



CITY OF AVALON

TITLE VI PLAN

Relating to Section 5309 Funds

**Developed June 17, 2014
and Revised June 5, 2018**

APPROVED BY THE CITY OF AVALON CITY COUNCIL

**P.O Box 707
410 Avalon Canyon Road
Avalon, CA 90704
310-510-0220
www.cityofavalon.com**

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I INTRODUCTION

INTRODUCTORY:

This document was prepared by the City of Avalon and approved by its City Council to comply with Title VI of the Civil Rights Act of 1964, including new provisions detailed in the U.S. Department of Transportation's FTA Circular 4702.1B, "Title VI Requirement VI Requirement and Guidelines for Federal Transit Administration Recipients."

II GENERAL REQUIREMENTS

City of Avalon Title VI Notice to the Public

The City of Avalon hereby gives public notice that it is the policy of the City of Avalon to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States shall, on the grounds of race, color, or national origin be excluded from the participation under any program or activity which the City of Avalon receives federal financial assistance. Any person who believes they may have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the City of Avalon. Any such complaint must be in writing and filed with the City of Avalon's Administrative Analyst within one hundred eighty (180) days following the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, call the City of Avalon at 310-510-0220. Complaint forms are also available on the City of Avalon website, www.cityofavalon.com.

List of Locations Where Title VI Notice is Posted

The City of Avalon's Title VI notice to the public is currently posted at the following locations:

Location Name	Address	City
City Hall	410 Avalon Canyon Road	Avalon
City Website	www.cityofavalon.com	Avalon
Ferry Terminal	Cabrillo Mole Terminal	Avalon
Avalon Transit Office	308 Crescent Avenue	Avalon

Title VI Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by the City of Avalon or its sub recipients, consultants, and/or contractors. Intimidation and retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state and federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meetings(s) between the affected parties and the Administrative Analyst will be utilized for resolution, at any stage in the process. The Administrative Analyst will make every effort to pursue a resolution to the complaint. Initial Interviews with the complainant and respondent will request information specifically requested relief and settlement opportunities.

Procedures:

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the City of Avalon's Administrative Analyst. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
 - a) Complaint shall be in writing and signed by the complainant (s).
 - b) Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c) Present a detailed description of the issues, including name (s) and job titles of those individuals of those individuals perceived as parties in the complained-of incident.
 - d) Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant (s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for the City of Avalon to be able to process it.
 - e) Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return to the City of Avalon for processing.

2. Upon receipt of the complaint, the Administrative Analyst will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint.
3. In order to be accepted, a complaint must meet the following criteria: The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - A. The allegation(s) must involve a covered basis such as race, color, or national origin.
 - B. The allegation(s) must involve a program or activity of a Federal-aid recipient, sub recipient, or contractor.
 - C. The complainant(s) must accept reasonable resolution based on the City of Avalon's administrative authority (reasonability to be determined by the City of Avalon)
4. Once The City of Avalon decides to accept the complaint for investigation, the complainant will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged into the City of Avalon's records identifying its basis and alleged harm, and the race, color, and the national origin, sex, age, genetic information, veteran status or retaliation of the complaint.
5. In cases where the City of Avalon assumes the investigation of the complaint, the City of Avalon will provide the respondent with the opportunity to respond to the allegation(s) in writing. The respondent will have 10 calendar days from the date of the City of Avalon's written notification of acceptance of the complaint to furnish his/her response to the allegations.
6. In cases where the City of Avalon assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, the City of Avalon's Administrative Analyst will prepare an investigative report for review by the City Council and the City Manager. The report shall include a narrative description of the incident, identification of the persons interviewed, findings, and recommendations for disposition.
7. The investigative report and its findings will be sent to City of Avalon Counsel for review. After 10 days, Counsel will render a recommendation.
8. Any comments or recommendations from the Counsel will be reviewed by the Administrative Analyst. The Administrative Analyst will discuss the report with and directions with the City Manager within 10 calendar days. The report will be modified as needed and made final for its release.
9. The City of Avalon will notify all parties of its final decision.
10. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of the right to appeal the

Federal Transportation Administration, Office of Civil Rights Region X, San Francisco
Federal Building, 90, 7th Street, Suite 13-300, San Francisco, CA 94103. Unless the facts

not previously considered come to light, reconsideration of appeal to the City of Avalon will not be available.

Provision of Additional Information to the FTA

The City of Avalon will provide to the Federal Transportation Administration (FTA) additional information upon request. Such information may be related to, but not limited to, investigation of complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

In addition, the City of Avalon will submit an updated Title VI Plan to METRO, as the pass through agency for FTA Section 5309 fund, once every three (3) years and will include proof of submittals.

Council’s Resolution Approving Title VI Program

The Title VI plan was presented to the Avalon City Council for their approval at the City of Avalon City Council Meeting, June 5, 2018. This Title VI Plan was approved by ResolutionXXX (Attachment A)

CITY OF AVALON TITLE VI COMPLAINT FORM

TITLE VI COMPLAINT FORM

Section I: Please write legibly		
1. Name:		
2. Address:		
3. Telephone:		3.a. Secondary Phone (Optional):
4. Email Address:		
5. Accessible Format	<input type="checkbox"/> Large Print	<input type="checkbox"/> Audio Tape
	<input type="checkbox"/> TDD	<input type="checkbox"/> Other
Section II:		
6. Are you filing this complaint on your own behalf?	YES*	NO
*If you answered “yes” to #6, go to Section III.		
7. If you answered “no” to #6, what is the name of the person for whom you are filing this complaint? Name:		
8. What is your relationship with this individual:		
9. Please explain why you have filed for a third party:		

10. Please confirm that you have obtained permission of the aggrieved party to file on their behalf.	YES	NO
Section III:		
11. I believe the discrimination I experienced was based on <i>(check all that apply)</i> :		
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
12. Date of alleged discrimination: <i>(mm/dd/yyyy)</i>		
13. Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known), as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.		

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Section IV:		
14. Have you previously filed a Title VI complaint with Eastern Sierra Transit Authority?	YES	NO
Section V:		
15. Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		
<input type="checkbox"/> YES* <input type="checkbox"/> NO If yes, check all that apply:		
<input type="checkbox"/> Federal Agency _____ <input type="checkbox"/> State Agency _____		
<input type="checkbox"/> Federal Court _____ <input type="checkbox"/> Local Agency _____		
<input type="checkbox"/> State Court _____		
16. If you answered "yes" to #15, provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		Email:
Section VI:		
Name of Transit Agency complaint is against:		
Contact Person:		
Telephone:		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date are required below to complete form:

Signature _____ Date ____

Submit form and any additional information

to: Audra McDonald, Administrative Analyst
 City of Avalon
 410 Avalon Canyon Road – P.O Box 707
 Avalon, CA 90704
 310-510-0220, ext., 118
 Audra1@cityofavalon.com

List of Transit-Related Title VI Investigations, Complaints, and Lawsuits

Type of Process	Date	Summary (including basis of complaint)	Status	Action(s) Taken
Investigations				
1. none				
2.				
Lawsuits				
1. none				
2.				
Complaints				
1. none				
2.				

III PUBLIC PARTICIPATION PLAN

The City of Avalon is committed to providing an open and visible decision-making process to which City of Avalon residents has equal access. It is the policy of the City of Avalon to actively solicit the involvement of citizens in the public decision-making process, through public notification, media exposure, local meetings, and public hearings.

Further, it is the policy of the City of Avalon to offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. This includes seeking out and considering the viewpoints of minority, low-income, and limited English proficiency (LEP) populations (as well as older adults and people with limited mobility) in the course of conducting public outreach activities, consistent with the Federal Transit Administration (FTA) Circular 4702.B (Title VI Requirements and Guidelines for Federal Transit Administration Recipients”).

Attachment A – Public Participation

The City of Avalon is a member of Cal ACT and consistently attends conferences to stay abreast of federal updates related to transit. The City of Avalon, being a small island town on Santa Catalina Island most information is related to the public on our website, City Council Meetings and a community digital signboard. Targeted

outreach to our local Senior Population occurs quarterly. The City of Avalon has also implement Google Translate on its website. The City is currently working on translating all PDF documents on its website and investigating the cost to provide real-time translation at all City Council Meetings.

Targeted Public Outreach to Minority and Limited English Proficient (LEP) Populations

During development of the Public Involvement Plan and/or planning for public engagement in general, the City of Avalon will incorporate strategies intended to promote involvement of minority and LEP individuals in public participation activities, as appropriate for the plan, project, or service in question, and consistent with federal Title VI regulations, Executive Order 13166 on Limited English Proficiency, and the U.S Department of Transportation LEP Guidance.

At a minimum, staff will implement the strategies identified in the section below, including holding public meetings in locations that are accessible to transit riders and people with disabilities, scheduling meetings at times that are convenient for members of the public, advertising meeting and hearings in English and Spanish, and providing notice of language assistance.

In additional, the City of Avalon staff will consider implementing the following public engagement strategies to complement the minimum requirements, as appropriate to plan, project, or service:

- Using supplemental outreach strategies such as surveys regarding projects or proposed service changes.
- Partnering with community organizations to engage members of the public who are less likely to attend traditional meetings (including LEP populations) through means such as surveys and focus groups.
- Attending community events and meetings of faith-based organizations, advocacy groups, and other groups to facilitate feedback from diverse members of the public.

Background

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 benefits of, or be otherwise subjected to discrimination under any program or activity that receives federal financial assistance. Title VI regulations have been interpreted to hold that Title VI prohibits conduct that has disproportionate effect on LEP persons because such conduct constitutes a form of national origin discrimination.

The City of Avalon's Language Assistance Plan has been prepared to address the City's responsibilities as a recipient of federal assistance for the Cabrillo Mole Ferry Terminal Rehabilitation Project. The City will use section 5309 federal funds for the construction and installation of passenger amenities and structural improvements to the Mole itself. Additionally, this plan also is applicable to the City's Transit program in spite of the fact the City's Transit Program is funded with Local Funds.

As The City gears up to engage LEP individuals regarding the Cabrillo Mole Ferry Terminal Rehabilitation as well as the City's Transit system efforts, the City of Avalon undertook the U.S. Department of Transportation (U.S. DOT) four factor LEP analyses which considers the following factors:

1. The number or proportion of LEP persons in the service area who are served or are likely to encounter programs, activities, or services at the Cabrillo Mole or Avalon Transit.
2. The frequency with which LEP persons come in contact with the programs, activities, and services at the Cabrillo Mole Ferry Terminal or Avalon Transit Service.
3. The nature and importance of programs, activities, and services at the Cabrillo Mole Ferry Terminal or the Avalon Transit Service.
4. Resources available to the City of Avalon and the overall cost to provide LEP assistance.

IV Language Assistance Plan

A summary of the results of the four-factor analysis is in the following section.

1. Four Factor Analysis

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter passenger amenities and improvements at the Cabrillo Mole Ferry Terminal or Avalon Transit.

The City of Avalon will utilize Section 5309 federal assistance for construction and installation of amenities and improvements at the Cabrillo Mole Ferry Terminal, and Avalon Transit (Locally Funded). All Avalon residents that use the Cabrillo Mole Ferry Terminal will likely encounter these amenities and improvements. As such, the number or proportion of LEP served or encountered as part of the project is based on information from the Census below:

2. The frequency in which LEP come in contact with passenger amenities and improvements at the Cabrillo Mole Ferry Terminal

The frequency in which LEP come in contact with the passenger amenities and improvements at Cabrillo Mole Ferry Terminal is determined by Avalon's existing LEP population and the fact the Cabrillo Mole Ferry Terminal is the ONLY transportation hub located in the City of Avalon therefore, the entire LEP population will come in contact with the Cabrillo Mole Ferry Terminal. Passenger amenities and improvements at the Cabrillo Mole Ferry Terminal serve as the entryway to the City of Avalon and include a transit plaza that serves the existing fixed route, taxi and paratransit activities along with the ferry route to and from the mainland.

3. The importance of the Cabrillo Mole Ferry Terminal to people's lives

Access to the Cabrillo Mole Ferry Terminal is critical to the lives of all residents. The Cabrillo Mole Ferry Terminal is the only terminal in the City of Avalon to access ferry service to and from the mainland. All residents depend on the facility to access essential services like employment, shopping, medical services and higher education. The Cabrillo Mole Ferry Terminal is the only terminal to access the fixed ferry system. All residents and visitors utilize the terminal.

4. Resources available to the City and overall cost to provide LEP assistance

Financial resources available within the current budget for marketing or communicating with LEP persons in their language are not available at the present time. That being said, most employees working at the Cabrillo Mole Ferry Terminal and the City's public transit system all have bi-lingual employees. Moving forward the City intends to send out all public notices, community meetings and especially information related to the Cabrillo Mole Ferry Terminal Rehabilitation to be provided in English and Spanish. The City has also implemented Google Translate on its website.

LANGUAGE ASSISTANCE MEASURES

Language Assistance Measures

The Language Assistance Plan is one component of the City of Avalon's efforts to provide an appropriate mix of language assistance measures so all residents, including individuals that are "limited English proficient", can equally contribute to the development of the Cabrillo Mole Ferry Terminal Rehabilitation Project and benefit from passenger amenities and improvements at the Cabrillo Mole. Limited English

Proficient (LEP) individuals are those who do not speak English as their primary language, and have limited ability to read, write, or understand English.

Subject	ZCTA5 90704											
	Total		Percent		Percent of specified language speakers							
	Estimate	Margin of Error	Estimate	Margin of Error	Speak English only or speak English "very well"		Percent speak English only or speak English "very well"		Speak English less than "very well"		Percent speak English less than "very well"	
					Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	3,622	+/-110	(X)	(X)	2,961	+/-196	81.8%	+/-4.2	661	+/-148	18.2%	+/-4.2
Speak only English	1,661	+/-348	45.9%	+/-9.1	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak a language other than English	1,961	+/-314	54.1%	+/-9.1	1,300	+/-238	66.3%	+/-5.5	661	+/-148	33.7%	+/-5.5
SPEAK A LANGUAGE OTHER THAN ENGLISH												
Spanish	1,938	+/-310	53.5%	+/-8.9	1,280	+/-234	66.0%	+/-5.5	658	+/-148	34.0%	+/-5.5
5 to 17 years old	618	+/-160	17.1%	+/-4.5	591	+/-158	95.6%	+/-5.0	27	+/-31	4.4%	+/-5.0
18 to 64 years old	1,261	+/-224	34.8%	+/-6.4	643	+/-166	51.0%	+/-8.3	618	+/-141	49.0%	+/-8.3
65 years old and over	59	+/-42	1.6%	+/-1.2	46	+/-38	78.0%	+/-32.6	13	+/-20	22.0%	+/-32.6
Other Indo-European languages	14	+/-22	0.4%	+/-0.6	14	+/-22	100.0%	+/-79.3	0	+/-12	0.0%	+/-79.3
5 to 17 years old	0	+/-12	0.0%	+/-0.9	0	+/-12	-	**	0	+/-12	-	**
18 to 64 years old	14	+/-22	0.4%	+/-0.6	14	+/-22	100.0%	+/-79.3	0	+/-12	0.0%	+/-79.3
65 years old and over	0	+/-12	0.0%	+/-0.9	0	+/-12	-	**	0	+/-12	-	**
Asian and Pacific Island languages	9	+/-12	0.2%	+/-0.3	6	+/-10	66.7%	+/-66.7	3	+/-6	33.3%	+/-66.7
5 to 17 years old	0	+/-12	0.0%	+/-0.9	0	+/-12	-	**	0	+/-12	-	**
18 to 64 years old	6	+/-10	0.2%	+/-0.3	6	+/-10	100.0%	+/-100.0	0	+/-12	0.0%	+/-100.0
65 years old and over	3	+/-6	0.1%	+/-0.2	0	+/-12	0.0%	+/-100.0	3	+/-6	100.0%	+/-100.0
Other languages	0	+/-12	0.0%	+/-0.9	0	+/-12	-	**	0	+/-12	-	**
5 to 17 years old	0	+/-12	0.0%	+/-0.9	0	+/-12	-	**	0	+/-12	-	**
18 to 64 years old	0	+/-12	0.0%	+/-0.9	0	+/-12	-	**	0	+/-12	-	**
65 years old and over	0	+/-12	0.0%	+/-0.9	0	+/-12	-	**	0	+/-12	-	**
CITIZENS 18 YEARS AND OVER												
All citizens 18 years old and over	2,235	+/-274	(X)	(X)	2,023	+/-272	90.5%	+/-4.2	212	+/-94	9.5%	+/-4.2
Speak only English	1,376	+/-303	61.6%	+/-9.0	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak a language other than English	859	+/-196	38.4%	+/-9.0	647	+/-170	75.3%	+/-9.5	212	+/-94	24.7%	+/-9.5
Spanish	850	+/-195	38.0%	+/-9.0	641	+/-169	75.4%	+/-9.5	209	+/-94	24.6%	+/-9.5
Other languages	9	+/-12	0.4%	+/-0.5	6	+/-10	66.7%	+/-66.7	3	+/-6	33.3%	+/-66.7

The City of Avalon assessed the following information about LEP persons to determine the number of proportion of LEP persons who might use the passenger amenities and improvements at the Cabrillo Mole Ferry Terminal based on the 2012-2016 American Community Survey Five-Year Estimates from the U.S. Census. The City of Avalon determined that out of a population of 3,622 residents, less than 1,000 persons (under 5% of our service area) meet the Safe Harbor Provision threshold for the translation of vital documents. Spanish was the largest LEP language group with 850 individuals identifying speaking English less than very well. For this reason, the City of Avalon will focus its LEP outreach to Spanish speaking individuals. Language measures currently used or planned to be used by the City of Avalon to address the needs of the LEP person include the following:

- Vital documents including the Civil Rights Notice, Title VI Complaint Form, and Title VI Complaint Procedures will include a sentence in Spanish informing patrons of language assistance.
- Spanish Translation of vital documents upon request.
- Translation of marketing materials into Spanish.
- If needed, arranging availability of oral translators.
- Interactive meeting materials to engage LEP individuals in the planning process.

- Posting notices in appropriate languages informing LEP persons of available transit services, routes, and amenities; and during the Cabrillo Mole planning process, opportunities for LEP persons to provide input.

Avalon will continue to seek ways to add notices to the City website to inform LEP populations of opportunities for input and project construction.

Staff Training

To ensure effective implementation of this plan, the City of Avalon will schedule training at orientations for new City staff and relevant employees on an annual basis to review:

- Avalon’s Language Assistance Plan.
- Demographic data about the local LEP populations.
- Printed LEP person’s material.

Notice to LEP Persons about Available Language Assistance

The City of Avalon is working toward being able to notify LEP persons, in their own language about the language assistance available to them without cost by using the following methods and will notify LEP person after the Title VI program is approved:

- Website notifications.
- Information at local events, City Hall and the Public Library.
- Sending information to local organizations (faith based, service clubs, schools).

Decision Making Bodies

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Planning Commission	6	1	0	0	0	0

- Membership on the Planning Commission is open to the public; however there is a requirement that members be residents of the City of Avalon. The City of Avalon recruits throughout the community, including advertisements in local papers, local cable and the City of Avalon Website to encourage participation on boards and committees.

VI Program Specific Requirements

The Cabrillo Ferry Terminal project is the rehabilitation of an existing terminal. Equity analysis is not necessary at the project does not propose to construct a new facility. In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration has been prepared. For this reason we will not conduct a full Title VI equity analysis, but will engage the public in the planning process and will document our public engagement.

VII Grants, Reviews and Certifications

- **Pending Application for Financial Assistance**

The City has \$933,000 in FWHA Ferry Formula Funds we are attempting to flex to FTA to add to the new terminal project.

Pending FTA Grants

Cabrillo Mole Ferry Terminal Rehabilitation Grant.

Cabrillo Mole Ferry Terminal Grant.

Civil Rights Compliance Reviews in the Past 3 Years

The City has had not compliance reviews in the past three years.

Recent Annual Certifications and Assurances

Attachment B

Previous Triennial Review Findings

The City has not had a Triennial Review yet.