City's public library, branch libraries and related services. The mission of the Livermore Public Library is to connect all people with information, education, and inspiring experiences to support personal growth, enhance quality of life, and build community in Livermore. Grant managers will ensure that procurements and contracts are consistent with federal and state contracting laws and regulations, including Title VI requirements. Dissemination of vital notices regarding services will be in English and Spanish. If language assistance is requested, assistance will be provided by inhouse bilingual staff or language line service.
- **Police Department:** The Police Department provides public safety and crime prevention services with a problem-solving, community policing philosophy while working collaboratively with the City Council. Grant managers will ensure that procurements and contracts are consistent with federal and state contracting laws and regulations, including Title VI requirements. Dissemination of vital notices regarding services will be in English and Spanish. If language assistance is requested, assistance will be provided by inhouse bilingual staff or language line service.

EXHIBIT A

- **Public Works:** The Public Works Department's mission is to provide responsive, timely, and cost-effective services. The Department is dedicated to enhancing the environment and contributing to the civic vitality and economic growth of the City through exceptional operations and prudent management of assets. The Public Works staff delivers a wide range of services to help define the quality of life for residents. The Department houses three divisions: Airport, Maintenance, and Water Resources, as well as environmental services and asset management. Grant managers will ensure that procurements and contracts are consistent with federal and state contracting laws and regulations, including Title VI requirements. Dissemination of vital notices regarding services will be in English and Spanish. If language assistance is requested, assistance will be provided by inhouse bilingual staff or language line service.

Figure 1 represent the organizational structure of the City by function and programmatic responsibilities.

Figure 1 - Organization Chart



IV. TITLE VI PROGRAM MANAGER AND STAFFING PLAN

City of Livermore is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964. The City through the approval and implementation of the Title VI Program and Implementation Plan (PLAN) will ensure compliance with the Title VI of the Civil Rights Act of 1964. The City expects every manager, supervisor, employee, and sub recipient of federal-aid funds administered by the City to be aware of and apply the intent of PLAN and related nondiscrimination statutes in performing assigned duties.

City of Livermore is required to be adequately staffed to implement Civil Rights requirements effectively (23 CFR 200.9 (b)(2)). To comply with this requirement key staff are identified in the Title VI Program Staffing Plan in Figure 2.

The City Manager's Office is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes within the City. The City has identified the Title VI Program Manager to ensure implementation of agency's Title VI Program And Implementation Plan (PLAN). The Title VI Program Manager is:

Stephanie Egidio,
Assistant to the City Manager
City of Livermore, City Manager's Office
1052 South Livermore Avenue
Livermore, CA 94550
email: SEgidio@LivermoreCA.gov

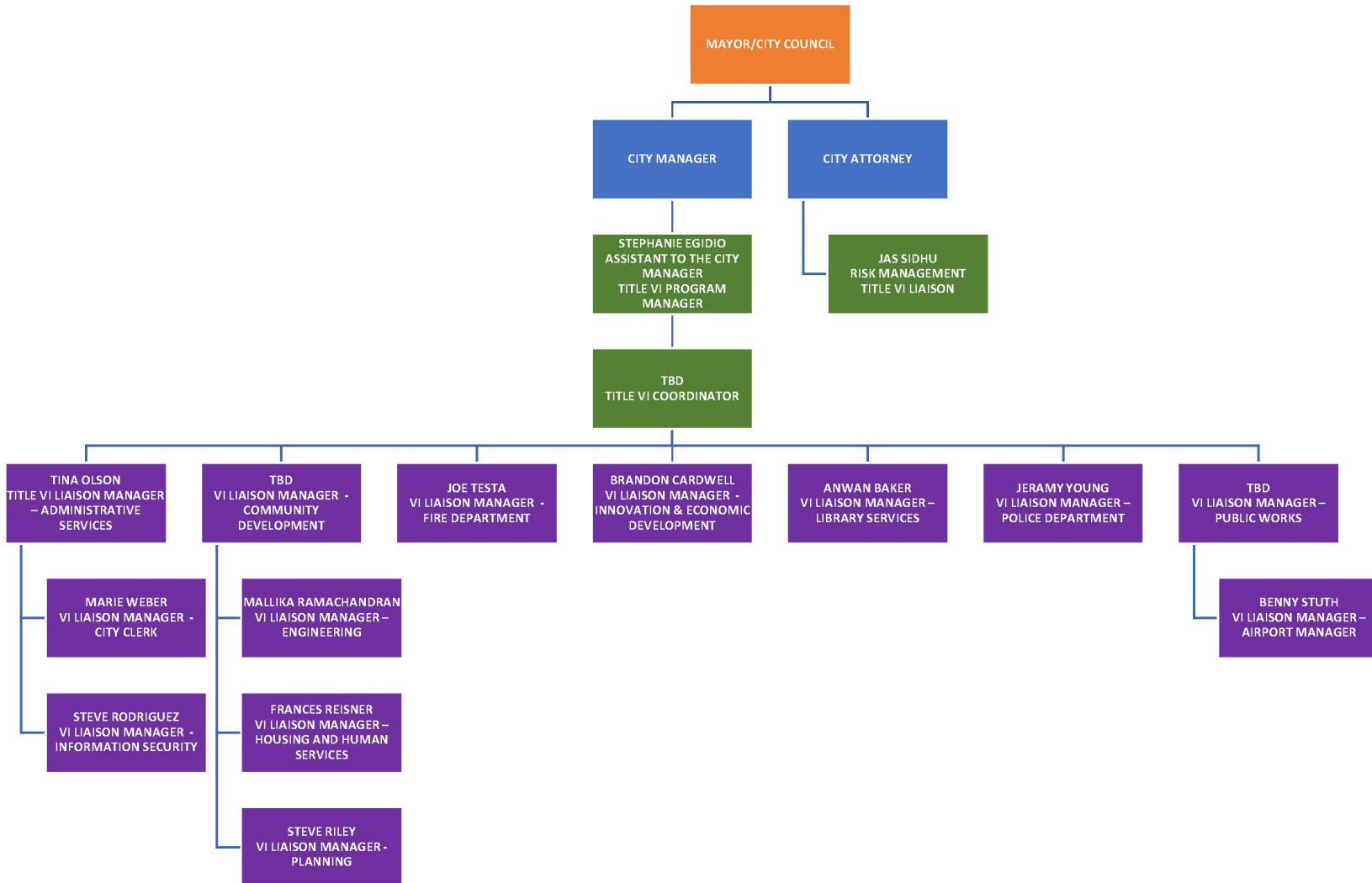
The Title VI Program Manager is responsible for coordinating the efforts of the City to comply with Title VI and to ensure that any concerns, complaints, or requests regarding access to City programs, services, and activities are investigated and resolved.

The Title VI Program and Implementation Plan focuses on the functional areas with significant public contact responsibilities and provides the policy direction necessary to ensure compliance with Title VI and related nondiscrimination statutes. The department Title VI Liaison and Grant Managers are responsible for the application of Title VI in their respective program areas and are responsible for ensuring Title VI compliance in their respective divisions through policy development, procedures, and monitoring. These individuals work closely with the Title VI Program Manager.

The department level Title VI Liaison Managers and Grant Managers have the responsibility to implement and monitor the PLAN in their functional areas and provide input for program updates, elevate unresolved complaints, ensure that staff have received Title VI training during onboarding and every two years as required and manage program specific reporting and audits, etc.

Title 23 of the Code of Federal Regulations (CFR) 200.9(b)(11) requires an annual review of the Title VI Program and Implementation Plan to determine the effectiveness of program areas. The Title VI Program Manager, the Liaison Managers and Grant Managers will be responsible for the annual review and the update of the PLAN.

Figure 2 - Title VI Program Staffing Plan



V. KEY TITLE VI PROGRAM REQUIREMENTS

The Title VI Program Manager in collaboration with department liaison managers and grant managers provides leadership and guidance on the implementation of the PLAN. These staff also prepare implementation plans, conduct annual assessments of pertinent program areas, make recommendations to enhance compliance, and ensure investigation and resolution of Title VI complaints and prepare all necessary reports.

In accordance with 23 CFR Section 200.9(b), City is obligated to:

- Develop procedures for prompt processing and disposition of Title VI complaints received directly by the City.
- Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of City's programs, i.e., relocates impacted citizens, and affected communities.
- Develop a program to conduct Title VI reviews of program areas.
- Conduct annual reviews of special emphasis program areas to determine the effectiveness of program area activities at all levels.
- Conduct training programs on Title VI and related statutes for City's personnel.
- Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.
- Submit annually an updated Title VI Program Implementation Plan to State or Regional Federal Highway Administrator for approval or disapproval (if requested).
- Submit an updated Title VI Program Implementation Plan to funding agencies as required or requested.
- Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
- Establish procedures to identify and eliminate discrimination when it is found to exist.
- Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

The Title VI Program Manager, will assist the department liaison managers and grant managers in meeting the above stated mandates by:

- Providing technical assistance to department liaison managers and grant managers.
- Assisting department managers in correcting discriminatory practices or policies.
- Reviewing documents as needed for compliance with Title VI to ensure that procedures used have safeguards to prevent discrimination.
- Conducting Title VI compliance reviews.
- Coordinating the development and implementation of a training program.
- Ensuring that Title VI training is provided to staff and material and resources for conducting training sessions and workshops are available.
- Developing Title VI information for dissemination to the public and, where appropriate, in languages other than English.

EXHIBIT A

- Processing Title VI external complaints of discrimination.
- Collection of statistical data (race, color, national origin, sex, disability, and age) on participants in, and beneficiaries of City's' programs, activities, and services.
- Identifying and eliminating discrimination when found to exist.
- Ensuring Title VI requirements are included in procedure manuals or handbooks.
- Preparing and submitting (if requested by State or Federal agencies) the Title VI Program and Implementation Plan and the Title VI Accomplishments and Goals Report.
- Assisting department personnel to correct Title VI problems or discriminatory practices or policies found when conducting self-monitoring and/or compliance review activities.

VI. TITLE VI PROGRAM MONITORING

Title VI Assurances

In addition to self-monitoring and ensuring compliance, the City is also required to monitor and ensure that contractors and consultants hired for City projects or programs agree to comply with the Title VI of the Civil Rights Act of 1964. This is accomplished by including Title VI Assurance clauses in the contract documents.

Sample contract compliance requirements are attached:

- Attachment A - FAA Civil Rights, Title VI Compliance
- Attachment B - FHWA Title VI Compliance
- Attachment C - FEMA Title VI Compliance
- Attachment C1 - FEMA Federal Provisions And DBE Forms

Annual Update

Title 23 of the Code of Federal Regulations (CFR) 200.9(b) (11) requires an annual review of the Title VI Program and Implementation Plan to determine the effectiveness of program areas. The Title VI Program Manager, the Liaison Managers and Grant Managers will be responsible for the annual review and update of the PLAN.

Data collection (Attachment G - Limited English Proficiency Data Collection Form) and survey (Attachment G1 - LEP Staff Survey) will be completed for the annual review and the information will be used to complete the Annual Goals and Accomplishment Report in Section XII and for the PLAN update.

The PLAN must be submitted to Federal Agencies when a Title VI Compliance Review is initiated. An example of Title VI Compliance Review is in Attachment B1 - Caltrans Title VI Compliance Review.

VII. PUBLIC INFORMATION REQUIREMENTS

To ensure transparency and accessibility, the City has to create a Title VI website page. The dedicated Title VI website (Exhibit 1) will have the Title VI Program and Implementation Plan, the contact information of the Title VI Program Manager, the complaint forms and other related information: www.CityofLivermore@livermoreca.gov/TitleVI. Google Translate on City's website will translate the webpage to other languages.

In addition, the City has to post Title VI information posters publicly at all City's facilities. The posters in English (Exhibit 2) and Spanish (Exhibit 3) will include a person's rights under the Title VI of the Civil Rights Act of 1964 statement, the contact information of the Title VI Program Manager, and the link to the Title VI website.

Additional resources for staff and the public on Title VI are provided in the links below:

US Department of Justice – Title VI Manual:

<https://www.justice.gov/crt/book/file/1364106/download>

US Department of Justice. Title VI of the Civil Rights Act of 1964.:

<https://www.justice.gov/crt/fcs/TitleVI-Overview>

FHWA Title VI of the Civil Rights Act and Additional Non-Discrimination Requirements:

https://www.fhwa.dot.gov/civilrights/programs/title_vi/

FHWA. Civil Rights Restoration Act:

https://www.fhwa.dot.gov/environment/environmental_justice/legislation/restoration_act.cfm

US Department of Health and Human Services. Civil Rights Age Discrimination:

<https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-vi/index.html>

EXHIBIT 1 – WEBSITE POSTING



68° LIBRARY CURRENT AGENDA CONTACT US TRANSLATE Service Finder

How Do I Our Community Government Departments Doing Business

- + City Council
- ADA & Title VI
 - + Americans with Disabilities Act (ADA)
 - Title VI**
 - Advisory Bodies
 - Annual Financial Reports
 - Awards & Recognitions
 - Budget
 - City Organization
 - City Vision, Mission, & Values
 - County, State, & Federal Officials
- + Elections
 - Government 101
 - Legislative Efforts
 - Municipal & Development Code
 - Public Records Online
- + Contact Us

Government - ADA & Title VI

Title VI

Font Size Share & Bookmark Feedback Print

Notice under Title VI of the Civil Rights Act of 1964

In accordance with the requirements of Title VI of the Civil Rights Act of 1964 ("Title VI"), the City of Livermore will not discriminate against, exclude from participation in, or deny the benefits of any of its services, programs, and activities on the ground of race, color, national origin, socioeconomic status or English language proficiency.

Effective Communication

The City of Livermore will generally, upon request, provide appropriate aids and services leading to effective communication for persons who are protected under Title VI so they can participate equally in the City of Livermore's services, programs, and activities, including qualified interpreters, translated documents, and other ways of making information and communications accessible to individuals who have a limited ability to read, write, speak, or understand English (Limited English Proficiency, or LEP). Translation of the City of Livermore Title VI Plan is available from the City upon request.

Modifications to Policies and Procedures

The City of Livermore will make all reasonable modifications to policies and programs to ensure that eligible LEP individuals have an equal opportunity to enjoy all of its services, programs, and activities.

Anyone who requires interpretation or translation services for effective communication, or a modification of policies or procedures to participate in a service, program, or activity of the City of Livermore should contact the City's Title VI Program Manager at TitleVI@LivermoreCA.gov as soon as possible but no later than three (3) business days before the scheduled event

Complaint Process

Title VI does not require the City of Livermore to take any action that would fundamentally alter the nature of its services, programs, and activities, or impose an undue financial or administrative burden. Complaints that a person believes they have been discriminated against or that any service, program, or activity of the City of Livermore is not accessible to LEP individuals should be directed to the Title VI Program Manager at (925) 960-4040, or TitleVI@LivermoreCA.gov. Complaints originally submitted by email or phone must be followed up by mailing an original signed copy of the complaint form that may be found in English and Spanish beginning on page 28 of 66 within the [City of Livermore Title VI Program and Implementation plan](#), or a letter containing the information requested on the form. Signed complaints must be received by the Title VI Program Manager no later than 180 days from the alleged date of discrimination.

Title VI Complaint forms in [English](#) and [Spanish](#)

The City of Livermore will not place a surcharge on a particular LEP individual or any group of LEP individuals to cover the cost of providing interpretation or translation or reasonable modifications of policy.

Title VI Program Manager

The Title VI Program Manager is responsible for coordinating the efforts of the City of Livermore to comply with Title VI of the Civil Rights Act of 1964 ("Title VI") and to ensure that any concerns, complaints, or requests regarding access to City programs, services, and activities are investigated and resolved.

Stephanie Egidio
Title VI Program Manager
City of Livermore
City Manager's Office
1052 South Livermore Avenue
Livermore, CA 94550
TitleVI@LivermoreCA.gov
925-960-4040

Documents

- [City of Livermore Title VI Program and Implementation Plan](#)
- [Title VI Complaint Form - English](#)
- [Title VI Complaint Form - Spanish](#)

EXHIBIT 2 - TITLE VI POSTER – ENGLISH

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 Livermore’s website at:
www.cityoflivermore.net/TitleVI

Title VI Discrimination Complaints may be submitted to:

Stephanie Egidio

Title VI Program Manager
City of Livermore
City Manager’s Office
1052 South Livermore Avenue
Livermore, CA 94550

925-960-4040

TitleVI@cityoflivermore.net



EXHIBIT 3 - TITLE VI POSTER – SPANISH

TÍTULO VI

Sus Derechos Bajo el Título VI de la Ley de Derechos Civiles de 1964

El Título VI de la Ley de Derechos Civiles de 1964 establece que ninguna persona deberá ser excluida de participar, ser negado beneficios, o estar sujeta a discriminación bajo cualquier programa o actividad recibiendo asistencia financiera federal con base en su raza, color de piel o país de origen. Estatutos relacionados brindan protección contra la discriminación basado en el sexo, la edad, la discapacidad y el nivel socioeconómico.

Cualquier persona quien cree que ha sido discriminado puede presentar una queja por escrito dentro de los 180 días después de la supuesta discriminación.

Mas información y el formulario de queja de discriminación bajo Título VI se puede obtener en la página de la Ciudad de Livermore:

www.cityoflivermore.net/TitleVI

Quejas de discriminación bajo Título VI pueden se enviadas a:

Stephanie Egidio

Title VI Program Manager

City of Livermore

City Manager's Office

1052 South Livermore Avenue

Livermore, CA 94550

925-960-4040

TitleVI@cityoflivermore.net



VIII. LIMITED ENGLISH PROFICIENCY FOUR FACTOR ANALYSIS

Introduction

To clarify Title VI of the Civil Rights Act of 1964, President William J. Clinton signed “Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP)” in August 2000.

The purpose of this executive order was to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language. This executive order stated that individuals who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, but recipients must also comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well. Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Title VI applies to a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. The City of Livermore receives funds from the US Department of Transportation (US DOT) via the Federal Highway Administration (FHWA) for its roads; from the Federal Aviation Administration (FAA) for its airport. The City also receives funding from the Federal Emergency Management Agency (FEMA), the United State Environmental Protection Agency (USEPA), Health and Human Services (HHS) and other federal sources.

The US Department of Transportation published Policy Guidance Concerning Recipients’ responsibilities towards Limited English Proficient individuals in the Federal Register of December 14th, 2005. This guidance applies to all US DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others.

Designing an Effective LEP Policy

a) Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Evaluating accessibility to available transportation services through a Four-Factor Analysis
3. Identifying ways in which language assistance will be provided
4. Training Staff

5. Providing notice to LEP persons

These recommended plan elements have been incorporated into this LEP plan.

b) Methodology for Assessing Needs and Reasonable Steps

The US DOT guidance outlines four factors that should be analyzed in order to assess the recipient agency's language needs. The objective of this Four-Factor Analysis is to determine the reasonable steps the recipient should take to ensure meaningful access to services for LEP persons. The four factors include:

1. The **number or proportion** of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The **frequency** with which LEP individuals come in contact with the program.
3. The **nature** and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The **resources** available to the City of Livermore and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

In order to assess the needs of the City in terms of language assistance to LEP individuals, the plan analyzed a variety of data sources. Census data was consulted to determine the languages spoken by LEP individuals. The California Secretary of State's Office was also consulted due to the current redistricting effort. The plan was also informed by a survey completed by sampling of City staff from the different departments who interact with the community as part of their job.

c) The Four-Factor Analysis

This plan uses the recommended four-factor analysis as outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Livermore services for LEP individuals.

Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English, these include: 'very well,' 'well,' 'not well,' and 'not at all.' For the purposes of this plan, Limited English Proficient persons are considered people that speak English less than 'very well' as.

The 2019 American Community Survey Data for City of Livermore indicates that approximately 19,241 (or 23%) of individuals in the City speak a language other than English. Of those individuals, approximately 6,123 have identified themselves as speaking English less than 'very well', which represents approximately 7% of the City's population 5 years and older. Of the individuals that speak English less than very well, approximately 3,422 speak Spanish (or 56% of the individuals who speak a language other than English), approximately 1,445 speak Asian

and Pacific Island languages, 1,101 speak Indo-European languages other than Spanish, and 155 speak other languages.

Table #1: Language Spoken at Home

	Total Number of Speakers	Speak English Less than "very well"	Speak English Less than "Very Well" as Percent of total population 5 years old and over
Population 5 years and over	83,390	6,123	7.34%
Speak a language other than English	19,241	6,123	7.34%
<i>Spanish (49% of the total who speak a language other than English)</i>	9,428	3,422	4.10%
<i>Other Indo-European Languages</i>	4,363	1,101	1.32%
<i>Asian and Pacific Island languages</i>	4,508	1,445	1.73%
<i>Other languages</i>	942	155	0.19%

Source: U.S. Census Bureau, 2019 American Community Survey

Factor 2: Frequency of Contact with LEP Individuals

The City of Livermore conducted an online survey with a sampling of employees from various departments to help estimate the frequency with which the City interacts with LEP individuals. The survey was completed by City staff including employees from the majority of service areas.

Employees were asked about the frequency of their interactions with LEP individuals both in the office and out in the field. Frequency ranged from "I do not interact with LEP individuals in my work" to "once a week or more" depending on their position.

Interactions with LEP individuals took place through a variety of means, including on the telephone, in person either in a City office or in the field, by writing, at public workshops or meetings, or encountering LEP persons working for the City.

Staff with administrative responsibilities noted that field staff were more likely to encounter a LEP person. More than half of the survey respondents (58%) identified that they interacted with LEP persons on a daily basis and on average, 70% responded that they interact with LEP persons a few times a year.

Sample data collection form and survey are in Attachment G - Limited English Proficiency Data Collection Form and Attachment G1 - LEP Staff Survey.

Factor 3: The Nature and Importance of the Program, Activity or Service to LEP Individuals

The City of Livermore provides a variety of essential services to its residents. The inability of an LEP individual to not receive or be delayed in their access to services could have serious implications on an LEP individual. Services that provide for basic needs and that impact residents' health, safety and quality of life are of particular importance, such as safe and affordable housing, water resources, public facilities operation and maintenance, building safety and accessibility, police / fire and other emergency services, and library services. It can therefore be determined that it is important that the City is prepared to serve LEP individuals to avoid any detrimental effects that could occur.

Factor 4: The Resources available to the City and Overall Cost

The US DOT Guidance Concerning Recipients' Responsibilities to LEP Persons published in the Federal Register, December 14, 2005, 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 the above guidance, the City will as resources and budget allow translate vital documents into Spanish which is spoken by 49% of LEP individuals in the City and falls under the "Safe Harbor" provision (as discussed below). There are no other languages that meet the qualifications for the "Safe Harbor" provision; therefore, other languages will be provided translation services upon request. The cost associated with the necessary translation of documents will be allocated on an as-needed basis and charged to the program that is responsible for the information being requested.

d) Safe Harbor Provision

Because the Department of Transportation (DOT) guidelines regarding "Safe Harbor Provision" for translation of written materials requires the identification of "Safe Harbor Languages", careful attention must be paid to the absolute numbers as well as the percentage of the population that do not speak English in the development of the LEP Plan. FTA Circular 4702.1B states the following with respect to the Safe Harbor Provision:

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.

The "Safe Harbor" provision applies to the translation of vital written documents only. Based on sources using US Census data, the number of people in the City who speak English "less than

very well" and meeting the 1,000-person threshold are Spanish speaking people (approximately 9,428 total Spanish speakers). Per the federal Safe Harbor Provision, the City has a responsibility to translate vital documents for the department into Spanish.

e) Translation of Vital Documents

Determining whether a document is "vital" and therefore requires translation depends on the seriousness of consequences that the LEP individual may face if the information in question is not provided accurately or in a timely manner. The following are examples of written materials that may be considered vital:

- Applications
- Consent forms
- Complaint forms
- Intake forms with potential for health consequences,
- Letters/notices pertaining to eligibility for benefits; rights; the reduction, denial, or termination of services or benefits; that require a response; or that are part of emergency preparedness or risk communications
- Documents that must be provided by law
- Notices regarding the availability of free language assistance services

If the document does not fall into one of the above categories, or if its status is unclear, consider whether a member of the public could fail to access or participate in, or be terminated from, a program, service or activity, or suffer significant financial, physical, or other harm if they are unable to complete and/or understand the information in that document. If the answer to any of those questions is "Yes," the document should be considered vital.¹

See Attachment D – Written Translation of Vital Documents Flowchart.

f) Language Assistance Measures

The City provides notice to LEP persons in a variety of ways. These activities and notifications include:

- Signage and posters in Spanish and notification that free language assistance is available.²
- Verbal communications with bi-lingual staff inform respondents that free language assistance is available including translation of important documents.

The City has several methods for providing language assistance to LEP person:

- City maintains a list of certified staff with multiple language skills to provide basic language assistance. The list of bilingual staff is in Attachment G2.

¹ For more information, see "Written Translation of Vital Documents," Attachment D. Source: Health Resources & Services administration: <https://www.hrsa.gov/sites/default/files/hrsa/about/organization/bureaus/ocrdi/written-translation-of-vital-documents.pdf>

² See Attachment E for sample public notice translated into Spanish, and Exhibit 3 for Title VI informational poster translated into Spanish.

- Staff who are engaging with the public may be assisted by a bi-lingual staff person to address the needs of a LEP person. Bi-lingual staff may provide an initial assessment of the level of language assistance support needed and work to schedule the participation of an interpreter or arrange for translations of important documents needs to support the LEP person's inquiry.
- Translation Resources:
 - https://www.dhcs.ca.gov/Pages/Language_Access.aspx
 - [TRANSLATION SERVICES | American Language Service \(alsglobal.net\)](http://www.alsglobal.net)
 - [Translation Services - ALTA Language Services](http://www.alta.com)
 - [Immediate translation quote for any language - Translated](http://www.immediate.com)
 - [Health Care Language Assistance Services](http://www.healthcareservices.com)

g) LEP Plan Monitoring

At regular intervals, the Title VI Program Manager will conduct a survey of employees from different departments to collect information about the number and types of interactions they have with LEP persons to determine if updates or revisions are needed to this plan and related staff training. Census data will also be reviewed as updates are available every five to ten years. The plan will also be reviewed and updated as necessary when census data or other information identifies that a higher concentration of LEP individuals are present in the City.

Review and updates may include the following:

- Determination of the current LEP population in the service area.
- Surveying of staff to learn:
 - The number and frequency of documented LEP person contacts experienced during the period under review.
 - The locations and modes of interaction with LEP persons.
 - How the needs of LEP persons have been addressed.
- Determination as to whether the need for language assistance services has changed.
- Determination as to whether the City's language assistance programs have been effective and sufficient to meet the need.
- Determination as to whether complaints have been received concerning the City of Livermore's failure to meet the needs of LEP individuals.
- Determination as to sufficiency of staff training to meet the needs of LEP individuals.
- Determination as to whether financial resources are sufficient to fund the language assistance services needed.
- Determination as to whether the City of Livermore fully complies with the goals of this LEP Plan.

h) Staff LEP Training

Staff will receive training on how to implement LEP and overcome communication barriers. The training will include how to be responsive to a LEP person and the tools available to them. The program also will include potential scenarios where they might encounter an LEP person.

EXHIBIT A

Staff are provided strategies to help them respond effectively, regardless of their personal language capabilities. See Section XI. Title VI Training for training resources.

IX. COMPLAINTS PROCEDURE

In accordance with 23 CFR Section 200.9(b)11, City is obligated to develop procedures for prompt processing and disposition of Title VI complaints received directly by the City.

How to file a Title VI Complaint?

Any person who believes that they have been subjected to discrimination may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint may come from the public or a vendor. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where, why, and by whom you believe you were discriminated against. Include the location, names, and contact information of any witnesses.
 - Reasons include retaliation, defined as being intimidated, threatened, coerced, or discriminated against for the purpose of interfering with any right or privilege, or because you have made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.
- Other information that you deem significant
- If filing a complaint for a third party, indicate as such and supply:
 - The name and relationship of the person for whom you are filing the complaint.
 - Why you have filed for a third party.

The Title VI Complaint Form in Exhibit 4 (English) and Exhibit 5 (Spanish) may be used to submit the complaint information. Use of the form is not required to submit a complaint but please note that all information requested on the form is needed in order to investigate the complaint.

The complaint may be filed in writing with the City at the following address:

Stephanie Egidio
Title VI Program Manager
City of Livermore
City Manager's Office
1052 South Livermore Avenue
Livermore, CA 94550

If an individual is unable to write a complaint, City staff will assist the individual. If requested, the City will provide a language or sign interpreter. An individual also has the right to file a complaint directly with the federal or other agency supplying funding for any particular program or service. If filing a complaint with the City that has already, or will be, filed with any other agency or court, details and contact information for the agency/court where the complaint was filed should be included.

NOTE: The City encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. Complaints originally submitted by email or phone must be followed up by mailing an original, signed copy

of the complaint form, or a letter containing the information requested on the form. Signed complaints must be received by the Title VI Program Manager no later than 180 days from the alleged date of discrimination.

What happens to the complaint after it is submitted?

All Title VI complaints received should be forwarded directly to the Title VI Program Manager, who will be responsible for entering the complaint into the City's Title VI Discrimination Complaint Log and determining the appropriate authority for investigation. The appropriate authority for investigation differs depending upon the federal or other agency supplying funding for the particular program or service that is the source of the complaint.

As of June 13, 2018, the Federal Highway Administration (FHWA) no longer allows a local public agency to investigate its own Title VI complaint. This means that Title VI complaints filed regarding discrimination in programs receiving funds from Caltrans must be submitted to the Caltrans Office of Civil Rights (OCR). Procedures for processing Title VI complaints for programs receiving funding from Caltrans are detailed below. Other federal agencies allow a local public agency to investigate its own Title VI complaints, although some may request that a copy of the complaint be forwarded to the funding agency. If any funding agency wishes to investigate a complaint directly in place of the City doing so, the process will be similar to that required by Caltrans.

If the complaint is to be investigated and resolved by the City, it will be forwarded to the Grants Manager in the appropriate department. The Grants Manager will be responsible for ensuring that the complaint is addressed and resolved at department level or, if not possible at the department level, elevating the complaint to the Title VI Program Manager level. The City shall also provide appropriate assistance to complainants in resolving that complaint, including accessibility assistance for those persons with disabilities, or translation / interpretation support for those who are limited in their ability to communicate in English. Additionally, the City shall make every effort to address all complaints in an expeditious and thorough manner. City will promptly resolve deficiencies and prepare the necessary remedial action within 90 days (per 23 CFR 200.9(b)(15)). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

Should a complaint be filed with the City of Livermore and with a federal or state agency simultaneously, the federal/state complaint will supersede the City's complaint and the City's complaint procedures will be suspended pending the federal/state agency's findings.

Processing Complaints for Programs Receiving Funds from Caltrans

Title VI complaints regarding programs funded by Caltrans will be forwarded to the FHWA Division Office. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and forwarded to the FHWA.

Per the FHWA Guidance Memorandum, Processing of Title VI Complaints, dated June 13, 2018, all Title VI complaints received by a sub-recipient (City of Livermore) are to be forwarded to Caltrans to be submitted to FHWA Division Office. Complaints should be sent within one business day of receipt via email to Title.VI@dot.ca.gov. If the Caltrans Headquarters Office of Civil Rights (HCR) determines a Title VI complaint against a sub-recipient can be investigated by Caltrans, HCR may delegate the task of investigating the complaint to Caltrans' Office of Civil Rights (OCR).

EXHIBIT A

If OCR is delegated the responsibility of performing an investigation, OCR has 90 days to investigate the complaint. If additional time is needed, OCR will call the Complainant and inform them.

If more information is needed to resolve the case, the OCR investigator may contact the Complainant. The Complainant has ten business days from the date of the letter to send the requested information to the investigator assigned to the case.

If the investigator is not contacted by the Complainant or does not receive the additional information within ten business days, OCR can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

OCR will consult with HCR regarding the disposition of the complaint. Disposition of Title VI complaint will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to all parties via the Division Office. Once a finding has been determined/received, the City's Title VI Program Manager will provide said finding to the complainant within ten business days via letter and/or email.

A person may also file a complaint directly with the FHWA and/or Caltrans by the following contact information:

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-104
Washington, DC 20590

California Department of Transportation
Office of Civil Rights
Attention: Title VI Program Branch
1823 14th Street, MS 79
Sacramento, CA 95811
Title.VI@dot.ca.gov

How will the complainant be notified of the outcome of the complaint?

If the complaint has been submitted to and investigated by a federal agency, the agency will provide notification of the result to the complainant. If investigated by the City, the departmental Grants Manager will mail a "Notice of Determination" to the Complainant. The Notice shall include information regarding appeal rights, including:

- City of Livermore will reconsider this determination if new facts come to light; and
- If a Complainant is dissatisfied with the determination and/or resolution set forth, the Complainant has the right to appeal.
- If the Complainant disagrees with the departmental Grant Manager's response set forth in the Notice of Determination, they may appeal by submitting a written request to the Title VI Program Manager within 10 calendar days after receipt of the Notice of Determination. The appeal shall be sufficiently detailed and contain any items the Complainant feels were not fully understood by the departmental Grant Manager. The Title VI Program Manager will notify the Complainant of their decision to accept or reject

EXHIBIT A

the appeal within 10 calendar days of receipt. In cases where the Title VI Program Manager agrees to reconsider, the matter shall be reviewed in accordance with the City's referral to review process. The complainant also has the right to appeal the City's decision to the appropriate federal, state, or local agency, by filing a request for an appeal no later than 180 days after the date of the final decision.

The City will maintain a complete log of all complaints, including the following information: date complaint was filed; date of alleged discriminatory act(s); names of complainant and respondent; basis (protected class under Title VI) and nature of the complaint; whether the complaint was investigated; the name of the investigator; and the disposition of the complaint. The complaint log is included in Attachment F.

The City will regularly review and update the Plan to reflect any changes to requirements regarding Title VI complaints for funding agencies.

EXHIBIT 4 - TITLE VI COMPLAINT FORM - ENGLISH



TITLE VI Discrimination Complaint Form

Your Contact Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone: _____

Work Phone: _____

Email: _____

Are you filing this complaint on your own behalf? Yes No

If not, please supply the name and relationship of the person for whom you are complaining:

Briefly and clearly explain why you have filed for a third party.

Discrimination Complaint

Name of Agency or Name and Position of Person that You Believe Discriminated Against You:

Date of Alleged Incident(s):

You believe you were discriminated because of (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Familial Status |
| <input type="checkbox"/> Color | <input type="checkbox"/> Religion |
| <input type="checkbox"/> National Origin (Language) | <input type="checkbox"/> Age |
| <input type="checkbox"/> Retaliation* | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Other |

* "Retaliation" is defined as being intimidated, threatened, coerced, or discriminated against for the purpose of interfering with any right or privilege, or because you have made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.

Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved, including any witnesses. Be sure to include how other persons were treated differently than you, if applicable. Also attach any relevant written material pertaining to the incident(s):

Have you filed, or intend to file, this complaint with any other federal, state, or local agency; or with any federal or state court? ____ Yes ____ No

**If yes, which? ____ Federal Court ____ State Court ____ Federal Agency
____ State Agency ____ Local Agency**

If you have already filed a charge or complaint, please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____ Title: _____

Agency/Court: _____

Address: _____

Phone Number (including Area Code) _____

Email: _____

Date Filed: _____ Case Number: _____

Date of Trial/Hearing: _____

Signature: _____ Date: _____

Please sign and mail this form to: Christine Martin, Title VI Program Manager, City of Livermore, City Manager's Office, 1052 South Livermore Avenue, Livermore, CA 94550.

EXHIBIT 5 - TITLE VI COMPLAINT FORM - SPANISH



TÍTULO VI Queja de Discriminación

Su Información de Contacto

Nombre: _____

Dirección: _____

Cuidad: _____ Estado: _____ Código Postal: _____

Teléfono de casa: _____

Teléfono de trabajo: _____

Correo electrónico: _____

¿Está presentando esta queja en su propio nombre? Sí No

De lo contrario, proporcione el nombre y la relación de la persona por la que presenta la queja:

Explique de manera breve y clara por qué ha solicitado a una tercera parte.

Queja de Discriminación

Nombre de la agencia o nombre y puesto de la persona que cree que lo discriminó:

Fecha del supuesto incidente(s):

Usted piensa que ha sido discriminado/a por causa de (seleccione todas las respuestas que correspondan):

- | | |
|---|--|
| <input type="checkbox"/> Raza | <input type="checkbox"/> Estado Familiar |
| <input type="checkbox"/> Color | <input type="checkbox"/> Religión |
| <input type="checkbox"/> Origen Nacional (idioma) | <input type="checkbox"/> Edad |
| <input type="checkbox"/> Represalias* | <input type="checkbox"/> Discapacidad |
| <input type="checkbox"/> Sexo | <input type="checkbox"/> Otro |

*"Represalia" se define como ser intimidado, amenazado, coaccionado o discriminado con el propósito de interferir con cualquier derecho o privilegio, o porque usted presentó una queja, testificó, ayudó o participó de alguna manera en una investigación, procedimiento, o audiencia.

Explique lo más breve y claramente posible lo que pasó y como usted piensa que ha sido discriminado. Indique quien fue implicado, incluya testigos. Asegúrese de incluir como otras personas fueron tratadas diferentemente que usted, si es aplicable. Además, incluya cualquier documento escrito relacionado al incidente:

¿Ha presentado o tiene la intención de presentar esta queja ante cualquier otra agencia federal, estatal o local? o con cualquier corte federal o estatal? ____ Sí ____ No
En caso afirmativo, ¿cuál? _____ Tribunal Federal _____ Tribunal Estatal
_____ Agencia Federal _____ Agencia Estatal _____ Agencia Local

Si ya presentó un cargo o una queja, proporcione información sobre una persona de contacto en la agencia/tribunal donde se presentó la queja.

Nombre: _____ Título: _____

Agencia/Tribunal: _____

Dirección: _____

Número de teléfono (incluido el código de área) _____

Correo electrónico: _____

Fecha de presentación: _____ Número de caso: _____

Fecha del juicio/audiencia: _____

Firma: _____ Fecha: _____

Por favor firme y envíe por correo este formulario a: Christine Martin, Title VI Program Manager, City of Livermore, City Manager's Office, 1052 South Livermore Avenue, Livermore, CA 94550.

X. DATA COLLECTION PROCEDURES

The purpose of data collection and analysis is to identify benefits and burdens of the planned project on the surrounding communities as well as identifying any disproportionate or disparate impact or burden on the minority populations and low-income populations. City will perform most of the data collection and analysis as projects are planned in the City.

Data collection efforts specific to each department and division will be established and carried out as required by each specific federal funding agency. Data collection may include activities such the following:

- **Public Outreach** - A review of US census track data to determine the demographics of the area where a project is proposed. The demographics will guide outreach activities and required services. If the information yields people residing in the project area speak a language other than English, the City would make provisions to have translation/interpretation services available if requested.
- **Complaint Tracking** - Tracking discrimination complaints and monitoring their status and resolution.
- **Limited English Proficiency (LEP)** -Tracking requests received from LEP persons for inquiries and services, as well as interpretation or translation services provided. A survey is conducted annually to learn the frequency and nature of staff interactions with LEP individuals. (See Attachment G for LEP Data Collection Form and Attachment G1- LEP Staff Survey.)
- **Contracts and Awards** - construction contracts are awarded to the lowest bidder. Architectural & Engineering (A&E) contracts are awarded based on consultants' demonstrated competence and qualification. On federally funded projects the City has to establish Disadvantaged Business Enterprise (DBE) goals and include the specific Good Faith Effort requirements in the procurement.

The City is also required to post the procurement in DBE websites such as DBE GoodFaith (<https://www.dbegoodfaith.com/>) and small business enterprise websites such as SBA (https://eweb.sba.gov/gls/dsp_sbabanner.cfm). City departments collect demographic data on contract bidders and awardees for all projects and programs receiving federal funding. The data collected is analyzed to ensure non-discrimination in the bidding and award processes. The data is collected using Disadvantage Business Enterprise Form.

A sample Good Faith Effort procedure and DBE Form is included in Attachment C1.

XI. TITLE VI TRAINING

The City of Livermore must take active steps to ensure that none of its activities or programs treats any part of a community any differently than another. The City of Livermore is committed to achieving full compliance and expects every manager, supervisor, employee, and subrecipient of federal-aid funds administered by the City of Livermore to be aware of and apply the intent of Title VI and related nondiscrimination statutes in performing assigned duties. The City will develop, schedule, and conduct training to ensure that City staff are fully informed and understand their responsibilities regarding these requirements. The training will include strategies and procedures to help ensure this happens. The training will be conducted on a regular schedule as determined by the City.

The Title VI Program Coordinator is responsible for scheduling and conducting training so that that City staff stay up to date with program requirements. The Title VI Training Program is designed to ensure that City staff fully understand their responsibilities regarding these requirements, but most importantly, they understand that all community members must receive equal treatment and access to activities and programs. The training includes strategies and procedures to help ensure this happens.

The training focuses on orienting participants to the City's Title VI Program and Implementation Plan. The training will also help them understand their responsibilities and improve their ability to respond effectively to a LEP person or an individual who may have a concern about being treated unfairly. We expect the training will take 1-1.5 hours. The training will include the topics described below. The order and time allocation for the topics may vary depending on the audience, time available and other factors.

Training Program Topics:

1. Introduction to the City's Title VI Program and Implementation Plan

Participants will be introduced to the Title VI Program and Implementation Plan and be given an orientation to the Plan components and the laws and regulations that direct these programs.

2. Review of the City's programs and activities

Participants will review the City's programs and activities and discuss how the Title VI requirements might apply to their job. Participants will be asked to identify potential opportunities for interaction with LEP persons or individual who may have concerns about the response or treatment they are experiencing.

3. Review of outreach materials and complaint reporting procedures

Participants will receive information about how the City publicizes its responsibilities and complaint procedures. They will also receive information on how to file a complaint.

4. Discussion of potential responses

Potential responses will be discussed so participants can respond effectively to a LEP person or an individual with concerns.

5. Review of data collection and reporting procedures

The City is required to report on its goals and accomplishments on an annual basis and update the Title VI Program and Implementation Plan every three years or sooner if there are deficiencies or improvements that necessitate an update to the Plan. There are also

data collection procedures and reports that need to be addressed. Staff awareness and understanding of these procedures will help support the Title VI Program Manager's ability to meet the requirements.

6. Review of Justice Department Videos

The US Justice Department is a definitive source of information regarding the Title VI requirements, and they provide informational videos to help agency staff and interested parties stay informed regarding the requirements. The training video identified below will be incorporated into the training, with time for discussion and reflection as time allows.

- Understanding and Abiding by Title VI of the Civil Rights Act of 1964 Department of Justice, Online Video: <https://www.lep.gov/video/understanding-and-abiding-title-vi-civil-rights-act-1964>

Training Program Participants:

It is essential that City staff are aware of their responsibilities and receive training on a regular cycle. Training Program participants can be divided into three tiers. Tier 1 includes all department heads and managers. Tier 2 all staff from each department. Tier 3 includes City's leadership team including the City Council, City Manager's Office, City Attorney's Office, etc.

Training Program Schedule:

The goal is to complete the initial training within 6 months of PLAN approval. Subsequent trainings will be provided every two years, with an emphasis on any updates to the federal requirements. The Title VI Training videos provided by the US Justice Department will be included in the on-boarding process for new employees. New employees must complete the training within 6 months of hire.

A Training Log is in Attachment H.

XII. TITLE VI GOALS AND ACCOMPLISHMENTS REPORTING

The Title VI Goals and Accomplishments Report is an annual report written by the City to document our progress toward compliance with Title VI in our programs and activities. The Report should list all of the accomplishments that City 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 explains what City plans to accomplish in the upcoming year in relation to our Title VI program. The annual report shall be signed by the Title VI Program Manager or their assignee by August 1st of each Federal Fiscal Year.

	Annual Accomplishments Report	Accomplishment	Status
1	Conduct outreach activities to City staff and public to ensure broad awareness of Title VI Program requirements		
	<ul style="list-style-type: none"> • Place posters (English and Spanish) in prominent locations in City offices and public areas of buildings • Post the PLAN, Complaint Procedures and Form and posters on City website (English and Spanish) • Use regular meetings of staff and management on a quarterly basis to refresh staff awareness of Title VI program requirements • Reach out to community partners and share posters and information • Conduct outreach to contractors and consultants regarding Title VI assurance contracting requirements for: Compliance with regulations, non-discrimination, solicitations for sub-agreements and information and reports • Respond to inquiries as needed 		
2	Conduct training activities for City Staff and Leadership		
	<ul style="list-style-type: none"> • Conduct training for City staff on a two-year cycle • Work with consultant to finalize training materials and program • Conduct training on a regular schedule with City leadership • Provide web-based training platform, including US Justice Department videos to train new staff as part of their on-boarding process • Provide general handout to contractors and consultants and program requirements 		
3	Provide translation/interpretation services		
	<ul style="list-style-type: none"> • Translate Title VI information into Spanish • Provide translation services as requested 		
4	Complete documentation of complaints and resolution as needed		
	<ul style="list-style-type: none"> • Document complaints and resolution as needed • Document any program enhancements and adjust training program as needed 		
Findings:			
Goals and Recommendations:			
Prepared By:			

XIII. ATTACHMENTS

ATTACHMENT A - FAA CIVIL RIGHTS, TITLE VI COMPLIANCE

ATTACHMENT B - FHWA TITLE VI COMPLIANCE

ATTACHMENT B1 - CALTRANS TITLE VI COMPLIANCE REVIEW

ATTACHMENT C - FEMA TITLE VI COMPLIANCE

ATTACHMENT C1 - FEMA FEDERAL PROVISIONS AND DBE FORMS

ATTACHMENT E - SAMPLE PUBLIC NOTICE (ENGLISH)

ATTACHMENT E1 - SAMPLE PUBLIC NOTICE (SPANISH)

ATTACHMENT F - TITLE VI COMPLAINT LOG

ATTACHMENT G - LIMITED ENGLISH PROFICIENCY DATA COLLECTION FORM

ATTACHMENT G1 - LEP STAFF SURVEY

ATTACHMENT G2 - BILINGUAL STAFF

ATTACHMENT H - TITLE VI TRAINING LOG

ATTACHMENT A - FAA CIVIL RIGHTS, TITLE VI COMPLIANCE**Title VI Solicitation Notice:**

The **CITY OF LIVERMORE**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that any contract entered into pursuant to this advertisement, [select disadvantaged business enterprises or airport concession disadvantaged business enterprises] will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Title VI Clauses for Compliance with Nondiscrimination Requirements:

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor"), agrees as follows:

1. **Compliance with Regulations:** The Contractor (hereinafter includes consultants) will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21.
3. **Solicitations for Subcontracts, including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the contractor's obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.
4. **Information and Reports:** The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the sponsor or the Federal Aviation Administration to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the sponsor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a Contractor's noncompliance with the non-discrimination provisions of this contract, the sponsor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the sponsor or the Federal Aviation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the sponsor to enter into any litigation to protect the interests of the sponsor. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

Title VI List of Pertinent Nondiscrimination Acts and Authorities

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination in Federally-assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability); and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended (42 USC § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (49 USC § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 USC §§ 12131 – 12189) as implemented by U.S. Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 USC § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

EXHIBIT A

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 USC 1681 et seq).

ATTACHMENT B - FHWA TITLE VI COMPLIANCE**FHWA FORM 1273 CONSTRUCTION CONTRACT – SECTION II. NONDISCRIMINATION**

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), **Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.**

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60- 1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), **and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.**

CALTRANS LOCAL ASSISTANCE PROCEDURES MANUAL EXHIBIT 10-R (FOR LOCAL ASSISTANCE FEDERAL-AID PROJECTS) - CONSULTANT'S AGREEMENT**ARTICLE XVI NON-DISCRIMINATION CLAUSE AND STATEMENT OF COMPLIANCE**

- A. The CONSULTANT's signature affixed herein and dated shall constitute a certification under penalty of perjury under the laws of the State of California that the CONSULTANT has, unless exempt, complied with the nondiscrimination program requirements of Gov. Code §12990 and 2 CCR § 8103.
- B. During the performance of this AGREEMENT, CONSULTANT and its subconsultants shall not deny the AGREEMENT's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. CONSULTANT and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.
- C. CONSULTANT and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 et seq.), the applicable regulations promulgated there under (2 CCR §11000 et seq.), the provisions of Gov. Code §§11135-11139.5, and the regulations or standards adopted by LOCAL AGENCY to implement such article. The

EXHIBIT A

applicable regulations of the Fair Employment and Housing Commission implementing Gov. Code §12990 (a-f), set forth 2 CCR §§8100-8504, are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full.

- D. CONSULTANT shall permit access by representatives of the Department of Fair Employment and Housing and the LOCAL AGENCY upon reasonable notice at any time during the normal business hours, but in no case less than twenty-four (24) hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or LOCAL AGENCY shall require to ascertain compliance with this clause.
- E. CONSULTANT and its subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.
- F. CONSULTANT shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this AGREEMENT.
- G. The CONSULTANT, with regard to the work performed under this AGREEMENT, shall act in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the United States shall, on the basis of race, color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.
- H. The CONSULTANT shall comply with regulations relative to non-discrimination in federally-assisted programs of the U.S. Department of Transportation (49 CFR Part 21 - Effectuation of Title VI of the Civil Rights Act of 1964). Specifically, the CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR §21.5, including employment practices and the selection and retention of Subconsultants.
- I. CONSULTANT, subrecipient or subconsultant will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR 26 on the basis of race, color, sex, or national origin. In administering the LOCAL AGENCY components of the DBE Program Plan, CONSULTANT, subrecipient or subconsultant will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

ATTACHMENT B1 - CALTRANS TITLE VI COMPLIANCE REVIEW

Caltrans Division of Local Assistance

Federal Highway Administration (FHWA)
Title VI of the Civil Rights Act of 1964 (Title VI)
Compliance Review Questionnaire

Division/Department Contact:

Name:

Title:

Telephone Number:

Email Address:

A. GENERAL:

1. Is the City of Livermore adequately staffed to implement Civil Rights requirements effectively? (23 CFR 200.9 (b)(2)).
 - a. If yes, is there an organizational chart that identifies a Civil Rights Unit, and its placement in the agency?
2. Has the City of Livermore included specific discriminatory practices prohibited in its directives? (49 CFR 21.5(b)).

B. IMPLEMENTATION:

3. Does the City of Livermore have a Title VI Coordinator? (23 CFR 200.9(b)(1)).
 - a. If yes, please provide the name of the Coordinator.
4. Does the Coordinator have easy access to the Head of the City of Livermore? (23 CFR 200.9(b)(1)).
 - a. If yes, name of the Head of the City of Livermore.
5. Has the City of Livermore designated a Title VI Specialist/Coordinator responsible for monitoring Title VI activities and preparing required reports? (23 CFR 200.9(b)(1)).
 - a. If yes, please provide a copy of the Title VI Accomplishment and Goals Report (23 CFR 200.9(b)(10)).
6. Has the City of Livermore provided or coordinated Title VI training to its staff? (23 CFR 200.9(b)(9)).
 - a. If yes, does the Plan describe the process the state uses to conduct Title VI training of staff members?
7. Has the Title VI Specialist submitted a Title VI Implementation Plan to the City of Livermore for approval? (23 CFR 200.9(b)(11)).
 - a. If yes, please provide a copy.
8. Has the City of Livermore developed Title VI information for dissemination to the general public and, where appropriate, in languages other than English? (23 CFR 200.9(a)(b)(12)).
 - a. If yes, please provide samples of posters, brochures, flyers "frequently asked questions" documents, and web pages.

C. PROCEDURES:

9. Has the City of Livermore developed procedures for processing and resolving Title VI complaints? (23 CFR 200.9(b)(3)).
 - a. If yes, does the Plan contain complaint procedures which describe the process for investigations and disposition of Title VI complaints that conforms to the FHWA complaints procedures?
10. Does the City of Livermore have a Title VI complaint log that identifies each Complainant by race, color, sex, national origin, age or disability? (23 CFR 200.9(b)(3)) and 23 CFR 200.5(p)(6)).
11. Does the City of Livermore have procedures to collect and analyze statistical data of participants and beneficiaries of the Local Agency programs? (23 CFR 200.9(b)(4)).
 - a. If yes, does the Plan contain a process for collecting, analyzing, and reporting Title VI data on race, color, or national origin for each of its program areas?
12. Has the City of Livermore established procedures to identify and eliminate discrimination when found? (23 CFR 200.9(b)(14)).
13. Has the City of Livermore established procedures for promptly resolving deficiencies and reducing to writing the remedial action agreed to be necessary, within 90 days? (23 CFR 200.9(b)(15)).

D. PROGRAM REVIEWS:

14. Has the City of Livermore conducted Title VI reviews of subrecipients (i.e., cities, counties, consultants, contractors, college, universities, MPOs, and other recipients of Federal aid highway funds)? (23 CFR 200.9(b)(7)).
15. Has the City of Livermore used onsite compliance reviews to determine if discriminatory practices exist? (23 CFR 200.9)

E. LIMITED ENGLISH PROFICIENCY:

16. Has the City of Livermore conducted a needs assessment by using the four-factor analysis recommended by United States Department of Transportation?
 - a. If yes, please provide a copy of the assessment. (Executive Order 13166; Federal Register Vol. 70, No. 239).
17. Does the City of Livermore provide translation services in languages other than English to the public upon request?
 - a. If yes, please provide a copy of the procedures. (Executive Order 13166; Federal Register Vol. 70, No. 239) City will provide translation for Spanish speaking when requested.
18. Does the City of Livermore disseminate Title VI information in languages other than English? (23 CFR 200.9(b)(12); Federal Register Vol. 70, No. 239)
 - a. If yes, list the languages used to interpret (oral communication) or translate (written communication) Title VI information disseminated to the public. Please provide samples (i.e., posters, brochures, notices) for each language translated. Spanish. See posters in plan.
19. How often does the City of Livermore receive requests for services and information from customers with limited-English proficiency? (Federal Register Vol. 70, No. 239)

DOCUMENTATION SUBMISSIONS

- (1) City of Livermore Title VI Program and Implementation Plan
- (2) Functional organizational chart

- (3) Staff organizational chart that includes staff position, title, and name
- (4) Sample of Title VI Posters
- (5) Sample of Public Notices
- (6) Summary of Staff Limited English Proficient (LEP) Survey Results

AUTHORITIES

- Title VI of the Civil Rights Act of 1964;
- Section 162 (a) of the Federal-Aid Highway Act of 1973;
- Age Discrimination Act of 1975;
- Section 504 of the Rehabilitation Act of 1973;
- Americans With Disabilities Act of 1990;
- Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- USDOT Order 1050.2;
- Executive Order #12898 (Environmental Justice);
- Executive Order #13166 (Limited-English-Proficiency)

ATTACHMENT C - FEMA TITLE VI COMPLIANCE

The External Civil Rights Division (ECRD) within the [Office of Equal Rights \(OER\)](#) is responsible for compliance with and enforcement of civil rights obligations in connection with public-facing FEMA programs and services, and those conducted by recipients of FEMA financial assistance.

ECRD ensures civil rights throughout FEMA programs, and for recipients of FEMA financial assistance, by:

1. Ensuring non-discrimination and equity in program delivery or activities.
2. Monitoring and assessing the needs of the public for equal access to programs, physical accessibility of facilities, and effective communication.
3. Facilitating reasonable accommodations to disaster survivors and members of the public to ensure access to FEMA programs, services, and benefits.
4. Improving access to FEMA services for persons with limited English proficiency.
5. Partnering with the Office of Environmental Planning and Historic Preservation to ensure policy decisions impacting human health and the environment are undertaken in an equitable manner to prevent a disproportionate impact on communities of color and low-income populations.
6. Ensuring the integration of Civil Rights accountability measures before, during and after a disaster, including all phases of disaster response and recovery activities at the earliest stage.
7. Implementing community outreach, education, and stakeholder engagements to ensure whole communities are informed and able to actively participate in all phases of disaster response and recovery.
8. Ensure that disaster response and recovery efforts are conducted in compliance with Civil Rights laws and policies.

Civil Rights Authorities

The division promotes equity and enforces civil rights requirements in connection with programs and services provided by FEMA and by recipients of FEMA financial assistance pursuant to the following authorities:

- [Sections 308 and 309 of the Stafford Act](#)
- [Title VI of the Civil Rights Act of 1964, as amended](#)
- Sections [504](#) and [508](#) of the Rehabilitation Act of 1973, as amended
- [Age Discrimination Act of 1975, as amended](#)
- [Title IX of the Education Amendments of 1972, as amended](#)
- [44 C.F.R. Parts 7, 16, and 19](#), non-discrimination based on race, color, national origin, disability, and age
- [44 C.F.R. § 206.11](#), non-discrimination in disaster assistance
- [Executive Order 13166](#), Improving Access to Services for Persons with Limited English Proficiency
- [Executive Order 12898](#), Environmental Justice in Minority Populations and Low-Income Populations

ATTACHMENT C1 - FEMA FEDERAL PROVISIONS AND DBE FORMS**I. DEFINITIONS**

- A. Government** means the United States of America and any executive department or agency thereof.
- B. FEMA** means the Federal Emergency Management Agency.
- C. Third Party Subcontract** means a subcontract at any tier entered into by Contractor or subcontractor, financed in whole or in part with Federal assistance originally derived from the Federal Emergency Management Agency.

II. FEDERAL CHANGES

- A.** Contractor shall at all times comply with all applicable regulations, policies, procedures, and FEMA Directives as they may be amended or promulgated from time to time during the term of this Agreement, including but not limited to those requirements of 2 CFR 200.317 through 200.326 and more fully set forth in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards, which is included herein by reference. Contractor's failure to so comply shall constitute a material breach of this contract.
- B.** The Contractor agrees to include the above clause in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

III. ACCESS TO RECORDS

- A.** The Contractor agrees to provide the City, FEMA, the Comptroller General of the United States or any their authorized representatives access to any books, documents, papers, and records of the Contractor which are directly pertinent to this Agreement for the purposes of making audits, examinations, excerpts, and transcriptions.
- B.** The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- C.** The Contractor agrees to maintain all books, records, accounts, and reports required under this Agreement for a period of not less than three years after the later of: (a) the date of termination or expiration of this Agreement or (b) the date City makes final payment under this Agreement, except in the event of litigation or settlement of claims arising from the performance of this Agreement, in which case, Contractor agrees to maintain same until the City, FEMA, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims, or exceptions related thereto.
- D.** The requirements set for in paragraphs A, B, and C above are all in addition to, and should not be considered to be in lieu of, those requirements set forth in the City's Agreement.

IV. DEBARMENT AND SUSPENSION

- A.** This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).
- B.** Contractor represents and warrants that it is not debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension" or on the USEPA's List of Violating Facilities. Contractor agrees that neither Contractor nor any of its third party subcontractors shall enter into any third party subcontracts for any of the work under this Agreement with a third party subcontractor who is debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs under executive Order 12549 or on the USEPA's List of Violating Facilities. Gov. Code § 4477.
- C.** The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into. Contractor agrees to the provisions of Attachment 1, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions, attached hereto and

incorporated herein. For purposes of this Agreement and Attachment 1, Contractor is the “prospective lower tier participant.”

- D. The Contractor agrees to include paragraphs A and B above in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the paragraphs shall not be modified, except to identify the subcontractor who will be subject to its provisions.
- E. This certification is a material representation of fact relied upon by City. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the State of California, the City, and the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.
- F. The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.”

V. NO FEDERAL GOVERNMENT OBLIGATIONS TO CONTRACTOR

- A. The City and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Government, the Government is not a party to this contract and shall not be subject to any obligations or liabilities to the City, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.
- B. The Contractor agrees to include the above clause in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

VI. EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE (applicable to all construction contracts awarded meeting the definition of “federally assisted construction contract” under 41 CFR 61-1.3)

Contractor agrees to comply with Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Part 60). 41 CFR 60.14 is hereby incorporated by reference.

- A. Contractors and subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, sexual orientation, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, and denial of family care leave.
- B. Contractors, and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.
- C. Contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, § 12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full.
- D. Contractors, and subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

VII. ANTI-KICKBACK ACT COMPLIANCE (applicable to all contracts and subgrants for construction or Repair; 44 CFR §13.36(i)(4))

Contractor agrees to comply with the Copeland “Anti-Kickback” Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3).

VIII. DAVIS-BACON ACT COMPLIANCE (applicable to construction contracts in excess of \$2,000 awarded by grantees and subgrantees when required by Federal grant program legislation;)

EXHIBIT A

To the extent required by any Federal grant programs applicable to expected funding or reimbursement of City's expenses incurred in connection with the services provided under this Agreement, Contractor agrees to comply with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5) as set forth below. These requirements are in addition to any requirements set forth in the Agreement.

The Contractor shall be bound to the provisions of the Davis-Bacon Act, and agrees to be bound by all the provisions of Labor Code section 1771 regarding prevailing wages. All labor on this project shall be paid neither less than the greater of the minimum wage rates established by the U.S. Secretary of Labor (Federal Wage Rates), or by the State of California Director of Department of Industrial Relations (State Wage Rates). Current DIR requirements may be found at <http://www.dir.ca.gov/lcp.asp>.

A. The general prevailing wage rates may be accessed at the Department of Labor Home Page at www.wdol.gov. Under the Davis Bacon heading, click on "Selecting DBA WDs." In the drop down menu for State, select, "California." In the drop down menu for City, select "City" In the drop down menu for Construction Type, make the appropriate selection. Then, click Search.

IX. CONTRACT WORK HOURS AND SAFETY STANDARDS (applicable to all contracts in excess of \$100,000 that involve the employment of mechanics or laborers, but not to purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence)

A. Compliance: Contractor agrees that it shall comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5), which are incorporated herein.

B. Overtime: No contractor or subcontractor contracting for any part of the work under this Agreement which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

C. Violation; liability for unpaid wages; liquidated damages: In the event of any violation of the provisions of Paragraph B, the Contractor and any subcontractor responsible therefore shall be liable to any affected employee for his unpaid wages. In additions, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph B in the sum of \$10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of his standard workweek of forty hours without payment of the overtime wages required by paragraph B.

D. Withholding for unpaid wages and liquidated damages: The City shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set for in paragraph C of this section.

E. Subcontracts: The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs A through D of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs A through D of this section.

X. NOTICE OF REPORTING REQUIREMENTS

- A. Contractor acknowledges that it has read and understands the reporting requirements of FEMA in Part III of Chapter 11 of the United States Department of Justice's Office of Justice Programs Financial Guide, and agrees to comply with any such applicable requirements.
- B. The Contractor agrees to include the above clause in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

XI. NOTICE OF REQUIREMENTS PERTAINING TO COPYRIGHTS

- A. Contractor agrees that FEMA shall have a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for government purposes:
 - 1) The copyright in any work developed with the assistance of funds provided under this Agreement;
 - 2) Any rights of copyright to which Contractor purchases ownership with the assistance of funds provided under this Agreement.
- B. The Contractor agrees to include paragraph A above in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

XII. PATENT RIGHTS (applicable to contracts for experimental, research, or development projects financed by FEMA; 44 CFR §13.36(i)(8))

- A. General. If any invention, improvement, or discovery is conceived or first actually reduced to practice in the course of or under this Agreement, and that invention, improvement, or discovery is patentable under the laws of the United States of America or any foreign country, the City and Contractor agree to take actions necessary to provide immediate notice and a detailed report to FEMA.
- B. Unless the Government later makes a contrary determination in writing, irrespective of Contractor's status (a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual), the City and Contractor agree to take the necessary actions to provide, through FEMA, those rights in that invention due the Federal Government as described in U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 CFR, Part 401.
- C. The Contractor agrees to include paragraphs A and B above in each third party subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FEMA.

XIII. ENERGY CONSERVATION REQUIREMENTS

- A. The Contractor agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 USC 6201).
- B. The Contractor agrees to include paragraph A above in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

XIV. CLEAN AIR AND WATER REQUIREMENTS (applicable to all contracts and subcontracts in excess \$100,000, including indefinite quantities where the amount is expected to exceed \$100,000 in any year)

- A. Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387), and will report violations to FEMA and the Regional Office of the Environmental Protection Agency (EPA).
- B. Contractor agrees to report each violation of these requirements to the City and understands and agrees that the City will, in turn, report each violation as required to assure notification to FEMA and the appropriate EPA regional office.
- C. The Contractor agrees to include paragraph A and B above in each third party subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FEMA.

XV. TERMINATION FOR CONVENIENCE OF CITY (applicable to all contracts in excess of \$10,000)
See Paragraphs 16 and 17 of the Agreement.

XVI. TERMINATION FOR DEFAULT (applicable to all contracts in excess of \$10,000)

Contractor's failure to perform or observe any term, covenant or condition of this Agreement shall constitute an event of default under this Agreement. See Paragraphs 16 and 17 of the Agreement.

XVII. LOBBYING (Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352 (as amended).)

- A. Contractor shall not use or pay any funds received under this Agreement to influence or attempt to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. Contractor agrees to the provisions of Attachment 2, Certification Regarding Lobbying, attached hereto and incorporated herein (applicable for contracts or subcontracts in excess of \$100,000).
- C. Contractor agrees to include paragraphs A and B above in each third party subcontract financed in whole or in part with Federal assistance provided by FEMA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

XVIII. MBE / WBE REQUIREMENTS

The City intends to seek reimbursement of its costs incurred in connection with this project from FEMA. Accordingly, the CONTRACTOR shall make every effort to procure Minority and Women's Business Enterprises ("DBEs") through the "Good Faith Effort" process as required in 2 CFR 200.321. Failure to perform the "Good Faith Effort" process and submit the forms listed below with the bid shall be cause for a bid to be rejected as non-responsive and/or be considered as a material breach of the contract.

PRIME CONTRACTOR RESPONSIBILITIES

All recipients of this grant funding, as well as their prime contractors and subcontractors, must take all affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, make every effort to solicit bids from eligible DBEs. This information must be documented and reported.

"GOOD FAITH" EFFORT PROCESS

Any public or private entity receiving federal funds must demonstrate that efforts were made to attract MBE/WBEs. The process to attract MBE/WBEs is referred to as the "Good Faith" effort. This effort requires the recipient, prime contractor and any subcontractors to take the steps listed below to assure that MBE/WBEs are used whenever possible as sources of supplies, construction, equipment, or services. If a CONTRACTOR fails to take the steps outlined below shall cause the bid to be rejected as non-responsive and/or be deemed a material breach of the contract.

- A. Place qualified small and minority businesses and women's business enterprises on solicitation lists;
- B. Assure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- C. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- D. Establish delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and
- E. Use the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.
- F. If subcontracts are to be let, Contractor shall take the affirmative steps listed in 2 CFR 200.321.

XIX. PROCUREMENT OF RECOVERED MATERIALS (2 CFR 200.322)

Contractor shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds

\$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

XX. INCORPORATION OF UNIFORM ADMINISTRATIVE REQUIREMENTS

The preceding provisions include, in part, certain standard terms and conditions required by FEMA, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by FEMA are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FEMA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. Contractor shall not perform any act, fail to perform any act, or refuse to comply with any City requests that would cause City to be in violation of the FEMA terms and conditions.

ATTACHMENT D1 - CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS

(Lower Tier refers to the agency or contractor receiving Federal funds, as well as any subcontractors that the agency or contractor enters into contract with using those funds)

As required by Executive Order 12549, Debarment and Suspension, as defined at 44 CFR Part 17, City may not enter into contract with any entity that is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by the Federal Government from participating in transactions involving Federal funds. Contractor is required to sign the certification below which specifies that neither Contractor nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by the Federal agency. It also certifies that Contractor will not use, directly or indirectly, any of these funds to employ, award contracts to engage the services of, or fund any contractor that is debarred, suspended, or ineligible under 44 CFR Part 17.

Instruction for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definition and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion – Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of its proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Contractor Signature

Date

ATTACHMENT D2 – CERTIFICATION REGARDING LOBBYING
Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loan, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Contractor Signature

Date

Exhibit B, DBE Subcontractor Utilization Form

This form is intended to capture the prime contractor's actual and/or anticipated use of identified certified DBE¹ subcontractors² and the estimated dollar amount of each subcontract.

Prime Contractor Name		Project Name
Bid/Proposal No.	Assistance Agreement ID No. (If known)	Point of Contact
Address		
Telephone No.		Email Address
Issuing/Funding Entity:		

I have identified potential DBE certified subcontractors	<input type="radio"/> YES	<input type="radio"/> NO	
Subcontractor Name/ Company Name	Company Address/Phone/Email	Est. Dollar Amt	Currently DBE Certified?

I certify under penalty of perjury that the foregoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. In the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302(c).

Prime Contractor Signature	Print Name
Title	Date

¹ A DBE is a Disadvantaged, Minority, Small or Woman Business Enterprise that has been certified as described in 40 CFR 33.204-33.205.

² Subcontractor is defined as a company, firm, joint venture or individual who enters into an agreement with a contractor to provide services.

DBE Subcontractor Performance

This form is intended to capture the DBE³ subcontractors⁴ description of work to be performed and the price of the work submitted to the prime contractor. Prime contractor is required to have its DBE subcontractors complete this form and include all completed forms in the prime contractors bid or proposal package unless subcontractors will not be used.

Subcontractor Name		Project Name
Bid/Proposal No.	Assistance Agreement ID No. (If known)	Point of Contact
Address		
Telephone No.		Email Address
Prime Contractor Name		Issuing/Funding Entity:

Contract Item Number	Description of Work Submitted to the Prime Contractor Involving construction, Services, Equipment or Supplies	Price of Work Submitted to the Prime Contractor
BDE Certified by <input type="checkbox"/> DOT <input type="checkbox"/> SBA <input type="radio"/> Other: _____		Meets/ exceeds FEMA certification standards: <input checked="" type="radio"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Unknown

I certify under penalty of perjury that the foregoing statements are true and correct. Signing this form does not signify a commitment to utilize the subcontractors above. I am aware of that in the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302(c).

Prime Contractor Signature	Print Name
Title	Date

Subcontractor Signature	Print Name
Title	Date

³ A DBE is a Disadvantaged, Minority, Small or Woman Business Enterprise that has been certified as described in 40 CFR 33.204-33.205

⁴ Subcontractor is defined as a company, firm, joint venture or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.

ATTACHMENT D - WRITTEN TRANSLATION OF VITAL DOCUMENTS

Written Translation of Vital Documents

An effective Language Access Plan should include the translation of vital written materials into the languages of the program's most frequently encountered limited English proficient (LEP) communities.

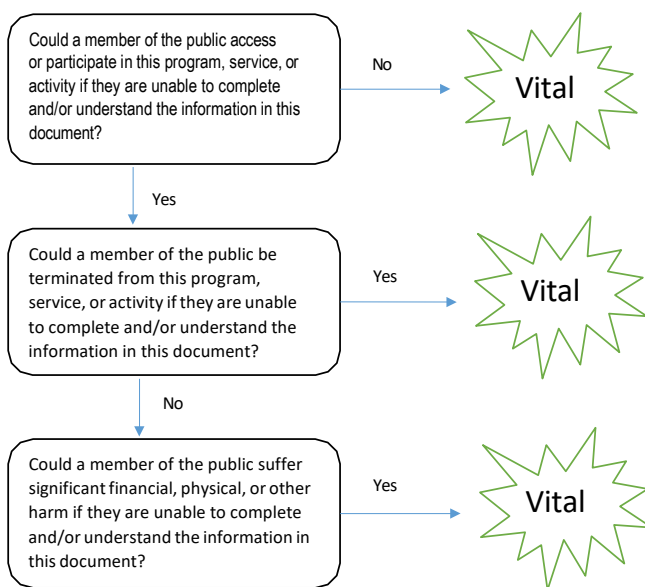
What documents are considered vital?

Determining whether a document is "vital" depends on the seriousness of consequences that the LEP individual may face if the information in question is not provided accurately or in a timely manner.

The following are examples of written materials that may be considered vital:

- Applications
- Consent Forms
- Complaint Forms
- Intake forms with potential for health consequences
- Letters/notices pertaining to eligibility for benefits
- Letters/notices pertaining to rights
- Letters/notices pertaining to the reduction, denial, or termination of services or benefits
- Letters/notices that require a response
- Letters/notices as part of emergency preparedness or risk communications
- Documents that must be provided by law
- Notices regarding the availability of free language assistance services

If the document does not fall into one of the above categories, or if its status is unclear, use the flow chart below to determine if the information within the document could be considered "vital."



Safe Harbor¹

A "safe harbor" means that if a recipient provides written translations under the two below circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does **not** mean there is non-compliance. These paragraphs merely provide a guide for recipients to achieve greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

- a) The HHS recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- b) If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Note: Even if the above safe harbors are not used, if written translation of certain documents would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials may not be necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, may be acceptable under such circumstances.

¹ HHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, Part C. Written Language Services (Translation) <https://www.hhs.gov/civil-rights-for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-vi/index.html>

ATTACHMENT E - SAMPLE PUBLIC NOTICE (ENGLISH)



Department of Public Works
City Hall
1052 S. Livermore Avenue
Livermore, CA 94500 1052
Phone: (925) 960-8000

May 17, 2022

Scott Lamphier
Director

South Livermore Avenue Owner / Resident
Livermore, CA 94550

Subject: Site Meeting on June 22, 2022 for Road Repair on South Livermore Avenue

Dear Owner / Resident,

In the continuing effort to repair the damage incurred in your area by past storms, the City will soon commence repair work at the above-mentioned site. The project is located approximately in the 700 block of South Livermore Avenue, Livermore, California. The project includes pothole and pavement repairs.

The City would like to meet with the residents at the project site on Wednesday, June 22 at 10 am, to discuss the project and seek feedback on road closures.

Spanish language interpretation is available upon request. If you would like an interpreter to be present at this meeting, please contact Sara Jones of this office by phone at (925) 960-8023, or by email at SaraJones@livermoreca.gov no later than Monday, June 20.

Subject to changes, construction is tentatively scheduled to begin this upcoming summer and is expected to be completed before winter 2022, weather permitting.

The City and contractor will make all reasonable attempts at minimizing the disruption to the South Livermore Road area's residents and deliveries and allow traffic through in a timely manner.

The contractor will be coordinating with the Emergency Services, the United States Postal Service and the Waste Disposal (Garbage) Service and not disrupt these services.

We acknowledge that this may cause you some inconvenience during the short construction period. We thank you for your patience and cooperation in the City's effort to maintain your road. Please contact John Smith of this office by phone at (925) 960-8003, or by email at JohnSmith@livermoreca.gov with any questions or comments.

Sincerely yours,

Scott Lamphier
Public Works Director

ATTACHMENT E1 - SAMPLE PUBLIC NOTICE (SPANISH)



Department of Public Works
City Hall
1052 S. Livermore Avenue
Livermore, CA 94500 1052
Teléfono: (925) 960-8000

17 de mayo de 2022

Scott Lamphier
Director

Propietario / Residente de South Livermore Avenue
Livermore, CA 94550

Asunto: Reunión del sitio el 22 de junio de 2022 para la reparación de carreteras en South Livermore Avenue

Estimado propietario / residente,

En el esfuerzo continuo por reparar los daños sufridos en su área por tormentas pasadas, la Ciudad pronto comenzará los trabajos de reparación en el sitio mencionado anteriormente. El proyecto está ubicado aproximadamente en la cuadra 700 de South Livermore Avenue, Livermore, California. El proyecto incluye reparación de baches y pavimento.

La Ciudad desea reunirse con los residentes en el sitio del proyecto el miércoles 22 de junio a las 10 a.m. para analizar el proyecto y buscar comentarios sobre los cierres de carreteras.

La interpretación en español está disponible a pedido. Si desea que un intérprete esté presente en esta reunión, comuníquese con Sara Jones de esta oficina por teléfono al (925) 960-8023, o por correo electrónico a SaraJones@livermoreca.gov a más tardar el lunes 20 de junio.

Sujeto a cambios, la construcción está programada tentativamente para comenzar este próximo verano y se espera que esté terminada antes del invierno de 2022, si el clima lo permite.

La Ciudad y el contratista harán todos los intentos razonables para minimizar la interrupción de los residentes y las entregas del área de South Livermore Road y permitirán el tránsito de manera oportuna.

El contratista se coordinará con los Servicios de Emergencia, el Servicio Postal de los Estados Unidos y el Servicio de Eliminación de Desechos (Basura) y no interrumpirá estos servicios.

Reconocemos que esto puede causarle algunos inconvenientes durante el breve período de construcción. Le agradecemos su paciencia y cooperación en el esfuerzo de la Ciudad para mantener su camino. Comuníquese con John Smith de esta oficina por teléfono al (925) 960-8003, o por correo electrónico a JohnSmith@livermoreca.gov si tiene preguntas o comentarios.

Atentamente,

Scott Lamphier
Director de Obras Públicas

ATTACHMENT F - TITLE VI COMPLAINT LOG

Department:									
Date Filled Out:									
Date the Complaint Was Filed	Date of Alleged Discriminatory Act(s)	Name of Complainant	Name of Respondent (Department or Persons Complaint Filed Against)	Basis of Complaint (Protected Class: Race, Color, National Origin, Sex, Age, Disability, Income Status)	Nature of the Complaint	Investigated (Y/N)	Investigator (Department/Name of Staff)	Final Disposition	Date Closed
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

ATTACHMENT G - LIMITED ENGLISH PROFICIENCY DATA COLLECTION FORM



TITLE VI Limited English Proficiency Data Collection Form

The purpose of this form is to collect translation (written) and interpretation (oral) data regarding LEP (Limited English Proficiency) services provided by the City of Livermore.

These services can be provided at the request of a customer or provided proactively for the benefit of the customer.

Multiple services can be reported on a single form given those services were all provided / initiated on the same day.

1. What type of service was provided? (select all that apply)

- Translation (written)
- Interpretation (oral)

2. If a document was translated (written), what is the name of the document translated?

3. Language translated / interpreted (select all that apply)

- Spanish
- Chinese (incl. Mandarin, Cantonese)
- Vietnamese
- Tagalog (incl. Filipino)
- Korean
- Armenian
- Persian (incl. Farsi, Dari)
- Russian
- Arabic
- Japanese
- Punjabi
- Thai, Lao or other Tai-Kodai languages
- Other (please specify which language or languages):

4. What was the nature of the interpretation / translation? (select one)

- Public Outreach Event
 - Public Counter Interaction
 - Phone call from customer
 - Email from customer
 - Mail from customer
 - Other (please explain)
-

5. How was the service provided? (select all that apply)

- City Employee
 - Telephone Interpreting Service or Other Vendor
 - Other (please specify):
-

6. Date the translation / interpretation was completed (estimate if unknown)

7. How did the customer learn about the service? (If applicable)

8. Department providing the service:

9. Employee Name:

Please email this completed form to: TitleVI@livermoreca.gov.

ATTACHMENT G1 - LEP STAFF SURVEY



City of Livermore LEP Staff Survey

This survey should only take a few minutes to complete. Please submit your response by **August 4th**. Thank you for your participation.

1. In the context of your work for the City of Livermore how often do you interact with the public? This includes in-person, phone and email/ letters.

- Daily A few times a year
 Weekly I do not interact with the public in my work
 Monthly

2. In the past year, have you interacted with a person with Limited English Proficiency (LEP) as part of your job? An LEP individual speaks English less than very well. LEP also includes individuals who do not speak English and may have communicated with you in another language.

- Yes
 No

3. On average, how frequently do you encounter LEP individuals as part of your job?

- Once a week or more
 Once a month
 A few times a year
 I do not interact with LEP individuals in my work

4. Where and/or how do you interact with LEP individuals? (check all that apply)

- In person, in a City office
- In person, out in the field
- On the telephone
- Other (please specify)
- By writing (email, letters, etc.)
- At a public workshop or meeting

5. If you have interacted with an LEP individual, briefly describe the steps you took to be responsive to their language needs.

6. What is your name?

7. What is your title and department/ division?

8. What is your email?

9. Any other comments related to meeting the needs of LEP individuals in the City?

ATTACHMENT G2 - BILINGUAL STAFF

Name	Department	Phone Number	Language
Alcantar-Tostado, Laura	Engineering	925-960-4506	Spanish – both conversational/written
Alvarez, Ivan	Police	925-371-4900	Spanish – conversational only
Ayala-Chipres, Jessica	Police	925-371-4900	Spanish – both conversational/written
Ballesteros, Xochitl	Innov/Econ Dev	925-960-4052	Spanish – both conversational/written
Batrez, Anthony	Police	925-371-4900	Spanish – conversational only
Cervantes, Nallely	Library	925-373-5500	Spanish – both conversational/written
Chavez, Juan	Maintenance	925-960-8074	Spanish – both conversational/written
Cole, Sylvia	Police-Horizons	925-960-4747	Spanish – both conversational/written
Duenas, Nancy	Police	925-371-4900	Spanish – cert court interpreter standard
Escobar, Roberto	Engineering	925-960-4532	Spanish – both conversational/written
Hernandez, Claudia	Housing/Hum.Svc	925-960-4582	Spanish – both conversational/written
Hernandez, Fabiola	Police	925-371-4900	Spanish – cert court interpreter standard
Hurley, Sean	Police	925-371-4900	Spanish – cert court interpreter standard
Grajeda, Al	Police	925-371-4900	Spanish – cert court interpreter standard
Ibarra, Raymond	Finance	925-960-4356	Spanish – conversational only
Liu, Xiaojia (Joanne)	Engineering	925-960-4556	Mandarin/Cantonese – both
Ludwig, Fanny	Planning	925-960-4453	Tagalog – both conversational/written
Martinez, Jacquelyn	Library	925-960-5551	Spanish – both conversational/written
Moufarrej, Franc	Building	925-960-4427	Arabic – both conversational/written
Pacheco, Liliana	Library	925-373-5500	Spanish – both conversational/written
Paez-Arroyo, Asceneth	Police-Horizons	925-371-4742	Spanish – both conversational/written
Paul, Arup	Water Resources	925-960-8133	Hindi – conversational only
Ramirez, Reuben	Library	925-373-5513	Spanish – both conversational/written
Romo, Cesar	Water Resources	925-960-8153	Spanish – both conversational/written
Rosas, Arturo	Police	925-371-4900	Spanish – cert court interpreter standard
Salgado, Debbie	Engineering	925-960-4558	Spanish – both conversational/written
Sendaydiego, Carlo	Engineering	925-960-4517	Tagalog – both conversational/written
Sreedharan, Tara	Com/Econ Dev	925-960-4581	Hindi – both conversational/written
Tenorio, Juan	Engineering	925-960-4554	Spanish – both conversational/written
Yu, Fan	Engineering	925-960-4549	Mandarin/Cantonese – both
Zhang, Yanming	Water Resources	925-960-8179	Mandarin–both conversational/written

ATTACHMENT H - TITLE VI TRAINING LOG

*(Initial/Onboarding/2 year/Other)

Community Development Department					
Employee ID#	Name	Job Title	Division	Training Date	*Type of Training
Public Works Department					
Employee ID#	Name	Job Title	Division	Training Date	*Type of Training
Innovation and Economic Development Department					
Employee ID#	Name	Job Title	Division	Training Date	*Type of Training
Administrative Services Department					
Employee ID#	Name	Job Title	Division	Training Date	*Type of Training
City Attorney's Office					
Employee ID#	Name	Job Title	Division	Training Date	*Type of Training
Police Department					
Employee ID#	Name	Job Title	Division	Training Date	*Type of Training
Livermore-Pleasanton Fire Department					
Employee ID#	Name	Job Title	Division	Training Date	*Type of Training
City Attorney's Office					
Employee ID#	Name	Job Title	Division	Training Date	*Type of Training
City Manager's Office					
Employee ID#	Name	Job Title	Division	Training Date	*Type of Training
City Council					
Employee ID#	Name	Job Title	Division	Training Date	*Type of Training